

Provenance 2007

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About Provenance

The journal of Public Record Office Victoria

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The purpose of *Provenance* is to foster access to PROV's archival holdings and broaden its relevance to the wider Victorian community.

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

Provenance 2007

Welcome to issue 6 of *Provenance*! Before I introduce the current issue of the journal, I would like to tell you about a prize awarded to last year's issue (September 2006). At the recent Australian Society of Archivists Conference in Alice Springs, *Provenance* was announced as the winner of the 2006 Mander Jones Award in category 2: *Best publication that uses, features or interprets Australian archives, written by or on behalf of a corporate body*. I would like to congratulate and thank all of those involved with last year's issue of the journal, particularly the members of the Editorial Board: Lesle Berry, Diane Gardiner, Shauna Hicks, James McKinnon, AGL Shaw, Katherine Sheedy, Bruce Smith and Lynette Russell.

I can happily report that the journal continues to grow, and this year we have doubled the number of articles since 2006. The range of themes and subjects covered in this year's twelve articles is diverse, as is their approach to researching PROV records, although the predominant theme this year is Victorian places: government institutions, heritage sites and relic landscapes.

Four peer-reviewed articles in this year's issue also provide some interesting insights into the way that records can be interrogated to yield information that exceeds the strictly administrative intention for which they were created. In her methodological study, Lee-Ann Monk has undertaken a careful reading of the available records to report on what they can tell us about patient abuse. Monk's analysis is as interesting for its interpretation of the gaps and silences in the record as it is about what has actually been documented in the treatment of patients at Kew Asylum in the late nineteenth and early twentieth centuries. Valerie Lovejoy, on the other hand, has continued the exploration of the history of Victoria's Chinese immigrants that has emerged in recent years through research into public records. Lovejoy has researched inquest records relating to Chinese people on the goldfields to learn about their communities through the testimony presented by the peers of those who had died. Originally intended as records of investigation into a person's untimely death, these records yield all sorts of insights into social relations and networks, attitudes and behaviour, as well as a range of statistical data about this immigrant community and its interaction with the broader goldfields population.

Keir Reeves and Benjamin Mountford also explore the history of Victoria's Chinese in their article about the traces Chinese miners have left in the landscape of central Victoria. They focus on Vaughan Springs, a locality on the Loddon River in the central Victorian goldfields. Through their careful reading of legal and police records, contemporary newspaper and mining wardens' reports and the relic mining landscape itself, they seek to reconstruct a more accurate understanding of the complex communities on the Victorian gold diggings and the experience of Chinese working and living in this area. Awareness about how public records can be used to discover information about the transient Chinese goldrush populations was raised in recent years by the very successful PROV exhibition *Forgotten Faces: Chinese and the Law*, which continues to tour around Victoria.

The fourth peer-reviewed article transports us to the early twentieth century frontier community of Mallacoota. Located in far east Gippsland near the NSW border, the residents of this community found themselves relatively isolated from the rest of Victoria. Sarah Mirams explores this community's quest for a permanent school and the way in which records of correspondence between community leader, poet and journalist EJ Brady and Education Department officials can now tell us about the social and political life of this remote community at the start of the twentieth century.

The first article in this year's Forum section continues the education theme by looking at the establishment of the Gippsland town of Loch in the 1880s and its first primary school. Told by Lyn Payne, the story of Loch's beginnings reflect similar challenges as those encountered by the people of Mallacoota in convincing a distant bureaucracy to provide their children with permanent and adequate educational facilities. The records of the Education Department are also used to create a portrait of life in a remote town.

Three of our Forum articles this year explore heritage landscapes or sites through a combination of public records and other sources. In 'Merely Corroborative Detail', Jan Croggon reviews the way in which many of the historical details of interpretation programs developed by Sovereign Hill, from building designs to school curricula, have been based on archival research. Peter Barrett examines the history of the Collingwood Stockade, one of Victoria's earliest prison facilities located on the site of today's Curtain Square and Lee Street Primary School in North Carlton. Abigail Belfrage takes us on a stroll down the Merri Creek, a cultural and natural landscape whose history she interprets through public records, photographs and sound recordings.

Two articles explore the impact of Victoria's Land Acts on the development of Victorian politics and society. Sonia Jennings looks at the connection between the gradual extension of the Victorian electoral franchise and moves to democratise land ownership in Victoria through land legislation. Cate Elkner reports on a recent project to digitise one of the truly unique documents in the PROV collection, a 4.5 by 6 metre map of Victoria, created by the Parliament of Victoria in 1862. The digitisation of this map opens up the exciting prospect that this resource can be made available through the PROV website to assist research into patterns of Crown land administration in Victoria. Elkner's article explores the way in which map-making, surveying and naming were intimately intertwined with the colonisation of Victoria.

This year we feature two more articles from La Trobe students who participated in the history honours program offered by PROV which offers students the opportunity to experience primary research into government records. Last year's group of students focused on the 1880s and 1890s, and their research centred on capital case files. Alain Hosking looks at the sad case of John Hassett, a man imprisoned for the violent assault on Victorian Police Constable Albert Ernest Vizard despite serious doubts being present from the outset of his trial. Noni Dowling transports us to 1890s Port Melbourne, retracing the series of events that led to the murder of Minnie Hicks by her lover Frederick Jordan.

This year Professor AGL Shaw announced that he would resign from the Editorial Board. On behalf of PROV and the *Provenance* Editorial Board, I would like to thank Professor Shaw for his contribution to the journal over the past three years.

A final note of thanks to my colleagues Charlie Farrugia, Colin Kemp and Daniel Wilksch for their invaluable assistance in preparing this year's issue of the journal for publication.

Sebastian Gurciullo
Editor

Refereed articles



‘Tired little Australian Children are still plodding unnecessary miles in wet or shine’

School and Scandal in Mallacoota

Sarah Mirams

“Tired little Australian Children are still plodding unnecessary miles in wet or shine”: School and Scandal in Mallacoota, *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Sarah Mirams.

This is a peer reviewed article.

Sarah Mirams is a PhD candidate at Monash University, Gippsland Campus.

Abstract

Free, compulsory secular education was introduced into Victoria under the *Education Act 1872 (Vic)*. In newly established remote rural communities parents would come together, provide lists of potential students and lobby the Education Department for the establishment of their own State School. This article examines the early history of one of Victoria’s most remote schools in far East Gippsland — Mallacoota School, No. 3515, and considers how a school could be an arena where both community unity and divisions could be played out. Poet and journalist EJ Brady made his home at Mallacoota in 1914. An inveterate critic of government bureaucracy and an advocate for the development of East Gippsland, his correspondence with the Education Department provides an insight into political and social dimensions of life in a small community at the beginning of the century.

Mallacoota’s first teacher arrived in far East Gippsland on 1 May 1906.[1] Laurence Kennedy left Cobram East State School, in the prosperous wheat and farming district on the Murray, in April. There he would have enjoyed all the amenities of an established country town — a railway, churches, doctors, shops, a newspaper and even a cordial factory. His new posting was to be very different. Kennedy found himself, after a difficult week-long journey, in Victoria’s most easterly coastal hamlet, 542 kilometres from Melbourne. This article tells the story of Mallacoota State School’s history from its beginnings until the eve of the Second World War.

Academic research into the history of education in Australia is often concerned with exploring the role played by schools, education departments and education bureaucrats in the business of nation building.[2] Histories of small rural schools tend to be celebratory, tracing the stories of principals, teachers and students, and describing how the school experience has changed over time. This study takes a different approach. I am interested in the role the Mallacoota State School played in the community, not as a place of education, but as a part of a community’s social and political landscape.[3]

At first glance the files for Mallacoota State School no. 3515 do not convey the tale of community unity that characterises many small school histories. Letters to the Education Department report scandals involving adultery, kidnapping, poisonings, drunken dances and striking parents. Such correspondence tells us much about the divisions within the community between families, and the struggles for power and influence in a small, isolated settlement. The school, being the only public building shared and in a sense ‘owned’ by the community, became at times one of the arenas where such rivalries could be played out. This article will argue that despite such tensions the school at Mallacoota came to represent to its people the hamlet’s economic viability and future. Families were able at crucial times to put aside their rivalries and personal enmity and work to ensure the school’s survival.

The Most Inaccessible Watering Place in Victoria

The two lakes at Mallacoota were the territory of the Maap people, part of the *Kudingal* or people who lived by fishing along the south-east coast of the continent. [4] Archaeological surveys reveal that family groups lived and camped around the Inlet for thousands of years. [5] The word 'Mallacoota' derives from the Aboriginal place name Malloketer, recorded by Chief Protector Robinson in 1844. [6] Europeans moved into the area to take up cattle runs during the 1840s, encountering fierce opposition. The Mallacoota run was abandoned in 1847, but resumed in 1850. Licences changed hands frequently. Closer settlement came to East Gippsland relatively late in Victoria's white history with the 1884 Land Act.

When Laurence Kennedy arrived in 1906 he found a small farming and fishing community hugging the river and lake, ringed by dense forest and hills. The Wallagaraugh River flowed through forest from the small town of Genoa to feed the two lakes which opened out onto the sea. Mallacoota's scenic beauty and isolation earned it a reputation as a place of retreat where the wealthier and more adventurous 'tired brain worker' from the city could immerse himself in nature. [7] Dorron's Lakeside Hotel, a small boarding house and pub, offered some accommodation. Unoccupied land surrounding the lakes was temporarily reserved as a National Park in 1909. [8]

The families living around the lake craved some of the conveniences the tourists were escaping. Here the post office operated from a farmhouse. There were no shops and there was no township. Only bush tracks snaked through the forest and the locals had to rely on small cutters negotiating a shallow sandbar to deliver basic supplies from Eden. [9] During winter the settlement was often cut off for weeks by storms and flooded rivers. The nearest doctor was in Orbost or Eden, both more than a day's journey away. In summer the hamlet was threatened by bushfires. Surrounded by virgin forest, hemmed in by water, the locals were characterised as pioneers battling against nature to make a living. [10]

Edwin James Brady, bohemian poet and *Bulletin* writer, is Mallacoota's best known escapee from the city. Brady first came to Mallacoota in 1909 with the dream of setting up a writers' camp. He returned in 1914 and took up a selection. He owned a guesthouse and during the 1930s depression helped set up a community farm based on socialist principles. [11] His six children all attended Mallacoota State School. His correspondence regarding the school, both personal and official, provides a vivid insight into community

unity and tensions. As a founding member of the Australian Labor Party, Brady had been involved in the radical politics and journalism of 1890s Sydney and was an experienced and at times aggressive lobbyist. Brady developed many schemes for East Gippsland's development and came to regard Mallacoota as 'a domain ... peculiarly my own'. [12]

State School No. 3515

Frank Buckland, a local farmer, filled out the standard Application For Establishment Of a State School form in 1905. [13] Between the Olsen, Coleman, Rankin, Buckland, Reid and Allan families there were twenty-eight children in Mallacoota aged from two to sixteen years. This, Buckland suggested to the Education Department, justified the employment of a full-time teacher. [14] While the more prosperous families could afford to employ a governess, the children of labourers and fishing families may have reached the age of fourteen without any formal education. [15] Their only other option was to row the twenty-four kilometres up river to the nearest school at Genoa. The opening up of land for selection in East Gippsland after the 1884 Lands Act was passed saw the demand for schools grow as selectors moved into the forests. Between 1890 and 1920, forty-nine new schools opened in East Gippsland. [16] This was also a period when, under the Directorship of Frank Tate, Victorian schools were undergoing a period of reform as a result of the Fink Royal Commission into Education 1899-1901. Following the economic devastation wrought by the 1890s depression there was a commitment to create a modern progressive education system in Victoria. [17]

While this system was ostensibly free, in reality the government required local communities to contribute financially towards this vision. Frank Buckland assured the Education Department that the residents would provide 'substantial building and outhouses' to be rented as a schoolhouse. [18] Not all residents accepted these requirements easily. Chris Harrison wrote, 'I thought the policy of our country was free education, but when you ask us to contribute 24 pounds a year besides providing a school I do not see where the *free* comes in'. [19] The Education Department should 'stretch a point' at Mallacoota, he argued and provide a teacher, 'as we have many disadvantages here to contend against'. [20]

Copy.

Application for Establishment of a State School

AT Mallacoota W.
[Name of Parish, Riding (if any) and of Shire should be stated.]

NAMES OF CHILDREN who would attend the Proposed School, if established, with other information as required below.

Name of Child	Date of Birth	Distance of Residence from Proposed Site	Distance of Residence from Nearest Existing School	Full Description of Proposed Site and of Building (if any)
Hugh Brady	1904	Approx. 1 1/2 miles	Approx. 2 1/2 miles	Adjacent to the house of Mr. Rasmus and in a central position as regards present settlement. Mr. Rasmus has offered to cede to the Dept. the necessary site for the erection of the building equivalent to one quarter acre of land in perpetual lease at a nominal rental. <i>Mr. Rasmus told the Inspector & myself that he would give 1/4 of an acre.</i>
Antony "	1908			
Mary "	1904			
Edward "	1910			
Sadie "	1912			
✓ Benjamin Buckland	Aged 13	1 mile	1/2 mile	
✓ Roy "	11		from present	
✓ Nellie "	8		one-third	
✓ Joan "	4		time school.	
✓ Albert Greer	1911	1	2 under 2	
✓ Leslie "	11			
✓ Vera "	9			
✓ Eves "	4			
✓ Thelma "	3			
✓ Harold Rasmus	8		1	
✓ Erola "	3			
✓ Chas. Gilbert	9	1 1/2	2 1/2 under 2	
✓ Grace "	4			
✓ John "	3			
✓ Leonard Hegarty	11	1 1/2	2 1/2 under 2	
✓ Matella "	4			
✓ Hector Martin	12 11		3 1/2 = 3 1/2	
✓ Billy Warner	7			
✓ Douglas Warner	5			

the other children are all now in school at present

Mallacoota

The proposed School would be situated in the Parish of Mallacoota W. in the Riding of the Shire of Orbest (North 17)

Signature Eg. W. J. Brady,

Postal Address WHITE HART HOTEL, MELB.

One of many examples of an 'Application for the Establishment of a State School at Mallacoota' found in the Mallacoota State School files. This example from 1916 was used to argue for a full-time teacher for Mallacoota at the new school site on the Rasmus property. PROV, VPRS 640/P1, Unit 1329, Mallacoota State School 3515.

The first school was located on the western side of Bottom Lake, in 1906. The building was neither substantial nor provided with an outhouse. Laurence Kennedy described it in a report to the Department as having 'no locks, defined grounds or outhouses and is situated 50 yards from the backdoor of WM Allan's residence and 16 yards from the cow yard'. [21] Such basic school accommodation was not unusual. The centenary history of the Victorian Education Department suggested that, such was the desire for education in the bush, parents were prepared to have their children taught 'in almost any kind of enclosure: - a bark hut ... a room in an operative public house and the cellar of a bacon factory'. [22]



Clement Baker stands outside the 'discreditable and [sic] insanitary' Mallacoota State School with his pupils, c. 1910. Photograph sent to Frank Tate by EJ Brady when the community was lobbying for a new school building in 1916. PROV, VPRS 795/P0, Unit 1887, Mallacoota Inlet State School 3515.

The condition of the building is starkly shown in the 1910 photograph sent to the Department by Brady. The building looks more like a shed (which it originally was) than a schoolhouse. [23] A building report described it as presenting 'a very ragged appearance' and noted care had to be taken not to fall through the broken and rotten floor boards. [24] By 1916 the community began agitating for a new schoolhouse, and also the reappointment of a full-time teacher. Buckland's original estimated student population had been inflated and within a year of his arrival Kennedy left Mallacoota. Clement Baker, who also taught at the Wangrabelle and Genoa State Schools, found himself responsible for a third school. [25] Rural schools with enrolments of between five and twelve students were expensive for the Department and difficult to staff. Part-time schools and itinerant teachers were a way of supplying the needs of children in isolated areas. [26]

Baker spent two and a half days a fortnight in each school and then left lessons for the children to complete under their parents' supervision. His working fortnight included rowing the twenty-four kilometres to Genoa to teach for two days and then travelling by horse sixteen kilometres along a track through the forest to the Wangrabelle school. His home was a tent in Genoa where he lived with his wife. Henry Lawson, who visited Brady at Mallacoota in 1910, wrote of how 'the school master goes around in a boat, a launch, to collect his scholars'. [27] He also noted the 'little school kiddies' knew his work from their school papers. [28]

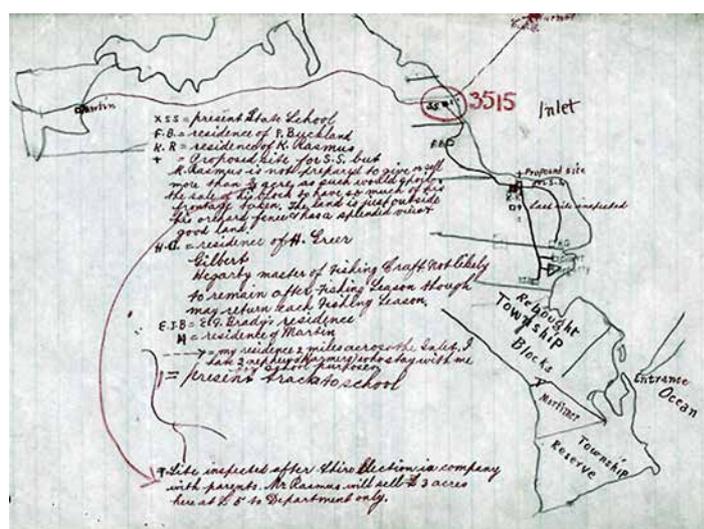
The position of such rural schools was always precarious. To ensure a school's survival parents had to persuade a remote bureaucracy in the city, using whatever political and economic clout they could muster, that they could maintain enrolments. Such campaigns were often led by strong-willed and determined figures in the community. The Honorable James Cameron MLA, the local member, received a letter on behalf of the Mallacoota families from EJ Brady in July 1916. Brady argued that the local families all had children growing up 'practically without education'. [29]

He urged Cameron to obtain a 'concession' from the Minister, implying that Mallacoota was worthy of special consideration despite its small population. [30] Brady then wrote to Tate highlighting the lack of water and lavatories at the school. [31] A petition from the parents at Mallacoota was sent three months later requesting a full-time teacher. The Department seemed unsympathetic, suggesting that the enrolment numbers were too low to warrant the necessary expenditure. [32] Brady's next letter to Tate argued, 'settlers in East Gippsland deserved better consideration'. He signed himself EJ Brady, author. As Director of Education, Tate had wide-ranging powers and could ignore the advice of his officers. In a scribbled note on the margin of Brady's letter he wrote 'this is an urgent matter which should be attended to at once'. [33]

The Department agreed in 1917 to provide a new school building. This was a win for the community, but before long the triumph turned sour as local families competed to provide a site for the new school. Frank Buckland and Carl Rasmus, both from well-established local families, made the first offers to the Department. Brady, a relative newcomer, then put in his bid. Families had an interest in ensuring the proposed school site was close to their own properties and, as such, diagrams were sent in to the Department showing tracks that led from farms to potential school sites. [34] Dr Leach, the School Inspector based in Orbost, had the unenviable task of selecting the site and negotiating with the locals. [35] Brady lobbied hard and sent a stream of correspondence to the Department, which became increasingly angry when his proposal was rejected. In veiled terms he suggested that Leach had been 'got at' when the Rasmus block was selected. [36] Brady threatened to use his influence as the author of *Australia Unlimited*, his recently published survey of Australia, to discredit the Department and let the public know of the proposed 'internment camp'. [37]

'There were,' wrote Leach to the Secretary of Education, 'two irreconcilable factions at Mallacoota,' and 'much jealousy between the old residents and the more recent arrivals'. [38] Leach may well have been aware that Buckland and Brady were in a long- running dispute over

access to two acres of public land used as a recreation reserve and camping ground by seasonal fishermen and locals. This dispute had involved petition and counter petition being sent to the Lands Department. [39] Brady dismissed his opponents as 'a small group of antediluvian savages who take exception to my humble efforts to spread the Gospel of Progress in this benighted region'. [40]



One of several diagrams in Mallacoota State School files showing tracks in relation to the school. Ensuring the school was accessible to all families was an important consideration for rural schools. PROV, VPRS 795/P0, Unit 1887, Mallacoota State School 3515.

Both men were public figures in the community: Brady, the journalist and writer, intent on developing Mallacoota and East Gippsland, and Frank Buckland, the local Justice of the Peace. Buckland's voice is largely muted in the public record. It is Brady's strident and insistent voice which dominates. Leach's advice to Tate was 'peace at any price' and as 'neither Buckland nor Brady could build on another man's property', the Rasmus site was selected where a temporary building could be erected. [41] However, the matter did not end there. By April, the unused Paynesville schoolhouse, transported by barge, was awaiting the arrival of workers from the Public Works Department to supervise its opening. Brady sent a final barb to the Minister of Education:

But sir, though Nero fiddled Rome continued to burn and while its official Montagues and Capulets in Melbourne are fencing with weapons of departmental sophistry and great satisfaction a number of tired little Australian children are still heavily plodding unnecessary miles in rain and shine ... to an old condemned, discreditable and insanitary [sic] building. [42]

The new school opened in late 1918 and Clement Baker was appointed full-time teacher.

Trouble at the Water Tank

The new school building caused further headaches for the Education Department when in 1921 the pupils and their teacher, Miss Violet McMeekin, fell ill. Symptoms included nausea, vomiting, burning sensations in the throat and headaches.[43] The cause of the illness was traced to the water tank that a local man, Robert Bruce, had built and installed at the school. Brady, Buckland and Rasmus put aside their former grievances and met as a group of concerned parents. Water samples were sent to the Public Health Department for analysis. Tests revealed high levels of zinc and lead compounds in the water, and two per cent hydrochloric acid.[44] Letters were sent to the Department demanding action. Mr GA Osborne, the Inspector of Schools, came down and chaired an enquiry. Harold Rasmus, a schoolboy, claimed to have seen Bruce accidentally kick a bottle of spirits of salts into the tank.[45] Bruce refused to attend the meeting and denied the accusations vigorously, claiming that if the Department asked 'about the character of the boy Rasmus you will find no one in the district daring enough to believe a word he says'.[46] At the conclusion of the enquiry Bruce was directed to replace the tank, and no formal criminal charges were laid.

Such a public drama soured the relationship between Bruce and some families in Mallacoota for several years and the school became the arena where these tensions were played out. Bruce was asked to explain the non-attendance of his children at the school in 1923 and wrote that he had kept his children at home to save them from catching diphtheria. He accused the Brady family of bringing the disease from Melbourne. The matter, he claimed, was hushed up to stop quarantine restrictions being implemented leading to the forcible closure of Mallacoota House, the guesthouse Brady owned.[47] Bruce went on to report that the local schoolroom had been used to hold a ball where large quantities of alcohol were sold and drunk. This party, he alleged, went on until four in the morning, 'a ramshackle picture machine is used in the school as a blind to cover this disgraceful fracas'.[48] Bruce then accused two drunken locals of kidnapping his two boys and keeping them in a shed at Raheen, the Brady family home, for two days. This was done with the full knowledge, he claimed, of Violet McMeekin.

Both the School Committee and the Head Teacher were asked to account for these accusations, though the Department appeared more interested in the intoxicating liquor than the kidnapping.[49] Violet McMeekin denied the accusations, writing that she frequently showed cinematographic picture shows in the school for the benefit of the children, but that no alcohol was consumed.

As for dances — well since I was the only girl in Mallacoota for the greater part of the time, it was only on rare occasions that we could have a dance at the picture show. I took a great deal of interest in the school and worked as hard as I could for the few children there. It has hurt me deeply to know that my work has been rewarded by such false reports being sent in. What encouragement does it give to a teacher — especially a lady teacher — to work for the school?[50]

Violet was forced to leave Mallacoota when the senior Bradys departed for Melbourne. It was unacceptable for her to stay at Raheen unchaperoned with Brady's two teenage sons. She could find no other affordable accommodation.

In the poisoning scandal we see a realignment within the community. Brady, Rasmus and Buckland presented a united front to the Department as the responsible voice of Mallacoota. They put aside their personal animosity and worked for the good of the school and the students. The school now became a battleground between the Brady and Bruce families. Violet was a friend of the Brady family and was particularly close to Moya Brady, the eldest daughter, and maybe this is why Bruce reported her to the Department. In the local history, the Bruce family joins the Buckland, Rasmus and Allan families as the pioneers of Mallacoota — there is no hint of scandal. [51]

Brady's personal papers, however, provide some tantalising glimpses of the local gossip. In one letter, a friend of Brady reports on a petition circulating in 1924 accusing Brady of encouraging the Bruce children to run away from home. Tom McDonald wrote that, 'it was signed by the elite of Mallacoota West namely Lady Ellen Dobie, Hosie Wilkins, Mr and Mrs Dawson, Robert and Freda. All quite the nastiest people as the *Bulletin* puts it'. [52] Competition in the tourist industry between the local families may have caused further tension. Brady attempted to have the Inlet declared a dry zone during the 1920s, which if successful, would have effectively put the Dorrn's Lakeside Hotel out of business. [53] This would not have endeared him to some families.

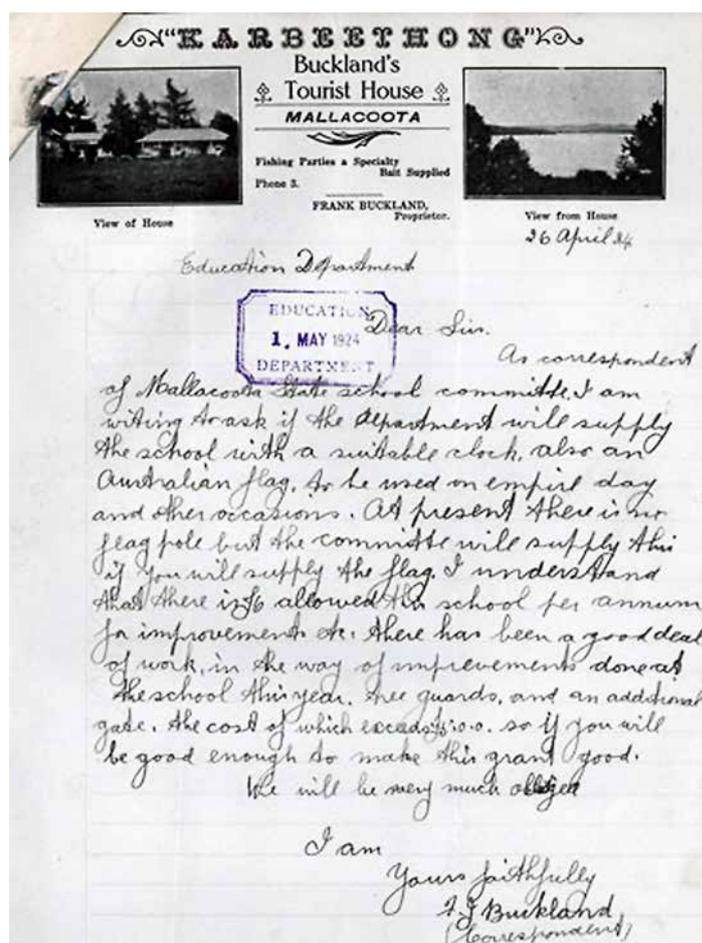
Scandal on the School Committee

Such a remote school was always hard to staff and for more than five months after Violet McMeekin's departure there was no school teacher at Mallacoota. Mrs Dawson wrote to the Department complaining that if there was no teacher appointed 'the residents will have to move away to get their children taught'.^[54] Victoria followed the New Zealand experience, where married men with families were less likely settle in rural areas where there was no operating school.^[55] Teachers also fulfilled an important social role in rural communities in organising sporting and cultural events. Carl Redenbach, who eventually replaced Violet McMeekin, was one such teacher. When the locals learned that the Department intended to transfer Carl Redenbach in 1925, the parents sent in a petition, requesting he be kept on, as 'in a remote place like Mallacoota a young male teacher of Mr Redenbach's energy and ability is valuable human asset'.^[56] In this, as in other community action, we see previously warring factions, the Brady, Rasmus, Dobie, Buckland and Bruce families, coming together in support of the school.

The school committee was the officially recognised body that liaised between the Department and the school. Members were elected from the parent body. Tate introduced this system into Victoria in 1910, after seeing it operating successfully in New Zealand. He hoped it would encourage local communities to become more involved with their children's education.^[57] The committee managed a small maintenance budget, raised money for the school, obtained accommodation for teachers in rural areas, investigated complaints against teachers, and reported to the Department on the condition and management of the school. Much school committee correspondence dealt with the more mundane aspects of school life. Frank Buckland, the Mallacoota school committee correspondent, requested a school clock, Australian flag, tree guards and a gate from the Department — all requests were denied.^[58] The Department approved the Head Teacher closing down the school during the February 1926 bushfires.^[59] The school committee agreed to fence the school paddock after Mr Bristow threatened to withdraw his children from the school unless his children's pony could be housed.^[60]

When the entire Mallacoota school committee, including Frank Buckland and Norma Brady, resigned from their positions in 1931 the Department was yet again required to investigate the goings-on at Mallacoota. The committee members objected to James Latta and Mrs Ellen Bruce serving on the committee.^[61] According to correspondence, Latta was living openly with Mrs Bruce

in the Bruce family home. Robert Bruce was concerned his children knew of this relationship and in Frank Buckland's view Mr Latta was 'an improper person to act on a public body, least of all a school committee'.^[62] The Inspector sent down to investigate the claims reported to the Department: 'I gather that nobody in this place wants to antagonise Latta. He is said to be a man of considerable force of character and rather good address determined to serve his own ends and not too scrupulous about the means to do it'.^[63] An Order of Council, signed by the Minister for Public Instruction on behalf of The Governor in Council on 26 January 1932, officially removed both Latta and Ellen Bruce from the school committee.^[64] James Latta appears to have been an unpopular resident, and the parents' attempt to have him dismissed from the school committee may well have been a public and official denunciation of both his relationship with Ellen Bruce and his influence within the community.



Letter from Frank Buckland to the Department of Education, 26 April 1924. The letterhead highlights the importance of tourism to the town. PROV, VPRS 640/P1, Unit 1737, Mallacoota State School 3515.

Depression

The depression of the 1930s saw teachers and schools in Victoria under attack from politicians and the press.[65] There was enormous pressure on the Labor government to cut costs and the State Finance Committee recommended the closing of rural schools with small attendances, increasing fees, and restricting access to secondary education.[66] In such a precarious economic climate the people of Mallacoota came together and launched a campaign to have the schoolhouse removed from its site on the Rasmus property to the township reserve surveyed in 1919. [67] The 'township' had been only lines on the parish plan until the 1920s when a road linked Mallacoota to the newly opened Princess Highway and the outside world in 1921. Tourism became a significant seasonal industry during the 1920s with the Brady, Allan, Dorrn and Buckland families providing accommodation, tours and transportation for the tourists who came to visit 'the gem of Victoria'. [68] The locals wanted the school in town, where, they claimed, it was closer to most families, but one also suspects, as a way of signalling Mallacoota's status as a permanent and viable rural community, rather than a remote farming outpost.

Initially the Education Department rejected the proposal. The small enrolment (in June 1934 there were only thirteen students) could not justify such expenditure. [69] Undeterred, a letter was sent to the Secretary in January 1935 stating that at a meeting the parents had voted to withdraw their children from the school until their demands were met, but had 'wisely decided' to wait until the Department visited. The school committee also noted that six snakes had been killed in the school grounds that summer. [70] Parents elicited the support of a number of politicians, most of whom had a connection with the Brady family through friendship and politics. Those who wrote letters in support of the school included AE Lind, their local Member of Parliament, James Cameron, a former MLA, and Edward Tunnccliffe, Acting Premier of Victoria. [71] The parents demonstrated local support for the scheme the following May by sending the Department the names of those locals who supported the school's relocation. The names included former students as well as locals who also offered their labour to assist in clearing and fencing the new site. [72]

The names on this petition include most of the families involved in the various scandals and campaigns over the previous thirty years. These included the Brady, Buckland, Allan, Latta, Bruce, Bristow, Greer and Bolton families, testament to the importance the school had in the community even for those who no longer had children attending. The campaign was successful and

in October 1935 the Public Works Department agreed to relocate the school into the township. [73] There is no reason given for the Education Department's change of heart, but presumably the work of the politicians and the people of Mallacoota contributed to a successful outcome. It should be noted, though, that both the Labor and the subsequent conservative government were conscious of the strong influence of rural electorates in the state parliament during this period. [74]

Conclusion

A sociological study into country life carried out during the Second World War by the Melbourne University Faculty of Agriculture, found that country people believed that self-help and cooperation were dominant features of rural life. The researchers also found, however, that country towns could be divided along religious, economic or personal lines. Such divisions, and the subsequent tensions that developed, were more intense in the smaller towns where 'people's relatively few contacts and interests contain all the emotion which in a larger community could be more widely dispersed'. [75] The Education Department records certainly create the impression of Mallacoota being an isolated rural hamlet beset with jealousy, gossip and competition. The school at times became the site where personal grievances were played out between neighbours.

The Melbourne University researchers also suggested that in such deeply divided communities, cooperative and community effort became 'almost impossible'. [76] At Mallacoota, though, this does not appear to have been the case. The school, as well as representing parents' hopes for their children's future, became a vital element in Mallacoota's transformation into a permanent, viable settlement. Its importance is measured by the fact that locals could put aside their personal prejudices, albeit often temporarily, and work to ensure the school's future. The school also played an important role in developing the political and social dimension of community life, and Brady appears to have played a significant role here. While sometimes a difficult neighbour, he was willing to harness his political contacts and use his skill as an author to, as a local farmer's wife wrote, 'do a little pen-fighting for our little district'. [77]

Endnotes

[1] Laurence Kennedy to the Secretary of Education, 3 May 1906, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1329, Mallacoota Inlet State School 3515. Note that School 3515 was known as both Mallacoota Inlet State School and Mallacoota State School in the department files.

[2] AG Austin, *Australian education, 1788-1900: church, state and public education in colonial Australia*, Pitman, Melbourne, 1980; Bob Bessant, *Schooling in the colony and state of Victoria*, Centre for Comparative and International Studies in Education, School of Education, La Trobe University, Melbourne, 1983; G Rodwell, 'Domestic science, race, motherhood and eugenics in Australian State Schools, 1900-1960', *History of Education Review*, vol. 29, no. 2, 2000; M Crotty, *Making of the Australian male: middle class masculinity 1870-1920*, Melbourne University Press, Carlton, 2001.

[3] This approach is more commonly taken in histories of independent schools. See for example W Bate, *Light school down under: the history of the Geelong Grammar School*, Oxford University Press, Melbourne, 1990; Kathleen Fitzpatrick, *PLC, Melbourne: the first century, 1875-1975*, Presbyterian Ladies College, Melbourne, 1975.

[4] S Wesson, *An historical atlas of the Aborigines of eastern Victoria and far south-eastern New South Wales*, Monash Publications in Geography and Environmental Science, no. 53, Monash University, 2000.

[5] K Thomson, *A history of the Aboriginal people of East Gippsland*, Report Prepared for the Land Conservation Council Victoria, Melbourne, 1995.

[6] Wesson, *An historical atlas*, p. 126.

[7] S Mirams, 'For their moral health: James Barrett, urban progressive ideas and National Parks in Victoria', *Australian Historical Studies*, no. 120, October, 2002; S Mirams, *Mallacoota Lakes National Park: the forgotten park*, MA Thesis, Monash University, 1999.

[8] Advertising brochure for Mallacoota House, NLA, Brady Papers Ms 206, series 13, box 54, folder 13.

[9] For the story of these boats see J Little, *Down to the sea*, McMillan, Sydney, 2004.

[10] See for example EJ Brady, 'East Gippsland: a neglected country', *Herald*, 23 June 1910.

[11] JB Webb, A critical biography of Edwin James Brady 1869-1952, PhD thesis, University of Sydney, 1972.

[12] EJ Brady to TG Ellery 20 July 1920, NLA, Brady Collection Ms 206, series 13, box 52, folio 5.

[13] Application for the Establishment of a State School 1905, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1329, Mallacoota State School 3515.

[14] *ibid.*

[15] Chris Harrison to Secretary of Education 20 December 1902, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1329, Mallacoota State School 3515.

[16] LJ Blake (ed.), *Vision and realisation: a centennial history of state education in Victoria*, vol. 3, Government Printer, Melbourne, 1973, p. 1055.

[17] *ibid.*, vol. 1, pp. 323-27.

[18] Application For The Establishment Of State School 1905, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1329, Mallacoota State School 3515.

[19] Chris Harrison to Secretary of Education 20 December 1902, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1329, Mallacoota State School 3515.

[20] *ibid.*

[21] Laurence Kennedy to Secretary of Education 31 October 1906, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[22] Blake, *Vision and realisation*, vol. 3, p. 1057.

[23] Photograph of Mallacoota State School c.1910, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota Inlet State School 3515.

[24] Building Report 6 December 1910, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota Inlet State School 3515.

[25] Clement Baker to the Secretary of Education 31 October 1906, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota Inlet State School 3515.

[26] Blake, *Vision and realisation*, vol. 3, p. 398.

[27] Henry Lawson to Jim Lawson 22 March 1910, in C Roderick (ed.), *Henry Lawson: letters 1890-1922*, Angus and Robertson, Sydney, 1920, p. 293.

[28] *ibid.*

[29] EJ Brady to Hon James Cameron MLA 17 July 1917, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota Inlet State School 3515.

[30] *ibid.*

[31] EJ Brady to Frank Tate, 30 July 1916, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[32] Petition for a Full Time Teacher, Mallacoota Inlet State School, 5 September 1916, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[33] EJ Brady to Frank Tate, 30 July 1916, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[34] EJ Brady to Secretary of Education, 24 September 1917, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[35] Dr Leach is perhaps best known as the teacher who introduced nature studies to the Victorian primary school curriculum. See C Dowe, 'Nature's life long friends: thryptomene, nature study and the declaration of the Lakes National Park', *Gippsland Heritage Journal*, no. 29.

[36] EJ Brady to Frank Tate, 17 October 1918, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[37] EJ Brady to Frank Tate, 27 October 1918, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1887, Mallacoota State School 3515.

[38] Dr JA Leach, Memo to Director of Education, 10 November 1917, PROV, VPRS 640/P1, Central Inward Primary Schools Correspondence, Unit 1737, Mallacoota State School 3515.

[39] Department of Land and Survey to EJ Brady 19 May 1917, NLA, EJ Brady Papers, Ms 206, series 13, scrapbook; EJ Brady to Minister of Public Works, 27 April 1917, NLA, EJ Brady Papers, Ms 206, series 13, box 54.

[40] EJ Brady to The Minister for Public Works, 27 April 1917, NLA, EJ Brady Papers, Ms 206, series 13, box 5.

[41] Dr JA Leach, Memo to Director of Education, 10 November 1917, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1737, Mallacoota State School 3515.

[42] EJ Brady to Minister of Education, 30 April 1919, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[43] EJ Brady to Director of Education, 29 October 1920, PROV, VPRS 796/P0, Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[44] GA Osborne, Inspector of Schools to The Director, Education Department, 21 February 1921, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[45] *ibid.*

[46] Robert E Bruce to the Education Department, 19 March 1921, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[47] Robert E Bruce to Secretary of Education, 28 August 1923, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1660, Mallacoota State School 3515.

[48] *ibid.*

[49] Memorandum to the School Committee No. 3515, 13 September 1923, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[50] Violet McMeekin to Secretary of Education, 4 October 1923, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1660, Mallacoota State School 3515.

[51] K Howe, *Mallacoota reflections*, Mallacoota and District Historical Society, Bairnsdale, 1991.

[52] T McDonald to EJ Brady, 10 April 1924, NLA, EJ Brady Papers, Ms 206, series 13, box 52, folder 7.

[53] Petition to Licences Reduction Board from EJ Brady, December 1925, NLA, EJ Brady Papers, Ms 206, series 13, box 52, folder 5.

[54] Mrs Dawson to Secretary of Education, 2 February 1924, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota Primary School 3515.

[55] M Lake, *The limits of hope: soldier selection in Victoria 1915-1938*, Oxford University Press, Oxford, 1987, p. 163; G McGeorge, 'The long haul to full school attendance', *New Zealand Journal of History*, vol. 40, no. 1, April 2006, p. 27.

[56] Petition to Secretary of Education, 12 March 1925, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1737, Mallacoota State School 3515.

[57] Blake, *Vision and realisation*, vol. 1, p. 127.

[58] Frank Buckland to the Secretary, 26 April 1924, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1737, Mallacoota State School 3515.

[59] Secretary to the Head Teacher, 24 February 1926, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota Primary School 3515.

[60] Mallacoota State School Committee to Secretary, 4 August 1930, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota Primary School 3515.

[61] Frank Buckland to Secretary of Education, 13 December 1931, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1737, Mallacoota State School 3515.

[62] Confidential Report, 21 January 1932, PROV, VPRS 796/P0, Outwards Letter Books: Primary Schools, Unit 746, Mallacoota Primary School 3515.

[63] *ibid.*

[64] Order of Council, 26 January 1931, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota Primary School 3515.

[65] Bessant, *Schooling in the colony*, p. 98.

[66] *ibid.*, p. 99.

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[67] A Brady, 'Edward Lees, Surveyor of Mallacoota,' *Gippsland Heritage Journal*, no. 12, June 1992.

[68] Petition to T Hogan, Premier, 30 January 1930, Department of Crown Land and Survey, National Park Files, Mallacoota Inlet National Park, Rs.1176.

[69] Secretary of Education to James Cameron MLA, 5 June 1935, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[70] WP Bolton to the Education Department, 28 January 1935, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[71] The Hon AE Lind to Secretary, 14 February 1935 and 22 May 1935; HR Cameron to Secretary, 5 June 1935; Edward Tunnclyffe to Secretary, 27 August 1935 and 14 October 1935, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 796, Mallacoota State School 3515.

[72] *ibid.*

[73] Public Works Department to Secretary of Education, 16 October 1935, PROV, VPRS 796/P0 Outwards Letter Books: Primary Schools, Unit 746, Mallacoota State School 3515.

[74] Bessant, *Schooling in the colony*, p. 101.

[75] AJ & JJ McIntyre, *Country towns in Victoria: a social survey*, Melbourne University Press, Carlton, 1944, p. 262.

[76] *ibid.*

[77] Mrs Stevens, Wangrabelle, to EJ Brady, 25 July 1925, NLA, EJ Brady Collection, Ms 206, series 13, box 52, folder 8.

The Things That Unite

Inquests into Chinese Deaths on the Bendigo Goldfields 1854-65

Valerie Lovejoy

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Abstract

Chinese migration to Victoria in the 1850s, which equalled the first entry into California and far exceeded later migrations to other Australian colonies, New Zealand and British Columbia, makes Victoria a particularly important area of study for overseas Chinese. Most historians who have tackled it make victims of the Chinese in their eurocentric stories of prejudice and violence. Without denying that European miners often demonstrated their prejudice or that Chinese miners were treated unfairly in many ways, dwelling on conflict and violence has limited consideration of the personal lives of the Chinese. One difficulty faced by historians who wish to recover details of the lives of Chinese migrants is the dearth of personal Chinese sources. The many accounts from ordinary Europeans about conditions on the goldfields, in letters, diaries or narratives that illuminate their lives has not been matched by equivalent Chinese sources. However, inquest records can give some insight into the living and working conditions of Chinese miners, as they provide an opportunity for Chinese witnesses to present their versions of the circumstances surrounding the death of a mate or a relative. This paper uses inquest records, reports from the goldfields and local records to explore the lives of Chinese miners on the Bendigo goldfield from 1854-1865, arguing that Chinese miners led full lives on the goldfields, supported in sickness and in health by strong networks of relatives and countrymen with whom they enjoyed their leisure time. They also communicated across boundaries, working alongside European miners, establishing personal relationships and experiencing similar frustrations in dealing with goldfields' administrators.

On the evening of 1 May 1856, A'Tung had supper with his relative Ah Pou in their tent at the Kangaroo Gully Chinese village on the Bendigo goldfield.[2] Afterwards he changed his shoes and went out into the moonless night to visit his friend Ah Sing. As another friend was waiting for him to smoke opium, A'Tung stayed for just a few minutes to enjoy a drink of Chinese spirits with Ah Sing. Shortly afterwards, Ah Sing heard a great commotion. Other Chinese told him that someone had fallen down a deep mine shaft. It seems that A'Tung, who was tipsy when he left Ah Sing's tent, had fallen down the forty foot shaft on his way to the opium shop. The Chinese went to seek European help as the shaft belonged to some Englishmen. William Ingram went to the rescue. Many Chinese were gathered around the hole, their only light a burning taper. Ingram tied a rope around his waist and descended the shaft where he found A'Tung dead, bleeding from the mouth and nose. A'Tung's evening of pleasure had come to an abrupt end. [3]

From this short vignette, based on the inquest record of A'Tung's death, we learn something of A'Tung's networks and leisure activities as well as the nature of mining on the Bendigo goldfield in the 1850s. A'Tung had a relative with whom he shared a tent, and he also had friends. In his leisure time, he liked to drink and smoke opium with his friends. He lived, as he was compelled to do, in a Chinese village, together with his countrymen, but Europeans lived and worked in the same vicinity. An Englishman performed the difficult and dangerous task of bringing A'Tung's dead body from the shaft, which we know was forty feet deep and uncovered.

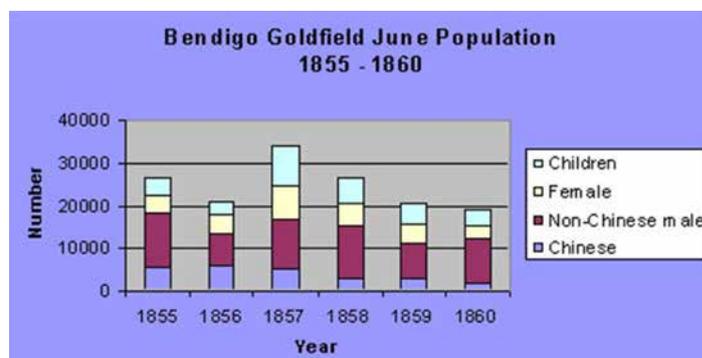
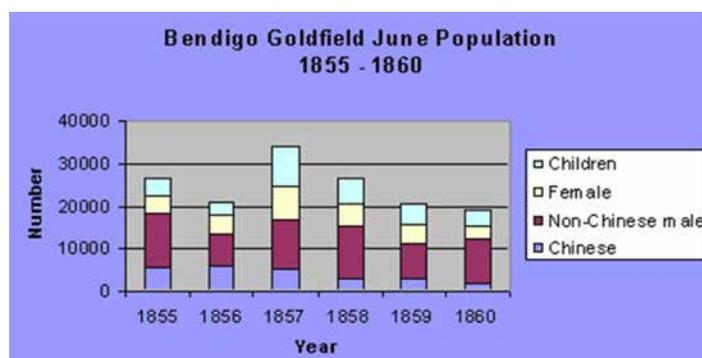
Episodes like this, recounted in inquests conducted close to the scene, capture brief moments in the everyday lives of Chinese goldminers that can challenge many preconceived ideas about the Chinese on the Victorian goldfields. Contrary to the widely held view of the poor Chinese miner, scratching out a living on abandoned fields, victim of European prejudice and hatred, isolated from friends and family, the story in these inquests is of ordinary lives being lived in extraordinary circumstances. It is not such a different picture from the lives of European miners. The Chinese miners go to work each day to mine for gold, and come home each evening to enjoy their leisure. Some are young, others are old, some are well, others suffer from illness, and all face the dangers of life on the goldfield. In most cases networks of relatives and mates surround them. Close by are other countrymen. When tragedy strikes they rush to give support. Europeans also work and live close by and some lend a hand in an emergency.

We have entered a phase in researching the history of Chinese in Australia that is marked by a desire to know who the Chinese immigrants were and how they lived. Ignored by early writers in their nationalistic 'white man's histories', the Chinese became a focus of attention only with the political swing to multiculturalism from the late 1960s, when historians began to recognise the role of the Chinese as the largest non-European group with the longest history of immigration to Australia. Historians sympathised with the Chinese, but they were treated only as foils to European hatred and passive victims of European prejudice. This approach denied Chinese agency, as Jennifer Cushman commented in her review of books written in the 1970s and 1980s.[4] Yet at the time, Kathryn Cronin's *Colonial Casualties* heralded a new approach with her complex picture of the interactions of Chinese and Europeans on the Victorian goldfields [5] and CY Choi's demographic study, *Chinese Migration and Settlement in Australia*, broke free of previous confinement by presenting the Chinese immigrants as a richly diverse people.[6] John Fitzgerald's recently published *Great White Lie* explodes the myth of the Chinese victim with his focus on the struggle of Chinese Australians for their rights as equal subjects under the law.[7]

For the historian, turning to the regions can be a way of beginning to understand ordinary lives. Local records, such as inquests, hospital admissions, council correspondence, rate books and local newspapers can add considerably to the official archives. Keir Reeves' writing on the nineteenth-century Chinese of the Castlemaine district, and Amanda Rasmussen's emerging work on twentieth-century Chinese in Bendigo, make use of local sources to enrich our understanding of the central Victorian experience.[8] Grimshaw and Fahey have also used such sources to give context to their

demographic study of colonial Castlemaine families, allowing the reader to enter imaginatively into ordinary people's lives. They suggest that such an approach 'takes us away from the district's elite and begins instead with the personal experience of the "underside" of history'. [9] The work of regional historians such as Jan Ryan, Cathie May and Shen Yuanfang is sympathetic with this approach.[10]

It is the lives of 'ordinary people' that I intend to explore in this paper. Using inquest records, this paper presents a view of Chinese lives and relationships on the Bendigo goldfield in the years between 1854 and 1865 that challenges the view of Chinese as victim. Without wishing to deny that European miners often demonstrated their prejudice or that Chinese miners were treated unfairly in many ways, I believe that dwelling on conflict and violence has limited insight into their personal lives on the Bendigo goldfields. The inquest records allow a unique opportunity to hear Chinese witnesses present their versions of circumstances surrounding a friend's or relative's death. Inevitably, we stand outside the lives of these Chinese goldminers, but inquests present a window of opportunity to see inside the tents and down the mineshafts, gaining a rare glimpse into the living and working world of individuals.[11]



Figures 1 and 2 – Comparative Population June and December 1854-1860. Graphs by Valerie Lovejoy based on information from PROV, VPRS 1189/P0 Inwards Correspondence, Fortnightly Reports from Sandhurst Goldfields. NB no figures available for December 1860.

Inquest papers are held at Public Record Office Victoria in an uninterrupted series from 1840 to the present day.[12] An inquest file contains a statement of the verdict and details of the conduct of the inquiry, including witnesses' depositions and sometimes a police report. Under the *Coroners Act 1865*, the Coroner had jurisdiction to inquire into violent or unexpected deaths or deaths from illness where no doctor had been in attendance.[13] In the nineteenth century the civic function of the inquest was reinforced by the intimate involvement of the community.[14] It was held in a public place, often a hotel, close to the scene of the death. The Coroner gathered together a jury of twelve eligible men whose duty was to determine the cause of death and whether it had been the result of crime.[15] The Chinese, not being 'natural born subjects' of the Queen were not eligible to serve as jurors. The Coroner was instructed to record the witnesses' evidence as first person narrative, their 'very words'. Though questions asked at the inquest shaped the responses of the witnesses, these questions were omitted from the reports. In Chinese cases the evidence is recorded through the filter of the Chinese interpreter. Inquests were normally held on the day of death or the day succeeding death; however, sometimes the absence of the Chinese interpreter necessitated a delay of proceedings. Despite these drawbacks, the researcher gains valuable insight into the experiences of ordinary men and women from the inquest files.

Bendigo, in Central Victoria, was one of several centres of Chinese migration into Victoria in the nineteenth century. The Chinese came to join the search for gold, first arriving in large numbers in Bendigo in 1854, two years after the opening of the goldfield, when already the enormous potential of the alluvial field seemed to be waning. The years from 1855 to 1857 were years of peak migration to Bendigo, a time when Chinese miners formed from twenty-five to thirty-five per cent of the male population of around 17,000.[16] When quartz mining began to succeed alluvial mining by 1860 and capital was needed to extract the gold, many European miners gave up their freedom to work for capitalists in large-scale mining operations. Chinese miners continued to occupy themselves in the overworked alluvial gullies, their numbers declining as their fortunes declined.[17] Some were fortunate to return to their homeland, generally one of the four See Yap counties of Guangdong Province in South-East China, and some migrated to other states or countries, but many lived, worked, died and were buried in Bendigo. [18]

For the years 1854 to 1865, official records of ninety-seven inquests conducted into deaths of Chinese in the Bendigo district survive. All concern adult males, confirming the statistical records of the goldfields that the Chinese population was almost universally male.[19] Using inquest and cemetery records, I have been able to ascertain the ages of sixty-two of the deceased, which range from eighteen to seventy-one, but three quarters of those who died were between twenty-one and forty years of age.[20] The average age of death was thirty-three years, while, like Europeans, the average age of those dying from illness was thirty-seven.[21] Unfortunately, records were not kept consistently enough to provide further personal information, but we do know that some men had wives and children in China.[22] Temporary separation of families was commonplace for Chinese from Guangdong Province. Migration of male workers to many South-East Asian countries was a response to the problems caused by a population explosion, poor seasons and civil war, in conjunction with the news of gold rushes in distant countries.[23]

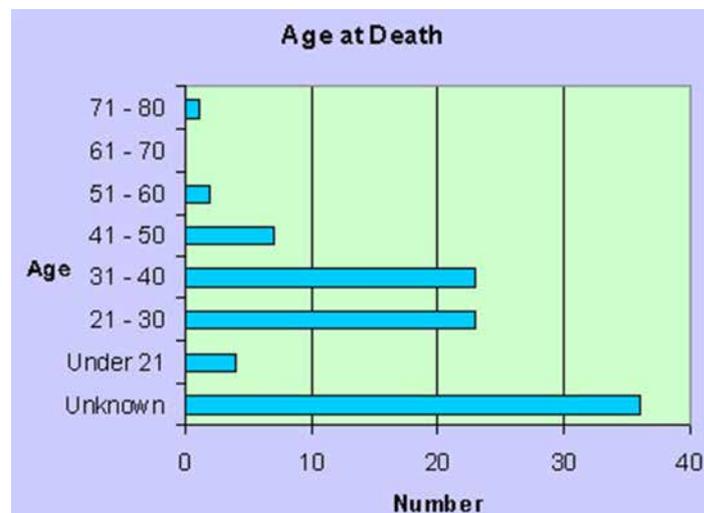


Figure 3 – Ages of Deceased Chinese Examined by Coroner's Inquest in Bendigo 1854-65. Graph by Valerie Lovejoy based on information from PROV, VPRS24/P0, Inquest Deposition Files.

The overwhelming majority, (seventy-one per cent), of the deceased were miners or puddlers,[24] but eleven per cent were unable to work because of illness. The occupations of ten per cent were unknown or unstated in the records. The numbers of occupations represented in the inquest statistics for these years is extremely limited, which reflects the reason for the large-scale Chinese migration to Victoria in the 1850s.[25] Mining was an extremely hazardous occupation. Mining accidents accounted for thirty-two per cent of the deaths investigated by inquest in this period while only fifty per cent died from ill health.[26]

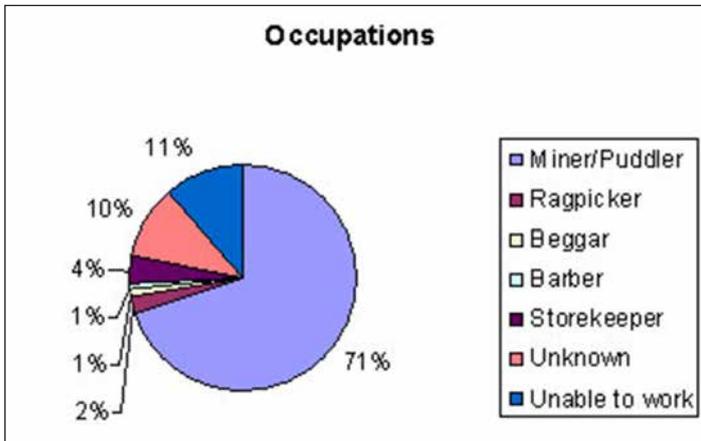


Figure 4 – Occupations of Deceased Chinese Examined by Coroner's Inquest in Bendigo 1854-65. Graph by Valerie Lovejoy based on information from PROV, VPRS 24/P0, Inquest Deposition Files.

Of course Chinese deaths from mining accidents were far more likely to be subject to inquest than deaths from ill health. For example, of the 110 adult male deaths investigated by inquest in the Bendigo district in 1857, the sixteen Chinese (fifteen per cent) were significantly under-represented.[27] (In December 1857 the Chinese made up twenty-eight per cent of the male population of 16,660 on the Bendigo goldfields.[28]) Of the forty-one mining deaths investigated, however, a roughly proportional eleven (twenty-seven per cent) were Chinese. Mining accidents in that year accounted for a staggering sixty-eight per cent of Chinese deaths investigated by inquest in comparison with forty-four per cent of European male deaths.[29] Even so, in 1857 the mortality rate from mining accidents for both Chinese and Europeans was less than one per cent of the male population.[30]

Working Conditions

Deaths from mining accidents reflected the dangerous working conditions. Falls of earth from collapsing embankments were by far the most frequent mining accident. (Twenty-six of thirty-one deaths from mining accidents were caused by earth falls.) Like Europeans, the Chinese usually worked their alluvial claims in pairs, most commonly mining in shallow shafts of about ten to twelve feet in depth. While one partner was occupied driving or digging out the dirt, the other remained at the top of the hole, pulling up the washing stuff and taking it to the nearest water to wash out the gold. The partner on top was usually the lucky one. Frequently he would observe a threatening collapse of earth and warn his mate, but usually the warning came too late to save the miner beneath. In a typical case, Nam Quin was driving in his twelve foot deep hole on 20 September

1856 while his mate Wye Bing remained on top pulling up washing stuff.[31] Wye Bing saw earth falling from the side of the shaft and cried out to warn Nam Quin, sending down a rope. Before Nam Quin could grasp it another earth fall buried him. Wye Bing estimated that about three quarters of a ton of earth had fallen on his mate. It took one and a half hours to dig Nam Quin out of the hole, by which time he had been suffocated by the earth fall.[32]

Even if a miner did not suffocate immediately, the time it took to dig out the victim meant that death was almost certain. If a miner survived the accident he was likely to die from injuries to his spine that left him paralysed. Of the twenty-six deaths resulting from falls of earth between 1854 and 1865, six survived the initial accident but died within a few days. In the case of Min Yok, who was admitted to the Bendigo Hospital in January 1861 after an earth fall, Dr Atkinson, the superintendent, found that he had fractured his spine so badly there was no hope of recovery. Min Yok lived for eleven days after the accident.[33]

The close proximity of mining claims meant that undermining and earth collapse were frequent occurrences. Many of the claims the Chinese worked in were old, abandoned by European miners and made dangerous because of worn or insufficient timbering, undermining or rain. Sludge, the waste created in separating the gold from heavy clay through cradling or puddling with water, was such a problem on the Bendigo goldfield that by 1857 it was making mining increasingly difficult for all miners.[34] Every available unused hole or drain was filled with slime, and sometimes, when an earth fall took place, a flow of sludge followed. Drowning and falling into shafts accounted for other deaths. The alluvial ground was well dug over and formed a rabbit warren of open shafts, some of them very deep.

Living Conditions

It is apparent from evidence given by witnesses [or from surviving records] that Chinese miners worked hard, from sunrise to sunset, on their claims,[35] but after the working day was over, they retired to a community of fellow Chinese. From April 1855, when a Chinese Protectorate was established in Bendigo, until 1861, when the system began to break down, most Chinese lived together in several separate settlements.[36] One description of Chinese villages on Back Creek and at White Hills, shortly after the introduction of the Protectorate, reveals a well-ordered and self-sufficient community.

The villages were:

... built in large squares, consisting generally of forty to fifty tents with wide streets between each square. The village at Back Creek consists of two of these squares and at the White Hill of three or four. A thousand men must be located at the latter place ... They have their own stores — butchers, bakers, carpenters, coopers and blacksmiths' shops. Cradle making seems to be carried on to a large extent ... Fruit and confectionery of a somewhat equivocal appearance are everywhere exposed for sale. Their dwellings have a cleanly and comfortable air about them, though they are hardly fitting residences for more civilised beings... [37]



Ironbark Chinese Village, nineteenth-century Bendigo (precise date unknown). Photograph courtesy of Dennis O'Hoy.

The Chinese residents generally lived with one or more relatives or mates in a calico tent, with the sleeping quarters separated from the kitchen. Tents were situated very close together, and relatives or friends frequently occupied neighbouring tents. A rare accidental death illustrates several aspects of Chinese living conditions. On 10 March 1857, AJim, who resided at Spring Gully, was visiting his friend Lee Hing Quy at Ironbark Village. Lee Hing Quy gave his bed to AJim and made up a bed for himself in the kitchen in front of the tent. He forgot to tell AJim that he had a loaded pistol underneath the pillow. AJim took out the pistol and was fiddling with it when it accidentally discharged. Hearing a cry from the tent next door, AJim went in to investigate. The tent housed four men, two of whom were sleeping in the same bed 'heads and points'. The bullet had wounded one man in the foot, and also penetrated Chang Yik Low's skull, killing him instantly.[38] One witness told the jury that all the men had known each other from boyhood.

This inquest reveals a picture of a supportive community. It shows the generosity of Chinese towards their own countrymen. AJim had given up his bed for his visitor. The Chinese, although they lived in villages, did not live under harsh restrictions, but were free to pay social calls and stay with their friends. The crowded living conditions are illustrated by the close proximity of tents and the men sleeping in the same bed. Lastly, the predilection for loaded pistols for self-protection and protection of their precious gold, applied equally to Chinese as to European.[39]

Health

Half of all Chinese inquests conducted on the Bendigo goldfields from 1854 to 1865 were on people deemed to have died from natural causes: illness or disease. Heart disease was the primary cause of death, followed by lung and intestinal diseases. Heart disease was usually of long standing, and frequently complications such as lung congestion, which remained untreated, shortened the life of the victim.[40] Heart disease often afflicted even those who were very young. A'Cock, a native of Amoy, was only twenty-five when he died suddenly in June 1857 from an attack of pulmonary apoplexy brought on by heart disease.[41] Some historians have suggested that elders of Chinese villages chose their young fit male family members to send to the goldfields, yet the inquest evidence shows that older and unfit men formed part of the cohort.[42] Of the sixty-two known ages, the average age of deaths from natural causes investigated by inquest was thirty-seven. The prevalence of disease of long standing, (in eighteen inquests this is specifically mentioned), suggests that some Chinese were unwell over a long period of time, and some, like A'Theam, had been unable to work since their arrival at the goldfields.[43] In some cases the debilitating conditions of the sea voyage from China, or the journey overland to the goldfields from Melbourne, Adelaide, Guichen Bay or even Sydney, made necessary by Victoria's restrictive legislation, may have exacerbated an already present disease and resulted in fatigue from which the victim was unable to recover.[44]

Many of the Chinese smoked opium, which was legal and readily available. Opium relieved pain and relaxed mind and body, but taken in excess was an addictive drug that could exacerbate illness.[45] Opium smoking is sometimes mentioned in the inquest records as a contributing factor to death, but in only one instance is it blamed as the sole cause.[46] In the case of Ah Choy, who died of ulceration of the bowel in 1863, Dr Atkinson concluded that his habit of smoking opium excessively would have 'favoured any disease that attacked the body'.[47]

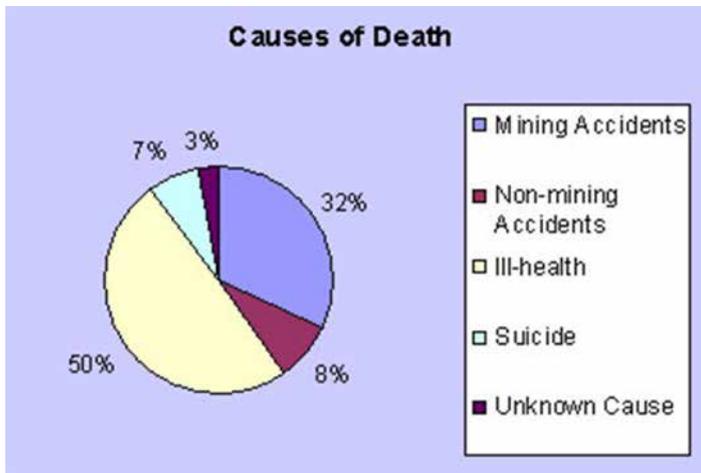


Figure 5 – Causes of Death in Deceased Chinese Examined by Coroner's Inquest in Bendigo 1854-65. Graph by Valerie Lovejoy based on information from PROV, VPRS 24/PO, Inquest Deposition Files.

The inadequate living conditions of some Chinese also hastened their deaths from illness. When William McEwen, surgeon, was called to Golden Gully to perform the post mortem on He Lun, he was horrified to find his emaciated body lying on the ground in a 'small, thin calico tent', unfit for anyone suffering from tuberculosis to reside in. He Lun was 49 years of age.[48] Inadequate nourishment and lack of medical attention because of poverty sometimes caused unnecessary deaths, outraging juries who blamed the uncaring Chinese or the authorities who did not intervene.

The most outstanding examples of neglect are of those who were assumed by other Chinese to be suffering from leprosy. In these cases it is apparent that the Chinese were afraid to approach the ill person, believing the disease to be contagious. In every case, the post mortem revealed that the dead person had not in fact been suffering from leprosy, but from other diseases. When Ah Fee became sick, Ah Quoy, a storekeeper at Ironbark village, collected a subscription among the Chinese and had Ah Fee's tent placed outside the village, because the Chinese believed he had leprosy and feared contamination.[49] Ah Fee refused to go to hospital, and his only visitor was his countryman Hock Pen who placed wood and water outside his tent weekly. He died from pulmonary consumption in October 1864, but it was four days before Hock Pen found his body.[50] The concerns of the Chinese mirrored fear in the European community that leprosy existed in the Chinese villages. [51]

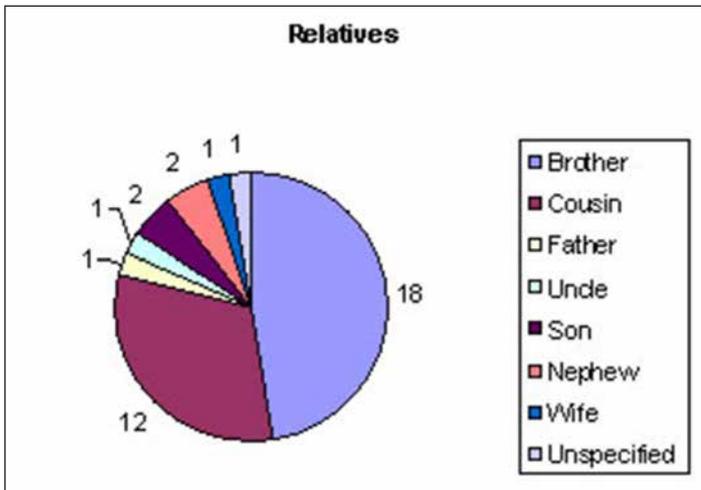
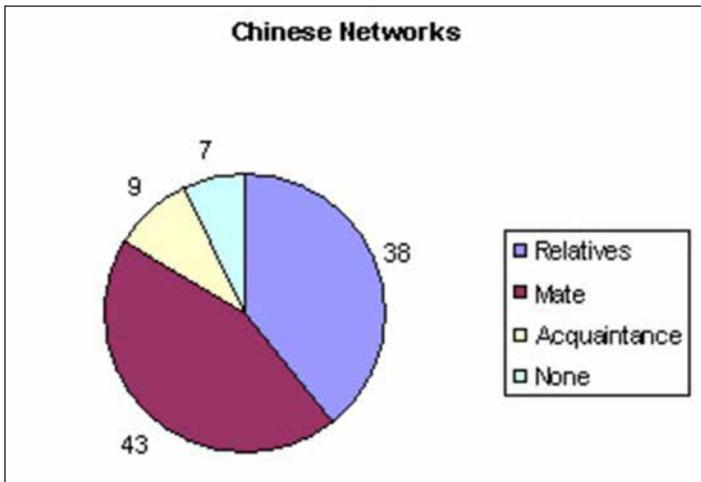
Among the most poignant cases of death on the Bendigo goldfields are the suicides, which reveal a little of the mental health of the deceased. Seven per cent of deaths investigated by inquest were believed to be suicide. In

most cases the death had been carefully planned. In two cases the Chinese man had placed a stick or a piece of bamboo across a mining hole and hanged himself by the neck. Other miners were alerted when they saw a straw hat, a jacket or a pair of shoes lying neatly beside the hole. In only one case was a possible motivation provided. At the inquest of Un Fun Chaw, aged thirty, in June 1855, his brother, Un A'Cheug, said that Un Fun Chaw had been only three months in Victoria and one week residing with him in Peg Leg Gully. According to Un A'Cheug his brother 'fretted very much at not being able to get any gold'.[52] Of all the inquests these suicides raise most vividly the realisation of the loneliness and despair of some Chinese on the Bendigo goldfields.

Networks: Relatives, Mates and Countrymen

Yet most of the Chinese were not alone. Though they lacked female companionship the inquest records suggest that they did have strong kinship and clan networks. Forty-three witnesses described themselves, through the interpreter, as 'mates' of the deceased. As with European minors, the terminology denoted a working partnership. Sometimes these had been recently dissolved, suggesting that Chinese were free to make their own working arrangements. Of the forty-three mates, twelve also had relatives who worked with them. Forty witnesses at inquests were relatives of the deceased.[53] Some of the deceased had wives and children in China. For example, Yau Lit, who died of old age in July 1862 aged seventy-one, was married with a wife, five sons and two daughters in China. The inquest record gives no indication why a man so elderly should have migrated to Australia, although in 1860, his year of migration, Qing attitudes opposing emigration were relaxed in China.[54] We do know he did not come alone but accompanied by his son and nephew.[55] Only seven of the ninety-seven men were clearly alone in the world, while all others had acquaintances who had known them in China or had met them on the goldfields and who knew them well enough to be checking up on them if they were ill.

The records reveal that a Chinese person who had relatives, mates or countrymen to care for him in his illness, received greater attention than someone who was alone. Relatives usually lived together in the same tent or next door to each other. Even those who did not live in the same area would turn to relatives in time of sickness. A'Liem, a miner in Bendigo, had relatives in Castlemaine, so when he became sick, they sent a cart for him, took him to live with them, and looked after him until he died.[56]



Figures 6 and 7 – Chinese Networks in Deceased Chinese Examined by Coroner's Inquest in Bendigo 1854-65. Graphs by Valerie Lovejoy based on information from PROV, VPRS 24/P0, Inquest Deposition Files.

People from the same district or village also assumed a duty of care, consisting of kindnesses such as supplying the sick person with food, or money to buy food, or taking them into their tent. For example, Sing Oy had come to Bendigo four years prior to his death at Ironstone Hill from tuberculosis in October 1865. [57] He had worked as a miner for three years but, for twelve months prior to his death, had been unable to work. Witness Ah Ching told the jury, 'we used to send him provisions when he didn't come in to us for mealtimes. He had plenty of clothes and bedding – we saw to that as he was a Canton man like ourselves and we always help each other.' [58] Storekeepers often took the lead in collecting subscriptions from the sick person's countrymen. A'Chong, who kept a store at the Chinese village at Ironbark, collected subscriptions from Chinese to support Sing Oy in the last days of his illness. [59]

Occasionally Chinese were neglected on the goldfields because no one felt responsible for their welfare. When Tuk Sing died on 9 August 1864 in his tent at the Ironbark Chinese Village, he had been ill from consumption for three or four months without any medical attendance and unable to work. [60] According to his only friend, witness Ah Fong, Tuk Sing used to walk about and ask any Chinese he met for money to buy food. Despite Ah Fong's statement that he had brought rice and other Chinese had sometimes sent assistance, the coroner considered Tuk Sing had been neglected as he found him greatly emaciated with no food at all in his stomach or intestines. [61]

Examples of neglected Chinese are relatively rare. Indeed, when the jury on the Tuk Sing inquest suggested that someone authorised by the government should officially inspect the villages to see that similar cases did not occur, Superintendent Chomley of the Bendigo Police replied that this was a 'very exceptional case. It is unnecessary for police to hunt up Chinese villages to find sick people. The Chinese can get admitted into hospital when they wish, the same as Europeans.' Quoting the example of an Englishman found dying of disease in an unroofed hut, Superintendent Chomley stated that the Chinese were looked after much better by their countrymen than the English. He observed that 'the jury may as well recommend that the tents of all Englishmen should be inspected'. [62] Victoria's Chief Commissioner of Police, Frederick Standish, a former protector on the Bendigo goldfield, to whom the case was referred, concurred with Superintendent Chomley's judgement in a brief note attached to the inquest record. [63] While the remarks about the lack of impediment to hospital admission were true in theory, they obscure the difficulties the Chinese experienced in dealing with European institutions. [64]

Relationships with Europeans

Some of the frustrations the Chinese experienced in their dealings with police, doctors and the coroner can be explained as misunderstandings engendered by communication difficulties. In matters of health particularly, the coroner frequently commented that death need not have occurred had medical intervention been sought at an earlier stage or indeed at all. There is no doubt that Chinese were reluctant to call on European doctors, though the rules of societies such as the See Yap Society encouraged them to do so. [65] Used to Chinese medicine which used food, herbs, moxibustion or acupuncture to restore balance and harmony to the body, many sick Chinese probably did not trust the allopathic approach of European doctors. [66]

However, the reason most often given at the inquest was being too poor to afford medical help. A'Theam had been sick for the seven months following his arrival in Victoria, but had never been attended by a doctor. He died of pneumonia and pleurisy and the coroner judged that if A'Theam had received proper medical attention he would have had every chance of recovery. His cousin A'Cee explained that a doctor hadn't been called because they had no money.[67]

Chinese doctors were present in the villages, and were often the first port of call,[68] but they also were expensive, and appeared to defer to European doctors in cases of serious illness, perhaps because European doctors had easier access to the hospitals. When his brother A'Gee suddenly took ill soon after his arrival in Bendigo in 1857, A'Nye called Chinese doctor Lun Fat who found the patient very hot and thirsty. Lun Fat advised A'Nye to call a European doctor.[69] A'Nye had no money and had first to look for his countrymen to collect a subscription. Lun Fat administered traditional medicine to relieve A'Gee's thirst, but A'Gee died a few hours later of acute peritonitis. Lun Fat recognised that this was a serious case requiring immediate hospital treatment, but was powerless to facilitate admission.[70] Self-medication was common among the Chinese, who regarded food as medicine, in preference to dealing with any doctors.[71] Opium was freely used as a pain-killer, while Chinese tea, congee (rice porridge) and soups were fed to the ill for nourishment. In Tuk Sing's case, the coroner found small puncture marks on his chest which he concluded had been made to relieve pain.

Although in theory no discrimination was practised by hospital authorities, in practice the Chinese experienced difficulty gaining admission to hospital. In earlier years, some inquest witnesses claimed that they did not know there was a hospital let alone how they could access the system. The jury, alarmed by the ignorance of A'Theam's mate in 1855, urged authorities to inform Chinese 'as to how they are to act in all cases where means do not allow them to procure proper medical attendance'.[72] In October 1857, in response to unease about the access of Chinese residents to health care, the Chief Secretary suggested that a voluntary contribution should be remitted monthly to a doctor who would contract to provide medical attendance to the Chinese.[73] The idea was opposed by both the Chief Medical Officer, William McCrear, who asserted that the Chinese 'are as intelligent and capable of taking care of themselves as other people',[74] and Chinese Protector Frederick Standish who replied that Chinese residents would be unwilling to contribute, as they had subscribed £100

to the Bendigo Hospital in 1856 but still experienced difficulty in gaining admission.[75] Hospital records show that there were few Chinese admissions before 1860.[76]

The case of Ah Choy reveals the shortcomings of an admissions system that was difficult to manage.[77] When Ah Choy became ill in March 1863, A'Chong, a storekeeper at the Ironbark village, called Dr Atkinson who gave him a certificate of admission to the hospital, but when A'Chong got to the hospital he was told it was full. He was supplied with a certificate of admission to the Benevolent Asylum, but the superintendent there told him he needed a doctor's certificate. A'Chong went back to Dr Atkinson who supplied one. The Asylum superintendent then agreed to admit Ah Choy. When Ah Chong returned to fetch Ah Choy, he found someone had taken him in a cart to see Dr Boyd. On his way to Dr Boyd's, A'Chong met the cart on its way back to the Asylum. When Ah Choy was lifted out of the cart he was dead. A'Chong had done everything he could, but the time taken to negotiate the system may have resulted in Ah Choy's death. Of course difficulty with gaining admission was not the only reason for the low number of hospital and asylum admissions. Lack of faith in hospitals is exemplified in records by the Chinese patients who absconded and in the inquests by those who refused to go to hospital in the first place.[78]

The relationship between the Chinese and the police does not seem to have been any easier. Police attached to the Chinese Protectorate were responsible for collecting the levies as the Chinese headmen had been sacked for inciting a riot early in the life of the Protectorate.[79] Many Chinese tried to avoid paying the residence fees that were forced upon them in addition to the miner's right. The Chinese had emphatically rejected the unfair tax, vigorously petitioning the government on the subject in 1856 and in 1859.[80] The vast majority of court appearances for Chinese from 1857 to 1865 were for not possessing a residence license. For example, in 1857, of a total of 236 Chinese convictions, 163 were for not possessing a residence license, and forty-eight were for breaches of village regulations.[81] In March 1860 Nun Pon, who was forty years old, died from pulmonary apoplexy while escaping from the police who had entered the Chinese village at Ironbark to search for Chinese with no residence tickets. Nun Pon had joined a group of Chinese who were running away from two police on foot and a mounted constable.[82]

.....

In many cases communication difficulties made an inquest necessary. For example, Dr O'Donnell, who arrived after Ah Tat had died in May 1863, refused to issue a death certificate because he said that 'the Chinese speak English so imperfectly it is impossible to ascertain the cause of death'.^[83] Interpreters were present at inquest proceedings. Ah Look, an interpreter and Chinese Christian, assured the coroner at Ah Tat's inquest that he knew the value of an oath taken on the Bible. He swore to the accuracy of his translation and the honesty of the witnesses.^[84] Post-mortems were frequently performed because no doctor had attended the deceased person during his illness. For mining accidents, coroners tried to find a European witness to help overcome language problems and in such cases no post-mortem was carried out. By 1863 post-mortems were performed more frequently on Chinese, but by this time a far greater percentage were dying from illness than from mining accidents.^[85]

The inquest records also give an appreciation of personal relationships between the Chinese and Europeans. Historians have highlighted animosity expressed in organised protest meetings, petitions and riots, while neglecting more mundane relationships. The inquest records, dealing with everyday relationships, show evidence of compassion and the sense of a common humanity that transcended language or cultural barriers. Europeans often took the initiative in rescue operations. When Hang Liu's body was thrown from a dray he was driving in Bridge Street in October 1858, Edward Jones, a Bridge Street chemist saw the accident from the door of his shop. He rushed out with a glass of water and went for the doctor, while other Europeans found a piece of board to serve as a stretcher and carried Hang Liu into a nearby hotel.^[86] Kindness to strangers, especially those in destitute circumstances, is also evident in the inquests. When his countrymen moved from Poverty Gully to Eaglehawk Gully, A'Yut was left behind. Thomas McElwain, a carrier who lived nearby, found him very ill. A'Yut complained of pains in his stomach and had swollen hands and feet. Once they had made his acquaintance, A'Yut occasionally visited Thomas and Mary McElwain's tent where they gave him food to eat.^[87] The evidence suggests an overriding sense that in matters of life and death, it was one human being's duty to help another.

Occasional working relationships are evident in the sphere of business. In February 1856, John Browning, a farmer, took a load of rice to Long Gully for his neighbour A'Hong, a refreshment tent keeper from Ravenswood. A'Hong also hired a horse from Browning to ride into Bendigo. He died from 'a violent blow to the abdomen, consistent with falling off a horse'.^[88] In mining there

are no such examples of Chinese and Europeans working together, but it is evident they mined in close proximity. Even when the Chinese were separated into encampments, Europeans were living and working close by. Europeans responded quickly to calls for help and removed dead bodies though the time needed for this difficult task was often measured in hours, not minutes. When Chong Hing disappeared in a hole full of sludge, between twenty and thirty Englishmen assisted in getting him out of the hole, a task that took an hour. Patrick Franklin was one who went into sludge nearly to his own depth to find the body and tie a rope around the dead man.^[89] Language barriers were overcome by sign language.

One inquest provides a rare example of a relationship between a Chinese man and a European woman.^[90] On the afternoon of 12 December 1862, Ah Shong visited Anne and Martha Reid's store and asked if he could stay and rest. Anne agreed and showed him to a back room where he drank her ginger beer and 'something else out of a bottle that he said was brandy'. The post-mortem revealed that the something else was opium. Ah Shong was still there at ten o'clock at night and when Anne told him it was time to leave he asked to stay the night. Martha Reid gave up her bedroom for Ah Shong and slept with her sister. During the night, discovering Ah Shong in convulsions, the sisters moved him to a warmer room and bathed his hands in vinegar and water before going to find a Chinese person who spoke English. The responsibility of care for the sick man was thus handed to the Chinese, who called the doctor. Ah Shong died the next morning from brain congestion caused by the introduction of a large amount of opium into his stomach. Underlying the obvious kindness shown to the Chinese man is the possibility of a personal friendship or relationship.

Associations between European women and Chinese men were severely frowned upon by both Europeans and Chinese. Yet European women lived in the Chinese villages as companions and occasionally wives. The only example in the records studied of a marriage between a European woman and a Chinese man shows stark evidence of prejudice in the Chinese community against the European wife. Ah Sown, a storekeeper of Jackass Flat, had married fifteen year old Louisa, a native of Hobart, in 1862.^[91] Ah Sown died in March 1864 of liver disease and gallstones, but after the inquest a large number of Chinese approached the coroner requesting an inquiry into the death. They expressed 'great disquiet and fear' that Louisa, who they pointed out, was the daughter of an old Tasmanian convict, had poisoned her husband.^[92] The Coroner could find no evidence to support their allegations.

The post-mortem clearly showed that Ah Sown had not been poisoned. Louisa Ah Sown was found to have followed all the doctor's instructions, cared for her husband in his illness and regarded him with fondness as 'a good husband who supported her comfortably'. While prejudice existed about the formation of relationships between European women and Chinese men, this prejudice was mutual, and despite its existence, occasional relationships were formed and successful marriages took place.

After the inquest – the funeral

At the completion of the inquest, the body of the deceased became the responsibility of the closest relative. If married, the marriage partner took responsibility, but if, as in most cases, the person was unmarried, the task fell to the closest male relative. In the absence of relatives, subscriptions were raised among the deceased's countrymen to pay for the burial. We know that in death as in life the Chinese living in Bendigo generally took responsibility for caring for their countrymen who were mostly buried in 'common' graves. In these cases, although the Chinese had not purchased a license of interment which gave ownership of the plot, they had paid a fee to open the grave.[93] Although the Cemeteries Act of 1854 mandated free burial for the poor, it was rare for Chinese to be buried in paupers' graves.[94] Clan societies also mostly took responsibility for organising the funeral though sometimes European funeral directors were responsible.[95]

The burial register of the White Hills Cemetery, the favoured resting place of the Chinese,[96] reveals that interment generally took place on the day of the inquest or the following day.[97] Many Chinese must have hoped that if they had the misfortune to die, they would eventually be exhumed and their bones returned to their families in China for permanent burial. The evidence from cemetery records shows that for most in Bendigo this was a vain hope as only a small proportion of Chinese were exhumed.[98]

Descriptions of funeral processions and actual burial ceremonies are rare, but in September 1865, the *Ovens Advertiser* reported the funeral of Loy Ty, who had hanged himself at the Chinese Village at Spring Creek. [99] About two hundred Chinese mourners attended, paying up to three pounds to charter every buggy in the district. In contrast to European custom, white is the colour of mourning in China, and the mourners all wore white hatbands.[100] From the buggy next to the hearse, paper money was distributed along the road, to benefit the soul of the departed. At the graveside rice, pork, chicken and other foods were placed in and around the grave on which lighted candles were burning. At one part of the ceremony, the assembly knelt down in prayer.[101] For Chinese in Victoria, we have enough evidence to suggest that, although simplified in form, burial ceremonies retained their importance, reinforcing the Chinese belief in the connection of the living and the dead, and the material and spiritual world, and the importance of continuing Chinese cultural practices.



Chinese Funeral Procession, nineteenth-century Bendigo (precise date unknown). Digitally created at the Golden Dragon Museum. Copyright © 2001 Bendigo Chinese Association Museum.



Robert Bruce, Chinese Rites at the Graves of their Countrymen, in *Illustrated Australian News for Home Readers*, 10 September 1872. La Trobe Picture Collection, State Library of Victoria.

Conclusion

Inquest records provide a rare opportunity to gain a personal perspective on the living and working conditions of the Chinese as well as relationships between Chinese and Europeans on the Bendigo goldfields. In some respects they show us that the things that united these first generation goldseekers were greater than the things that divided them. The Chinese worked alongside Europeans and in similar ways on the Bendigo field. They used the same tools, experienced the same dangers, the same frustrations and the same successes. Their lives and aspirations were not so very different. Whether they were English, German, American, Maori or Chinese, all dreamed of making their fortunes, all were migrants living in a harsh environment far from their homelands, and all relied on networks of friends and family to support them.

There is no doubt that the Chinese preferred to live and work together as did different groups of Europeans and that working relationships were as uncommon as personal relationships. Yet the inquest records reveal a shared humanity that saw Europeans readily respond to Chinese in distress, whether by accident, illness or poverty. In emphasising the prejudice against the Chinese, it is easy to lose sight of these everyday individual connections that tell a different story.

While the Chinese were 'protected' their freedom was more affected by the scrutiny of government than by prejudice from individuals. But all miners, both Chinese and European, experienced difficulty in dealing with unfair taxes, expensive doctors, and hospitals which were difficult for the poor to access. While the existence of prejudiced attitudes and acts should not be ignored, treating the Chinese as victims obscures the detail of their lives. Inquest records, one of the few English language sources that allow Chinese miners to speak of everyday events, make a valuable contribution to our knowledge of the lives of the first Chinese immigrants.

Endnotes

[1] I would like to acknowledge the generosity of Anita Jack, Russell Jack and the late Joan Jack of the Golden Dragon Museum, Bendigo, Carol Holsworth, Volunteer Research Officer at the Golden Dragon Museum, David Lloyd, Librarian, Bendigo Health Care Group; the staff at Public Record Office Victoria and the staff at the State Library of Victoria, in allowing me access to their research facilities to prepare this article. An earlier version of this paper was presented at the International Conference on Quong Tart and his Times, held at the Powerhouse Museum, Sydney, 1-4 July 2004.

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[10] J Ryan, *Ancestors: Chinese in colonial Australia*, Fremantle Arts Centre Press, South Fremantle, 1995; C May, 'Topsawyers: The Chinese in Cairns 1870-1920', *Studies in North Queensland History*, no. 6, James Cook University, Townsville, 1984; S Yuanfang, *Dragon seed in the Antipodes: Chinese Australian autobiographies*, Melbourne University Press, Carlton, 2001.

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- [20] A O'Donohue & B Hanson, *Where they lie: early burials on the Bendigo Goldfields 1852-1870*, Maiden Gully, 1993; White Hills Cemetery Burial Register, 1858-1880; Bendigo Cemetery Burial Register, 1858-1880. Microfilm. Goldfields Library Corporation, City of Greater Bendigo. Accessed at the Golden Dragon Museum Bendigo.
- [21] J Bomford, *The Chinese on the Bendigo goldfields*, Honours thesis, University of Melbourne, 1974, p. 22.
- [22] Between 1857 and 1862, of 34 inquests, 10 deceased were married, 8 were single, 1 was a widower and 15 were unstated.
- [23] L Pan, *Sons of the yellow emperor: the story of the overseas Chinese*, Secker & Warburg, London, 1990, pp. 43-57.
- [24] Of those who worked, there were 68 miners or puddlers, 4 storekeepers, 1 barber, 2 rag pickers and 1 beggar.
- [25] *Bendigo Independent*, 10 November 1869.
- [26] The breakdown of causes of death: natural causes (associated with disease or illness), 48 deaths; accidents, 39 deaths (31 mining accidents, 8 other accidents); suicide, 7 deaths; unknown causes, 3 deaths.
- [27] Inquests held in the Bendigo district, 1857. Digger Inquest Index. Accessed at PROV.
- [28] Resident Wardens Fortnightly Reports, Sandhurst Goldfields, PROV, VPRS 1189/P0, Unit 484, 57/D9186.
- [29] Inquests on miners in the Bendigo district, 1857. Digger Inquest Index. Accessed at PROV.
- [30] Bomford, *The Chinese on the Bendigo goldfields*, p. 22.
- [31] Inquest, Nam Quin, 20 September 1856, PROV, VPRS 24/P0, 1856/617.
- [32] *ibid.*
- [33] Inquest, Min Yok, 9 January 1861, PROV, VPRS 24/P0, 1861/12.
- [34] Report of the Royal Commission appointed to enquire into the best method of removing the sludge from the gold fields, *Victorian Parliamentary Papers*, 1859-1860, vol. 3, no. 7.
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- [36] Resident Wardens Fortnightly Reports, Sandhurst Goldfields, PROV, VPRS 1189/P0, Units 97-107; 451-537.
- [37] 'The Diggings', *Bendigo Advertiser*, 23 May 1855.
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- [39] E Clacy, *A lady's visit to the gold diggings of Australia in 1852-53*, Lansdowne Press, Melbourne, 1963, p. 56.
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- [47] *ibid.*
- [48] Inquest, He Lun, 26 September 1855, PROV, VPRS 24/P0, 1855/498.
- [49] Inquest, Ah Fee, 10 October 1864, PROV, VPRS 24/P0, 1864/803.
- [50] *ibid.*
- [51] *Bendigo Advertiser*, 25, 27, 30 March 1857, reports from Castlemaine and Ballarat.
- [52] Inquest, Un Fun Chaw, 30 June 1855, PROV, VPRS 24/P0, 1855/313.
- [53] 18 brothers, 12 cousins, 3 sons, 3 nephews, 1 father, 1 uncle, 1 wife, 1 unspecified relative.
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- [57] Inquest, Sing Oy, 4 October 1865, PROV, VPRS 24/P0, 1865/820.
- [58] *ibid.*
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- [75] Letter F Standish to Resident Warden Panton, PROV, VPRS 1189/P0, Unit 502/ 57/A7469.
- [76] Bendigo Gold District General Hospital, Admissions Registers, Books 1& 2, 1857-1866. Number of Chinese admissions per year: 1857-3, 1858-4, 1859-5, 1860-8, 1861-7, 1862-6, 1863-9, 1864-8, 1865-11.
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Court records and cultural landscapes

Rethinking the Chinese gold seekers in central Victoria

Keir Reeves and Benjamin Mountford

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Abstract

This article examines the Chinese goldseekers and the historical mining landscape of central Victoria in the context of the locality of Vaughan Springs, situated along the Loddon River in the central Victorian goldfields. The article uses a close reading of legal records and contemporary newspaper and mining wardens' reports to explore the experiences of the region's Chinese community. This approach aims to uncover both the nature of Chinese experiences on the diggings and the complexities of an emergent goldfields culture during the gold rush era. By synthesising primary source archival documents with the relic mining landscape of the Mount Alexander diggings, this article seeks out new understandings of Chinese cultural life and practice in the region.

Cultural Landscapes reflect the interactions between people and their natural environment over space and time. Nature, in this context, is the counterpart to human society; both are dynamic forces, shaping the landscapes.[1]

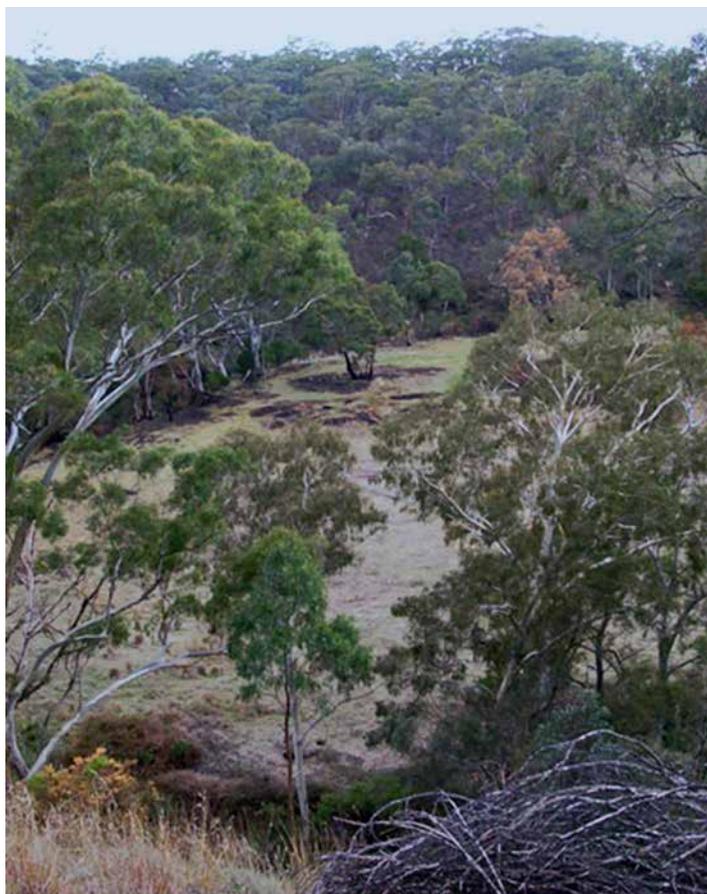


Vaughan Springs, overlooking the Loddon River. Photograph © Ben Mountford 2006.

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In August 2006 a research team from the University of Melbourne set out across country Victoria in pursuit of the Golden Dragon.[2] The purpose of the field trip was to interpret historical locations relating to the Chinese in Victoria and to evaluate cultural landscape analysis as a tool of historical inquiry. Cutting a path across the state, the group examined sites ranging from the highly interpreted *Gum San Centre* in Ararat and *Golden Dragon Museum* in Bendigo to the remnant mining landscape of Vaughan Springs and the Chinese Graveyard in the Buckland River Valley.[3]

The field trip confronted the complexities of exploring cultural landscapes and raised a number of questions that form the basis of this article. How could landscape analysis and documentary investigation be synthesised in order to reveal new historical interpretations of the colonial gold rush era? How might the group attempt to unpack distinctive landscapes set across more than a thousand kilometres of the Victorian countryside? What relationship would new cultural approaches have to the world of archival research, which participants were proposing to step outside of, both physically and conceptually?[4]

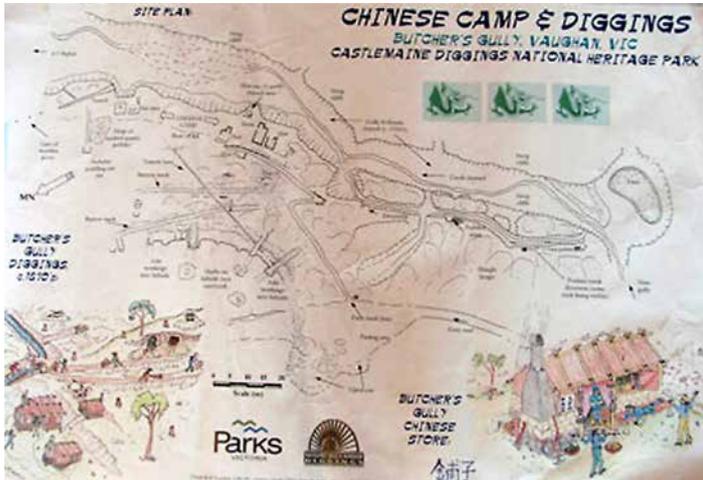


Butcher's Gully, Vaughan Springs. Photograph © Keir Reeves 2003.

The first stop on the Heritage Workshop field trip provided a reflection on established practice. Supported by the research of the Ararat Chinese Heritage Society, the *Gum San Chinese Heritage Centre* 'bring[s] to life the history of the immigrant miners of the Victorian Goldfields in the late 1800s'.[5] The centre uses historical re-enactment, interactive displays and interpretive text panels to guide the visitor through its circular exhibition space.[6] Like much of the recent historiography of the Chinese in Victoria, *Gum San* weaves together a core selection of documents and images, to reconstruct the experiences of communities and individuals.[7] In challenging the traditional omission of ethno-historical perspectives in Australian history, *Gum San* mirrors academic attempts to seek out Chinese Australians through the fragments of evidence in which colonial society documented their existence.[8]

In recent years, historians of the Chinese in Australia have sharpened their focus, directing their efforts towards more detailed investigations of communities and locales. These studies are creating new 'geographies of knowledge', which enrich our understanding of Chinese Australians and offer fresh insights to nuances and regional variations in the nature of cultural exchange.[9] The most innovative and illuminating of these histories have adopted complementary approaches, synthesising traditional archival research, material culture studies and spatial investigations. Constructing 'ethnographic collage[s]', these works marry rigorous documentary analysis and cultural investigations to fashion new and evolving historical methodologies.[10] These advances in Chinese-Australian history as a discipline have pointed to a number of avenues for the exploration of Victoria's relic mining landscapes and the Chinese on the diggings.

A tangible and immediate expression of these new opportunities for investigation can be found at the Chinese village at Butcher's Gully, Vaughan Springs. [11] In the fading grey light of a winter's evening or the bright sunny haze of an August morning, Vaughan's landscape broods with a sense of significant human traffic, long since departed.[12] The tranquil bush setting which characterises the area masks a history of bustling activity, of market gardening, of produce, trade and small teams of European and Chinese diggers working in close proximity on alluvial claims.[13]



Interpretive diagram of Butcher's Gully. Reproduced with the kind permission of Mr Rob Kaufman of LRGM services and Parks Victoria.

This remnant mining landscape, dotted with evidence of prior habitation and the ruins of the Chinese village, has been gradually reclaimed by nature as human impact has waned. Despite the encroachment of the bush, however, the remains of clay jars, solid buildings, diggings and agriculture, all attest to the area's vibrant past.[14] Taking this cultural landscape and setting it as a framework for historical exploration, we can begin to unpack the complex history of this idyllic setting. Vaughan's Chinese inhabitants have left behind a network of interweaving historical trails, both paper and physical, through which it is possible to ascertain some sense of the day-to-day life of the Chinese on the Loddon. Here, a complementary approach that considers impressions left in both the landscape and the archive facilitates the development of a more complex history of the Vaughan Chinese than would otherwise be possible. [15]

Given the diversity of questions and the selection of sources available for studies of the Mount Alexander diggings in general and Vaughan in particular, the most useful approach for this article is to utilise different but overlapping methodological approaches.

This article uses a number of alternative sources of information to develop an historical account of the Chinese on the Mount Alexander diggings during the second half of the nineteenth century. There are the conventional archival records that consist mostly of government edicts and newspaper articles that largely focus on court summaries.[16]

There are a number of archival series that have not been previously examined, consisting mainly of unpublished locally-produced histories, contemporary locally-printed anti-Chinese pamphlets, land files and council records.

This information is of a high quality but is limited in quantity. This is particularly true when seeking a more sophisticated understanding of the goldfields Chinese in Victoria, a group who seemingly disappeared into the historical ether according to existing histories of the diggings and conventional modes of historical enquiry. This omission is compounded in the broader community where the common understandings may include a simplistic description of the nineteenth-century Chinese, notwithstanding the efforts of organisations such as the *Museum of Chinese Australian History* in Melbourne, the *Golden Dragon Museum* in Bendigo, the *Gum San Chinese Heritage Centre* in Ararat and the *Chinese Heritage of Australian Federation Project*. [17]

The objective of our approach is to reconcile competing sources into a cohesive methodology that presents the reader with a multiplicity of linked approaches with which they can interpret the history of the Chinese in and around Vaughan. A particularly useful government source is the historical survey maps of the Victorian Geological Survey; these reveal a great deal of cadastral detail for the nineteenth century, particularly in regard to the southern regions of the diggings.[18] Information regarding land usage and cultural meaning embedded within the cultural landscape complements the information gleaned from geological maps and the archival records. In seeking out new understandings, we have set out to synthesise these different historical sources in order to construct a more comprehensive historical account.

In doing so, this paper also aligns itself with more recent attempts to weave together Chinese-Australian histories from surviving, but often disjointed, shreds of documentary evidence.[19] This approach has enabled historians to move beyond a history built around faceless statistics to a more meaningful expression of individual and collective experience.[20] It has also facilitated a more sophisticated exploration of Chinese communities and the multi-dimensional lives of some key characters.[21] In these histories, court documents and records generated in the dispensation of colonial justice provide valuable source material.

Police court records offer the researcher the ability to examine long-term trends relating to Chinese involvement in petty crime, to interrogate assumptions about relations with police and the wider community and to piece together the circumstances of repeat offenders.[22] Criminal trial briefs for capital crimes often contain statements translated and transcribed directly from Chinese-speaking prisoners and witnesses, as well as information on the community and lifestyle of the defendant and victim.[23]

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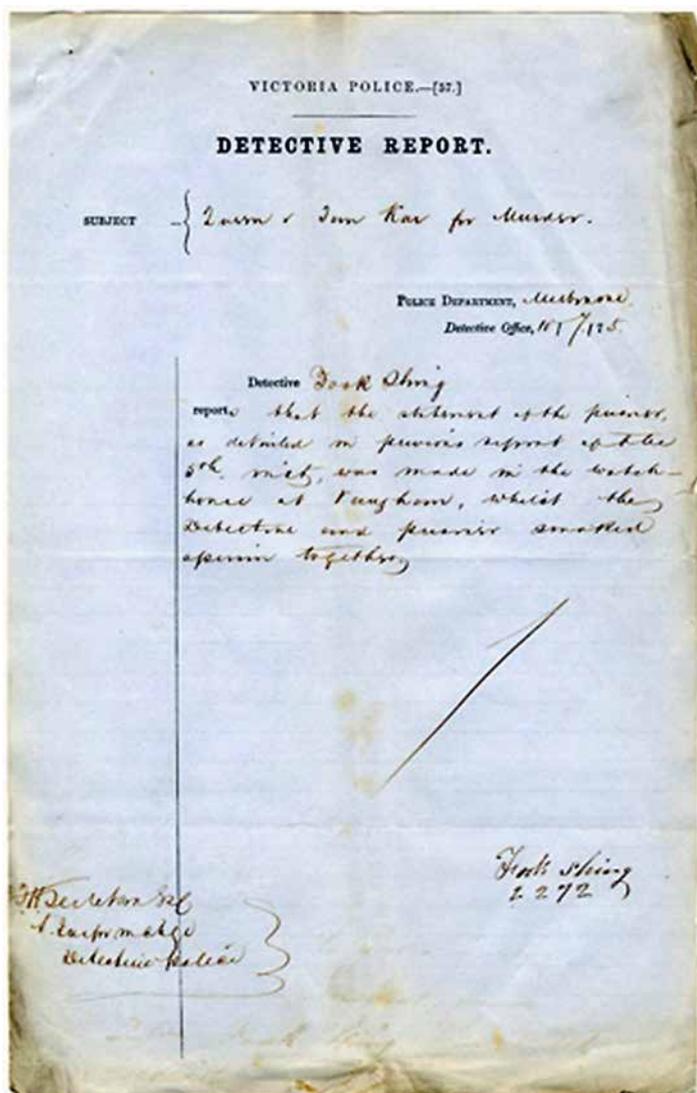
In addition, both sources shed light on the boundaries of acceptable behaviour and express regional variations in the frequency and character of court proceedings.[24] Archival research into the Chinese at Vaughan suffers from a dearth of court sources. The records of the Vaughan police court have apparently been destroyed and the documents which survive from the only capital case involving two Chinese at Vaughan are fragmentary. [25] Despite these limitations, however, there are avenues of exploration relating to the maintenance of law and order which complement an analysis of the remains of Vaughan's Chinatown.

On 30 August 1875 An Gaa (sometimes Ah Gaa, sometimes Tan Kar), a Chinese miner who had arrived in Victoria from Canton Province in 1857,[26] went to the gallows in Melbourne Gaol having been found guilty of the murder of Pouey (sometimes Povey) Waugh.[27] A dramatic murder case in which Vaughan Chinese were cast as both defendant and victim, *The Queen vs An Gaa* received significant attention in the local press and in the Melbourne newspapers.[28] While the surviving case records are disjointed and incomplete, the evidence that remains does offer a glimpse into the day-to-day life of An Gaa and his companions at Vaughan before their relationships took a more sinister turn. From the statement provided by Chinese detective Fook Shing[29] and through contemporary newspaper accounts, we can discern that An Gaa shared a windowless bark hut with his mate Pouey Waugh.[30] The pair slept on simple bunks consisting of 'forked saplings let in the ground [with] a cross sapling put in the forks and a few boards lying on them; these being covered with straw'.[31] This form of dwelling was seemingly the norm for the Vaughan Chinese in the 1870s. The *Mount Alexander Mail* (the most extensive local chronicle of diggings life) described the village near the junction of the Loddon and Fryers creek as consisting of a series of bark huts and a stone-built store.[32] An Gaa had discovered what Fook Shing surmised as a reasonably profitable claim[33] and allowed Pouey Waugh and two other mates, Ah Chew and Ah Ho, to work on the claim for a ten per cent commission on all gold they found. [34] For obvious reasons of security and convenience, An Gaa had established his home in close proximity to his claim, so close that as he lay in bed on his day off he could hear his mates washing gold outside.[35] This description of Chinese miners on the Loddon working together in groups of three to five and cohabiting in pairs corresponds with the living arrangements described in the trial of Ah Pew from nearby Glenluce some five years earlier.[36]



The Chinese village at Central Springs near Vaughan. Photograph © Ben Mountford 2006.

The layout of the ruins of the Chinese village at Vaughan as they exist today reaffirms the cultural life and practices described in the court documents above. Ruins at the site might be described as the remains of small dwellings (principally the foundations of walls and the hearth), just large enough for comfortable twin or triple habitation, huddled in congregations along the Loddon. A site survey of the Chinese village reveals remnant water course systems,[37] disused shafts and scattered mounds of discarded debris all occurring in close proximity to the structures that have been unearthed. Also scattered through the area, though concentrated near structural ruins, are botanical records of Chinese habitation such as wild spring onions.[38] By immersing ourselves in these aspects of the archaeological record, the researcher can begin to explore a history beyond statistics and figures.[39] Visiting the village at twilight one hundred and thirty years after An Gaa described his day-to-day life to Fook Shing, it is not difficult to visualise the contemporaries of An Gaa and Pouey Waugh going about their daily business. Working together side by side on the claim during the day, vulnerable to all the usual frictions and jealousies that come with financial inequity and shared workspace, they would return home together to complete domestic duties, prepare a cooked meal and collect enough firewood to stave off the cold of the Victorian winter.[40] The weary miners would then smoke a few pipes of opium and retire before resuming their labours the following morning. [41]



Report of Detective Fook Shing 10 July 1875. Called from Melbourne to investigate the murder of Pouey Waugh, Chinese Detective Fook Shing took An Gaa's original statement while the two smoked opium together in the police watch house at Vaughan. PROV, VPRS 30/PO Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875.

In addition to unveiling these more intimate aspects of life on the Loddon, the documentary fragments which emerge in *The Queen vs An Gaa* also shed light on communal impact on the cultural landscape at Vaughan. Interpretation of scattered Chinese pottery remnants, for example, is more achievable with reference to the accounts of men like Ah Hung and his contemporaries.[42] A witness at An Gaa's trial, Ah Hung was a storekeeper at Vaughan who in addition to providing regular consumables distributed Chinese medicine to members of the community along the Loddon.[43] At least one of Ah Hung's patrons had also offered his custom to the Campbell's Creek store

belonging to Shee Toy and to the hawker Fong You. This suggests the existence of reasonably sophisticated and competitive commercial culture in the area.[44] This suggestion is reaffirmed by the range and variety of clay vessel fragments discovered across a wide area of the Vaughan Springs site. In a similar vein, unpacking elementary remains of weirs and crossing points on the Loddon and its tributary creeks, can be enhanced when considered in tandem with the brief textual glimpses we find of men like Sing Lee. According to the *Mount Alexander Mail*, Sing Lee, a miner whose hut lay near the junction of the river and Kangaroo Creek, had established a simple creek crossing made of planks which could be utilised by members of the community, but which he monitored and maintained on their behalf.[45]

Following this complementary approach, using archival records to populate a reading of the cultural landscape, life for the Chinese at Vaughan seems romantically rustic, yet at times bustling and complicated.[46] Surrounded by a number of smaller Chinese enclaves, Vaughan Chinatown was an obvious point of social interaction as well as trade within the Chinese community.[47] But Vaughan was undoubtedly also the scene of great hardship. By 1870, after the final burst of gold rush activity in central Victoria, both the number of Chinese in the colony and those employed in mining had significantly declined.[48] Those who remained often lived a life of precarious economic survival, banding together in small groups with little community support.[49] Reverend Young's 1868 report into *The Chinese Population in Victoria*, had found 'Chinese miners hav[ing] very hard times of it ... some barely earn[ing] their food, and some get[ting] nothing'.[50] What evidence might be found to take us beyond Young's stereotypical depiction of the shabby Chinese miner, eking out a living from the already well picked over soil? It is the impressions of everyday life written in both the landscape and in the records that speak to the more complicated realities of life at Vaughan after the rush.

On 31 August 1875, the day after An Gaa had been buried within the walls of Melbourne Gaol,[51] *The Castlemaine Representative* published a piece titled 'Castlemaine As It Is [From an outsider's point of view]'. Having not visited the area since 1852, 'The Outsider' gave his account of the region:

I must confess I hardly expected such changes. I could not recognise the place at all ... If any one at all was at work [on the diggings] it was only a few Chinese, who, judging by their wretched appearance must be scarcely obtaining enough to keep body and soul together.[52]

While these sorts of accounts may have included reference to the Chinese on the Loddon, few records have been uncovered which specifically speak of the hardships experienced by the Chinese at Vaughan. One collection of readily available sources which reflect the more extreme cases of adversity are the inquest records held at Public Record Office Victoria. Between 1857 and 1890 the deaths of sixty-six inhabitants of Vaughan were subject to inquest.[53] In thirty-eight of these cases the deceased was either explicitly classified as Chinese or had a name that suggests Chinese heritage.[54]

Unsurprisingly, the inquest records for Vaughan reveal that the hazards associated with mining were the most common cause of death for the period. Eleven of the thirty-eight Chinese deaths were caused by mining accidents such as 'fall of earth' and another six were attributed to respiratory problems. Five deaths in this period were attributed to either causes unknown or 'debility'. The remaining inquests document some extreme instances of more general hardships experienced in the Chinese village. These include starvation and malnutrition (two cases); suicide (three cases); gastrointestinal problems (three cases); heart disease (three cases); drowning (two cases); severe burns (one case); ruptured bladder (one case); and, in Pouey Waugh's case, murder.[55] Future examination of these individual records may open new pathways of analysis and help facilitate the development of a broader cultural history of the region.[56]

While inquest records suggest that life for the Chinese on the Loddon could be difficult, other documentary sources hint at the dynamics of cultural interaction which took place at Vaughan. It should be noted that cultural exchange on the diggings was typified by misunderstandings on all sides. These included the perceptions of Chinese, many of whom regarded the European miners pejoratively as barbarians — inferior and uncivilised.[57] The close-knit social relations amongst the Chinese communities in some instances precluded the need to engage with the broader community.[58] These close ties were maintained in Victoria by membership of community organisations such as the See Yup Society that reinforced kinship and provided important social welfare and cultural events.[59]

As Goodman has noted, what both humanitarian and racist Europeans found unacceptable was not 'any particular set of practices and beliefs, but the threat they saw in a self-contained community, one which was not open to the enquiring, judging, governing gaze of the community'.[60] The grass roots actualities of land holdings, business links and personal relationships contradict this, the Mount Alexander diggings' Chinese being widely engaged with the broader community.

Notwithstanding this situation, it could be argued that the arbitrary and ultimately unsuccessful separation of the Chinese from the broader mining group was conceived and implemented by the colonial authorities and prior to this and afterwards Chinese and Europeans cohabited within certain areas of the diggings.

This contact between Europeans and Chinese was complicated and governed by proximity and interdependence. Antagonism and racism played a part, 'but this racism was challenged by the close-knit circumstances of daily life'.[61] On 30 March 1864 *The Mount Alexander Mail* acknowledged the importance of Chinese market gardeners in ensuring adequate food supplies.[62] Evidence of the interweaving of European and Chinese lives along the Loddon is scattered throughout the archive. In 1870, at the trial of Ah Pew from Glenluce, it emerged that the prisoner had been for years supplementing his mining income by doing odd jobs for local Europeans. Not only did Ah Pew and his mates speak very good English, but he was described by several European witnesses during his trial as being of 'good character'.[63] This type of cultural interaction is often overshadowed by newspaper hyperbole emphasising racial tension and taking the arbitrary line that goldfields Chinese were separated by language and therefore occupied 'an isolated position in the community'.[64] Conversely, it seems that contact could be fairly common, affable, and was not necessarily based on impersonal commercial exchange.[65] Heather Holst's analysis of the police court records for Castlemaine, Fryerstown and Chewton suggest that despite obvious instances of prejudice, Chinese men could expect a certain degree of fairness when appearing at court in the region and were at times supported by their European neighbours in resisting legal injustices.[66]



Petition from 'the Inhabitants of the Police District of Vaughan'. PROV, VPRS 1192/PO Petitions, Unit 45.

While sadly a similar investigation at Vaughan has been rendered impossible by the apparent destruction of police court records, one rare archival document that has survived is the 1872 petition from 'the Inhabitants of the Police District of Vaughan'.^[67] Stretching over three metres long, this beautifully preserved document captures community resistance to a proposal to reduce the number of local constables from two to one. The petition might be read on a number of levels. Most immediately it is an outpouring of local concern at a perceived bureaucratic bungle made in Melbourne which would 'undermine the police protection afforded for about fourteen years'.^[68] But in addition to this, the document is an expression of the paranoia suffered by some of Vaughan's European residents about a lurking evil, which might engulf the area should police presence be halved. Both registering a grievance and offering an introduction to the district, the memorialists began their petitioning of the Chief Secretary with a description of the area:

The said district contains an area of twenty square miles with a population of 2500. It is essentially a gold mining district with an unusually large number of Chinese — and fifteen public houses scattered throughout the district.^[69]

Committee Secretary WH Wilson, having obtained over ten pages of signatures and resolutions of support from the Shire Councils of Newstead and Mount Alexander, warned the Chief Secretary that:

Your memorialists are fully convinced that it would be unreasonable to expect a single policeman to preserve the peace, order and security of the district and that should the reduction be carried into effect it will so embolden the evil disposed who have hitherto been kept in check, that a very large increase of crime must inevitably ensue.^[70]

It is not explicit but there is a suggestion in the tone of the document that a significant proportion of the 'evil disposed' might be Chinese. The size of the district and the 'unusually large number of Chinese' are presented as demonstrating the need for two dedicated constables. Memorialist insecurities, however, are multi-dimensional and go beyond racist suspicion. The landscape around the site of the Chinese village at Vaughan, while beautiful, is rugged and unyielding. Steep gullies, inaccessible river banks and cliffs define the topology of the area along the Loddon River.^[71] In addition to a nervousness about the underlying character of their Chinese neighbours, the petitioners also express an anxiety about their natural surroundings:

The difficulty of access to many of the gullies and ranges of the district, which formerly afforded a favourite resort to many lawless persons — there has lately been a remarkable freedom from offences in the district due apparently to the work of the two constables in the prevention as well as the suppression of crime.^[72]

The landscape of the district is cast as conducive to wrongdoing. To the residents represented in the petition, active policing kept at bay the 'evil disposed' in the community and countered a propensity to evil written in the landscape itself. Visiting the ruins of the Chinese village at Vaughan today and standing in the sheltered gully along the Loddon, surrounded by fast falling shadows, it is tempting to speculate from the remains of closely huddled dwellings that the Vaughan Chinese shared this apprehension about their natural surroundings with their European neighbours.^[73]

If the 'Petition of the Inhabitants of the Police District of Vaughan' embodies a certain set of community anxieties, a more sophisticated glimpse into local race relations in the 1870s is facilitated via a close reading of a sequence of dramatic events that took place in November 1874. At two o'clock in the morning of 11 November, Vaughan's residents awoke to an extensive fire which had broken out at Richards' wholesale and retail store. A local reporter was soon on the scene. The next day his gripping eyewitness account appeared in *The Mount Alexander Mail* and was also picked up by *The Argus*:

The flames spread with a rapidity which it was impossible to check ... many willing hands presented themselves, for all the residents were aroused from their slumbers, but to do more than guard against loss of life was utterly impossible.^[74]

As residents accounted for each other, unable to subdue the raging fire, flames leapt via the timber yard adjoining to the Chinese Camp, which consisted of about thirteen closely packed wooden structures:

About three or four tons of rice were dragged from ... Ah Jack's and put on the bridge leading across the stream to Tarilta, but even at that distance it was only kept from smouldering by applying wet blankets. The Chinese from the first exhibited their belief in fatalism, by merely saving themselves, and standing outside in the road chatting and gesticulating. An attempt was made by the Europeans to save a little of their property, but the attempt was futile — each house, with the exception of one Chinese store, being of flimsy weatherboards.^[75]

That the Europeans on the scene attempted to save the Chinese village suggests the existence of a functioning interracial community at Vaughan, which the reporter, in moralising on Chinese depravity, failed to register. The invective against the Chinese and their homes 'so small that no one could venture into them for the stench of burning oil, opium, and worse', can't eclipse the image, albeit glancing, of Europeans at Vaughan attempting to save the property of their Chinese neighbours against the dramatic backdrop of a shared local tragedy.^[76]



One section of the petition of 'the Inhabitants of the Police District of Vaughan'. PROV, VPRS 1192/P0 Petitions, Unit 45.

Similarly, the financial fallout of the fire impacted on European and Chinese store owners alike. Mr Richards' £1,100 insurance policy would not nearly cover the damage done while storekeeper Ah Jack was insured for just over £500.[77] The unfortunate Gun Yeck, a Chinese man who had recently married, 'lost £43 in notes, and such was his suicidal desperation', that he wished to remain in the house, and had to be dragged out by his hair by the Europeans.[78] Regardless of their race, residents were faced with the prospect of disaster, the loss of a home and in some cases a livelihood. Parts of Vaughan had completely gone up in smoke and it is not hard to visualise the chaos of the scene on that spring morning as flames spread around the enclosed gully. Approximately fifteen dwellings

and all their contents were utterly consumed, 'only seven chimneys and smouldering debris mark[ing] the spot where a very considerable portion of Vaughan [once] stood'.[79] Rather than offer consolation or support from a distance, 'to the extent of their ability, the [European] residents accommodated the Chinese temporarily, and many ... found refuge in the concert-room at Belot's Hotel'.[80]

This sense of an interracial community at Vaughan is reflected in the experiences of the Chinese-European Hoyling and Jacjung families. Associated with the township for much of the second half of the nineteenth century, members of these two families were deeply involved in a range of local activities.[81] Ham Hoyling, a storekeeper, hotelier and market gardener, and Lee Heng Jacjung, an interpreter, businessman and market gardener, prospered financially and as successful businessmen were integrated into the European community.[82] Their stories reinforce the view that personal connections and local cooperation often challenged more general undercurrents of racial prejudice and exclusion. As one local historian, drawing on his own childhood memories, has pointed out, despite an exodus of Chinese miners following the rush, 'some of the diggers stayed on to live on the goldfields after the gold had finished, and remained there until their final rest'.[83] Those who remained in the southern reaches of the Mount Alexander diggings, in and around Vaughan, continued as integral members of the community until the early twentieth century.[84]

A year after the blaze which had devastated the Chinese village, the scourge of fire once again returned to Vaughan. This time, however, in an act of spectacular bravery, a constable by the name of King plunged into the river and facing grave personal danger cut down the fences which would have led the fire to the rebuilt Chinese village.[85] We would speculate that these were not the actions of a man just doing his duty. A European policeman seriously risking his life to save the homes of his recently devastated Chinese neighbours speaks more of common experience, shared lives and a sense of community in times of adversity than of frontier chauvinism and racial division. As more of these vignettes about Vaughan town life are unearthed, the population of the cultural landscape and the subsequent unveiling of a history of the Chinese at Vaughan through complementary methods of historical inquiry will hopefully continue.

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These local impressions and the links between them offer the opportunity to enrich Chinese-Australian histories and complement available archival records from the bottom up.[86] The history of the Chinese on the Loddon is clearly complex and sophisticated. An attempt to uncover hidden histories at Vaughan demonstrates how new avenues of exploration emerge when cultural landscape analysis and traditional research are employed in tandem. This complementary approach promises new insights and understandings for historians in search of the Chinese experience on the central Victorian goldfields. A key purpose of the article has been to reinstate the Chinese into local histories of the Mount Alexander diggings. The main thrust has been to emphasise the multifaceted nature of cultural life on the diggings. By teasing out this cultural complexity and explaining it in conjunction with other approaches to understanding the era, it is possible to present a more balanced and layered impression of the Chinese on the diggings during the nineteenth century.

Endnotes

[1] B von Droste, H Plachter and M Rössler (eds) *Cultural landscapes of universal value*, Gustav Fischer, Jena, Germany, 1995, p. 15.

[2] This field trip was undertaken as part of 'Chinese Heritage Workshop', a University of Melbourne fourth-year history seminar.

[3] F Links and S Lawrence, 'Geophysical investigation of a 19th century Chinese cemetery, Buckland, Victoria' University of Tasmania, Hobart, and La Trobe University, Melbourne, 2004, pp. 2-3.

[4] B Mountford, Field notes in possession of the author, Ararat, 18 August 2006.

[5] 'History', taken from the Gum San Chinese Heritage Centre website, <http://www.gumsan.com.au/index.php?id=story> (accessed 26 October 2006).

[6] Mountford, Field notes in possession of the author, Ararat, 18 August 2006.

[7] *ibid.* Sources at the Gum San Chinese Heritage Centre, Ararat, include illustrations, newspaper excerpts, photographs and written documents.

[8] For an exploration of the position of ethno-historical perspectives in Australian history, see B York, *Ethno-historical studies in a multicultural Australia*, Centre for Immigration & Multicultural Studies, Canberra, 1996, p. 27. Graeme Davison and David Dunstan discuss approaches to fragmentary and distorted sources in G Davison and D Dunstan, 'This moral pandemonium: images of low life', in G Davison, D Dunstan & C McConville (eds) *The outcasts of Melbourne: essays in social history*, Allen & Unwin, Sydney, 1985, p. 23.

[9] A McKeown, 'Introduction: the continuing reformulation of Chinese Australians', in *After the rush: regulation, participation, and Chinese communities in Australia 1860-1940*, *Otherland Literary Journal*, no. 9, 2004, p. 6.

[10] J Lydon, *'Many inventions': the Chinese in the Rocks, Sydney 1890-1930*, Dept. of History, Monash University, Clayton, 1999, p. 67.

[11] Located approximately ten kilometres south of Castlemaine, the township of Vaughan was surveyed and proclaimed in 1856, three years after gold was first discovered in the area. By 1857 the population had reached two thousand with a significant proportion of Chinese males. An extensive artificial water supply system had been constructed to serve the mines by the 1870s though in 1891 Vaughan's population had fallen to twenty-four. See 'Vaughan, Vic.' on the eGold website at <http://www.egold.net.au/biogs/EG00254b.htm> (accessed 3 March 2007).

[12] B Mountford, Field notes in possession of the author, Vaughan Springs, 18-19 August 2006.

[13] K Reeves, 'A hidden history: the Chinese on the Mount Alexander diggings, central Victoria, 1851-1901'; PhD thesis, University of Melbourne, 2005.

[14] Mountford, Field notes in possession of the author, Vaughan Springs, 18-19 August 2006.

[15] For a discussion of the importance of material culture studies and historical archaeology as a supplement to archival research in Chinese-Australian studies, see RI Jack, 'Contribution of archaeology', in J Ryan (ed.), *Chinese in Australia and New Zealand: a multidisciplinary approach*, Wiley Eastern, New Delhi, 1995; Lydon, *'Many inventions'*, pp. 19-24.

[16] Most of the records are located at Public Record Office Victoria and many are duplicated at the Castlemaine Historical Society. The most extensive newspaper holdings are located at the State Library of Victoria. One notable publication about the Castlemaine Chinese using legal records is H Holst, 'Equal before the law? The Chinese in the nineteenth-century Castlemaine police courts', *Journal of Australian Colonial History*, vol. 6, 2004, pp. 116-17. Andrew Markus and David Goodman, along with many local historians, have extensively used the *Mount Alexander Mail* and other local newspapers.

[17] See for example 'The Chinese Museum tenth anniversary issue 1985-1995', *The Journal of the Museum of Chinese Australian History*, no. 1, 1995. The main Chinese-Australian museums and heritage centres in Victoria are the Bendigo Chinese Association *Golden Dragon Museum*, the *Gum San Chinese Heritage Centre* at Ararat, the *Beechworth Chinese Cultural Centre* and the *Museum of Chinese-Australian History* in Melbourne. Additionally, a number of studies and resources have been produced by 'The Chinese Heritage of Australian Federation Project', a joint initiative of La Trobe University, the Chinese Museum and Shanghai's East China Normal University.

[18] Department of Crown Lands and Survey Victoria, 'Vaughan Map', Melbourne, 1972. These maps detail the extent, value and ownership of land for taxation purposes. A number are located within the PROV Historic Plan Collection, PROV, VPRS 8168 Historic Plan Collection.

[19] Keir Reeves has recently reconstructed the story of James Acoy from these sources in K Reeves, 'Goldfields settler or frontier rogue? The trial of James Acoy and the Chinese on the Mount Alexander Diggings', *Provenance*, no. 5, September 2006. Key PROV records utilised include the series VPRS 30 Criminal Trial Briefs, VPRS 515 Central Register of Male Prisoners, and VPRS 937 Inward Registered Correspondence. See also K Wong-Hoy, 'Thursday Island en route to citizenship and the Queensland goldfields: Chinese Australians and naturalised British subjects, 1879-1903', *Journal of Australian Colonial History*, vol. 6, 2004, pp. 159-74.

[20] P Fass, 'Cultural history and social history: some revelations on a continuing dialogue', *Journal of Social History*, vol. 37, no. 1, 2003, p. 39.

[21] Reeves, 'Goldfields settler or frontier rogue?'; R Travers, *Australian mandarin: the life and times of Quong Tart*, Kangaroo Press, Kenthurst, 1981.

[22] Holst, 'Equal before the law?', pp. 116-17; G Presland, 'Detecting Chinese crime in nineteenth-century Victoria', in J Ryan (ed.) *Chinese in Australia and New Zealand*.

[23] K Reeves, 'A songster, a sketcher and the Chinese on Central Victoria's Mount Alexander diggings: case studies in cultural complexity during the second half of the nineteenth century', *Journal of Australian Colonial History*, vol. 6, 2004, p. 2.

[24] Holst, 'Equal before the law?', pp. 116-17.

[25] *ibid.* Holst discovered during her research that the Vaughan police records had been destroyed many years earlier. We discovered during our own investigations that only a limited number of disjointed records relating to 'The Queen vs An Gaa' have survived in An Gaa's criminal trial brief, PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875. For the researcher this contrasts with the dramatic 1870 Castlemaine murder trial of Chinese defendant, Ah Pew, for which extensive documentation is held in this series at PROV. Additionally, An Gaa's capital case file is not listed in PROV holdings for 1875 (PROV, VPRS 264 Capital Case Files) and the inquest into victim Pouey Waugh's death was seemingly not filed with An Gaa's criminal trial brief (as was usually the case for the period 1840 to 1950, when an inquest resulted in criminal charges being laid (PROVguide 71: Courts and Criminal Justice – Inquest Records). A coroners' slip 'Proceedings of Inquest held upon the Body of Poosey [sic] Waugh, Vaughan' indicating that an inquest did take place, can be found at PROV, VPRS 24/P0 Inquest Deposition Files, Unit 333. An Gaa does have a prison record in PROV, VPRS 515 Central Register of Male Prisoners, Unit 22, An Gaa; the first 'Register of Decisions on Capital Sentences' book PROV, VPRS 7583/P1 Register of Capital Sentences, Unit 1; and his own inquest can be located at PROV,

VPRS 24/P0 Inquest Deposition Files, Unit 329. Brief reference to the trial and surrounding events can also be found in a number of diverse series such as PROV, VPRS 937/P0 Inward Registered Correspondence, Unit 190, Bundle 1, no number, 'Detective Report: Detective Fook Shing Travel expenses, Re: Murder at Vaughan, 2/7/75.'

[26] *Argus*, 31 August 1875.

[27] PROV, VPRS 515 Central Register of Male Prisoners, Unit 22, An Gaa.

[28] The case appeared in the *Argus* eight times according to the *The Argus Index*, available at <http://www.nla.gov.au/argus/> (accessed 20 September 2006).

[29] The statement was taken in the watch-house at Vaughan 'whilst the detective and prisoner smoked opium together'. Report of Detective Fook Shing, 10 July 1875, PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875. Fook Shing was the longest serving Chinese detective in the Victorian Police Force (1868-1886), see G Presland, 'Chinese detectives', *Journal of Police History*, 1994, p. 51. Presland argues elsewhere that 'The department was more easily able to acquire the necessary evidence through the involvement of a Chinese detective', G Presland, 'Chinese, crime and police in nineteenth-century Victoria' in *Histories of the Chinese in Australasia and the South Pacific*, P Macgregor (ed.), Museum of Chinese Australian History, Melbourne, 1995, p. 379.

[30] *Mount Alexander Mail*, 20 July 1875.

[31] *ibid.*

[32] *Mount Alexander Mail*, 11 November 1874.

[33] Statement of Fook Shing, 5 July 1875, PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875.

[34] Statement of Charles Hodges, Chief Chinese Interpreter, 13 July 1875, PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875.

[35] *ibid.*

[36] PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 370, Castlemaine Circuit Court, Case number 2 of April 1870.

[37] The most prominent is Moyle's Race built using Chinese and European labour. Today this race forms much of the walking trail of the Vaughan Springs area. See RA Bradfield, 'A bush walk from Vaughan Springs', in *Bradfield Family Collection*, Vaughan, circa 1970, p. 5.

[38] M Amos 'Appendix C: historical sketch of the Fryers Creek goldfields', Melbourne circa 1887, in K Reeves, 'A hidden history'. See also K Reeves, 'Historical neglect of an enduring Chinese community', *Traffic* no. 3, 2003, pp. 62-3; Z Stanin, 'From Li Chun to Yonh Kit: a market garden on the Loddon 1851-1912', *Journal of Australian Colonial History*, vol. 6, 2004, pp. 25-6.

- [39] Jack, 'Contribution of archaeology', pp. 21-22.
- [40] PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875. Fook Shing's and Charles Hodges' statements list some of the day-to-day activities mentioned by An Gaa as having happened in the course of the days leading up to Pouey Waugh's murder.
- [41] Statement of Fook Shing, 5 July 1875, PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 462, Castlemaine Court of Assize, Case number 1 of July 1875. When asked if he was ill by Fook Shing, An Gaa replied: 'I have the opium habit very bad and I am cold'. An Gaa also informed Fook Shing that Pouey Waugh was in the habit of smoking several pipes of opium before going to sleep.
- [42] Mountford, Field notes in possession of the author, Vaughan Springs, 18-19 August 2006.
- [43] *The Castlemaine Representative*, 20 July 1875. Ah Hung's customer base must have extended over a sizeable area as it took Pouey Waugh at least half an hour to walk to the store.
- [44] *The Castlemaine Representative*, 20 July 1875. Material culture, court records and commercial interaction at Vaughan are also examined in Stanin, 'From Li Chun to Yonh Kit', pp. 15-34.
- [45] *Mount Alexander Mail*, 20 July 1875.or failed to maintain. At the trial of An Gaa, Sing Lee admitted heavy rain had recently washed the bridge away. Having not replaced it, he watched as the unfortunate Pouey Waugh waded across the creek where the planks had been.
- [46] This approach draws on the methodology of Henry H Glassie, *Passing the time in Ballymenone: culture and history of an Ulster community*, University of Philadelphia Press, 1982, pp. 793-4.
- [47] Reeves, 'A hidden history', p. 189.
- [48] L Boucher, *Unsettled men: settler colonialism, whiteness and masculinity in Victoria 1851-1886*, PhD thesis, University of Melbourne, 2005, p. 53. In the decade 1861-71 the number of Chinese employed in mining dropped from 21,161 to 13,374.
- [49] K Cronin, *Colonial casualties: Chinese in early Victoria*, Melbourne University Press, Carlton, 1982, p. 126.
- [50] Rev W Young, 'The Chinese population in Victoria, 1868 VPP 35' in *The Chinese in Victoria: official reports and documents*, IF Maclaren (ed.), Red Rooster Press, Ascot Vale, 1985, p. 39.
- [51] *Argus*, 31 August 1875.
- [52] *The Castlemaine Representative*, 31 August 1875.
- [53] A search of PROV's 'Digger Inquest Index' actually shows 86 inquests for the period, though only 66 records exist. This anomaly can be explained by the fact that some deceased Chinese individuals are listed twice, though their names are reversed, reflecting a wider confusion surrounding Chinese names in colonial society which is replicated official documentation. In the period up to 1 July 1986 an inquest was held if a person died suddenly, was killed, drowned, died whilst a patient, died in prison, was executed, or was a ward of the state who died under suspicious circumstances whilst in state care. PROVguide 71, Courts and Criminal Justice – Inquest Records, at www.access.prov.vic.gov.au/public/PROVguides/PROVguide071/PROVguide071.pdf (accessed 20 October 2006).
- [54] Digger Inquest Index Victoria 1840-1985.
- [55] *ibid.*
- [56] Fass, 'Cultural and social history', p. 26.
- [57] A Curthoys, "'Chineseness" and Australian identity', in A Curthoys, LN Chiang & H Chan (eds), *The overseas Chinese in Australasia: history, settlement and interactions: proceedings*, Interdisciplinary Group for Australasian Studies (IGAS) and Centre for the Study of the Chinese Southern Diaspora, Taipei, 2001, p. 21.
- [58] Cronin, *Colonial casualties*, p. 23; J Ng, 'The sojourner experience: the Cantonese goldseekers in New Zealand, 1865-1901', in *Unfolding history, evolving identity: the Chinese in New Zealand*, M Ip (ed.), Auckland University Press, 2003, pp. 10-11.
- [59] M Leong, 'The role of the See Yup Society in Melbourne and Victoria', paper presented at the Chinese Heritage of Australian Federation Conference, Museum of Chinese Australian History, Melbourne, 1-2 July 2000.
- [60] D Goodman, *Gold seeking*, Allen and Unwin, Sydney, 1994, p. 21.
- [61] Reeves, 'A hidden history', p. 108.
- [62] *Mount Alexander Mail*, 30 March 1864.
- [63] PROV, VPRS 30/P0 Criminal Trial Briefs, Unit 370, Castlemain Circuit Court, Case number 2 of April 1870. Sam Hunt (the murdered Annie Hunt's father) testified Ah Pew spoke 'very good English'.
- [64] *Mount Alexander Mail*, 24 May 1870.
- [65] AJC Mayne, "'What do you want John?" Chinese-European interactions on the Lower Turon Goldfields', *Journal of Australian Colonial History* vol. 6, no. 1, 2004; AJC Mayne, *Hill End: an historic Australian goldfields landscape*, Melbourne University Press, Carlton, 2003; Reeves, 'A songster, a sketcher'.
- [66] Holst, 'Equal Before the law?', pp. 130-31 and 135-6.
- [67] PROV, VPRS 1192/P0 Petitions, Unit 45, Petition from 'the Inhabitants of the Police District of Vaughan'.
- [68] *ibid.*
- [69] *ibid.*
- [70] *ibid.*
- [71] Mountford, Field notes in possession of the author, Vaughan Springs, 18-19 August 2006.

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[72] PROV, VPRS 1192/P0 Petitions, Unit 45, Petition from 'the Inhabitants of the Police District of Vaughan'.

[73] Mountford, Field notes in possession of the author, Vaughan Springs, 18-19 August 2006.

[74] *Argus and Mount Alexander Mail*, 11 November 1874.

[75] *ibid.*

[76] *ibid.*

[77] *ibid.*

[78] *ibid.*

[79] *ibid.*

[80] *ibid.*

[81] Reeves, 'Historical neglect of an enduring Chinese community'. For a similar example of complex cultural exchange in Sydney see G Karskens, *The Rocks: life in early Sydney*, Melbourne University Press, Carlton, 1998; Lydon, 'Many inventions'.

[82] J Kehrer, *The Ancestral Searcher*, vol. 27, no. 4, pp. 328-33. This family history provides the best introduction to the Hoyling family and contains the most extensive information based on family holdings and archival research in Australia.

[83] V Hooper, *Mining my past: a life in gold mining*, Mount Alexander Diggings Historical Text Series, Castlemaine, 2001, p. 10.

[84] Alternatively, Chinese families moved on and established themselves in similar positions in other goldfields communities. During the late 1870s, for example, Lee Heng Jacjung and his family moved to Gippsland following the largely unsuccessful gold rushes to that region of Victoria and again established himself as a market gardener. See S Legge, 'A farm in the life of. The Department of Crown Lands and Survey Selection Files', *Gippsland's Heritage Journal*, vol. 3, no. 2, 1988, pp. 28-31; S Legge, 'Lee Hing Jacjung', Department of Crown Lands and Survey, *Gippsland's Heritage Journal*, vol. 3, no. 5, 1988, pp. 32-5.

[85] *Argus*, 5 August 1875.

[86] P Fowler, *Landscapes for the world: conserving a global heritage*, Windgatherer Press, Bollington, 2004, p. 25.

‘Made enquiries, can elicit no history of injury’

Researching the History of Institutional Abuse in the Archives

Lee-Ann Monk

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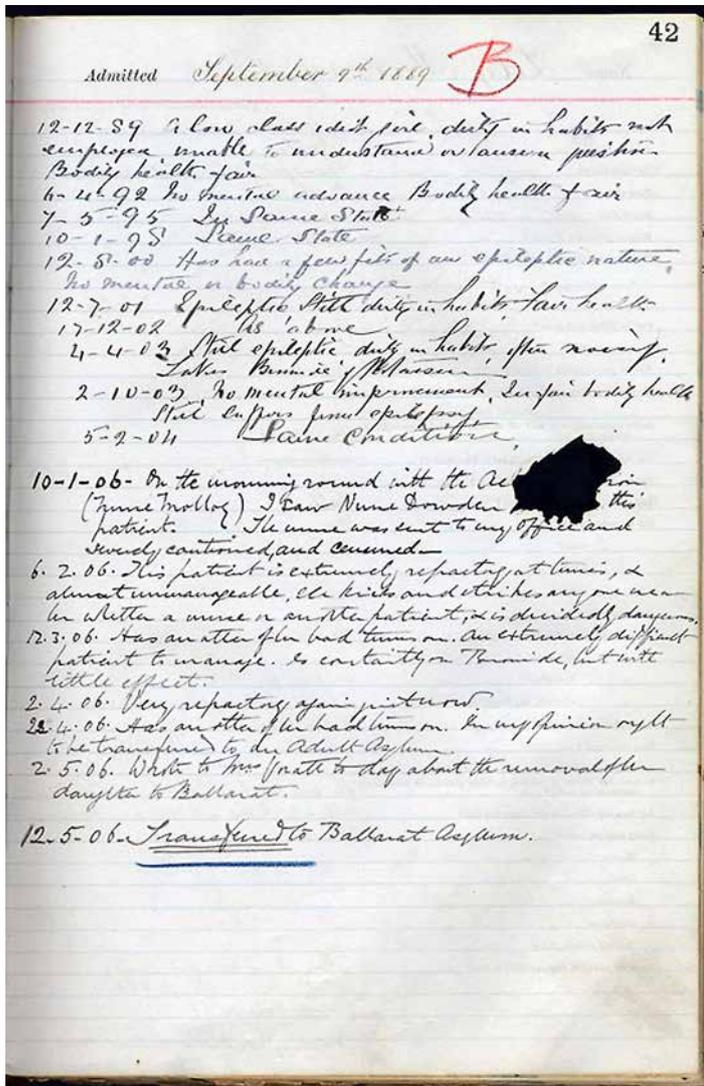
Abstract

Recent public inquiries into the policies and practices of indigenous child removal and the institutionalisation of children more generally have revealed, through the often-harrowing accounts of those who experienced it, that abuse was a significant, if hidden, dimension of institutional life. These revelations demonstrate that a full understanding of the history and legacy of past institutions requires researchers to acknowledge and investigate institutional abuse.

The purpose of this article is to show the kinds of archival records and methods researchers might use to investigate institutional abuse, in the absence of testimony from survivors or other witnesses, taking as a case study the first twenty-five years in the history of the Kew Idiot Asylum (better known in Melbourne by its later name, Kew Cottages). The article shows that, while there are limitations to what we can now know, it is possible to see behind contemporary public assurances that all was well and discover the existence of institutional abuse, the forms it took, the circumstances in which it occurred and understandings of it within a particular institutional world.

Readers should be aware that the language used in the late nineteenth and early twentieth centuries to describe people with intellectual disability is now highly offensive. While acknowledging that this is so, this article retains the use of contemporary terms because they are revealing of past attitudes to, and understandings of, intellectual disability. Use of such terms has, however, been minimised where possible. The author would also like to stress that she does not share the assumptions the contemporary language expresses. The names of all patients and their families in this article are pseudonyms.

On 10 January 1906, the Senior Medical Officer at the Kew Idiot Asylum, Dr AA MacFarlane, was on his usual ‘morning round’ of the institution when he came upon Nurse Dowden assaulting patient Gwen Evans.[1] MacFarlane recorded the incident in Gwen’s case history, where it stands as a rare example of a documented instance of abuse. The exact nature of the assault he witnessed remains unclear, however, because an inkblot obscures significant parts of the entry. The difficulty of knowing exactly what happened in this instance is emblematic of the methodological and interpretative problems of researching abuse from archival sources. Despite these difficulties, such research is crucial to understanding the history and legacy of institutions. Abuse was a significant, though often hidden, aspect of institutional life, as the frequently harrowing stories of people who lived in institutions reveal.[2]



A page of the case history of Gwen Evans featuring the inkblot. PROV, VPRS 7419/P1, Unit 1, 10 January 1906, p. 42.

The purpose of this article is to show the kinds of archival records and methods researchers might use to investigate institutional abuse in the absence of such testimony and what these can (and cannot) reveal about a particular institutional world. It uses as a case study the first twenty-five years in the history of the Kew Idiot Asylum, now better known by its later name, Kew Cottages. Abuse – ill-treating or acting injuriously toward an individual – can take many forms. The focus of this article is on verbal and physical forms of ‘ill-treatment’, such as swearing at or striking patients.

Opened in May 1887, the Kew Idiot Asylum was Australia’s ‘first specialist institution’ for people with intellectual disability.[3] Dr Edward Paley, Victoria’s Inspector of Asylums, first suggested the establishment of a separate institution for ‘idiot children’ in 1875,

when fifty-four such children were living in the colony’s ‘lunatic’ asylums. (At this time people with intellectual disability were commonly referred to as ‘idiots’ or ‘imbeciles’, in part to differentiate them from ‘lunatics’, as people with mental illness were known.) In Paley’s view, establishing a distinct institution for children had several advantages: it would allow them to be separated from the ‘adult insane’ with whom they were living, a situation contemporaries considered harmful to the children’s welfare; it would create space in the overcrowded asylums for the mentally ill; and it would make it possible ‘to initiate a system of industrial training and occupation’ for the children.[4] This desire to establish ‘an institution for the care and training of feeble-minded children’ reflected the ‘positive optimism’ about the developmental potential of people with intellectual disability then prevalent.[5] However, it took until 1887 before such an institution was successfully established.

For many families, the Idiot Asylum provided a release from the physical work and emotional distress of caring for their intellectually, and often physically, disabled children. A child’s violent behaviour, particularly toward other children, was the reason some families committed their son or daughter. Others sought institutionalisation to protect their children from potential dangers. Difficult economic circumstances seem to have precipitated some admissions, while other families hoped for improvement in their child’s condition.[6]



Nicholas Caire, Idiot Asylum, Kew, c. 1900, photograph. Courtesy of the Kew Cottages Historical Society.

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Built in the grounds of the Kew Lunatic Asylum, the Idiot Asylum was administratively part of Victoria's Department of the Hospitals for the Insane (after 1905 renamed the Lunacy Department), in turn a Branch of the Chief Secretary's Department.[7] The few institutional records that survive from the Asylum's early history primarily concern the legal and medical management of patients. Among the most significant of these for a study of institutional abuse are patient case histories and the institution's Medical Journals. The administrative relationship between the Lunatic and Idiot Asylums and their position in the public service hierarchy saw the creation of a handful of other relevant records. The most useful are the books in which the Inspector-General of the Insane (the administrative head of the Department under the minister) and Official Visitors noted their visits. Prior to the 1940s, the same Visitors were responsible for inspecting both the Lunatic and Idiot Asylums and wrote their observations in a single volume. Very few of the Lunacy Department records are helpful in researching abuse in the early part of the institution's history. While the Department kept a Register of Complaints against Staff in all the asylums, the only extant volume dates from 1908. Much of the correspondence between the Asylum and the Inspector-General's office is lost. However, correspondence from the Inspector-General to the Chief Secretary and the Department's Annual Reports to parliament contain occasional references to institutional ill-treatment.

Case Books

Dr MacFarlane recorded the assault on Gwen in her case history. Legislation governing the asylums mandated the keeping of 'Case Books' in which the superintendent was to record 'the mental state and bodily condition of every patient' at admission and to keep a 'history' of the patient's 'case' while in the asylum. A record of any medical or other treatment was also required, as was documentation of the cause of death, should the patient die.[8] The assault on Gwen is one of only two instances of ill-treatment found in 386 case histories sampled from the male and female patient Case Books 1887-1906.[9] While this frequency indicates that recording was rare, it is not indicative of the actual occurrence of abuse because, as the following discussion will show, the case histories do not record all instances of ill-treatment. Nonetheless, the few examples documented are revealing of the forms ill-treatment took, the circumstances in which it occurred and institutional understandings of it.

Gwen came to Kew from the Ararat Lunatic Asylum, where her mother admitted her in 1888, aged sixteen. The Superintendent at Ararat decided to transfer her to Kew the following year because she was not improving 'mentally owing to the want of training facilities'.^[10] Her subsequent case history reveals very little about her life at Kew. In compliance with legal requirements, the first entry, made roughly three months after her admission, records the Superintendent's assessment of her mental condition and bodily health. Gwen's subsequent case notes are extremely brief and infrequent, two or three years often elapsing between entries that say little more than that her 'state' remained unchanged, until MacFarlane recorded the assault upon her.

In marked contrast to these lengthy silences, a rush of entries follows (six in the space of four months). The first in this sequence, dated 6 February 1906, describes Gwen as 'extremely refractory at times, and almost unmanageable. She kicks and strikes anyone near her whether a nurse or another patient and is decidedly dangerous'. Just over a month later, the Case Book records that Gwen had 'another of her bad turns on' and was 'an extremely difficult patient to manage'. Medication was having 'little effect'. In early April, she was said to be 'Very refractory again'. Toward the end of the month, MacFarlane noted another 'bad turn', adding that she 'ought to be transferred to an Adult Asylum'. In early May, he wrote to Gwen's mother about her 'removal' to the Ballarat Asylum. Mrs Evans apparently raised no objection because the final entry in Gwen's history records her transfer to Ballarat ten days later, a common fate for 'refractory' patients at Kew.^[11]

This sequence of entries contextualises the assault. Gwen's 'refractory' and 'unmanageable' behaviour and her violence toward other patients and staff provide clues about how the medical officers were likely to view Nurse Dowden's actions. Legislation made it a misdemeanour to 'strike wound ill-treat or wilfully neglect' patients, punishable by a fine of not less than £2 and not more than £50 or imprisonment of not more than six months.^[12] Departmental Regulations (written by the Inspector and approved by the minister), in force when the Idiot Asylum opened, made staff 'liable to punishment for ... ill-treatment of patients'. A revised set of Regulations, introduced in 1898, was even more explicit, deeming it 'a grave offence for attendants to strike or ill-use patients, or to employ unnecessary violence toward them'. They also regulated staff use of bodily restraint and seclusion.^[13] These Regulations apparently remained in force until at least 1910.

However, a brief reference to an instance of ill-treatment the year after Dowden's assault on Gwen reveals that asylum officials recognised that patients who were difficult to manage might provoke staff to violence and considered such provocation a potentially mitigating factor. In his Annual Report for 1907, the Inspector-General, Dr W Ernest Jones, wrote that: 'The conduct and general behaviour of the staff have been extremely satisfactory ... One nurse was punished for slapping a patient under excessive provocation, but inflicting little or no injury. This nurse has since left the service.'^[14] (An exhaustive search of all surviving case histories for patients admitted prior to 1908 found no record of this assault.) Clearly, in gauging the seriousness of an assault, officials also considered the degree of injury inflicted.

A departmental inquiry 'into a charge against [an attendant] for striking a patient' some six years later reveals that officials did deem the use of a degree of force acceptable, as implied by the prohibition of the use of 'unnecessary violence' in the Regulations. They also considered motivation important. On investigating, the Acting Inspector-General found that the attendant (as male staff were known) had 'used an *unnecessary* degree of violence towards the patient and that it was *intentional*'.^[15] (Again, there is no record of this assault in the case histories or the Register of Complaints against Staff.^[16]) The *Lunacy Act 1903* granted asylum Superintendents the power to 'reprimand or caution' and, additionally, to fine staff up to a limit of £5. In instances where the Superintendent considered the offence sufficiently grave to warrant a report to the Inspector-General, he held the power to suspend staff and report them, after which an investigation by the Inspector-General followed. If the latter found the charges proved, he was authorised to 'reduce' the officer's rank or salary or to withhold his or her yearly increments in pay, or leave owed, or to dismiss, provisional on the consent of the Governor-in-Council. In these cases, the officer would forfeit all salary or wages unless the Inspector-General ordered otherwise.^[17] In this instance, the attendant was 'reduced' from the second to the third grade for a year (thus reducing his wages).^[18]

These two cases (the 1907 slapping of a patient by the unnamed nurse and the intentional striking of a patient six years later) help to explain what may have happened to Gwen and the institutional understanding of it. Having caught Nurse Dowden assaulting her, MacFarlane sent Dowden to his office, where she was 'severely cautioned and censured'.^[19] Legally, this was the most lenient penalty available to him, suggesting that he did not consider the assault serious.

Given his assessment of Gwen as 'dangerous' and 'unmanageable' (expressed in his notes and in the decision to transfer her to Ararat) it seems likely that he thought Dowden's actions the result of provocation rather than an act of deliberate punishment. Perhaps he also thought a degree of force necessary to 'manage' Gwen. Moreover, it seems that he did not consider that she was seriously hurt; certainly, he made no note of injury in her case history. Documents record Dowden's resignation three months later but the lack of any further detail makes it impossible to know whether her decision to quit related to the assault.^[20]

In the same year that Dowden assaulted Gwen, Edward Allan alleged that staff had 'ill-treated' his son William. William was admitted to the Asylum from the Children's Home in Flemington Road, North Melbourne, in April 1901, when he was almost eight years old. Again, the first entry in his case history records the Superintendent's initial assessment of his mental and physical state, characterising him 'A fair class imbecile boy, employed in workshops and attends school, in fair bodily health'. Subsequent entries are once more non-existent until June 1905.^[21] William's younger brother, Clarence, came from the Neglected Children's Department to Kew five years later, aged seven.^[22]

Four months later, the case histories of both boys note a series of visits by their father, Edward, which culminated in the following exasperated comment in William's case notes:

Visited by his father this morning, he has been coming here every Sunday morning lately. Arriving at most irregular hours [on Sunday visiting hours were 9.30–11.00 am], sometimes at 12 and staying until 1.30 & 2 p.m, keeping his children [sic] away from their dinner, until he has been requested to leave. He has also complained that this boy has been sworn at, and ill-treated by the 'Warders' this is untrue, as the child is under the care of nurses at the Male Hospital[.]

MacFarlane made a similar note in Clarence's history.^[23] While these notes suggest that staff accommodated Allan visiting outside regular hours, they also express MacFarlane's view of his behaviour as detrimental to his children. The implication that Allan was careless of his sons' welfare subtly undermines his character, and so the credibility of the complaint that follows. Neither case history records any further reference to or investigation of his claims, reflecting MacFarlane's rejection of them.^[24] Not surprisingly, no other record of the complaint or of a subsequent investigation survives.

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This lack of evidence makes it difficult to learn any more about the alleged ill-treatment and its circumstances. However, MacFarlane's response is potentially revealing. He refuted Allan's charges not by declaring that the 'Warders' (the term referred to the male attendant staff) would not swear at or ill-treat patients but by asserting that William was not in their care. This defence assumes that the 'ill-treatment' was very recent. While his case history confirms that William was 'at the Male Hospital' in early April 1906 (probably as the result of having a tooth extracted) and so under the care of nurses, by then he had lived at Kew some five years. That the note exists suggests that he was earlier living elsewhere in the institution than the Hospital. (A corresponding note on 4 July 1907 recorded that he was 'to leave the Male Hospital' that day.) While nurses cared for both girls and younger boys, an analysis of the admission histories of patients committed between 1906 and 1912 suggests that, at fourteen, William was too old to be living in the female division. A comparison of the age of patients with the wards to which they were assigned shows that the oldest male admission to the female division in these years was eight years old (it is not possible to do a similar analysis for patients admitted prior to 1906 because the Case Book does not record ward assignments.) [25] Analysis of the handful of transfers from the female to male division recorded in the case histories suggests that male patients were transferred to the latter between the ages of eight and twelve.[26]

Another instance of 'ill-treatment' lends credence to Edward Allan's complaint that some staff in the male division treated patients less than gently. Michael Davies was admitted to Kew in November 1895 from the Industrial Schools, aged three. Eleven years later, in June 1906, his case history recorded his complaint to MacFarlane of 'having been ill-treated' by an attendant 'who caught him by the neck'. This entry is a rare account of a patient's complaint of abuse. The last part of it describes the consequence of the attendant's actions and is significant in being in Michael's own words, MacFarlane noting verbatim his protest that the attendant 'nearly broke my neck'. [27] MacFarlane considered Michael 'one of the most intelligent boys in the Asylum' and thought 'he should be discharged, providing a suitable home could be provided for him'. [28] This assessment suggests that he was likely to consider Michael a credible witness.

Beyond revealing its existence, Michael's complaint provides some sense of the forms 'ill-treatment' may have taken and a rare glimpse of everyday institutional practices, adding to the picture emerging from the

cases already discussed. However, exactly what happened is again difficult to determine. Michael told MacFarlane that the attendant had 'caught him by the neck' and it seems likely that he meant the back of the neck rather than the throat. There is, in his complaint, a suggestion that it was not unusual to be so 'caught', because MacFarlane added an additional phrase (now difficult to decipher) that suggests that it was a subsequent action that resulted in Michael being injured. Michael's complaint seems to be more an objection to the attendant's apparent clumsiness or more-than-usual-roughness (the latter conveyed in his characterisation of the severity of the injury he suffered, the 'nearly' broken neck) rather than his first act of catching hold of him.

An episode some years later reinforces the impression that this may have been a commonplace method of control among attendants. In 1911, patient Gladstone Fletcher's case history records that he 'Threw stones at attends [sic] whom he accused of striking him'. The attendant in question denied that he had struck Gladstone, but admitted that he had 'seized him by the neck to prevent him doing further damage'. [29] The attendant's willingness to admit this (while denying striking Gladstone), suggests that he thought this an action the doctor would deem justified in the circumstances. The two cases suggest a possible continuity in attendants' restraint practices, with individual warders resorting to similar methods of control over time.

Gladstone's allegations of ill-treatment were dismissed in a concluding sentence that characterised him as 'undependable & word cannot be accepted'. However, his admission notes, by revealing something of his response to ill-treatment outside the institution, lend weight to his allegations. In answer to the question 'Whether dangerous to others', they record: 'Only if crossed: chases boys when they tease him & strikes them'. Case histories usually derive such information from committal documents. In Gladstone's case, one of the medical certificates accompanying the request for his admission commented that he 'fills his pockets with stones to throw at boys who annoy him'. On the day that he threw stones at the attendants, Gladstone's 'pockets' were 'found to be full of blue metal'. [30] Thus, his actions seem consistent with his earlier response to 'annoyance', suggesting that the attendants may well have struck or otherwise manhandled him.

His case history also suggests that he was a patient against whom attendants were more likely to use physical force. In September 1910 Dr Woinarski, the Junior Medical Officer, noted that Gladstone 'Ought to be transferred to Main Building – undependable & frequently assaulting other patients, always smaller than himself'. Staff apparently attempted to prevent this behaviour, the next note recording that he remained 'a source of annoyance to patients smaller than himself still despite rebukes'.^[31] Given the characterisation of Gladstone as 'dangerous' when 'crossed', perhaps he interpreted these rebukes as ill-treatment. Alternatively, they may have taken physical form, the attendants in fact striking or otherwise physically restraining him (in the words of one to prevent him 'from doing further damage'). While he was still acting violently toward other patients in June 1911, it was his stone throwing which saw him transferred to the 'main' Kew Asylum a few weeks later.^[32]

No evidence survives to suggest that the Medical Officer punished the attendant in either this instance or after Michael Davies complained that the attendant seized him by the neck. No departmental inquiry or note of punishment appears in the Inspector-General's Book or the Complaint Register. Any punishment inflicted was thus likely to have been lenient, perhaps akin to the caution meted out to Nurse Dowden after her assault on Gwen, suggesting that the medical officers did not consider seizing a patient by the neck serious ill-treatment. The attendant who allegedly ill-treated Michael resigned two weeks after the incident; again, surviving records give no clue to the reason.^[33] The resignation date of the attendant who was the object of Gladstone's stone throwing is unknown.

Nurse Dowden's assault on Gwen, Edward Allan's complaints about the ill-treatment of his son and Michael Davies's protest all occurred within the space of a year. While there are no recorded instances of abuse in the Case Book sample prior to 1906, this sudden change is likely to be an effect of the differences in individual doctors' record keeping rather than an actual increase in ill-treatment. MacFarlane, who noted these incidents, took charge of the Asylum in August 1905, replacing its first Superintendent, Dr James McCreery.^[34] Careful examination of the sample of case histories written by each man reveal significant differences in the particulars they chose to document. One of the most important is McCreery's failure to note family visits or correspondence between relatives and the institution. MacFarlane, in contrast, recorded both. It beggars belief that not a single relative chose to write enquiring after their loved one

or visited the institution in its first eighteen years of existence. Moreover, a handful of surviving letters show that families did write and visit during McCreery's superintendence.^[35] Given this difference, it is not safe to assume that the Case Books' silence reflects the absence of abuse prior to 1906. (Neither is it safe to assume that Gwen Evans was not a difficult patient to manage prior to Dowden's assault or that Edward Allan did not visit his sons before late 1906.)

Medical Journals

The institution's Medical Journals provide another potentially important source for the investigation of institutional abuse. Legislation required Superintendents to keep a weekly Medical Journal in which they were to enter, among other things, 'every death injury and violence which shall have happened or affected any patient since the last preceding entry'.^[36] The Medical Journals for the Idiot Asylum are extant from 1899 but a comparison with other documents reveals that they are not, in fact, a complete record. Neither the assault on Gwen, nor the slapping of the patient mentioned in the 1907 Annual Report, appear.^[37] In fact, Michael's complaint that the attendant seized him by the neck is the only incident of obvious ill-treatment recorded between 1899 and 1908.^[38] Consequently, as with the case histories, the silence that predominates in their pages is not indicative of the absence of abuse.



Nicholas Caire, Girls Play Ground [Kew Asylum], c. 1900, photograph. Courtesy of the Kew Cottages Historical Society.

One alternative method of analysis is to examine the Journals for patterns of injury and deviations from those patterns. For example, Journal entries attribute many injuries to falls, slightly more than half of which were, in turn, said to be caused by 'fits'.^[39] Most seem minor (cuts to the head or chin) and, in an institution in which many patients (perhaps almost half) experienced seizures of some kind, unremarkable. The most striking exceptions in this pattern are the incidence of three broken collarbones in the decade between 1899 and 1908, all attributed to seizure-related falls.

The first occurred in December 1902 when patient Robert Martin reportedly fractured his 'right clavicle by fall in fit'.^[40] The second took place in November 1906, when MacFarlane noted that patient Chester Charles 'fell in a fit and fractured his right clavicle'.^[41] The third happened only six weeks later, in mid-January 1907, when MacFarlane recorded his discovery that patient John Neale had 'a green stick fracture of Right Clavicle. Evidently happened during a fit'.^[42] (The *Macquarie Dictionary* defines a green-stick fracture as 'a partial fracture of a bone ... in which only one side of a bone is broken'). While each injury individually is not suspicious, the coincidence of the latter two and their severity, in comparison with other injuries attributed to seizure-related falls, do raise questions.

Other evidence confirms that their coincidence was unusual and the injury considered serious. In late January 1907, the Inspector-General paid one of his regular visits to the Asylum, writing in the Visitors' book that he found 'the wards clean and bright and the place in good order generally'. He noted, as he and the other Visitors often did, several patients confined to bed, adding, 'beyond the fact that two male patients have sustained fractures of the collarbone from falls in fits, there is nothing unusual in the sick cases'.^[43] Comparing the date of this entry with Chester and John's histories confirms that they were the patients he observed; both were in the Male Hospital on the day of his visit.

The Inspector-General also considered their injuries sufficiently serious to include in his Annual Reports for 1906 and 1907. In 1906, he wrote that an unnamed patient had 'fractured his right clavicle from a fall in an epileptic fit'.^[44] The following year, he reported that 'I.N. aet.[sic] thirteen, sustained a fractured clavicle (greenstick) in an epileptic fit'. (While the Inspector-General did not name the patient in 1906, and referred to the patient in 1907 by the initials I.N., the nature of the injuries suggest that he was almost certainly referring to Chester and John.) Of John's injury and another (a severely cut wrist) he concluded that 'no blame could be attributed to those in charge of the injured children'.^[45] The Medical Journal, however,

suggests that MacFarlane felt less sanguine. His remark that John's injury 'Evidently happened during a fit' reveals that he was suspicious about its cause. However, the Journal provides no further clues about the circumstances in which it or the other fractures occurred and it is necessary to turn to the case histories to learn more.

John Neale was admitted to Kew in July 1906, aged thirteen, and was evidently a difficult patient. The entry for 25 July characterised him as 'very incoherent and refractory, has had to be kept in bed since admission. Appears to know or understand very little'. In early January the following year, MacFarlane recorded his discovery that John had 'a bruise over [his] R. Clavicle', adding that it 'evidently occurred in the night and probably in a fit. Made enquiries can elicit no history of injury'. Four days later, he found that John had actually sustained the 'green stick fracture, had him removed to the Male Hospital, and set the arm'. The bone did not heal quickly and John remained at the Hospital a month later. In noting his subsequent transfer back to the ward, MacFarlane added that he was 'an extremely troublesome boy to manage. Won't stay in bed, gets up, walks about the ward, and exposes himself'. He was apparently still in bed in early March, but whether because of the fracture is unclear.^[46]

Everything we know from the analysis of other incidents of ill-treatment increases the suspicion that John's injury was not a result of falling during a seizure. That analysis shows that some nurses and attendants did use force on difficult or 'refractory' patients. Moreover, the fact that all but two of the actual or alleged instances of ill-treatment discussed occurred in the institution's male division suggests that some male staff may have been more inclined to use a degree of force, if only to the extent of treating patients roughly, than their female colleagues. (Nurse Dowden's assault on Gwen and the slapping of the patient mentioned in the 1907 Annual Report were the exceptions.) Given the leeway provided by the prohibition in Regulations of 'unnecessary violence', staff willingness to admit to some use of force in other cases and the official attitude that force was sometimes excusable or justified, MacFarlane's failure to elicit *any* explanation from staff about how John was injured is significant. It suggests that his injury was not the result of an impulsive reaction to the provocation of a difficult patient, as in Gwen's case, or a resort to rough-and-ready control, but closer to the 'intentional' and 'excessive' 1913 assault that resulted in its perpetrator being 'reduced' by the Inspector-General. Staff no doubt understood the continuum upon which the officers based their judgements, as the attendant's concession that he had seized the stone-throwing Gladstone Fletcher by the neck, but had not struck him, suggests.

However, it is now extremely difficult to know exactly what happened that night in the ward to cause John's injury. An examination of other cases of ill-treatment (as when the officers observed an attendant at the 'main' Kew Asylum drag a patient across the yard, push him 'roughly' into a chair and strike 'him two distinct, wilful and forcible blows with his fist upon his chest and ribs'[47]) suggest how such injuries might occur. Similarly, analysis of patterns of injury across the asylums might show that attendants were using particular methods of illicit bodily restraint. (The relatively high incidence of broken ribs among nineteenth-century asylum patients is one example.[48]) Such comparisons, however, cannot prove definitively what happened to John.

This article sets out to demonstrate the kinds of records and methods researchers might use to investigate institutional abuse, using the first twenty-five years of the Kew Idiot Asylum as a case study. Limitations in the surviving records, such as the failure to record all (indeed, in the case histories before 1906, any) instances of ill-treatment make it impossible to calculate the extent of abuse in the institution. Despite their incompleteness, however, the documents show that instances of abuse did occur. 'Refractory' patients, those who resisted the routines of the institution or were otherwise difficult, were apparently more likely to be the victims of such 'ill-treatment'. Moreover, officials seemingly judged the use of force more leniently if it seemed provoked by challenging behaviour, or necessary, where a patient seemed otherwise unmanageable. However, Michael Davies's complaint that an attendant nearly broke his neck, Edward Allan's protest that the warders were ill-treating his son and Gladstone Fletcher's resort to retributive stone throwing suggest that use of force, or at least a degree of 'rough handling', may have been more common in the male division.

The failure to mention the ambiguous circumstances surrounding John Neale's green-stick fracture in the 1907 Annual Report suggests that the Inspector-General was reluctant to admit publicly that staff may have ill-treated or injured patients. This omission shows that the reassurances of such public records, while comforting, are not always reliable. While it is often not possible to know now exactly what happened, it is possible by careful analysis of surviving records to see beyond such public assurances. To do so is critical to a better understanding of the history of institutions and their legacy in the present.

Endnotes

[1] Case history entry, PROV, VA 2852 Kew Cottages, VPRS 7419/P1 Case Books of Female Patients, Unit 1, 10 January 1906, p. 42.

[2] J Penglase, *Orphans of the living: growing up in 'care' in twentieth-century Australia*, Curtin University Books, Perth, 2005; Australian Senate Community Affairs References Committee, *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children*, Community Affairs References Committee, Canberra, 2004; National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Australia), *Bringing them home: report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Human Rights and Equal Opportunity Commission, Canberra, 1997.

[3] C Fox, "'Forehead low, aspect idiotic': intellectual disability in Victorian asylums, 1870–1887", in C Coleborne & D MacKinnon (eds) *'Madness' in Australia: histories, heritage and the asylum*, University of Queensland Press, St Lucia, 2003, pp. 145, 155.

[4] Report of the Inspector of Lunatic Asylums on the Hospitals for the Insane for the Year Ended 31st December 1875, Victoria. *Papers presented to both houses of parliament*, 1876, vol. II, p. 12.

[5] Report of the Inspector of Asylums on the Hospitals for the Insane for the Year 1887, Victoria. *Papers presented to parliament*, Session 1888, vol. III, Appendix C, p. 46; Fox, "'Forehead low, aspect idiotic'", pp. 153–5; D Gladstone, 'The changing dynamic of institutional care: the Western Counties Idiot Asylum, 1864–1914', in D Wright & A Digby (eds), *From idiocy to mental deficiency: historical perspectives on people with learning disabilities*, Routledge, London, 1996, pp. 138–9.

[6] For example, case history entry, PROV, VPRS 7419/P1, Unit 1, nd, p. 318; medical certificates Gertrude C, PROV, VA 2852 Kew Cottages, VPRS 7565/P1 Admission Warrants Male and Female Patients, Unit 1, 5 August 1891; medical certificate Elise N, Unit 3, 7 September 1901; medical certificate Rita D, Unit 4, 15 April 1908; case history entry, PROV, VPRS 7419/P1, Unit 1, 7 July 1900, p. 198.

[7] *Lunacy Act 1903*, s. 12 (1).

[8] *Lunacy Statute 1867*, s. 21; *Lunacy Act 1890*, s. 31; *Lunacy Act 1903*, s. 37.

[9] PROV, VA 2852 Kew Cottages, VPRS 7419/P1, Case Book of Female Patients, Unit 1 and VPRS 7420/P1 Case Book of Male Patients, Units 1 and 2.

[10] Direction to Remove from Current Lunatic Asylum Gwen Evans, PROV, VPRS 7565/P1, Unit 1, D89/772, 3 September 1889.

[11] Case history entries, PROV, VPRS 7419/P1, Unit 1, 6 February, 12 March, 2 and 23 April, 2 and 12 May 1906, p. 42.

[12] *Lunacy Statute 1867*, s. 189; *Lunacy Act 1890*, s. 257.

- [13] Hospitals for the Insane, Regulations for the Guidance of Attendants in the Asylums for the Insane, PROV, VA 475 Chief Secretary's Department, VPRS 3991/P0 Inward Registered Correspondence II, Unit 752, File 72/E2729, clause 3, p. 5 and clause 21, p. 6; Regulations for Attendants and Nurses, PROV, VA 475, VPRS 3992/P0 Inward Registered Correspondence III, Unit 723, Item 98/G7010, clauses 19 and 20, p. 5.
- [14] Hospitals for the Insane, Report of the Inspector-General of the Insane for the Year ended 1907, *Votes and Proceedings of the Legislative Assembly*, Session 1908, vol. I, p. 21.
- [15] Visitors' Book entry, PROV, VA 2840 Kew Hospital for the Insane, VPRS 7468/P1 Inspector-General's and Visitors' Book, Unit 1, 4 August 1913, np, my emphasis.
- [16] PROV, VA 2864 Lunacy Department, VPRS 7518/P1 Register of Complaints Against Staff, Unit 1.
- [17] *Lunacy Act 1903*, s. 14, pp. 7–8.
- [18] Visitors' Book entry, PROV, VPRS 7468/P1, Unit 1, 4 August 1913, np.
- [19] Case history entry, PROV, VPRS 7419/P1, Unit 1, 10 January 1906, p. 42.
- [20] PROV, VA 2863 Hospitals for the Insane Branch, VPRS 7519/P1 Staff Registers, Unit 3; Memo, Inspector-General to Under Secretary, PROV, VPRS 3992/P0, Unit 1014, File 1906/X2308, 24 April 1906.
- [21] Case history, PROV, VPRS 7420/P1, Unit 1, p. 287.
- [22] Case history, PROV, VPRS 7420/P1, Unit 2, p. 56.
- [23] Case history entry, PROV, VPRS 7420/P1, Unit 1, 4 November 1906, p. 287 and Unit 2, 4 November 1906, p. 56; Memo Inspector to Under Secretary, PROV, VPRS 3992/P0, Unit 915, File 1903/S1879, 17 March 1903.
- [24] Case history entry, PROV, VPRS 7420/P1, Unit 1, 1 January 1907, p. 287 and case history entry, Unit 2, 2 January 1907, p. 56.
- [25] PROV, VPRS 7420/P1, Unit 3.
- [26] PROV, VPRS 7420/P1, Units 1-3 and PROV, VA 2852 Kew Cottages, VPRS 7449/P1 Clinical Notes of Male Patients, Unit 1.
- [27] Case history entry, PROV, VPRS 7420/P1, Unit 1, 14 June 1906, p. 168.
- [28] Case history entry, PROV, VPRS 7420/P1, Unit 1, 2 January 1906, p. 168.
- [29] Case history entry, PROV, VPRS 7420/P1, Unit 3, 7 July 1911, p. 60.
- [30] PROV, VPRS 7565/P1, Unit 4, Medical Certificate Gladstone Fletcher; case history entry, VPRS 7420/P1, Unit 3, 7 July 1911, p. 60.
- [31] Case history entries, PROV, VPRS 7420/P1, Unit 3, 7 September and 20 October 1910, p. 60.
- [32] Case history entries, PROV, VPRS 7420/P1, Unit 3, 18 June and 8 July 1911, p. 60.
- [33] PROV, VPRS 7519/P1, Unit 3, p. 76.
- [34] PROV, VPRS 3992/P0, Unit 996, File 1905/V4860.
- [35] Letter, PROV, VPRS 3992/P0, Unit 920, File 1903/R3064, 14 May 1903 and Memo Under Secretary to Inspector, PROV, VPRS 3992/P0, Unit 924, File 1903/S4204, 9 July 1903; PROV, VPRS 7419/P1, Unit 1, letter from Karl S to the Matron, 4 October 1904, p. 272.
- [36] *Lunacy Statute 1867*, s. 21 and *Lunacy Act 1903*, s. 37.
- [37] PROV, VA 2852 Kew Cottages, VPRS 7431/P1 Medical Journals, Units 1–2.
- [38] PROV, VPRS 7431/P1 Medical Journals, Unit 2, p. 175.
- [39] PROV, VPRS 7431/P1 Medical Journals, Units 1–3.
- [40] PROV, VPRS 7431/P1 Medical Journals, Unit 1, p. 413.
- [41] PROV, VPRS 7431/P1 Medical Journals, Unit 2, p. 223.
- [42] PROV, VPRS 7431/P1 Medical Journals, Unit 2, p. 237.
- [43] W Ernest Jones, Visitors' Book entry, PROV, VPRS 7468/P1, Unit 1, 24 January 1907, np.
- [44] Hospitals for the Insane, Report of the Inspector-General of the Insane for the Year Ended 1906, *Papers presented to parliament*, 1907, vol. II, p. 19.
- [45] Hospitals for the Insane, Report of the Inspector-General of the Insane for the Year Ended 1907, *Votes and Proceedings of the Legislative Assembly*, 1908, vol. I, p. 21.
- [46] Case history entries, PROV, VPRS 7420/P1, Unit 2, 25 July 1906; 6, 10, 20 and 23 January, 8 and 17 February and 4 March 1907; p. 59.
- [47] Memo, Medical Superintendent W Barker to the Inspector-General, PROV, VPRS 3992/P0, Box 1057, File 1907/A5567, 19 June 1907 and Memo, W Barker, 19 June 1907.
- [48] N Tomes, 'The great restraint controversy: a comparative perspective on Anglo-American psychiatry in the nineteenth century', in WF Bynum, R Porter & M Shepherd (eds), *The anatomy of madness: essays in the history of madness: the asylum and its psychiatry*, vol. III, Routledge, London, 1988, pp. 198–9; pp. 220–1, note 31.

Forum articles



Love Is Murder

The fated affair of Frederick Jordan and Minnie Hicks

Noni Dowling

'Love Is Murder: The fated affair of Frederick Jordan and Minnie Hicks', *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Noni Dowling.

Noni Dowling completed her Bachelor of Arts from La Trobe University in 2006. There she pursued her passion for history, completing a Major in the subject. Through her studies she also discovered an abiding interest in criminology and the law. Noni thoroughly enjoyed researching and writing her article 'Love is Murder: the Fated Affair of Frederick Jordan and Minnie Hicks' because it wound these themes together. In the future she hopes to complete a Diploma of Education with the aim of teaching secondary level History and Legal Studies. A long-term ambition is to pursue further studies in History, covering research topics such as criminality in colonial Australia, and social justice, civil and human rights throughout history. While not studying at present due to family commitments, she continues to write for her own enjoyment.

Abstract

The 1890s hit Melbourne with a thud. Gone was the promise and vibrancy of the gold years. Depression loomed. Those who had witnessed Melbourne's glory in the heady days were now shocked at the despair and stagnation to which the city had so quickly succumbed. Port Melbourne was not immune to these troubles. However, because of the docks' daily influx of people and goods, employment was still available for some lucky souls. The frequent comings and goings of the port also lent a bustling cosmopolitan air to the surroundings. Like most ports, the area was awash with hotels, dotting the landscape seemingly every few metres, coveting every prime corner position. Many still operate. Of those long closed, the skeletons are still readily discernible in the landscape. The hotels amplified the spirited nature of the burgeoning suburb and were popular not only with locals but sailors too long at sea. Despite the gaiety that these establishments provided, they undoubtedly contributed to the seedier side of life in Port Melbourne. Port itself was a maze of narrow streets, ramshackle buildings and highly questionable street hygiene. Ignoring the lessons learned from Ancient Rome, in an astonishing and dangerous lack of planning Melbourne was without sewerage until 1897. Before then, the infamous nightsoil men lurched through the darkened streets collecting the daily offerings in creaky, leaky carts, dribbling the cargo in their wake. Such fragrant practices led the city to be christened 'Smellbourne'. In many ways, it was not fit for human habitation.

Typhoid, diphtheria, consumption and dysentery flourished in the filth. Despite these mortal dangers, Port in the 1890s would have been a very colourful place to live. Although predominantly working class, all manner of people resided in Port Melbourne — the well to do, down at heel and everyone in between. It was also a popular residence for people straight off the boat. By the 1890s, it appears a small black community had formed in Port Melbourne. Seemingly entirely male, the majority worked at the docks or in other menial labouring jobs. They found themselves popular among the local women, particularly those 'of a certain class'. In the minutiae of Port life, a loose social group of black men and their white (common law) 'wives' evolved. Through the voices found in the archives, their preoccupation appears to have been drinking and swapping partners between one another. It proved to be a volatile mix.

Death comes with a crawl or comes with a pounce,
And whether he's slow or spry,
It isn't the fact that you're dead that counts
But only how did you die?

Justin Atholl, *Shadows of the gallows*[2]

6 July 1894 – The Darkest Hour is Before the Dawn[3]

Down the cobble-stoned lane, the trail of blood stretched the length of two houses. Pickets in a fence, one inch thick, had been snapped in an obvious struggle. Behind them the rickety houses were crammed in, each vying for their own space. The trail continued to a run-down tenement at the far end of the lane. Incongruously, a lady's hat and boots were neatly placed on the doorstep. On the door above was a bloody handprint. Inside, in the centre of the bed she shared with her lover, lay Minnie Hicks. She was motionless: the death rattle had passed through her body not long ago. Her hands were clasped across her breast. She was still warm to the touch. Constable Kinniburg reeled back in shock, for an instant believing her to be still alive. Once recovered, he took in his surroundings. Blood was everywhere. The walls were splattered, 'as though squirted from a syringe', Kinniburg later remarked. The floor was also awash. Someone had made a feeble attempt to clean up the mess by placing carpet over the congealing pools of blood. Above the bed on a nail hung Minnie's black velvet dress: torn, drenched and muddied. Last night had been stormy. Minnie's favourite red spotted jacket was also saturated with blood. A pair of moleskin trousers were on the bed; one leg soaking wet from a failed attempt to wash away an obvious bloodstain.

Dr Malcolmson arrived. He calmly took note of his surroundings and pronounced life extinct. Minnie had died only two or three hours earlier, some time in the dawn hours between five and six am. As *The Herald* stated at the time, the life had been 'literally pounded out of her'.



Sydney Place in Port Melbourne – the scene of the crime. The murder took place in the far right corner. A garage now stands in the place where the house once stood. Minnie was dragged down this lane — drunken and protesting — to her death. Photograph © Noni Dowling 2007.

'Heard a Siren from the Docks ... Dirty Old Town, Dirty Old Town[4]

Minnie had a hard, short life and an even harder, long death. By the time of her demise she was an inveterate drunk. In a previous part of her life, in a union that best exemplifies the notion that opposites attract, Minnie married George Crabtree, a teetotaler. Married in 1888, aged seventeen, Minnie gave birth to little Minnie some time the next year. Settling in St Kilda, the calling of domestic bliss and maternal responsibility went unheeded by Minnie. She hit the bottle. Hard. George would arrive home from labouring to find his Mrs Crabtree passed out on the floor, their infant daughter crawling all over her. Initially, George tried to help his wife. Nothing worked. She began stealing money from his pockets while he slept. Frustrated, George succumbed to his sense of helplessness and rage. He left Minnie splayed on the floor soaking in her own filth while he tended to his daughter.

Minnie fled the marital home, finding work in one of Port Melbourne's many pawnbrokers' shops. After eighteen months she returned to George and little Minnie in August 1894. This lasted four weeks. The pull of the bottle was too strong. She turned her back on her young daughter and left for the final time. Minnie reverted to her maiden name, Hicks, and settled in Port Melbourne. Here she found solace among others who displayed a similar commitment to a life of addiction. Like a few other local girls, she also displayed a predilection for the black gentlemen of the neighbourhood. At a time when Catholic and Protestant marriages were considered mixed, this was sure to raise eyebrows and set tongues wagging.[5]



Port Melbourne Police Station, where Jordan reported Minnie's death upon discovering her dead body. Photograph © Noni Dowling 2007.



Prince Alfred Hotel in Port Melbourne, one of the pubs that Minnie and her friend Rose visited on the night of her death. Photograph © Noni Dowling 2007.

6 July 1894 – Attainted: From the Latin *attinctus* (blackened)[6]

It was 6.10 am. The newspaper boy hollered down the lane. Frederick Jordan got up, fetched a candle from the dressing table, went out and grabbed the paper. He re-entered the bedroom. The light from the candle caught Minnie's face, bloody and battered. She was dead. He panicked. He roused his housemate, Albert Johnson. The Norwegian was not overly impressed to be dragged out of bed at this ungodly hour. His head throbbed from a long night of participating in his favourite pastimes; carousing and street fighting. What he saw startled him wide-awake. They discussed the matter at length and went to the police.

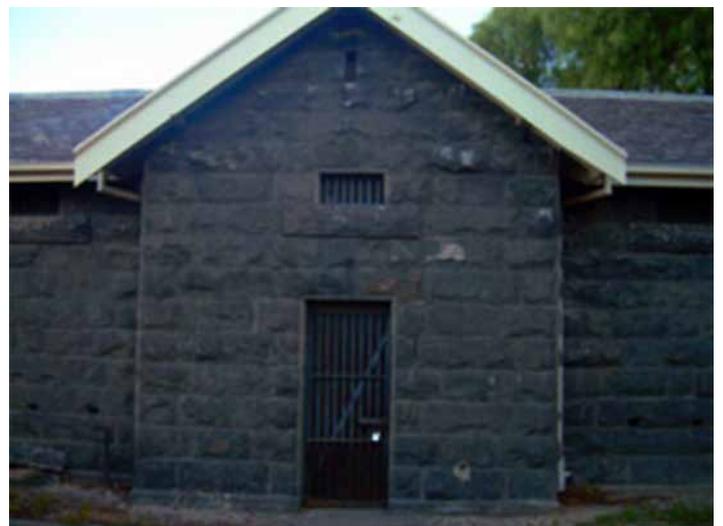
Jordan arrived at the police station at 7.20 am. He couldn't restrain himself. He began to cry. Constable Thomas Smith soothed him, 'What's the matter, Fred?' He blurted out, 'Good God, Minnie's dead! I woke up and she was dead in our bed'. The Constable reassured

him. Jordan continued, the story now tumbling out of him: 'The last I saw her was around four thirty in the afternoon yesterday. I was on break from work. When I got home she already had drink in her. I left and went back to work at South Wharf. When I got home about eight last night, she wasn't there. I hit the pubs with Champ and Lee. We started at the *Prince Alfred* and moved on to the *Locomotive*. We stayed til closing, around 11.30 pm. I went straight home. Min was still not there so I fell asleep. I woke to find her dead. She was lying on the floor beside the bed so I lifted her onto the bed. There was nothing I could do, life had left the body.'[7]

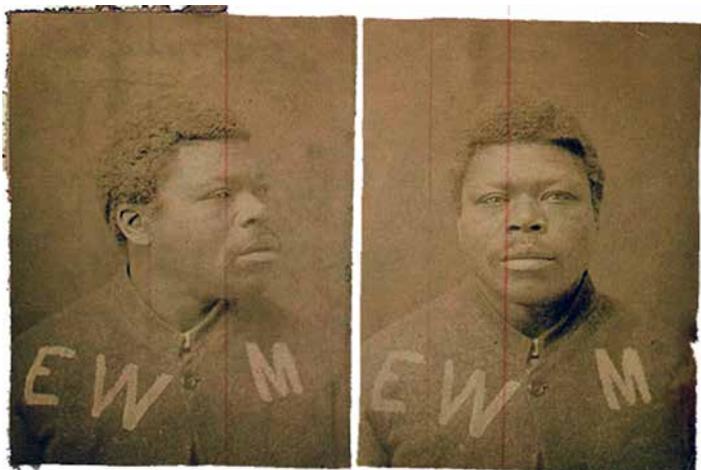
Constable Smith questioned him as to why it had taken him over an hour to report the death when he lived only five minutes away. Jordan replied that he was scared and unsure of what to do. More police were called in to investigate. It wasn't long before suspicions arose about Jordan's account. After some consideration Frederick Jordan was charged with wilful murder and locked up in the cold, bluestone cells at the back of the police station.

Born Free

Frederick Jordan was born in Maryland around 1867. He was among the first generation of African-Americans to be born free of the yoke of slavery. His parents were itinerant farm labourers. Leaving the land behind, Jordan headed for the ocean, working on vessels all over the eastern seaboard. At the age of fourteen, Jordan left for Australia aboard *The Minion*.



The bluestone lock-up at the back of the Port Melbourne Police Station where Jordan was held before being transferred to Melbourne Gaol. Photograph © Noni Dowling 2007.



Frederick Jordan, 1894. PROV, VPRS 515/P0 Central Register of Male Prisoners, Unit 48, folio 364.

A number of African-Americans had made their way to Australia by this time. Prior to the abolition of slavery, escaped slaves fled to ports such as Melbourne by disguising their point of departure. After the Emancipation Proclamation of 1863 abolished slavery, others arrived on free passage.[8] A small black community formed in Port Melbourne. Jordan found work on the docks as a lumper. It was punishing physical work but it made a man strong and muscular. Over time he earned a reputation as a hard, industrious worker.

Jordan had two run-ins with the law: one for assault, the second for larceny from the person. He had stolen a watch, chain and pipe from, ironically, a drunk. For this opportunistic sojourn into the criminal world, Jordan spent four months at Her Majesty's Pleasure.

10 July 1894 – Post-Mortem: What a Fine Mess I've Made

George Ardlington Syme performed the autopsy. Hard living had taking its toll on Minnie Hicks/Crabtree. Syme believed her to be thirty; she was in fact around twenty-three. Like most alcoholics she was also undernourished. The slight, pale body was clothed in underwear — a chemise and petticoat, no nightdress. Her face was covered in bruises: two black eyes and a broken nose. Seventeen bruises were found on her left arm, as if she had been forcefully grabbed. There were more on her right arm; defensive wounds. Old scars were found near her right groin and right eye. There was evidence of a past lung infection. On the right side of Minnie's head the scalp had been torn away. Under this, part of her skull was dislocated and blood had

clotted. There were further bruises on her neck. She had also been strangled. More bruises were behind each ear, caused by direct blows. The blood from the nose had caused the excessive amount of blood at the scene. Minnie Hicks was beaten to death. Syme found that she had died from bleeding into the brain caused by external violence.

5 July 1894 – Girls' Night Out

Minnie had spent the whole day cleaning. She became sick of it. She had been slipping into her room intermittently all day to slug from a bottle of grog hidden there.[9] Albert Johnson gave her five shillings to buy some provisions as Frederick Jordan no longer trusted her with money. She bought a forequarter of mutton and put it into the fire to cook. She pocketed the remaining four shillings, enough money to 'go a long way where immense draughts might be procured for threepence each'.[10] She returned to her room to get dressed up. She brushed her strawberry blond hair. Then she put on her black velvet dress and her favourite red spotted jacket. She clasped her gold brooch just above her bosom, laced her boots and grabbed her hat. She was ready to face the night.

As she walked, clouds gathered overhead, threatening rain. A wild wind blew. She held onto her hat to keep it from flying away. Windy days were a problem in the Port. Depending on the direction of the wind, one might inhale the stench of the abattoir, the eternally ripe lagoon, or Swallow and Ariel's biscuit factory — pleasant on chocolate days, not so pleasant when doggie biscuits were baking.[11]

At *The Rose and Crown*, Minnie met her good mate Rose Lorn, whose interests in liquor and black men mirrored her own. Their marathon effort then moved on to the *All England XI* where they both drank two three-pennorths of beer, a large serve. Fortified with Dutch courage, Minnie decided to visit her former beau Harry Adams, a black man. At one point, she had left Jordan and shackled up with Adams. During this time Rose moved in with Jordan. It was an incestuous group. Jordan, however, did not like to share and made numerous attempts to win Minnie back. After a couple of months, Minnie meekly returned to Jordan. Perhaps accepting it as part of life or a matter of survival in tough times, the to-ing and fro-ing did not seem to affect the friendship between the two women.



Rose and Crown Hotel in Port Melbourne, the first pub Minnie and Rose visited on the fateful night of Minnie's murder. Photograph © Noni Dowling 2007.

When they arrived at Adams', a quarrel broke out with his 'wife', Emma Harris. Trying to avert trouble, Adams gently yet firmly pushed both out the door. In response to this perceived insult from her former paramour, Minnie smashed their windows.[12]

To steady themselves Minnie and Rose moved onto *The Locomotive*. Here they downed a couple of 'shandygaffs', a mix of beer and lemonade. The drink making her tongue loose, Minnie confided to Rose that she was too scared to go home. Rose was not surprised; she had seen the marks. It was decided Minnie would stay with Rose that night.

When they arrived at the house Rose shared with her 'husband', Charles Champ, there was no light on. With no key, they decided to seek shelter at Charlie Turnball's in Ingles Street, 100 yards away. Turnball, a black man, and his 'wife' Christina Reid, were in bed when

Minnie and Rose banged loudly on their door. As Rose stated, by this stage they 'had been all the way round Port Melbourne and were pretty well screwed'. They arrived bearing gifts of more drink. Polishing that lot off, Turnball went to buy more. The girls talked. Minnie was petrified of going home in her state. She confided that she had spent all her money and pawned all her clothes. She laid her head on Christina's shoulder and said, 'I am going to get beat'. Charlie returned with more ale. This was to be the final nail in the coffin for Minnie; 'the finishing drink' as Turnball eloquently described it. Rose and Christina left to gather bedclothes from Rose's house.

Here someone waited for them: Fredrick Jordan. He had been drinking solidly all night with Charlie Champ and David Lee, another man Minnie was rumoured to have had a fling with. Jordan was obviously agitated. 'Where's Minnie?' he demanded of Rose. 'You do know, if you tell me I'll give you five shillings.' Rose bravely stood her ground. She would not betray her friend. 'I won't tell if you give me gold, I know you will beat her.'

Christina scurried past, racing to get back to the safety of Turnball. Menacingly, Jordan followed. On Turnball's doorstep he spied Minnie's hat and boots. He stormed into the front room where Minnie was lying on the floor. He berated her, 'You are spending my money with other women. Get up you damned drunken bitch!' Minnie timidly replied, 'I'll go home if you don't beat me Fred. I can't get up Fred'. In response to this plea for mercy, Jordan savagely pulled her up by the hair, tearing chunks of hair from her scalp. He smashed her head into the wall and viciously dragged her across the floor. He then kicked her in the ribs. Turnball tried to obstruct him, but the enraged Jordan pushed him to the ground. Charles Turnball implored, 'Leave her alone! Don't murder her in my place take her out!' Jordan snarled, 'Leave me alone. I'll finish her now, I know what I'm doing'. He obeyed Turnball's plea not to be involved. His role after all was to provide a bed for the night, not to offer protection. Frederick Jordan grabbed Minnie by the wrist, and put his other hand over her mouth to stop her from screaming. Between his fingers, her blood oozed out. He forcefully shoved Minnie out the door, picking up her hat and boots on the way.

Things that Go Bump in the Night

Jordan dragged Minnie into the wild night. The oppressive sky added an aura of melodrama to an already intense evening. The air was electric. Between sporadic thunder and lightning, many Port Melbourne residents heard ominous sounds that night. Charles Champ heard the pair in Bay Street, Minnie yelling, 'I will not go home to be killed!' As they neared home around 1.20 am, Mary Ellen Chifney, who lived on the corner of Sydney Place, was alarmed and scared. The noise she heard was like a drunk being dragged along the rocky lane. A man's voice boomed, 'Get home with you'. Then came the sound of someone tumbling violently against a door or fence. A distressed woman's voice uttered 'Oh, oh, oh'. To Chifney, it was a sound of someone 'very nearly finished'. Before she could hear any more, the strong wind blew away the terrifying sounds. She dearly wished her husband was at home and not out at sea in the Navy.

James Gray, Jordan's neighbour, also heard the drunken pair. 'Where did you get it? Where did you get it? Where did you get it?' a man harshly bellowed, as if towering over someone. Gray was certain it was Jordan; he was familiar with his gruff voice. The Town Hall clock struck two. Unperturbed, Gray drifted back to sleep.



Minnie's gold brooch, exhibit 'A' in her murder trial. PROV, VPRS 30/ PO Criminal Trial Briefs, Unit 984, Case number 364/1894.

10 July 1894 – The Inquest: from Victim to Depraved Wretch

Jordan's story to the police, that he had not seen Minnie that fateful night, crumbled as soon as Turnball produced Jordan's pipe, Minnie's gold brooch and a clump of Minnie's hair torn from her head, all of which were retrieved from Turnball's house. To counter this setback, the defence lawyer, Mr Emerson, went about the time-honoured tradition of denigrating the female victim. Unfortunately, Minnie had given him plenty of ammunition.

Rose Lorn testified that when she heard Jordan say he would kill Minnie, she thought little of it because it was an expression she heard frequently. To this, Emerson replied that such threats to kill were 'a "by-conversation" among the people down her way'. This perception was further reinforced when Charlie Champ testified he had not beaten his wife, lately. Emerson inquired if Minnie 'had the run of all you dark fellows down there'.

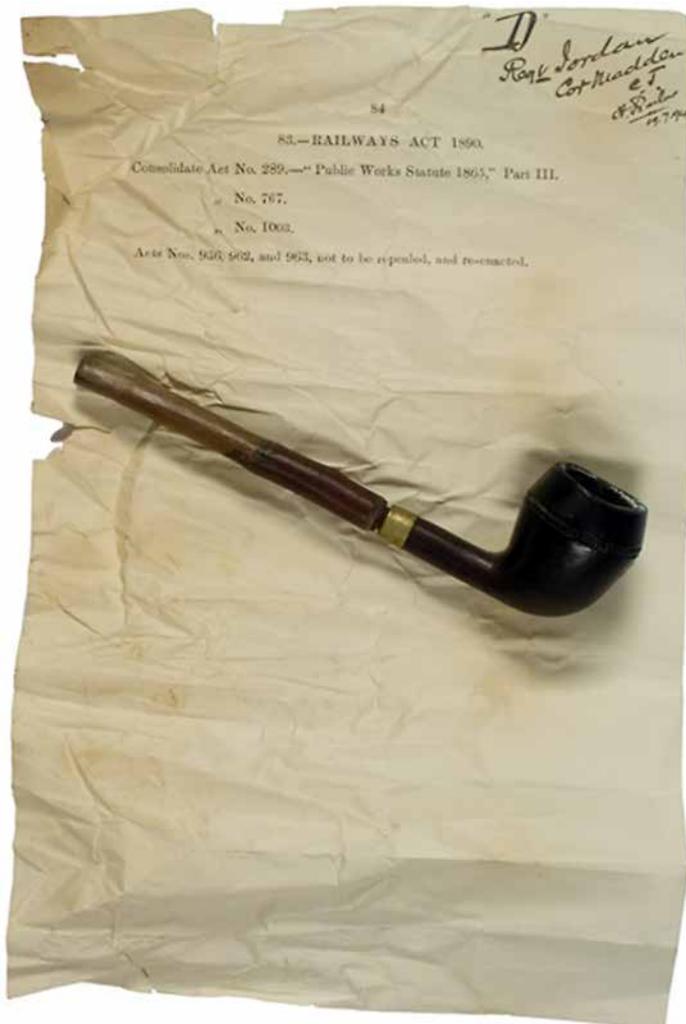
Christina Reid's testimony continued to paint a salubrious picture of life in Port Melbourne:

I have seen men knocking women about. There is a great deal of quarrelling with these black men and their women; they make free with one another's women. 'Get up you dirty drunken bitch', I have heard that expression many times before...

After these lurid details came out in the press, Emerson became public enemy number one in Port Melbourne. The local paper, *The Standard*, was irate for weeks over the pall he had thrown over 'the sublime and cheerful picture of moral life in our model town'.^[13] The 'decent' women of Port were not pleased. It was suggested Emerson buy a pair of boxing gloves to defend himself from them. Apparently, they wanted to lynch him. In response, Emerson wrote a letter to the paper reassuring the women of Port Melbourne that his remarks 'referred only to women like Hicks'.^[14]

19-20 July 1894 – Trial : Watch me Pull a Rabbit out of my Hat

With little else to work with, Emerson created a defence that Minnie had caused her own death by falling over drunk. He badgered the medical practitioners, Malcolmson and Syme, for any evidence that might even vaguely support this theory. While both admitted a number of bruises could have been caused by a drunken fall, all of the bruises could not have been. Neither was willing to concede that the fatal blow could have been caused by a drunken stumble.



Jordan's pipe, exhibit 'D' in Minnie's murder trial. PROV, VPRS 30/PO Criminal Trial Briefs, Unit 984, Case number 364/1894.

Unwilling to give up, Emerson argued that for first-degree murder, there must be a motive. In this instance there was none, for it was 'the ambition of every black man's life to live with a white woman'. The jury didn't buy it. They retired at 12.59 and returned at 3.45 pm with a guilty verdict. The death sentence was passed. 'I have not received justice here', Jordan yelled from the dock as he was led away.

The Last Resort of the Damned

Emerson wrote a petition to persuade the Governor to commute the death sentence to life imprisonment. For this he used every trick in the book. First he played the race card, stating Jordan's Negro blood made him 'too passionate and animal like to control his intellectual faculties'. Next out of the deck was the class card. Men of his social stature (or lack thereof) were widely

known to become extremely jealous and ill-tempered, particularly after drink. Rather, Jordan's actions were influenced by 'extreme provocation and (he had) acted under the impulses of a frenzied mind unaccompanied by reason' — two defences conflated into one. These arguments convinced a number of people to call for leniency. The petition attracted one hundred and eleven signatures including Members of Parliament, the foreman of the jury and some 'very influential gentlemen'.

His Excellency the Governor, The Right Honorable John Adrian Louis, Earl of Hopetoun GC MG, did not concur. The royal prerogative of mercy was denied in this instance. The execution date was set for 20 August 1894.

'If it Hadn't Been for Whiskey, I'd be Free as any Bird to Fly Away'[15]

After the trial Jordan was transferred to the condemned man's cell that adjoined the execution chamber in Old Melbourne Gaol. Like all good lapsed Catholics, once confronted with his mortality, Jordan re-acquainted himself with his faith. The prison chaplain, Father Walshe, gently coaxed him along. Slowly, his fearful demeanour gave way to a calm air. He wrote a letter distancing himself from his protestations of innocence. The more he considered the case, the more he was convinced he had committed a foul crime. It was, however, 'too late to say I am sorry'. [16]

The dreaded day arrived. It had been only forty-seven days since Hicks was found dead. Even the newspapers commented on how swiftly the wheels of justice had turned in this case. It seems likely that race played a large part in the justice system's efficiency. The crime of a black man murdering a white woman was one of the most heinous imaginable. It deserved swift, harsh punishment.

While a crowd of between two and three hundred people gathered outside the gaol gates, Jordan took communion. Sheriff Ellis entered his cell with Roberts, the hangman, and his assistant. They pinioned the prisoner. The Sheriff led the way to the scaffold. *The Herald* reported that Jordan strode purposefully, standing 'erect and steady when he arrived in full view of the small party of spectators assembled in the shadows of the gallows'. [17] He stood on the spot marked by white chalk and kissed the crucifix proffered him by the priest. A reporter present exclaimed:

...what a change was there from the furious being, mad with drink, in whom all the fiends of hell seemed to rage on that terrible morning when he hammered the poor remnant of a misspent life out of the body of his wretched partner. [18]

.....

The hempen collar was placed around his neck. He twitched involuntarily. The hood was placed over his head; forever shutting out the light of the world he was leaving and shielding those below from the gruesome reality of death by hanging. Asked for any last words, he replied, 'I have nothing to say; it's no use saying anything'. The sheriff signalled, Roberts pulled the lever, the trapdoor opened and Jordan plunged through. The measurements that Roberts had troubled himself over were spot on: death was instantaneous. As was customary, Frederick Jordan, 27 years of age, dangled from the gallows for one hour.

'Booze to Blame'[19]

The evidence against Jordan was more than compelling. The neighbour's testimony explained the broken fence and the bloody handprint on the door. Jordan carried Minnie's hat and boots home; he placed them eerily on the doorstep. What remains a mystery, however, is what Jordan was referring to when he bellowed aggressively three times, 'Where did you get it?' Minnie said she was broke; but Jordan may have had money in mind. She may have received this by pawning her clothes. However, it is possible Jordan jumped to the conclusion that Minnie was prostituting herself, as some women did to survive during this tough time.[20] Enraged and fired up on liquor, Jordan delivered the fatal blow. A muscular, solidly built man was no match for a woman wasted away by years of chronic alcohol abuse. Minnie probably fell to the floor unconscious. Dying slowly, she eventually succumbed to her injuries just before dawn. Jordan passed out on the bed, awaking with little memory of the night before. He lifted Minnie onto the centre of the bed and clasped her hands together; an act a Roman Catholic would perform. He made a feeble attempt to cover up the messy death, but realising it was useless, thought his best chance was to go to the police and spin a story.

It very nearly worked. Speaking after the execution, the foreman of the jury, Donald Brown, stated that since the trial he had visited Sydney Place where the murder took place. He found it to be lined with bluestone pitchers. He told *The Herald* that this made it much more likely that Minnie Hicks had fatally injured herself in a drunken fall. Had this information been made available to the jury, he believed a verdict of manslaughter was likely.

As Emerson, the resourceful defence lawyer, told *The Standard*, Jordan and Hicks lived a wild kind of life, in a neighbourhood where there was so much drinking going on. In Port, women received hard knocks and

were used to it'. Although the poem 'Shadows of the Gallows' emphasises the manner of death, here the hard, desperate lifestyle which comes with any form of addiction proved to be fatal for both parties. The newspapers lapped up the sordid nature of the crime. Poor Minnie received no sympathy in the press; she was a 'wretched drunkard of intemperate nature'. The general consensus was that she got what she deserved; after all she did take 'coloured' lovers and drank far too much for a lady.

It was the 'demon drink' that bound these two young lovers together. Their lives revolved around drink, reading like a soap opera, a melodrama played out in and around the pubs of Port Melbourne. The area provided many venues for those with the same penchant; a ready-made social network for strugglers with a thirst. Port thrived on booze.[21] That fateful night, Frederick's love of the bottle overtook everything. Obviously a violent man by nature, alcohol made it easier for him to surrender to a lust for power, so easily found in the cries for mercy from a defenceless woman. Whereas previously he had only injured her, this time he managed to kill his 'paramour'. Minnie may have been far from an angel (it is only natural to ask 'what sort of woman would abandon her child for the drink?') but she certainly did not deserve the fate meted out to her, particularly at the hands of a man whom, presumably, she had once trusted.

Perhaps Frederick Jordan didn't deserve his gruesome death either. In today's world, a barrister would no doubt argue that alcohol was a mitigating factor, lessening Jordan's responsibility. It is possible he would be charged with manslaughter rather than murder. In the 1890s, however, such factors were not taken into account. Punishment was swift and severe. It was not long after the commission of the crime that Jordan's muscular body was dangling from the end of a rope. The drink that these two souls thrived on, imbibed together and which probably brought them together in the first instance, became their undoing. As in so many cases, then and now, the case of Frederick Jordan and Minnie Hicks was a domestic matter that quickly got out of control because of the amount and frequency of alcohol consumed over time. All things considered, it appears to be a case of 'the booze to blame'.

Endnotes

[1] Ian Rilen, *Love is murder*, Phantom Records, 2000.

[2] J Atholl, *Shadows of the gallows*, John Long Ltd, London, 1954.

[3] All factual material used in this article has been gained through research at PROV. Information relating to this case can be found in the following archival sources: VPRS 30/P0 Criminal Trial Briefs, Unit 791, Melbourne General Sessions, Case number 48 of February 1890 (Jordan's larceny case), and Unit 984, Case number 364/1894 (Jordan's murder case); VPRS 264/P0 Capital Case Files Trials, Unit 23, Frederick Jordan; VPRS 1100/P0 Capital Sentences Files, Unit 2, Frederick Jordan. Except where noted all quotations have been taken verbatim from these sources.

[4] The Pogues, 'Dirty Old Town', *Rum, sodomy and the lash*, WEA Records, Stiff Records, 1985.

[5] N U'Ren and N Turnbull, *A history of Port Melbourne*, Oxford University Press, Sydney, 1983.

[6] A legal term used to describe a condemned prisoner awaiting death. In this case the protagonist was 'blackened' long before his death sentence was carried out. He was African-American.

[7] This is not a verbatim account of Jordan's conversation with Constable Smith. A conversation took place between them that included all the information given.

[8] O Ruhen, *Port of Melbourne 1835-1976*, Carrell, Melbourne, p. 137.

[9] There is no direct evidence of this in the transcripts. However, Jordan referred to Minnie as 'jolly' when he saw her at 4.30 pm. She also drank the same amount as Rose Lorn but was significantly more affected. It is possible to infer that Minnie had been discreetly drinking throughout the day while on her own.

[10] *The Standard*, 21 July 1894, p. 3.

[11] Pat Grainger (ed.), *'They can carry me out': memories of Port Melbourne*, Vintage Port: Worth Preserving Project, Port Melbourne, 1991, p. 16.

[12] This appears to have been a popular pastime in Port Melbourne. When Jordan went to retrieve Minnie, he smashed Adams' windows. The local paper, *The Standard*, also reports numerous instances, including one on 19 July 1894 when four men were arrested for smashing windows at the *All England XI* hotel. It was possibly a popular way to exact revenge, for presumably windows would have been an expensive item to replace during the Depression. It was hitting them where it hurt — the hip pocket.

[13] *The Standard*, 14 July 1894, p. 2.

[14] *ibid.*, 28 July 1894, p. 3.

[15] Tex Perkins, Don Walker and Charlie Owen, 'Fateful Day' from the CD *Sad but true*, Polydor, 1993.

[16] *Herald*, 20 July 1894, p. 1.

[17] *Argus*, 20 July 1894, p. 1.

[18] *Herald*, 20 July 1894, p. 1.

[19] Ian Rilen, *Love is murder*, Phantom Records, 2000.

[20] D Philips and S Davies (eds), *A nation of rogues? Crime, law and punishment in colonial Australia*, Melbourne University Press, Carlton, 1994, p. 147.

[21] Special thanks to Pat Grainger and Maree Chalmers from the Port Melbourne Historical Society for answering my many questions and providing me with photographs of Port Melbourne.

Very Serious Doubts

The Case of Hassett and De Le Veilless

Alain Hosking

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Abstract

The brutal 1889 assault on a Victorian Police Constable, Albert Ernest Vizard, put into motion a sequence of events revealing underlying social tensions in colonial Victoria. Convicted of Vizard's assault, John Hassett and Francis De Le Veilless would receive the harshest sentence the Crown could apply. Though the guilt of De Le Veilless seemed clear cut, serious doubts about the case against Hassett presented from the outset.

This article tells the story of Hassett's struggle to clear his name. Making the case for his innocence, Hassett succeeded in rallying the support of his acquaintances in Gippsland, revealing tensions between the rural Victorian community and the authority of the Crown. For a decade from the date of the assault on Vizard, Hassett would maintain his innocence, backed by his Gippsland supporters and the capable attorney William Forlonge. Despite the determination of Hassett and his supporters to clear his name, and the emergence of new evidence backing their claims, his fate would be resolved in a final desperate act.

On a Saturday night in August 1889, Constable Albert Ernest Vizard walked his beat through the streets of inner-city Melbourne. By morning Vizard would be fighting for his life, bloodied and beaten, the victim of a brutal assault. Within six months, two men accused as the officer's assailants languished at the Melbourne Gaol, under the highest penalty of the judicial system. Although one of the accused,

Francis De Le Veilless, offered little in the way of a defence, serious doubt was brought to bear on the guilt of De Le Veilless' alleged accomplice, John Hassett. As the case proceeded with the Crown determined to make an example of the two accused, the rural community of Lang Lang, Gippsland, began to close ranks in defence of the young Hassett, revealing an interplay of social tensions in late colonial Victoria. Whilst Albert Vizard would survive his wounds — and the two accused avoid the capital charge — the intersection of their fate on that August night would, nevertheless, resolve itself in tragedy.[1]

The night of 24 August had begun without event for Constable Vizard, making routine patrols in and around Lygon Street. Over three blocks, Vizard would make his way past the surrounding pubs, shops and houses of Drummond, Cardigan and Queensbury streets, the dim street lamps providing an ambient accompaniment to the hum of social life.[2] Then, at 12.45 am, Vizard was startled by the sound of an altercation. From Lygon Street, Vizard approached the intersection with Queensbury Street, where a familiar face greeted him. It was Patrick Bailey, a young Carlton ironmoulder on good terms with the local authorities. As the two men greeted each other, their attention was drawn westward along Queensbury Street. There, near the intersection with Cardigan Street, the source of the noise which startled Vizard was revealed.

Two men, one short and one of average height, stood in the middle of Queensbury Street 'growling' at each other.[3] 'You're a bloody cow!'; the short man said. Automatically the Constable approached to intervene. Bailey, too, made his way towards the squabbling men, proceeding somewhat ahead of Vizard. As Bailey passed the men, maintaining his westerly course along Queensbury Street with Vizard behind him, he heard their opening exchange.

Said Vizard, 'I think you ought to be going home quietly now'.

'You can go and bugger yourself', the short man replied.

'Yes, let him go to buggery', agreed the taller man.

As the two men continued east towards Drummond Street, one said with sufficient voice to threaten the Constable, 'If that bloody cow follows us, we will do for him'. Upon hearing this Vizard gave pursuit, reaching the men by the corner of Queensbury and Drummond streets. One of the men turned, saw Vizard approach and declared, 'Here's the bugger coming after us! Stand!'

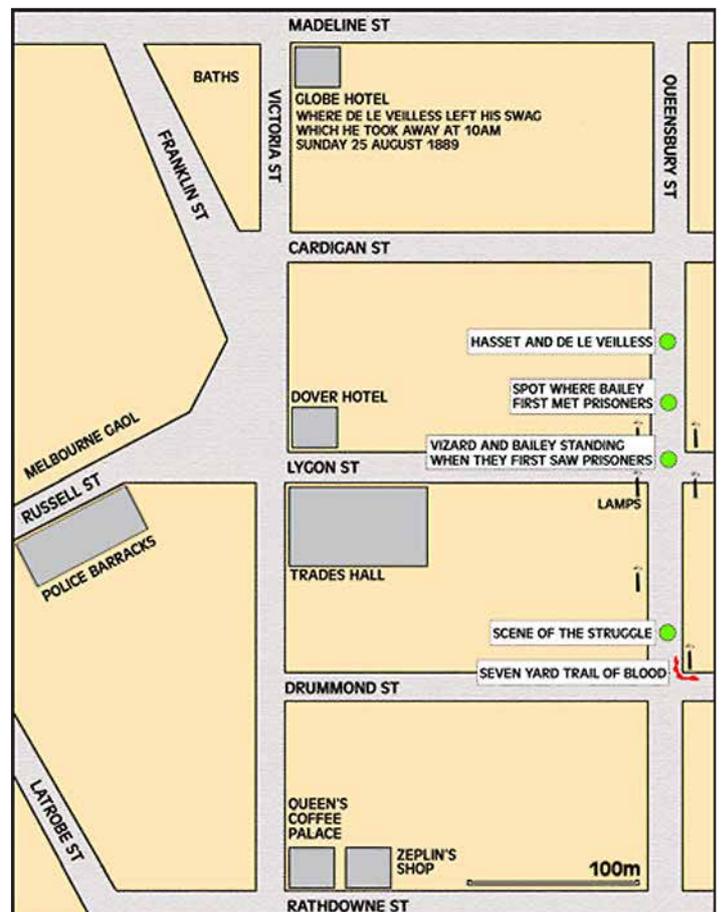
The taller of the two men ran some five yards towards Vizard, raising a belt with a heavy, shiny buckle, over his head. With all his strength, the man brought the buckle crashing against Vizard's head, sending his helmet flying. Resisting the attack, Vizard drew his baton and brought it against the side of his assailant's face. 'Look out, the bugger has split my ear!', the man cried. Simultaneously, the shorter man pelted Vizard with a barrage of stones and metal, hitting him in the eyes. Vizard focused on the taller man, striking him repeatedly whilst enduring the assault from two sides. But then Vizard slipped when turning. Losing his grip, his baton fell from his hands. In this single motion he managed to maintain his momentum, however, striking the smaller man with his bare fist and knocking him to the ground.[4]

By now the commotion had drawn the attention of Patrick Bailey, who from his position further along Queensbury Street, saw stones come rolling along the footpath. Bailey ran to intercede for Vizard, who noticed his approach. 'Come quick!', Vizard pleaded, as he fell under repeated blows from the taller man. Bailey, however, could not come quickly enough, and with a savage blow to Vizard's skull, the taller man rendered the Constable unconscious. Bailey appealed, 'You pair of cowards, do you want to kill the man?'

The shorter man, having recovered from Vizard's blow, now ran at Bailey. Bailey, however, had concealed a weapon, a stick he had acquired on his approach. With this stick he struck the shorter man, who then fell to the ground again, saying, 'Oh my bloody head'. With Vizard's body strewn and wrecked in the gutter, Bailey struck at the taller man who called defiantly, 'We'll kill this bugger now'. Bailey with his stick, and the taller man with his

buckle, laid into each other in an exchange of blows. Then Vizard stirred. 'Why the bugger's not dead now', the taller man observed in surprise and indignation.

Bailey fled, deciding the best course of action was to seek assistance. Meanwhile, the two men pummelled the half-conscious Vizard mercilessly. Signalling a cab near Lygon Street, Bailey set off for the police station, fearing the death of the Constable. As Bailey departed the scene, so too did Vizard's assailants, who ran down Drummond Street towards Victoria Street. A local machinist, Henry Moore, had heard the assault, and as he approached along Queensbury Street, witnessed the flight of both Bailey and Vizard's assailants. With early morning quiet restored to the inner-city street, in eerie contrast to the violence of a moment earlier, Moore approached the beaten body of the Constable. Vizard was weak, clinging to life, and covered in blood, balancing against a fence beside the footpath. Moore collected the Constable's baton and helmet and carried him to the Russell Street police barracks.



The scene of the crime. Map by Alain Hosking. Based on hand drawn map, FO Borsom, Report on the assault of Constable Albert Ernest Vizard, Carlton Police Station, Melbourne, 13 March 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilles/John Hasset.

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The horrific extent of Vizard's injuries became apparent when he was examined by Francis Drake, a registered medical practitioner at Melbourne Hospital. Drake found four wounds around the eyes and upper head of the Constable, all cut to the bone. At the base of one wound, Vizard's skull was visibly fractured, with bone fragments penetrating the membranes of the brain. As Drake would later explain, 'It was necessary to trephine him, i.e. to remove a circular piece of the skull ... the size of a shilling'. With this procedure Albert Vizard's life was saved. He remained at the Melbourne Hospital until 8 October 1889, some six weeks after the attack. By February 1890 he was, by Drake's estimation, 'not quite right yet'. For injury to one of its own, the response of the Victorian police force would be swift and determined. Within twenty-four hours of the assault, the first arrest was made.

On the evening of 26 August, Francis De Le Veilless, resembling the description of the shorter assailant, was arrested in Kilmore. De Le Veilless was a South American circus worker of French extraction. He had a long history of larceny, assault, and insulting behaviour (a crime for which he had served fourteen days in prison).[5] Upon his arrest by Sergeant Edward Murphy, De Le Veilless was searched and found to be in possession of a loaded revolver and a blood-stained pocket book, bearing the name of the Globe Hotel, Carlton. With his suspicions reinforced by fresh injuries to De Le Veilless' head, Murphy took his prisoner to Melbourne for identification. In transit to Melbourne De Le Veilless told Murphy, 'I'm sorry I did not shoot you. If I had known who you were at the time I would have shot you'.

On 28 August, Patrick Bailey arrived at the Detective Office where De Le Veilless was being held. Without hesitation, Bailey pointed across the room as he entered, stating:

'That is the man.'

You've made a mistake', De Le Veilless protested.

'I've made no mistake', Bailey replied. 'Take off your hat.'

Examining the prisoner's head Bailey declared:

'Here is the lump. That's from my stick, from the blow I gave him.'

'I've no lump', De Le Veilless maintained.

But further examination by others present confirmed De Le Veilless had injuries fitting Bailey's account. Furthermore, De Le Veilless' explanation that he was in Kilmore after leaving Melbourne on the morning of Saturday 24 August was disproved by John Hegan, manager of the Globe Hotel. Hegan swore to personally giving De Le Veilless his swag on Sunday morning. The first of Vizard's assailants now apprehended, the search for his accomplice was on.

In 1889 John Hassett was twenty-one years old. The young man was held in fair esteem by his employers, having worked in and around Gippsland for three years without trouble. He had also worked for Albert Lynch of North Melbourne, who regarded his character as good. [6] Whilst Hassett had fathered an illegitimate child, he displayed sufficient concern for moral standing and respectability to claim the child's mother, Mary Redmond, was his wife.

In the eyes of the authorities, however, Hassett had 'fallen amongst evil companions, and ... contracted evil habits'. [7] In January 1888 he received one month's imprisonment for assaulting a police officer. At midnight on 17 August 1889, the stable of Albert Lynch was burgled, and following his identification as one of the perpetrators, a warrant was issued for his arrest. Avoiding capture for five months, Hassett was eventually arrested by police on 11 December 1889, and as he entered the Carlton watch-house, his troubles deepened. Patrick Bailey was there to identify him as Albert Vizard's principal assailant.

From the outset, Hassett claimed he was innocent and maintained that he could prove it. Writing from his prison cell, Hassett enjoined John Kennedy, a resident of Lang Lang, Gippsland, to bear witness to his distance from the crime:

My dear friend ... I am in great trouble and under lock and key at the Melbourne Gaol. I am blamed for assaulting Constable Vizard in Carlton on the 25th of August 1889 and you and your family know I was not down in Melbourne on that date. You know I was at your place ... I might want you to prove my innocence ... Mr Kennedy, I am going to be tried on the 17th of February 1890 and I may get a long term of imprisonment and floggings ... [8]

Kennedy acceded to the request and made the journey to Melbourne to testify for his young acquaintance. Kennedy did not make the journey alone, however, and as the Supreme Court began hearing the case, a veritable representation of Gippsland constituents turned out to plead for Hassett's innocence.

Delayed until 26 February 1890, the criminal sittings of 'Regina versus Hassett and De Le Veilless' proceeded quickly, and by day's end, were complete. Brought before Justice ED Holroyd, the two accused faced the charges of 'wounding with intent to murder' and 'wounding with intent to do grievous bodily harm'. Vizard took the witness stand first, identifying the prisoners and claiming, 'I am still suffering from the effects of the wound'. Bailey followed, sure of his identification of Hassett and De Le Veilless, as: 'The night was starry, not dull nor bright. I could see the two men distinctly'. Francis Drake and Henry Moore also gave their accounts of the great injury done to the police officer.



John Hassett, c. 1890. PROV, VPRS 515/P0 Central Register of Male Prisoners, Unit 42, Folio 490 (detail).

Unexpectedly, the prosecution widened the scope of criminal activity the accused were alleged to have undertaken. They called the owners of a Rathdowne Street shop. On the night in question, Henry and Ada Zeplin were harassed by two men fitting the appearance of the accused, looking for a man named 'Skinner'. Evidently, the two men were using this inquiry as a pretext to gain access to the store in order to rob it. The Zeplins' account, however, relied on an assertion that this harassment had begun early in the evening. The doorman of the neighbouring Queen's Coffee Palace also reported that the men had been observing the store for days. De Le Veillless could not disprove his involvement in the Zeplin store plot. Witnesses for the defence of John Hassett, however, disproved the possibility of his presence in the preceding days and early evening; he had not been in Melbourne at any of those times.



The two worlds of John Hassett. Collins Street, Melbourne and Drouin, Gippsland, as seen from Drouin railway station. Both images c. 1890. La Trobe Picture Collection, State Library of Victoria.

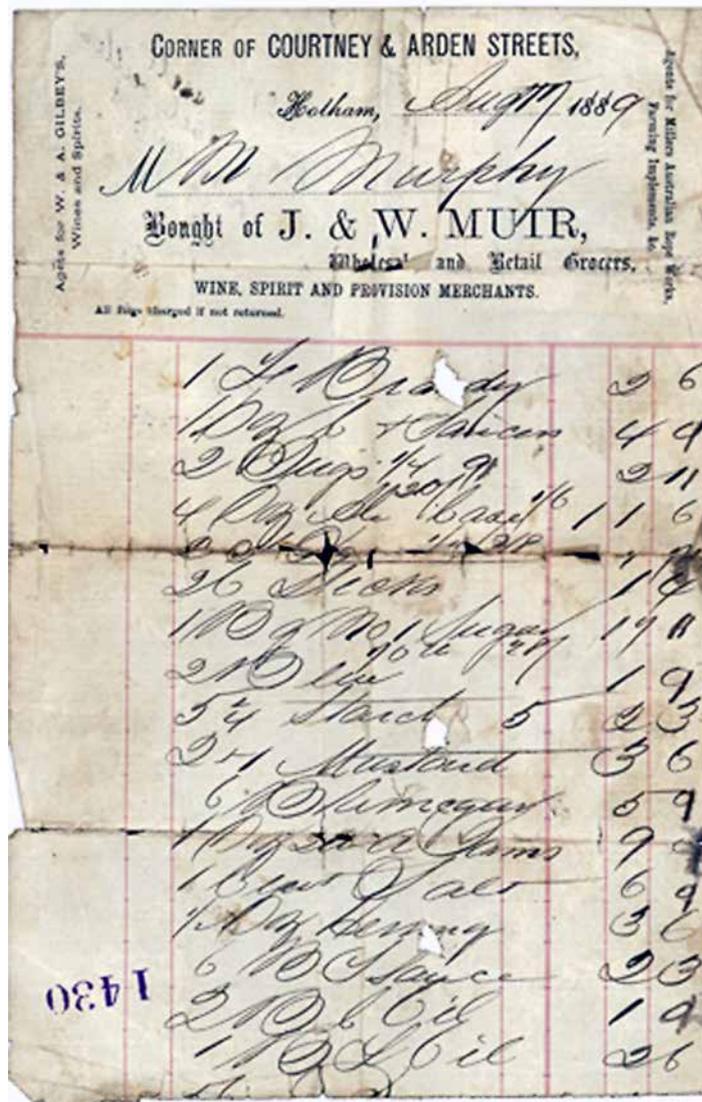
John Hassett's defence lawyer, William Forlonge, was thorough and conscientious. Forlonge researched Hassett's claims to have been in Lang Lang at the time of the assault, and became convinced of his client's innocence. He summonsed Green Vale contractor Michael Murphy, then Lang Lang farmer John Kennedy, to establish the facts of Hassett's presence in the Gippsland area on Saturday 24 August 1889. Hassett had been staying on the Kennedys' property since Wednesday 21 August looking for work in the area. On the Saturday, Kennedy told Hassett of a job that was available at the nearby O'Connor property. In transit to O'Connor's, Hassett helped unload provisions for Murphy, who saw Hassett departing in the direction of Kennedy's property, away from the rail route to Melbourne, around 4 pm. The only way Hassett could have arrived in Melbourne was to travel from the Kennedys' to Drouin station, a journey of fifteen and a half miles along a considerably rough track, in time for the 8.50 pm train.

This train arrived in Melbourne at midnight, allowing Hassett forty-five minutes to reach Carlton, become involved in a row with De Le Veillless, and muster the energy after his day of loading, hiking, and travelling to attempt the murder of Albert Vizard.

In addition to the testimony of Murphy and Kennedy, Forlonge called a stream of witnesses from Lang Lang and its surrounds, including two of Kennedy's sons. Each witness concurred with the alibi established for Hassett. Receipts for the goods unloaded by Hassett were entered as exhibits. Three witnesses recalled seeing Hassett in the area 'on a Sunday' in late August. And though their testimony was imprecise, it was clearly aimed at fitting the established account, suggesting Hassett's presence in Gippsland the whole weekend of the assault. Just as the Crown's determination to prosecute was reflected in the widening of evidence to include the ill-fitting account of the Zeplins, so the determination of the Lang Lang witnesses to come to Hassett's defence was reflected in their accounts.

However, it seems that the jury was less moved by the details of labour in Lang Lang, than by the horror inflicted on Vizard. Hassett held a prior conviction for assaulting a police officer, and bore a scar across his forehead precisely where Vizard claimed to have struck him. This seemed to present irrefutable evidence for the jurors, who returned promptly from their deliberations with a guilty verdict. Hassett had feared 'a long term of imprisonment and floggings', but Justice ED Holroyd was determined to set an example: Hassett and De Le Veillless were sentenced to death.

William Forlonge immediately petitioned for Hassett's sentence to be commuted.[9] The application of the capital charge in a case of assault was itself unusual, and doubts were bolstered by further written statements from Gippsland residents, asserting Hassett's innocence. Sent to Gippsland to investigate the uniform defence for Hassett which had emerged from the area, Detective Sergeant J Lomain found community sentiment hardening. John Kennedy informed Lomain, 'I am now sure beyond the possibility of doubt that Hassett was at my place from the 21st to the 27th of August 1889'.[10] Furthermore, Hassett's acquaintances were at pains to point out the prior existence of a scar on his forehead. Hassett had claimed the scar was a result of a domestic dispute in which he was struck with a vase. Now Lomain found, 'Albert Lucas, Mrs Lucas, the two Lynches, Mrs Wilkie and Mary Redmond ... all agree he had marks on his forehead, at least eighteen months ago'.[11] Similarly, the O'Connors' fourteen-year-old daughter recalled eating a meal with Hassett before the weekend of Vizard's assault, 'He ... had a big long mark over his right eye'.[12]



Receipt from J and W Muir, listing goods Michael Murphy claimed Hassett unloaded for him, Saturday 24 August 1889. Exhibit 1 for the defence of John Hassett, Supreme Court, Melbourne, 26 February 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veillless/John Hassett.

Further indications of Hassett's innocence were raised by the inability of the Crown law offices to establish a prior connection between Hassett and De Le Veillless, despite urgent appeals to the police force and prison officials. Nevertheless, the Crown remained determined to impose a harsh sentence. Despite Detective Sergeant Lomain's assessment that 'The people whose statements I have given are all of unimpeachable character', a follow-up investigation, conducted by AP Akehurst, sensed more than a spirit of justice fermenting in the rural east.[13] Reporting four days after Lomain, on 14 March 1890, Akehurst described Gippsland residents as having 'a characteristic dislike of the police'.[14]

Akehurst also arrived at a less favourable determination of Kennedy's motivations, 'since he has seen that Hassett's life is in danger, he, his family, and the O'Connors are all evidently anxious to save it'. [15] This view of the Gippsland people's evidence as unreliable enabled the conviction to stand, but as there was now serious doubt about Hassett's guilt the capital charge for both men was commuted to a life sentence.

During the subsequent decade, William Forlonge maintained his faith in Hassett's innocence, petitioning at every opportunity, exposing the contradictions of the Crown's case. With each appeal Hassett's hopes were raised, only to be dashed by rejection on the basis of his having possibly reached Melbourne by train. These rejections strained Hassett's health; by 1900, aged thirty-one, he resided as a dispenser in Geelong Gaol, suffering from a heart condition.[16]

On 24 March 1900 Forlonge wrote to Sir John Wadden, Lieutenant Governor of Victoria with a plea for Hassett's release on the basis of time served. Citing the case of another convict, whose recent death sentence had been commuted to ten years, Forlonge emphasised the exceptionally harsh treatment of his client:

... during the last ten or eleven years in which I have been associated with criminal proceedings ... I cannot call to mind any case ... other than wilful murder, in which the Executive in commuting the death sentence has ordered that the prisoner ... should be imprisoned for life.[17]

Hassett, too, had a new article of proof. In his ten years behind bars he had crafted an eloquent style of legal writing and conducted his own investigations into the methods of the police. Writing from his cell at Geelong, Hassett pointed out, 'the Police Gazette, for the 21st August 1889 contains a description of my person, as wanted from the 17th August [prior to Vizard's assault] among my other personalities ... is mentioned my scarred forehead!.[18] But this revelation failed to impress prison authorities, who maintained the integrity of his sentence.

Hassett lost all hope. On 6 December 1901, having managed to smuggle a quantity of poison into his cell, Hassett ended his own life. On 27 December *The Herald* carried the headlines:

POSSIBLY INNOCENT
CONVICT JOHN HASSETT
A REMARKABLE CASE
A CRIME OF THE EIGHTIES
VERY SERIOUS DOUBTS[19]



One hundred and seventeen years after the crime. The site of Albert Vizard's assault, corner of Queensbury and Drummond streets, Carlton, Melbourne, November 2006. Photograph © Alain Hosking 2006.

The Herald article revealed a growing body of opinion amongst the legal profession that Hassett was innocent. Most disturbingly, the article suggested inquiries within 'the criminal class' had revealed not only an underground cognisance of Hassett's innocence, but the name of the man who had in fact been De Le Veilles' accomplice, the main perpetrator of the assault.[20]

Innocent or not, John Hassett's life was the price of an example set to 'the criminal class' and the wider society. That this example must have seemed monolithic to Hassett at the time of his suicide is evident; his decision was taken in spite of eligibility for parole in 1908.[21] With this last desperate action, however, Hassett did succeed in securing a kind of posthumous justice. Whilst *The Herald* investigation arrived too late to relieve his suffering, its publication focused public attention on his likely innocence. In doing so, the final chapter of a late-colonial controversy, begun on a fateful night in 1889, was brought to its conclusion.

Endnotes

[1] All events and character dialogue, unless otherwise footnoted, are sourced from PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett, and from ED Holroyd, *Report of criminal sittings of the Supreme Court, 26 February 1890, to the Attorney General*, Judges' Chambers, Melbourne, 5 March 1890.

[2] A deduction based on the proximity and density of public hotels, and the thin spread of street lamps, as mapped in FO Borsom, Report on the assault of Constable Albert Ernest Vizard, Carlton Police Station, Melbourne, 13 March 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

[3] The description of the men as 'growling' is Patrick Bailey's, from the 26 February trial of Hassett and De Le Veilless.

[4] This is my interpretation as Vizard described the two actions in a single sentence at the trial of Hassett and De Le Veilless.

[5] T Sadler, Report in reference to the previous history of John Hassett and Francis De Le Viellis [sic], Police Department, Superintendent's Office, Melbourne, 3 March 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

[6] *ibid.*

[7] *ibid.*

[8] John Hassett, Letter From Melbourne Gaol, Melbourne, 9 January 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

[9] William P Forlonge, Petition on behalf of John Hassett, Salisbury Buildings, Bourke Street, Melbourne, 24 March 1900, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett,.

[10] J Lomain, Report on petitions on behalf of John Hassett by residents of Gippsland, Police Department, Melbourne, 10 March 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

[11] *ibid.*

[12] *ibid.*

[13] AP Akehurst, Report on enquiries made at Lang Lang, Yannathan and Surrounds, Melbourne, 14 March 1890, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

[14] *ibid.*

[15] *ibid.*

[16] William P Forlonge, Petition on behalf of John Hassett, Salisbury Buildings, Bourke Street, Melbourne, 24 March 1900, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett,.

[17] *ibid.*

[18] John Hassett, Letter From Geelong Gaol, 28 February 1901, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

[19] *Herald*, Melbourne, 27 December 1901.

[20] *ibid.*

[21] Penal and Gaols Department, Indent of No. 23803 John Hassett, Geelong Gaol, 10 October 1900, PROV, VPRS 264/P0, Unit 17, Francis De Le Veilless/John Hassett.

A Stroll Along the Merri

Evoking a landscape through archival research

Abigail Belfrage

'A Stroll Along the Merri: Evoking a landscape through archival research', *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Abigail Belfrage.

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Abstract

Archives held at Public Record Office Victoria, complemented by photography and digital recordings, can provide a rich source of material for evoking a cultural landscape. Similarly, considering records in the geographical context of the landscape they are created in or refer to can enable a greater understanding of the overall context of their creation. A case study of a portion of the Merri Creek in Northcote and Brunswick explores these relationships and some of the stories that can be told about the Merri.

I love a walk along the Merri Creek. The section of the Merri from Rushall Station to Arthurton Road is an area I know well from my many wanders and train journeys, and I cross the Merri every day while riding to work. To the interested eye the landscape of the Merri is rich with layers of evidence of human activity, in the form of buildings, parks, exposed basalt banks, plantings and pylons, prompting questions about the who, when, how and why of these places and features. Walking along the creek makes me wonder about the kinds of records and sources that could answer these questions. Conversely, this piece is intended to show how archives, in this case records created by state and local government agencies, can evoke a landscape, and enable stories to be told about places.

As well as exploring the relationship between the records and landscape of the Merri in words, I will be presenting digitised images of records referring to particular places on the stretch of the Merri we will be 'walking along'. Each of these will provide occasions for reflection on the connection between records and the place they document. In addition, I will include audio of sound recordings from the Merri that can be

accessed via hyperlinks along the way.[1] This piece is not an attempt to write a history of the Merri, nor of the suburbs along its banks. It is primarily a journey through records as a way of exploring a landscape, and vice versa, an exploration of records by journeying through a particular landscape.

This project has been inspired not just from my thoughts and questions about the processes and people that have shaped and inhabited the Merri, but by theoretical discussions about the relationships between cultural heritage institutions such as archives and museums, and their surrounding locales.[2] These theoretical perspectives articulate the profound connection between records and objects and the places they describe or in which they were created. Through the relationships that connect a particular place, in this case the Merri Creek, to a range of contexts, it is possible to evoke a richer range of meanings of both the records and the places to which they relate. The meanings of both the records and the place can inform each other and possibly generate new historical understandings or insights.

There are a variety of contexts for records in addition to the geographic location of their subject matter, including the provenance of their creation, that is, the actual workplace or home in which they were created, or the activity they document. As we read about the places described in the records, and through the records uncover layers of meaning in the landscape, we can also to a lesser extent, by placing ourselves in the landscape physically or even imaginatively, consider layers of meaning and context in the records, and the processes and people that created them.

There are many kinds of sources alongside public records that are capable of providing insights into life along the Merri, such as newspapers, reports, published and unpublished histories, photographs, as well as a variety of web sites and web-based resources such as databases. Public records have been selected for this piece for their ability to communicate about human experience and processes of change along the Merri, and how the records combined and described are able to communicate a sense of the landscape. As a case study it is intended that this piece can point the way to sources, particularly records held at Public Record Office Victoria, for people interested in researching and writing about landscapes and their historical, cultural and social dimensions. I have also drawn on discussions with people about their associations with places along the Merri, and included sound recordings and photographs taken along its banks.

Setting the Scene

The Merri Creek is the border between Northcote and its southern and western neighbours in Clifton Hill, North Fitzroy and Brunswick. I will be taking you on a stroll along its banks and through some of the records about the Merri held at Public Record Office Victoria. We will meander northwards along a small area of the Merri starting at Rushall Station in North Fitzroy and continuing as far as the site of the old quarries by the Arthurton Road Bridge. We will be exploring how people have experienced and shaped the Merri over the last two centuries, and how we can learn about these processes from the landscape and places along it, and from records about the Merri. As we will discover, a large number of state and colonial government departments have created records about this area of creek, mainly to do with the creation and maintenance of institutions and infrastructure along its banks.

This excerpt from the parish plan of Jika Jika shows the allotments and names of the grantees of Crown land around the Merri up to 1927, when this version of the parish plan was last updated. The Merri winds its way south to join the Yarra, functioning as the border for some of the allotments, and the suburbs of Northcote and Brunswick, and Northcote and (North) Fitzroy. Some distinctive features are apparent at this point: the public land on the border of the creek in the middle of the parish plan, and the way St Georges Road and the railway line cross the Merri in the south. The dates on the plan illustrate the main periods of survey and occupation of the land surrounding the Merri by non-Indigenous people. Note also the smaller subdivisions at the southern end of the plan, indicating where the township of Westgarth grew near the Merri Creek.



Excerpt from Jika Jika Parish Plan, 1927, showing the area of the Merri covered in this article. PROV, Parish Plans on Microfiche, Parish of Jika Jika, Fiche No. 944.

Railway line from Rushall Station to Merri Station

This stretch of railway from Rushall to Merri station as it crosses the creek is a remarkable, if not iconic feature of the Merri landscape, and a significant piece of infrastructure in the growth of Northcote and the inner northern suburbs of Melbourne.



Map of Melbourne Suburban Lines 1930s, showing the Inner Circle and the Northcote Loop. Excerpt from PROV, VPRS 12903/P1 Photographic Negatives, Railways, Box Systems, Box 527-13.

This portion of the railway line ran from Clifton Hill to Northcote station, connecting the Inner Circle to the Northcote-Preston-Whittlesea line, also known as the Fitzroy and Whittlesea line. It took several decades to bring plans for this connection to fruition.



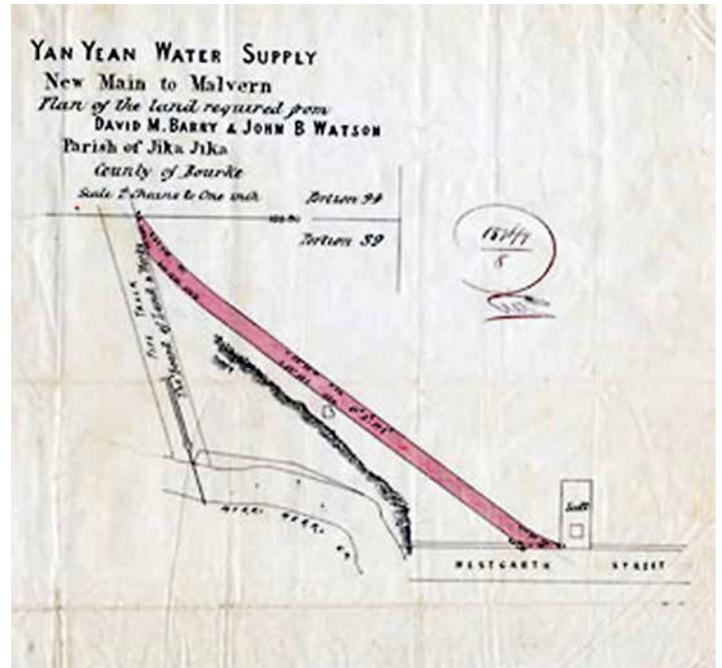
The curve of the railway line as it travels west and then north from Rushall station, crossing the Merri. In the foreground, part of the now defunct Inner Circle heads west along what is now Park Street, North Fitzroy. In the background left, the Fitzroy and Whittlesea line can be seen connecting with the Northcote loop at the railway bridge. PROV, VPRS 12800/P1 Photographic Collection, Railway Negatives, Alpha-numeric Systems, H2158 .

Proposals were held up by disputes between rival councils (Fitzroy and Collingwood) and the economic depression of the 1890s. Now part of the Epping line, the Northcote Loop, as this curve in the line was often called, was completed in 1904.[3]

As a passenger on a train today, winding around the curve, the landscape of the Merri and its surrounds unfolds almost as a theme park. As the train wheels scrape the tracks, a soundtrack is formed to accompany the panorama. The wheels' low notes echo along the creek banks, the rhythm section rattles out a beat and harmonics whistle across the valley against the western face of the Northcote (Ruckers) hill, especially at night after the traffic has disappeared, a rumbling screeching sound.

Yan Yean Water Mains Pipe

Whether we're walking north along the creek from Rushall station or travelling on the train, two large pipes crossing the creek soon come into sight. They are ugly pieces of metal on first impression, but become less brutal as you get to know them. One of the neighbourhood's best kept engineering secrets, this pipe is listed on Victoria's Heritage Inventory due to its historical significance as a piece of the state's water infrastructure.[4]



Plan showing the position of the existing water main pipe crossing the Merri, and the nearby land required for the new main to Malvern. Excerpt from PROV, VPRS 8609/P28, Unit 3, 1876, Correspondence between the Commissioners and landowners Barry and Watson.

The line from the Yan Yean Reservoir to Melbourne was built between 1853 and 1857 as part of Melbourne's first major water supply project. Additional mains were constructed as the demand for water grew.[5] While most of the land used to lay the pipe, or associated access tracks, was Crown land, tracts of private land such as the one shown above were acquired prior to construction.

Merri Primary School

Another 200 metres downstream from the Yan Yean pipes, and still in North Fitzroy, is Merri Primary School. Formerly known as State School 3110 and then Miller Street Primary School, it sits up on the North Fitzroy bank of the Merri by the St Georges Road bridge. Constructed in 1891 by the Public Works Department, the original two-storey building is handsome in the blood and bandage style of brickwork. The building has undergone significant additions and alterations since it was built. The school grew to meet the needs of a changing student body and community. An example of some of the effort involved in adapting a school building is illustrated by a look into the Public Works Department Capital Works files in the early 1970s.[6] A page from this file records the process of approval for a fairly basic work, the installation of linoleum for a classroom.



The stamps on this page from an application by Merri Primary School illustrate the administrative steps it had to go through to obtain linoleum for a classroom. PROV, VPRS 6039/R1 Major Works Project Files, Unit 20, File No. C141686 C.

The page is almost an artwork of twenty stamps of approval, revealing the sometimes painstaking process of negotiating with a government department.

With its layers of structures, its banks and bush, and shallow flows, the Merri Creek along this stretch was and is a place for these students to roam (out of school hours), as Normie Rowe, a former Merri Primary student remembers:

The Merri Bridge I crossed each day to get to school, and the [Yan Yean] pipe next to it, where we'd dare each other to cross, 300ft drop, no safety net. The same under the scaffold-like substructure of the 500ft high rail bridge between Merri and Rushall stations.

Of course, the Merri Creek, where I believe fish have started swimming once again — when I was a kid the only living things there were the big blue/black yabbies, disease and water rats as big as bull-terriers.[7]



The Miller St entrance to Merri Primary School, showing the recent Merri rainbow serpent and the brickwork of the original building. Photograph Abigail Belfrage March 2007.

Northcote High School and the Northcote Inebriate Asylum

Taking the track beside Merri Primary School upstream for 300 metres we can see on the opposite bank the football fields of Northcote High School and its school buildings fronting onto St Georges Road. No doubt many students from State School 3110 would have graduated to the High School. What was it like moving to the big school upstream from Merri Primary? Normie Rowe, reflecting on this transition, remembers, 'Something went wrong when I got to Northcote High School. I think it was called Rock n' Roll'.

.....

The high school was opened in 1929 after lobbying by the five surrounding local councils for another secondary school during the mid-1920s.[8] A deputation from the Northcote council met the Minister of Education in September 1920 to put forward their case for a new elementary school. They argued that Northcote's population needed greater educational opportunities as its population was developing at a rapid pace, and would increase when the local railway lines were electrified.[9] A couple of days before Christmas, 1927 (and a few inches of archives later), the Minister authorised the Public Works Department to call for tenders for a new school building for Northcote High School on its present site.[10] These records offer an insight into some of the aspirations of a growing community, working to establish opportunities and infrastructure for the next generation.

It is interesting to consider whether many teachers and students over the years at Northcote High School would have known that it was built on the site of the Northcote Inebriate Asylum, also known as the Northcote Inebriate Retreat. Presumably it was once common local knowledge. However, significant time elapsed between the Asylum's closure in early 1892[11] and the opening of Northcote High School on the site in 1929.

The Northcote Inebriate Asylum was a private organisation opened in 1873 housing small numbers of women who were more or less sentenced to treatment there.[12] It became a government operation in 1890 as announced by a notice in the *Government Gazette*:

The Asylum for Inebriates, at Northcote, is now open for the reception of a limited number of female patients who are unable to contribute towards their maintenance.

Applications on behalf of or from persons requiring treatment in this institution should be made to Dr. McCarthy, the Supt. of the Asylum, from whom all necessary information can be obtained.[13]

A snapshot of the Inebriate Asylum's inmates, in the form of an admissions register, is held by PROV.[14] Covering the period from 1890 to 1892, the register recorded basic facts about their circumstances. From these entries we can re-create the demographics at the Retreat for those three years.

In 1890 there were only four admissions, one of those being a readmission. In 1891 there was an increase in the number of residents with fifteen admissions. More information about the residents was recorded in entries made this year. Nine of the women were married, with two widows and four single women. Only six women were born in Australia (three in Melbourne and three

in country Victoria), while the rest were from New Zealand, Ireland, Scotland and England. Six belonged to the Church of England, five were Presbyterians and there were four Roman Catholics. Nine were described as having chronic alcoholism, and one lady as having 'morphinism' (morphine addiction). Entries in the register in 1892 showed a similar breakdown of background and conditions, made up of twenty-one admissions. Some were readmitted from previous years.

It would be interesting to learn more about the lives of these women and how they passed their time on the banks of the Merri. How much contact might they have had with the local communities of Northcote, Westgarth, North Fitzroy or Brunswick? What was life like in the Inebriate Asylum? In contrast with records that relate to the other two institutions along the Merri, the primary and secondary school, which communicate a sense of growth and connection with the local community, the Inebriate Asylum records depict quite a different sense, as it was made up of individuals drawn from outside the local area, who probably had little or no connection with the surrounding community. The Asylum building is no longer there and the register offers little opportunity for insight into the inmates' experiences, but the questions remain.

Back to Northcote High School and another building by the creek; in my father's time as an English and Latin teacher at Northcote High School in the early 1960s, teachers would drop in to the Albion Charles Family Hotel, downstream from the high school, for a quiet one at the end of the week. From the hotel front bar they could see the creek across Merri Parade and the St Georges Road bridge, and if they looked a bit further, they'd see Merri Primary School.[15] From the pub it was a short stroll to Merri station, or just a few steps to catch the St Georges Road tram home.

With its grounds located on the banks of the creek, the Merri has been a presence for the students and staff of Northcote High School. One former student remembers that in the 1990s students would frequent its banks at lunch time and after school (no doubt against school rules), and roam the storm water tunnels that empty into the Merri in the southern corner of the school grounds.[16]



Power lines along the Merri showing the 66kV and 220kV pylons. Photograph Abigail Belfrage March 2007.

Pylons

As we journey further downstream and cross the creek at a footbridge at the end of the school grounds we are struck by one of the most significant visual features along the creek; a chain of electric pylons. On windy days you can hear their wires gently whistling. In February 1974 the State Electricity Commission of Victoria (SEC) received permission from the Department of Crown Lands and Survey to reinstall the existing 66kV pylons and create a new line of much bigger pylons capable of carrying 220kV of electricity. This line would 'provide for future power requirements in the northern inner metropolitan area' by connecting the Brunswick Terminal Station with the Clifton Hill Terminal Station. As part of the arduous process of planning for the lines, the SEC had to gain approval from four additional jurisdictions, including the Northcote City Council, Melbourne Metropolitan Board of Works, Fitzroy City Council and Victorian Railways.[17]

Considerable debate was taking place over the proposal to install the pylons, due to their size and visual impact on the Yarra and Merri valleys. A number of organisations were campaigning against the installation, including the Merri Yarra Municipal Protection

Committee, which represented eight municipal councils from adjoining areas to the proposed line, and members of the Yarra Bend Park Trust and Studley Park Association. In a 1983 report provided to the Minister of Ethnic Affairs, the Committee stated their concerns about the impact of the power lines and their aspirations for the Merri and Yarra valleys in this area:

For the first time, a modest but concerted effort is being made to clean up river banks and to create access to the inner urban Merri Creek and Yarra Valley with reforming of banks, planting, creation of cycle tracks and the like. For the first time in more than a century, there seems to be the promise of giving back industrialised and despoiled stretches of the Merri Creek and Yarra to the people.

... The proposed new power lines and associated towers will, in the view of the committee, invade the park in a real and physical way. It is not just a visual threat, but a real loss of parklands ... People who would most use these parks are from the above inner suburbs and, in the main, live cheek by jowl with industry and high rise accommodation. They are people who can least afford to lose the valuable asset of open land for recreation.[18]

Quarries

The banks of the Merri are geologically distinctive. The naked eye can see evidence of mineral flows cooling from volcanoes, and other enormous forces capable of creating layers and patterns in the exposed rock. In stretches along the creek the flow has cut its way through steep banks of basalt and bluestone. Humans have cut and carted away even more. Now a place resonant with recreation and regeneration, the creek between the Arthurton Road bridge and the Yarra was for a time an ants nest of activity with its many quarries.



MMBW Detailed Base Plan featuring Wales' quarry and Merri Creek. Excerpt from PROV, VPRS 8601/P2, Unit 5, Plan No. 1938, last revised 1915.



Remains of winch holder from Wales' Quarry. Note the tree plantings on either side of the creek. Photograph Abigail Belfrage March 2007.

Individuals could apply to the Department of Crown Lands and Survey for a quarrying licence, such as Mr Benjamin Tapner who in 11 August 1859 requested No.6 quarry in lieu of No.4 'as there is no stone on it'. His request was granted.[19] Mining companies also extracted stone from the Merri's banks, notably the Albion Quarrying Company Limited, which operated from March 1885 to April 1893, and from July 1912 to May 1970[20], and its subsidiary the Merri Creek Quarry Proprietary Limited, which operated from January 1927 until its liquidation in June 1966.[21]

If we continue walking along the western bank of the creek we pass the Brunswick Terminal Station (electricity) on the left and approach a viewing platform to our right. Overlooking the creek and adjacent to the platform are the remains of a bluestone winch holder, once part of Wales' Quarry which was operated by the Albion and Merri Creek quarrying companies. A glimpse of the landscape as a working quarry can be gleaned from this Melbourne Metropolitan Board of Works (MMBW) Detail Plan, last revised in 1915 [22].

The outline of the quarry and the spreading waters of the creek at the end of Victoria, Kirkdale and Albert Streets is starkly visible. On the Northcote side of the creek (the side opposite the viewing platform) is a sprawling MMBW depot, another site of human industry. Interpretive signs and a sculpture near the viewing platform describe the workings of the winch in the quarry, evoking images of the gutted creek as an industrial site, a world away from its revegetated banks today.

The work carried out on the replanting of the Merri's banks since the 1980s changed the landscape once again, and created a home once again for birds and other wildlife. A stage in this process of reinvention is captured in a photograph taken by the Melbourne and Metropolitan Board of Works which depicts the first replanting of the Merri in the early 1980s on the site of their old depot.[23] These records document, and thereby assist us to re-imagine, the industrial activity of the quarry, its return to bare reconstructed ground, and then to revegetated and reconstructed banks once it ceased being a quarry.

There are many more places to explore, records to investigate and stories that can be told about the Merri and the people who have lived along its banks. For those of you familiar with this stretch of creek I hope this excursion through records and sound has brought it to life and evoked some of the people, debates and processes that have shaped the landscape; the early non-Indigenous land allocation patterns, the emergence of infrastructure in the form of railway lines, water mains and electricity pylons, the establishment of institutions (a primary and secondary school and an inebriate asylum), and the Merri as a place of geological significance, industry and recreation before, during and after its time as a quarry.



Tree plantings on the banks of the Merri, c. 1980s. PROV, VPRS 8662/P1, Unit 8, Image 13.

Whether or not you are familiar with this landscape I hope that this stroll along the Merri has provided a good example of the kind of exploration of a landscape that can be undertaken through records, stories and sound. I hope I have also demonstrated how, by considering records in the context of the landscape to which they refer, our understanding of the records' content is enriched. My research into the Merri has changed the flavour of my journeys along the Merri and I notice more features in the landscape that formerly blended into the general ambience of the creek. While this archival research has answered some of my questions, more have emerged as I have encountered the records, pointing me towards further research, walks and stories.

More sounds of the Merri

- Afternoon plane and train
- Suburban ambience
- Train and birds
- Merri suburban mix

Endnotes

[1] You will need to be online to access these sound files, which are in MP3 format. Alternatively, you could download them onto your computer and listen to them while you are reading a printed copy of the article. All sound recordings were taken in the Merri study area in September 2007. Minor editing has been undertaken to improve sound quality, apart from the last track listed at the end of the article 'Merri suburban mix' which is a blend of sounds sampled from these field recordings. Thanks to Jaye Hayes for technical advice and sound editing.

[2] H Taylor, "'Heritage' revisited: documents as artifacts in the context of museums and material culture', *Archivaria*, Fall, 1995, no. 40, pp. 8-20; and P Davis, 'Places, "cultural touchstones" and the ecomuseum' in G Corsane (ed.), *Heritage, museums and galleries: an introductory reader*, Routledge, London, 2005, pp. 365-77.

[3] A Lemon, *The Northcote side of the river*, Hargreen, North Melbourne, 1983, pp. 137-8. Andrew Waugh, pers com, April 2007. See his website for details of railway history and railway maps: <http://www.vrhistor.com/VRMaps/>.

[4] H7822-0060, Yarra City, Heritage Inventory AHC Type 6.3.1 Water supply and irrigation. From Heritage Register and Inventory, viewed online 4 April 2007: http://www.heritage.vic.gov.au/page_239.asp?ID=239.

[5] T Dingle & H Doyle, *Yan Yean: a history of Melbourne's early water supply*, Public Record Office Victoria and Melbourne Water, Melbourne, 2003.

[6] PROV, VA 669 Public Works Department, VPRS 6039/R1 Major Works Project Files, Unit 20, File No. C141686 C.

[7] Merri Primary School, From Miller St to Merri Primary 'The best years of your life': the first hundred years at Merri State School 3110, 1891-1991, 1991, p. 46.

[8] LJ Blake, *Vision and realisation: a centenary history of state education in Victoria*, vol. 2, Department of Education, Melbourne, p. 222.

[9] Notes of Deputation from the Northcote Council which waited on the Minister (Mr W Hutchinson MLA) to urge the establishment of a high school at Northcote, PROV, VA 714 Education Department, VPRS 3916/P0 Building Files: High Schools, Unit 116, 27 October 1920.

[10] Covering note on school building file, PROV, VA 714 Education Department, VPRS 3916/P0 Building Files: High Schools, Unit 116, 23 December 1927.

[11] Notice in Government Gazette, Melbourne, 20 September 1892, p. 3706, www.landata.vic.gov.au (viewed online June 2007).

[12] Lemon, *The Northcote side of the river*, p. 128; entry on PROV's online catalogue for VA 2853 Northcote Inebriate Asylum, <http://access.prov.vic.gov.au> (viewed online June 2007).

[13] Notice in Government Gazette, Melbourne, 24 July 1890, p. 3045, www.landata.vic.gov.au (viewed online June 2007).

[14] PROV, VA 2853 Northcote Inebriate Asylum, VPRS 7478/P0 Register of Admissions, Unit 1.

[15] Noel Belfrage, English and Latin teacher at Northcote High School 1960-1964, pers com January 2007.

[16] Former student, pers com, April 2007.

[17] PROV, VA 538 Department of Crown Lands and Survey, VPRS 11794/P1 General Correspondence Files, 'M' Series, Unit 78, Corr. No. G73404, *Jika Jika*, State Electricity Commission of Victoria.

[18] PROV, VA 1029 Victorian Multicultural Commission, VPRS 11790/P1 General Correspondence Files, Annual Single Number System, Unit 204, File No. 83/1819 Merri Creek/Yarra Valley Transmission Lines, MYMPC Report - 15/9/1983, From Councillor PA Joes, City of Hawthorn and Chairman of the MYMPC, p. 9.

[19] PROV, VA 538 Department of Crown Lands and Survey, VPRS 6605/P0 Chief Commissioner of Crown Lands Inward Correspondence, Unit 28, Item 59/1520.

[20] PROV, VA 538 Office of the Registrar-General and the Office of Titles, VPRS 932/P0 Trading Company Registration Files, Unit 54, company no. 903, and Unit 269, company no. 5131.

[21] PROV, VA 538 Office of the Registrar-General and the Office of Titles, VPRS 932/P0 Trading Company Registration Files, Unit 716, company no. 12284. The date ranges cited for the duration of mining companies does not imply that quarrying was carried out along the banks of the Merri throughout this period.

[22] PROV, VA 1007 Melbourne and Metropolitan Board of Works, VPRS 8601/P2 Detailed Base Plans [DP] 40'=1' Numeric, Unit 5, Plan No. 1938, last revised 1915.

[23] PROV, VA 1007 Melbourne and Metropolitan Board of Works, VPRS 8662/P1 Photographic Images (Positives, Prints), Unit 8, Photograph no. 13.

Her Majesty's Collingwood Stockade

A Snapshot of Gold Rush Victoria

Peter Andrew Barrett

'Her Majesty's Collingwood Stockade: A Snapshot of Gold Rush Victoria', *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Peter Andrew Barrett.

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Abstract

The word 'stockade' has been associated, particularly in recent years, with the Eureka Stockade conflict at Ballarat, which has overshadowed the word's other use in gold rush era Victoria, as the term for a low security prison. Several of these stockades were opened in metropolitan Melbourne at the height of the gold rush including Pentridge (1850), Richmond (1852), Collingwood (1853) and the 'Marine Stockade' at Williamstown (1853). They supplemented other stockades constructed closer to the goldfields, and the prison hulks moored off Williamstown. The stockades contained prisoners with shorter sentences, or those having served part of their sentences on the hulks.

With few residents during the gold rush, North Carlton was colloquially referred to as Collingwood, in reference to the small settlement to its east, and its relative isolation from Melbourne made it an ideal location for one of the city's earliest penal institutions — the Collingwood Stockade. Today, North Carlton's rows of elegant Victorian terrace housing and wide streets now cover the district's early history as the site of one of the Colony's largest prisons.

The stockade's register of 'Personal Description of Prisoners Received Collingwood Stockade 1856', held at Public Record Office Victoria, provides a fascinating documentary account of its prisoners, which totalled more than 300 at one stage. But also of interest in the register is a description of each prisoner's origin, with many having only recently arrived in the Colony, from all corners of the globe. The Collingwood Stockade's inmates reflect the cultural diversity of gold rush era Victoria. Most were single young men, some as young as fifteen. With no family in Victoria, and probably a limited social network, it is of little surprise that many soon found themselves in trouble with the law.

After the Collingwood Stockade closed in 1866, its buildings, many built by its inmates, were converted into an asylum for the reception of 'lunatics' transferred from Melbourne gaols. This institution, the Collingwood Stockade Asylum, existed until 1873, when the site was converted to its current use as Lee Street Primary School. Stockade prisoners quarried bluestone on land that now forms Curtain Square in North Carlton, and some of this was used on the stockade's buildings. After these were demolished, the bluestone was salvaged and used for the footings and flaggings of the 1878 primary school building. This bluestone, and a stone tablet from the former Governor's House fixed to the wall of the school, are today the only visible physical reminders of the former Collingwood Stockade.

North Carlton's rows of elegant Victorian terrace housing and wide streets, which define most of the physical character of the suburb, provide a thin veil of Victorian respectability over a less salubrious layer of the district's early history. With few residents during the gold rush, North Carlton was colloquially referred to as Collingwood, in reference to the small settlement to its east. Its relative isolation from Melbourne made it an ideal location for one of Melbourne's earliest penal institutions — the Collingwood Stockade. The sounds of children merrily playing at Lee Street Primary School today is in stark contrast to the sounds from this same site one hundred and fifty years ago, when prisoners were mustered for labour on the bluestone quarries of the stockade.

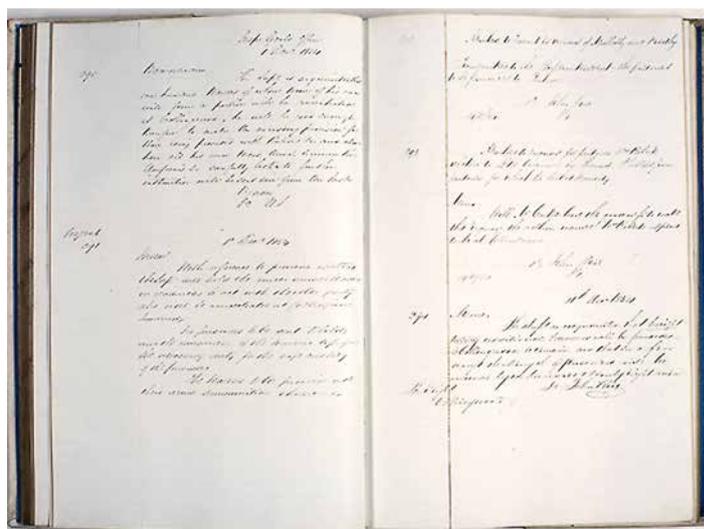
Victoria of the 1850s was prosperous and diverse, but it could also be a dangerous and unlawful place. Within days of separation from New South Wales, gold was discovered in Victoria, and with this came an influx of immigrants from around the world. The population of Victoria increased from 77,000 in 1851 to more than 500,000 a decade later. Of more interest, and quite often forgotten, is the shift that occurred at this time from purely Anglo-Celtic immigration, to a broader array of arrivals including Chinese, French, Germans and Americans, some arriving from the Californian goldfields. Many convicts and ex-convicts from New South Wales, Norfolk Island and Van Diemen's Land also headed to Victoria in an attempt to find wealth. With an increasing population, crime became more prevalent and maintaining law and order more difficult.

New facilities were needed during the gold rush to relieve the overcrowding of Victoria's gaols. Stockades, a type of makeshift prison, were built in metropolitan Melbourne at Pentridge (1850), Richmond (1852), Collingwood (1853) and the 'Marine Stockade' at Williamstown (1853). They supplemented other stockades constructed closer to the goldfields, and prison hulks moored off Williamstown. Dangerous prisoners were confined to the hulks, which provided better security, and the prisoners with shorter sentences, or having served part of their sentence on the hulks, were accommodated at the stockades.[1]

The word 'stockade' has been associated, particularly in recent years, with the Eureka Stockade conflict at Ballarat. Although the main similarity between the two sites is their use of a stockade, that is, a fence of timber stakes to enclose each respective site, the Collingwood Stockade did play a small part in quelling the civil disturbances in the Colony in December 1854. With the growing unrest on the goldfields, the Inspector General of Penal Establishments, John Price, arranged for Collingwood Stockade to be a depot for the assemblage

of one hundred warders in readiness to 'march anywhere at anytime'. But this army of men would see no action on the Ballarat goldfields. Instead, during the Eureka conflict, they were deployed to assemble at the Melbourne Gaol to maintain law and order in the city. This left the stockades and hulks understaffed and resulted in an attempted rush for freedom by prisoners at Pentridge Stockade.[2]

There was a financial motive behind establishing the stockades. In contrast to more conventional types of gaols, prisoners in stockades provided labour while serving their sentences, as it was hoped this would help recover some of the cost to the government of the large-scale penal establishments it was forced to maintain. In the case of Collingwood Stockade, the proceeds from its prison labour almost funded the entire running of the gaol.[3] Prisoners at the stockade were generally involved in quarrying and cutting bluestone for roads and kerbing. Basalt was found to a depth of ten metres in the vicinity of the stockade, and this meant that hundreds of men could be employed for many years quarrying the stone. The demand became so great for its bluestone that by November 1854 the Collingwood Stockade had been extended to accommodate three hundred men, in order to increase the output from its quarries. This increase in demand was a result of an agreement made between the City of Melbourne, the owners of the quarries, and the Penal Department, that labour, as well as the cost of cartage of the stone to Melbourne, would be charged at twenty-five per cent less than free labour.[4]



The entry at bottom right is a memo to the Superintendent of the Collingwood Stockade dated 4 December 1854 regarding reinforcements of warders being sent to stockade. PROV, VPRS 688/P0 Letter and Memoranda Book, Inspector-General's Office to the Superintendent, Collingwood Stockade, Unit 1, entries for December 1854.

As well as roadworks, the stone was also used for building purposes, with bluestone from the stockade quarries being used to construct some of the early buildings in Melbourne. Stone quarried at the stockade was regarded as superior to that supplied by free labour. [5] The stone cut for building purposes was often used in Penal Department buildings. In 1857 stone was being quarried at the stockade for the new buildings at Pentridge Prison and in 1859 stone was being cut and chiselled for the stockade's new Governor's House and ten stone solitary confinement cells.[6] It is also likely that bluestone quarried at the stockade was used to build parts of the Old Melbourne Gaol.

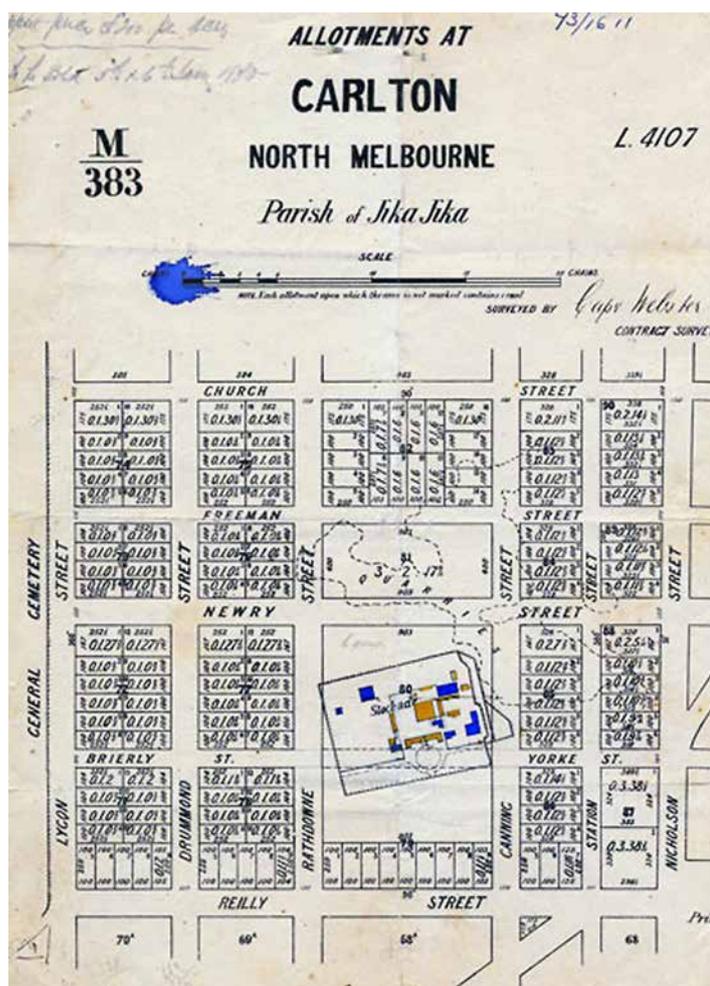
Initially, the majority of the Collingwood Stockade buildings were timber and iron, which indicates that it was the government's intention that the establishment was to be a temporary measure. A timber palisade fence three metres in height was the only element separating

the prisoners from the outside world, but this was later replaced by a bluestone wall after a series of escapes: the first occurring a month after the stockade's opening. The lax security at the prison was highlighted in 1855 when a former inmate, William Bateman, broke into the prison: the purpose of his visit being to conspire with inmates to execute an escape! [7]

The majority of the prisoners were accommodated in dormitories. This type of accommodation was outdated, if not primitive, even for the mid-nineteenth century, as it was seen by this time to hamper the reform of prisoners. Housing prisoners in cells was viewed as a better method of maintaining discipline in several ways. In the 1840s, widespread homosexual behaviour amongst prisoners on Norfolk Island and Van Diemen's Land was blamed on dormitory accommodation. A public scandal erupted, embarrassing penal authorities on both islands, which led to the introduction of cells in both places.[8] At least ten cells were made available at Collingwood Stockade in 1859 for prisoners whom it was 'advisable to separate by night from their companions'.[9] Other misdemeanours at the stockade ranged from insolence, refusal to work and, in one unusual case, a prisoner walking on the breakfast table.[10]

At any given time, a significant proportion, on average fifty, of the stockade's total inmates were Chinese.[11] It had been the practice in the Colony's gaols to house Chinese prisoners separately, as it was believed that group accommodation would help to prevent the high incidence of suicide amongst them.[12] Another factor contributing to the practice of separating Chinese prisoners from the rest of the prison population at night would have been concern for their safety, given the record of violence towards them on the goldfields and the practice there of separating Chinese camps from others. A Lin was typical of Chinese prisoners at the stockade. He arrived in Victoria in the early years of the gold rush, as a single young man, with no relatives in Victoria and probably a limited social network. He soon found himself in trouble with the law, and without the ability to read, write or speak English, there was little hope that he would receive a fair trial. A farmer by trade, Lin was imprisoned for six months at the stockade for robbery.[13]

Although the Chinese made up the greatest proportion of non Anglo-Celtic prisoners, the 'Register of Names, Particulars and Personal Descriptions of Prisoners' held at Public Record Office Victoria indicates that many prisoners arrived from all corners of the globe, reflecting the cultural diversity of gold rush era Victoria.[14] Prisoner James Bafrett, who is described as a 'Negro', with 'ears pierced', originated from Bermuda.



A plan of house allotments in Carlton printed in 1869. The plan dates from a time when the stockade had been converted into an asylum. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 696, School No. 1252 Carlton, Lee St.



Stone tablet from Governor's house, now mounted on a wall of one of the buildings at Lee Street Primary School, North Carlton. Photograph © Peter Barrett.

Other men had arrived in the Colony from Buenos Aires, New York and Berlin. Some Aborigines from Sydney were also amongst the list of inmates in the Collingwood Stockade. The stockade register shows that the majority of the inmates' crimes were minor in nature, with some of the more unusual offences ranging from stealing a pair of boots, to, in the case of John Nash, a former soldier of the 40th Regiment, attempting to commit bestiality.[15]

Religion was an important part of the routine in the stockade. Religious instruction was provided for Christian prisoners on Sundays, as they were not required to work on this day. Similarly, Jewish prisoners, numbering five at one stage, were excused from work on their Sabbath (Saturday). This was a result of the efforts of members of the Melbourne Hebrew Congregation who convinced prison authorities to allow Jewish prisoners to observe their Sabbath. Despite these efforts, government authorities were still refusing special dietary allowances for Jewish prisoners in the 1870s.[16] Other degrees of morality were imposed on the prisoners: swearing, lewd conversation and smoking were strictly forbidden.

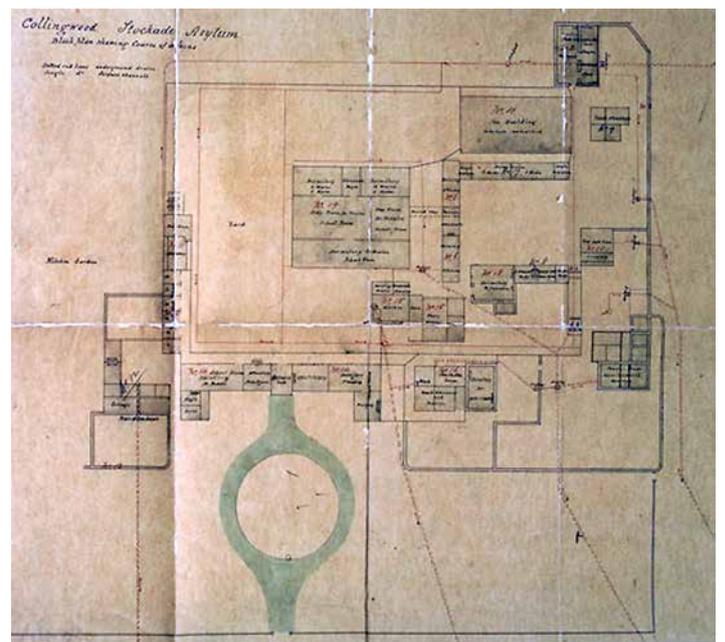
Two buildings of note at the stockade were the Prisoners' Mess and the Governor's House, which survived on the site well into the twentieth century and were later used by the Lee Street Primary School. The Prisoners' Mess, which incorporated a schoolroom and chapel for the inmates, was one of the earliest buildings of the stockade. It was constructed of timber and iron

and was used as the school's shelter shed until the 1920s, when it had fallen in to such a state of disrepair it was demolished.[17] The Governor's House, which comprised a parlour, three bedrooms, a small kitchen and outbuildings, later became the school principal's residence and was demolished in 1913 after it had also fallen into disrepair.[18] A stone tablet from the Governor's House is now fixed to the wall of a school building. It reads:

Anno Domini MDCCCLIX (1859)
H.M.S. (Her Majesty's Stockade)
T.M.S. (Thomas Malcolm Smith, The first Governor)

Carved into the stone, circling this inscription, is what appears to be a convict's belt.

Officers' Quarters were located to the west of the Governor's House. They were constructed of bluestone and the building was seven metres by five and a half metres, and three metres high; with a floor described as being level with the ground. Adjacent to this was another stone building, described as a cottage. A set of cells, completed in mid-1859, is of interest, as they were built underground. Their bluestone walls were discovered in works on the school site in recent decades. Prisoners in solitary confinement were housed in these, which had no light and were described by a former warder as akin to being 'buried alive'.[19] Another large building at the stockade was the dormitory for Chinese prisoners.



Plan of the Collingwood Stockade Asylum shortly before it made way for the Lee Street Primary School. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 696, School No. 1252 Carlton, Lee St.

Prison reforms led to the closure of Collingwood Stockade on 5 March 1866, when the remaining inmates were transferred to Pentridge. For its last six years it had a large Chinese prison population, and it seems the stockade was used as a depot for housing Chinese and non Anglo-Celtic prisoners. Of the total number of prisoners received in 1860, 218 were described as 'white' and 141 were described as 'black' (this included Chinese). At the time of closure, forty-two of the seventy-two inmates were Chinese.[20]

After the Collingwood Stockade closed, its buildings were converted into an asylum for the reception of 'lunatics' transferred from Melbourne gaols. This institution, the Collingwood Stockade Asylum, existed until 1873, when the site was converted to its current use as a primary school to cater for the children of the suburb that was developing around the former stockade site. Bluestone salvaged from stockade buildings was used for the footings and flaggings of the 1878 primary school building. This bluestone, and the stone tablet from the Governor's House are, sadly, the only visible physical remains of this significant part of Victoria's early prison history.[21] They are a reminder of the hundreds of inmates held at the Collingwood Stockade, who, with their diverse range of cultural backgrounds, were a precursor to the rich array of backgrounds that make up the North Carlton community today.

Endnotes

[1] HA White, *Crime and criminals, or, reminiscences of the Penal Department of Victoria*, Anderson Berry, Ballarat, 1890, pp. 21-2 & 24.

[2] PROV, VPRS 688/P0 Letter and Memoranda Book, Inspector General's Office to the Superintendent, Collingwood Stockade, Units 1 and 2, 1853-1856; P Lynn and G Armstrong, *From Pentonville to Pentridge: A history of prisons in Victoria*, State Library of Victoria, Melbourne, 1987, pp. 41-2.

[3] White, *Crime and criminals*, p. 114.

[4] Chief Secretary's Office, *Annual Report of Penal Establishments*, Parliament of Victoria, 30 June 1855, p. 6.

[5] 'Collingwood Stockade', *Argus*, 10 May 1859.

[6] DG O'Donnell, 'The Story of Australia: Early Victoria', *Gisborne Gazette*, 5 July 1935; 'The Collingwood Stockade', *Argus*, 7 January 1860.

[7] V Pratt, *Passages of time: a history of Lee Street State School and its site from 1853*, V Pratt, North Carlton, 1981, p. 11; *Melbourne (Morning) Herald*, 23 March 1853.

[8] JS Kerr, *Out of sight, out of mind: Australia's places of confinement, 1788-1988*, SH Ervin Gallery, National Trust of Australia (NSW), Sydney, 1988, pp. 57-8 & 61-2.

[9] Chief Secretary's Office, *Report of the Inspector General of Penal Establishments*, Parliament of Victoria, 26 October 1859, p. 4.

[10] PROV, VPRS 690/P0 Superintendent's Record Book, Unit 1 (1859-1865).

[11] Chief Secretary's Office, *Annual Report(s) of Penal Establishments*, 1857-1866, Parliament of Victoria.

[12] Lynn and Armstrong, *From Pentonville to Pentridge*, p 69.

[13] PROV, VPRS 10934/P0 Register of Names, Particulars and Personal Descriptions of Prisoners, Unit 1 (1856). Please note that subsequent to this research being undertaken in the 1990s, this record has now been closed for preservation reasons (under Section 11 of the *Public Records Act* 1973).

[14] *ibid.*

[15] *ibid.*

[16] LM Goldman, *The Jews in Victoria in the Nineteenth Century*, Goldman, Melbourne, 1954, p. 223.

[17] *Argus*, 10 May 1859; *Gisborne Gazette*, 5 July 1935; Carlton, Lee St, School 1252, PROV, VPRS 795/P0 Building Files: Primary Schools, Units 696 and 697.

[18] *Gisborne Gazette*, 5 July 1935; Carlton, Lee St, School 1252, PROV, VPRS 795/P0 Building Files: Primary Schools, Units 696 and 697.

[19] *Gisborne Gazette*, 5 July 1935; *Argus*, 30 December 1856.

[20] Penal Establishments and Hulks, Statistics of the Colony of Victoria for the year 1866, part IV, Law, Crime etc. in *papers presented to parliament*, first session, 1867, vol. 5, Government Printer, Melbourne, p. 1143.

[21] Foundations of other buildings of the stockade are still extant under the grounds of Lee Street Primary School.

Putting Colonial Victoria on the Map

The 1862 Land Act and its ‘big map’

Cate Elkner

‘Putting Colonial Victoria on the Map: The 1862 Land Act and its “big map”’, *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Cate Elkner.

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Abstract

The University of Melbourne’s Cultural Heritage Unit has recently completed a project in partnership with Public Record Office Victoria to digitise a unique record from PROV’s collection — a 4.5 by 6 metre map of Victoria, created by the Parliament of Victoria in 1862.

Digitisation of this map (serialised in VPRS 7664/P3 Unregistered maps and plans, Unit 1) opens up the possibility of making this resource readily accessible to the public for the first time. The next phase of this project will involve exploring the different ways in which this digital resource can be made accessible to researchers on the internet. Technology is available to use the ‘big map’ as the basis for an innovative interactive map which could provide new representations and understandings of land settlement in Victoria.

In this article, map-making, surveying and naming are discussed as crucial activities in the process of the colonisation of Victoria — activities that provide us with insights into the cultural and political perspectives of early European occupiers of the land. The big map from 1862 and its representation of ‘Victoria’ is but one representation of the land, created by the colonial government.

New technology (such as the TimeMap software developed by the University of Sydney’s Archaeological Computing Laboratory) has the potential to create representations of maps and landscapes that can demonstrate that a map is not a natural reflection of a self-evident reality, but a human construction, and one that is open to contestation from those who might see the landscape in different ways.

Records in Public Record Office Victoria’s collection take many forms beyond the typical paper document. This article discusses a recent project involving one of the largest items in the collection, a 4.5 by 6 metre map of Victoria created by the Parliament in 1862.[1] This map came into being as a requirement of the *Land Act 1862* (commonly known as the Duffy Act after its sponsor, Charles Gavan Duffy, who was in charge of the Lands Department in 1858-59 and 1861-63). The large map was lodged with the Clerk of Parliaments both as a requirement of the Duffy Act and to enable the public display of this depiction of the 10 million acres of land made available for selection by the Act.

This map, which comprises a series of smaller lithographs pasted onto a seamless backing, was originally hung on the wall in Parliament, on rollers (a bit like a household holland blind). It presumably remained on display in Parliament House until 1865, the year of the next Land Act. Some time after the map was taken down, it was placed in a specially constructed wooden box and stored in the basement of Parliament House, until its transfer to PROV.[2]

This storage of the map in the wooden box and minimal handling since it was consigned to the basement have resulted in a very well-conserved record for PROV’s collection. In addition to its significance as an object, or even an icon, this map as a record provides a succinct visual representation of the alienation of land in the colony of Victoria, from the first land sales overseen by La Trobe in 1837, up to the Duffy Act in 1862.



Cate Elkner with Daniel Wilksch (Manager Online Projects) standing beside the 1862 Land Act map at the time it was being photographed in the first stage of the digitisation project. PROV, VPRS 7664/P3 Unregistered Maps and Plans (Legislative Assembly), Unit 1.

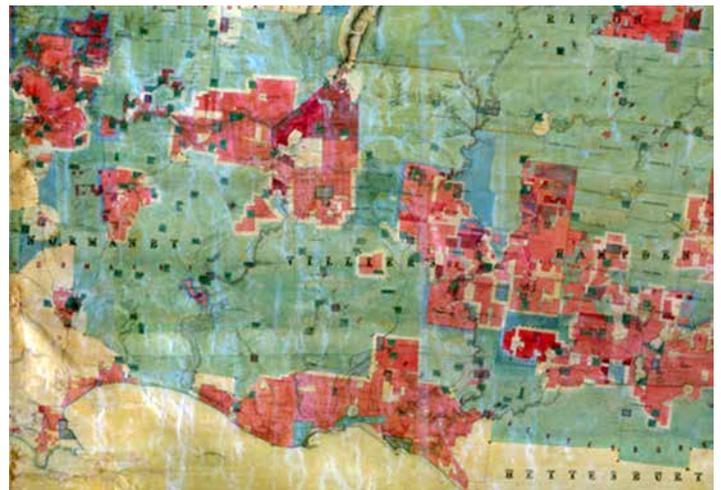
The boundaries of the system imposed on the landscape by successive lands administrators, categorising areas of the land as parishes and counties, are clear, as are the towns then in existence, as well as natural features of Victoria's topography and landscape. As Farrugia and Nelson have stated, the 1862 Land Act map depicts 'the extent and limits of settlement in the colony of Victoria to that time'. [3] A major issue with this record for PROV was how to provide access to the map and to the evidence it provides of the administration of public land in the colony.

The internet was an obvious solution to this issue of providing access to the 1862 map. There were also clear preservation and conservation advantages

associated with the digital capture of this record. With assistance from a seeding grant from the Faculty of Arts at the University of Melbourne, the Cultural Heritage Unit in partnership with PROV arranged for the digitisation of the map in December 2006. A company called Photography Department was engaged to photograph the map, a process which took three days and involved photographers, PROV's repository staff and conservators.

The method used was to roll out the map to its full size on the floor of the studio, then, using a special scaffold, photograph the map from above. Due to its size, the map had to be photographed in segments, and then these segments of the map were digitally 'stitched' together to provide us with a complete image of the 1862 map. Now that this work has been completed, it is possible to progress to the next phase of the project, which is to make this digitised map available on the internet. Access to the digitised map will make possible new research enquiries into land settlement in Victoria and should lead to new insights about this aspect of Victoria's history.

The big map can be conceived as a visual representation of Victoria, providing evidence about the history of the alienation of crown land in Victoria up to 1862. But this record also offers some insights into how the landscape in Victoria was imagined and represented by colonial governments.



This detail of the 1862 Land Act map shows the western district coastline and hinterland from Portland Bay (lower left) curving right toward Warrnambool. The coastline then meanders south-east toward Cape Otway. In this part of the colony much of the land was shaded green, indicating land tenure under 'pre-emptive rights' or special surveys. Red shading stands for land already sold. Blue areas designate land made available for selection under the 1862 Land Act. Detail of Map of the Colony of Victoria, PROV, VPRS 7664/P3, Unit 1.

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This map's particular representation of Victoria shows a vexed situation that had been the subject of political agitation and debate from the colony's earliest days — namely, the occupation of large land-holdings by 'squatters'. This situation became a bitter struggle between the interests of squatters and those in favour of smaller-scale agriculture, particularly from the 1850s, when calls to 'unlock the lands' first began to be heard.

The big map contains various blue-coloured areas, indicating the 10 million acres of land to be made available to selectors by the Duffy Act. Four million acres were offered for immediate selection with the passing of the Act in September 1862. The map can be seen as the government's offering to the vocal advocates of land reform in Victoria, many of whom were now members of the Lower House. John Ireland sees the 1862 Act as Duffy's attempt at a compromise between the reformers who were calling for the land to be opened up to the 'poor man', and the squatters whose interests were protected by many in the Upper House.[4] For the Duffy Act not only purported to offer new lands for selection, but also to give some security of tenure to squatters who could obtain yearly occupation licences under the new system.

As it happened, the situation was far more complex than the neat depiction offered by the big map. Far from offering a political solution to the tensions between selectors and squatters, the Duffy Act (like other land acts which preceded it) contributed to yet more struggles and controversy in Victoria. Within days of the legislation being passed on 10 September 1862, it was clear that once again, large holdings of land were being acquired for sheep grazing rather than small-scale agriculture. The system was wide open for abuse by squatters, who used 'dummies' or middlemen to snap up the prime portions of land available for selection. Some genuine selectors also sold their holdings straight back to squatters, motivated by the prospect of a much quicker profit than that offered by a life on the land.

Victoria's newspapers were scathing in their assessment of Duffy and his Act. A week after its passage the *Geelong Advertiser* posed the question, 'Is Mr Duffy a rogue? Is he a fool? Or is he a compound of both?'. [5] A letter to Duffy was published in the *Age* on 18 September, from 'The Squatter' of Hamilton, who wrote, 'My dear Duffy, The Land Act has worked admirably. It is true that the *oi polloi* have secured some small hopes and farms ... but we have mopped up some hundred and fifty thousand acres of the finest land in Victoria.' [6]



This detail of the 1862 Land Act map centres on the area around Ballarat and the goldfields. Creswick can be seen to the north and Buninyong to the south. Detail of Map of the Colony of Victoria, PROV, VPRS 7664/P3 Unregistered Maps and Plans (Legislative Assembly), Unit 1.

Roberts contends that, of the four million acres made available for selection when the Duffy Act was passed in September 1862, some two million fell into the hands of a small group of squatters.[7] The common conclusion about the Duffy Act is that it was a dismal failure, and achieved the exact opposite of its stated aims, leaving the squatters with an even greater proportion of Victoria's land. This had the effect of stopping agricultural expansion into the western district, and directing selectors onto poorer lands in the wimmera and Gippsland, necessitating the development of expensive infrastructure such as railways and irrigation to support these farming enterprises.[8]

Of course, the big map does not indicate these outcomes of the 1862 Land Act. It is an historical snapshot of land alienation in Victoria before the passage of the Duffy Act, as well as a representation of the government's grand plans for the future. Healy has written about maps in colonial Australia and their dual representation of past and future, contending that maps were used by governments to invent the future of the colony, filling in the 'blanks' with promises of new farms, buildings, towns, railways and roads.[9] The future promised by the big map never eventuated. Indeed, the version of the past that it encapsulates is also open to contestation.

Landscapes are never natural: they are human, cultural constructions that change over time. In the words of John B Jackson, 'landscape is the place where we establish our own human organization of space and time'. [10] Nineteenth-century Victoria as a landscape was constructed differently by different communities

— the Indigenous population, the explorers, the squatters, and colonial governments. The activities of the earliest colonial map-makers in Victoria, such as Major Thomas Mitchell, explorer and Surveyor-General, were not representing 'empty' space, but overlaying their own understanding on an existing landscape which had been constructed over thousands of years by the Kulin nations. Indeed, Mitchell's travels into Victoria in 1836, and his map-making and naming activities, were a crucial element of the colonisation and settlement of Victoria. The big map at PROV can be seen as the administrators' representation of the success of the colonising project in Victoria and the imposition of order, civilisation and progress onto what was seen as empty wilderness.

The big map is a record like any other; it can also be seen as an object, and even as a treasure of PROV's collection. As a result of the digitisation project, we are interested in interpreting the big map as more than a self-evident representation of 'Victoria'. Technology now offers the potential for the map to be made accessible on the internet in a way that will make evident the complexity and contestation of the history of land settlement in Victoria.

We hope to embark in the coming year on the next phase of this project, exploring the use of software to develop an online interactive map, where earlier, later and alternative maps of Victoria can be overlaid onto the 1862 record, so that a range of interpretations of the landscape are made possible. Ultimately, we hope to use the big map as the basis for developing an interactive map of Victoria that is a gateway to a range of historical maps and other sources, and a valuable resource for academics, students and the general public. From this resource, new stories about land, landscape and land settlement might be able to be told.

We are currently exploring the suitability of the TimeMap software for such a project. TimeMap, developed by the University of Sydney's Archaeological Computing Laboratory, makes possible the online delivery of interactive maps that can represent information about both space *and* time. For example, new understandings of the past would be made possible by overlaying on the 1862 map information about traditional Aboriginal ownership clans and language groups in Victoria. Maps of Victoria that came into being after 1862 could also be overlaid onto the big map. TimeMap also provides a way to easily link online interactive maps with other digitised resources, so that the big map could provide an alternative entry point to PROV's lands records.



In this detail of the 1862 Land Act map you can see the coastline and other geographic features of the area centering on Wilson's Promontory, an area where land had yet to be allocated to European settlers, as can be seen by the lack of shading in any colour. Detail of Map of the Colony of Victoria, PROV, VPRS 7664/P3 Unregistered Maps and Plans (Legislative Assembly), Unit 1.

TimeMap would further allow us to feed historical information from multiple voices and sources (such as oral histories, artworks, and digitised records) into the interactive map, so that these stories could be represented alongside the depiction of Victoria contained in the big map. Visitors to the online interactive map would be able to contribute their own information to the resource, establishing links between particular sites on the big map and their own artefacts, such as personal accounts of a place, event or person, or photographs. This functionality would make possible multiple interpretations of the big map and its particular narrative of the development and settlement of Victoria.

The development of such an online resource is currently in the project scoping phase. In the near future we hope to make the digitised version of the 1862 map available to researchers on the internet. Researchers will be able to zoom in to see the intricate detail of this remarkable record. Hopefully, new understandings of our past will result from PROV's researchers seeing the big map for the first time. It is a fascinating record that has been inaccessible for too long.



Endnotes

[1] Map of the Colony of Victoria comprising ten million acres and upwards delineated in blue tint and initialled by the President of the Board of Land and Works, in pursuance of the provisions of [Section 12 of] the Land Act of 1862, PROV, VPRS 7664/P3 Unregistered Maps and Plans (Legislative Assembly), Unit 1.

[2] For a detailed discussion of the 1862 map, see C Farrugia and P Nelson, 'The 1862 Land Act map', *The Globe: Journal of the Australian Map Circle Inc.*, no. 57, 2005, pp. 35-7.

[3] *ibid.*, p. 36.

[4] John Ireland, *The Victorian Land Act of 1862 revisited*, MA thesis, University of Melbourne, 1992, p. 26.

[5] *Geelong Advertiser*, 17 September 1862.

[6] *Age*, 18 September 1862.

[7] SH Roberts, *History of Australian land settlement 1788-1920*, Macmillan, Melbourne, 1968, p. 252.

[8] *ibid.*, p. 252.

[9] C Healy, *From the ruins of colonialism: history as social memory*, Cambridge University Press, Melbourne, 1997, p. 111.

[10] JB Jackson, *Discovering the vernacular landscape*, Yale University Press, New Haven, 1984, p. 156.

Landing A Vote

The past importance of land ownership as an electoral qualification in Victoria

Sonia Jennings

'Landing A Vote: The past importance of land ownership as an electoral qualification in Victoria', *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Sonia Jennings.

Sonia Jennings is a professional historian and partner in Living Histories. Her history work has covered diverse areas including fashion, artistic culture, nursing, government and sport. Sonia and partner Mary Sheehan are currently working on a history of the Australian Federation of Air Pilots. Sonia is the Victorian representative on the Australian Council of Professional Historians Associations.

Abstract

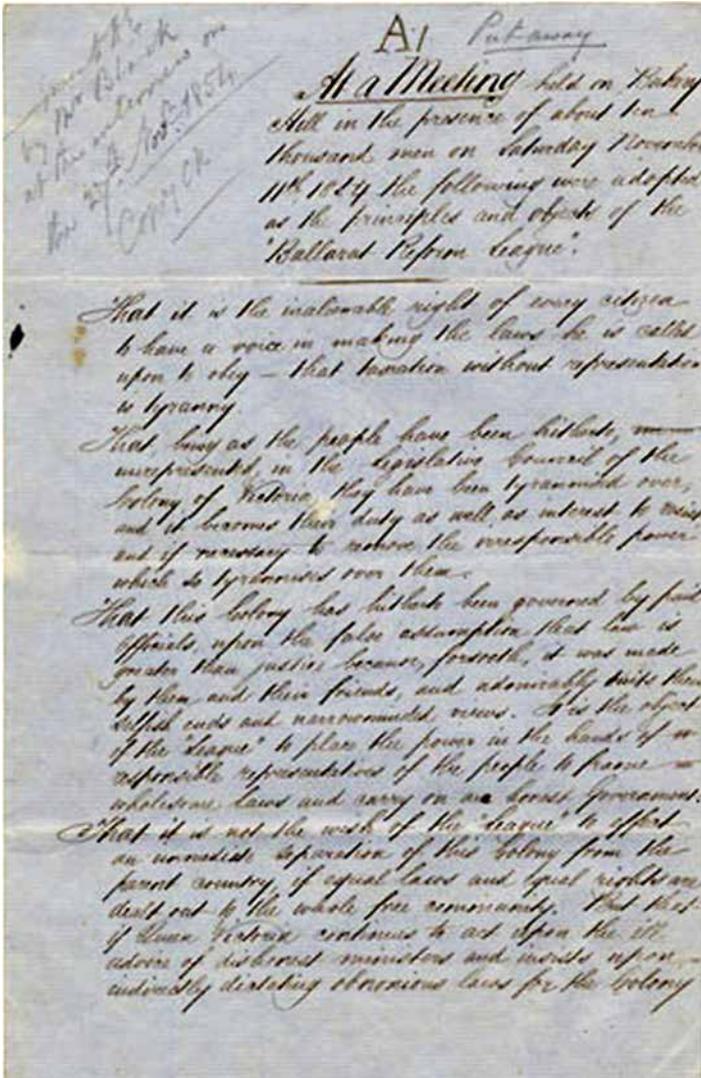
When Victoria celebrated 150 years of responsible government in 2006, Public Record Office Victoria marked the event with an exhibition. Jill Barnard and Sonia Jennings were commissioned to research and write a catalogue to complement the exhibition and this article draws on research conducted for that purpose. Our short history used the Land Acts to illustrate the role of government and legislation in the lives of ordinary Victorians. Land ownership and electoral rights were inextricably related and it is interesting to trace the steps taken by successive governments to extend and refine the electoral franchise.

When researching for a project on the subject of responsible government,[1] it occurred to me how much we take for granted our right to vote — the concept of 'one man, one vote' seems such a basic civil right that it is hard to fathom a time when this wasn't so. But what really struck me too was the importance of land ownership in the past and its place in the evolution of our democratic rights. It is still the great Australian dream to own a house with a bit of dirt around it, but how would we feel today if it was an essential requisite for citizenship? Perhaps, like me, most people today would also be surprised to find that there were property conditions attached to electoral representation until 1950.

To look at the way in which our electoral system evolved we need to go back about 150 years, to 1851 to be exact, when Victoria achieved formal separation from New South Wales. The new colony was first governed by a Legislative Council and at this time ten of the Council's thirty members were nominated by the Lieutenant Governor, Charles La Trobe, and the rest

were elected. Gender (no surprise there) and property qualifications imposed restrictions on who could stand as a candidate and who could vote for the Legislative Councillors. Soon, however, a select committee was appointed to draw up a constitution for the new colony. While this was happening Victoria was in the midst of the gold rush and it is fairly safe to say that the majority of the population was more concerned with striking it rich than worrying about constitutional matters.

However, conditions for miners on the Victorian goldfields were far from satisfactory. Services were abysmal in mining areas, yet mining licence fees could be as high as 30 shillings a month. This should be compared with the situation of squatters who could hold around 20 square miles of land for an annual tax of 10 pounds.[2] The goldfields were administered by government-appointed commissioners who were charged with maintaining order and collecting licence fees. This was often carried out in a brutal and arbitrary manner. Many miners had brought with them the egalitarian ideas of the British Chartist movement, so it is not surprising that they agitated for better treatment. The Ballarat Reform League, organised under the leadership of Peter Lalor, was one such group which was not happy with their lot. The League believed that taxation without representation was tyranny and their aim was for universal manhood suffrage with elections by secret ballot. They also opposed property qualifications for members of parliament and believed that such members should be paid. These ideas were a bit before their time, although fortunately not totally beyond consideration.



Ballarat Reform League Charter, November 1854. PROV, VPRS 4066/ PO Inward Correspondence, Unit 1, Item no. 69.

As we know, things came to a head between miners and administrators at the Ballarat diggings in December 1854, resulting in the famous Eureka rebellion. In the aftermath of this tragedy a Royal Commission examined conditions on the goldfields and several changes were made.[3] The most significant change in terms of democracy was the abolition of the miners' licence fee and the introduction of a Miner's Right (renewable annually for 1 pound) which was recognised as a qualification for voting. In addition, twelve new seats were added to the Legislative Council, eight of these being for representatives of the goldfields.

On the face of it this seems to have been an amazing victory for miners, to have achieved the right to vote without owning any land, but in reality miners needed to have been in possession of a licence 'for the space of twelve months or upwards' and to have occupied or

mined in a particular area for a least six months prior to electoral registration.[4] It should also be remembered that registration was not just a matter of going to your local Post Office. Consequently, the limitations placed on the miners' electoral qualification, along with the practice of plural voting for those who owned land in several electorates, effectively diminished the power of the miners and small landowners.

With miners being a somewhat fluctuating, moving population, the organisation of elections in the goldfields areas in the 1850s were not without their problems. An 1855 petition to the Governor from electors resident at 'Mag-pie' gives a good example. The petitioners requested that a polling booth be established at 'Mag-pie' rather than at Creswick. They pointed out that a 'Rush had taken place of from 8,000 to 10,000 people to the Mag-pie' and that Creswick was practically deserted. [5] Similarly, the Warden of Blackwood wrote on behalf of 'four to five hundred landholders' in North Bourke, stating their concern that no polling booth would be available in their vicinity.[6]

When the Victorian Constitution was enacted in 1856 it brought with it the ground-breaking idea of the secret ballot. The introduction of the secret ballot had been preceded by a long period of debate. Opponents believed open voting was honest and manly, while the secret ballot was underhand or devious. At a time when a smaller franchise applied, that is, when voters were propertied men, many believed that such voters should be accountable; that they should be seen to be voting in the public interest, rather than for personal or private gain.[7]

At this stage it should be pointed out that, before the secret ballot, elections had more in common with Brownlow medal nights than polling days as we know them now. Before 1856, elections were often rowdy, drunken affairs. The absence of suitable public buildings in many communities at the time meant polling booths were usually set up in hotels. This was a boon to publicans as the open nature of elections meant candidates would often 'treat' electors to meals and drinks in order to win their votes. James Henty articulated his concern with this arrangement in August 1855 when he declined a request to serve as a returning officer. Henty stated that he 'had the greatest abhorrence to be shut up in a small room of an ordinary public house amidst the scenes which usually take place at elections when held in houses of that description'. [8] It was not until 1865 that an Act was passed nominating schools as appropriate polling places and declaring that 'no polling booth shall be in any house licensed for the sale of fermented or spirituous liquors or upon the premises appertaining to such house'. [9]

Under the open system, votes were recorded in a book or on cards dropped into a box, with a progressive count being taken during the poll. This system was open to many forms of coercion and corruption on the part of both candidates and electors. For example, an employer or landlord could pressure his workers or tenants to vote for candidates who supported his own interests. After the election, candidates could peruse the records to see who voted for whom and in some instances voting records were published in the newspapers of the day. In reporting on the election in Melbourne in 1853, the *Argus* stated:

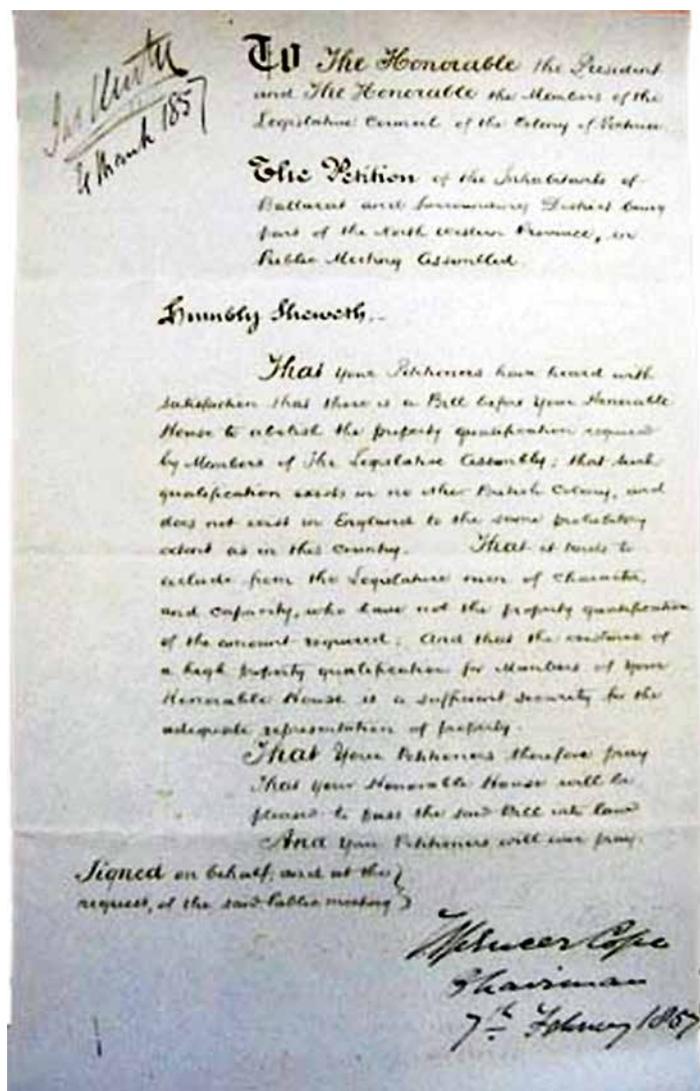
Many of these publicans were eager canvassers and most of them could influence a few votes. In addition to these, we find very many names of those interested in public-house property, although not the actual holders of licenses; we find nearly all the wine-merchants and brewers in town, and their connections, scrambling to render their homage to the pet of the publicans.[10]

The 1856 Victorian Constitution allowed a greater proportion of men to vote, but it was not the universal manhood suffrage which the Ballarat Reform League had agitated for in 1854. Electors of the Legislative Assembly (lower house) needed to have freehold property valued at 50 pounds or a leasehold of 10 pounds, while candidates were required to own freehold property to the value of 2,000 pounds or a leasehold of 200 pounds per annum. Excluded from the franchise were young men living in their parents' homes, all lodgers and live-in employees.

The attitude of the time was exemplified in a statement made by those drafting the constitution in 1853:

A high freehold qualification should be required, partly to ensure that its members should hold a large stake in the land, but more especially that it may consist of men who may reasonably be expected to possess education, intelligence, and leisure to devote to public affairs.[11]

Even experienced former British parliamentarian and barrister, Charles Gavan Duffy, was subject to these conditions when he was persuaded to stand for election in Victoria. Fortunately for Duffy, an Irish reformist who arrived in Australia in 1855, he had a good deal of public support. An amount of 5,000 pounds was raised through public subscription for Duffy to acquire a property and stand for parliament. Duffy duly purchased a house in Hawthorn and was elected to the Legislative Assembly. He did not, however, represent Hawthorn. His electorate, known as Villiers and Heytesbury, was in the vicinity of Port Fairy and Warrnambool. Nevertheless, to Duffy's credit, he began his political career by sponsoring a bill to abolish the property qualification for members of the lower house.[12]



Petition signed by people attending a public meeting of residents of Ballarat and surrounding districts on 4 March 1857, addressed to the Legislative Council of the Colony of Victoria. PROV, VPRS 2599/PO Original Papers Tabled in the Legislative Council, Unit 535.

In 1857 petitions from mining districts soon began arriving on the desks of the various upper house members, 'praying' for removal of the property qualification. Two such petitions now held at PROV pointed out that the property qualification 'exists in no other British Colony, and does not exist in England to the same prohibitory extent as in this country' and that 'it tends to exclude from the Legislature men of character and capacity'. The petitioners were exceedingly conservative in their wishes as they had no desire to alter the property qualification for members of the upper house, seeing that 'as sufficient security for the adequate representation of property'. [13]

.....

The petitioners would no doubt have been pleased with their efforts when the bill was passed in November 1857 and universal manhood suffrage was introduced for voters in Legislative Assembly elections. Property qualifications continued, however, for those voting in Legislative Council elections or standing as candidates for the Council. In fact an Act introduced in 1863 allowed proportional plural voting for property owners, which, in the eyes of some, equated to a disenfranchisement of the lower classes. [14] While later legislation sought to abolish plural voting, there is evidence to show that in 1874 it was still seen as acceptable. Minutes of the Constitution Act Amendment Committee record that the property qualification to attain the right to three votes was to be increased from 150 to 250 pounds per annum.[15]

Plural voting was not abolished until 1899 for the lower house and continued until 1938 in the upper house.[16]

When the Constitution was drafted in 1853 no consideration was given to enfranchising women. Women's place was seen to be in the private sphere and not the public one. However, in 1863 the government decided that the municipal rolls would be used as a basis for compiling the state electoral rolls. The Act which validated this procedure used the phrase 'all persons' when referring to those on the municipal rolls. What the legislators overlooked, in this instance, was the fact that many women owned property and were registered to vote in municipal elections. Some of those women had the audacity to vote in 1864 Legislative Assembly elections. The *Argus*, reporting on the election in 1864 noted:

At one of the polling booths in the Castlemaine district a novel sight was witnessed. A coach filled with ladies drove up, and the fair occupants alighted and recorded their votes to a man, for a bachelor candidate – Mr Zeal... at the Sandhurst election also the fair sex to the number of ten or a dozen exercised the franchise and recorded their votes for their favourite candidates.[17]

Women, however, would need to wait another forty-four years to have their votes recognised: the Municipal Act was hastily amended in early 1865 on the grounds that women had not obtained the vote through deliberate intention.[18] It was not until the 1880s that women began to organise and actively campaign for the right to vote in Victoria.



Parliament House Melbourne, with cable tram in Spring Street at bottom right. PROV, VPRS 12800/P1 Photographic Collection: Railway Negatives: Alpha-numeric Systems, H 4910.

It should also be noted that the Married Women's Property Act was put in place in 1884. Prior to this time married women were not able to own land in their own names. In addition, single women selecting land or taking it up under the conditions of Closer Settlement were required to declare 'I am not a married woman' or 'I am a married woman but have obtained a decree of judicial separation'. [19]

In time a progression of constitutional changes occurred to make Victoria's government not only responsible, but also representative. However, it is interesting to reflect on the fact that, despite the ground-breaking changes which emerged out of the Eureka uprising and Victoria's 'first in the world' status in respect of the secret ballot, by 1900 Victoria was the only parliament which maintained a property qualification for candidates in the upper house.[20] The qualification endured until 1950 and Victorians could then claim to have universal suffrage – except for Indigenous people, but that's another story.

Endnotes

[1] Sonia Jennings and Jill Barnard, of Living Histories, researched and wrote a catalogue in 2005 to accompany the PROV Exhibition 'People and Parliament, Landmark Decisions, 1855-2006'.

[2] M Kiddle, *Men of yesterday*, Melbourne University Press, Carlton, 1961, p 165.

[3] G Serle, *The golden age: a history of the colony of Victoria 1851-1861*, Melbourne University Press, 1968.

[4] Qualification of Electors 1855, PROV, VPRS 1189/P0 Inward Registered Correspondence I, Unit 208; R Wright, *A people's council: a history of the parliament of Victoria, 1856-1990*, Oxford University Press, 1992, pp. 38-9.

[5] Petition to Governor Hotham from electors resident at 'Magpie', PROV, VPRS 1189/P0 Inward Registered Correspondence 1, Unit 207, 1855.

[6] Letter to Colonial Secretary, 4 September 1855, PROV, VPRS 1189/P0 Inward Registered Correspondence I, Unit 207.

[7] M McKenna, 'Building a closet of prayer in the new world: the story of the Australian ballot' in M Sawyer (ed.), *Elections: full, free and fair*, Federation Press, Sydney, 2001, p 48.

[8] Letter from J Henty, 8 August 1855, PROV, VPRS 1189/P0 Inward Registered Correspondence I, Unit 208.

[9] *Electoral Act 1865*.

[10] *Argus*, 28 May 1853.

[11] Recommendation of the Select Committee of 1853 quoted in G Serle, 'The Victorian Legislative Council 1856-1950', *Historical Studies Selected Articles*, first series, Melbourne University Press, 1964, p. 128.

[12] JE Parnaby, 'Duffy, Sir Charles Gavan (1816-1903)', *Australian dictionary of biography online*, www.adb.online.anu.edu.au/biogs/A040109b.htm (accessed June 2005).

[13] Petition to Legislative Council from the inhabitants of Ballarat and surrounding district, 7 February 1857, PROV, VPRS 2599/P0 Original Papers tabled in the Legislative Council, Unit 535.

[14] B Barrett, *The civic frontier*, Melbourne University Press, 1979, p 295. Property with a net annual value (NAV) of less than 100 pounds entitled the ratepayer to one vote; a NAV of 100-150 pounds allowed two votes; and property with a NAV greater than 150 pounds allowed three votes.

[15] PROV, VPRS 7630/P1 Minute Books of the Constitution Act Amendment Committee, Unit 1, 1874.

[16] Parliament of Victoria, www.parliament.vic.gov.au/vote.html (accessed June 2005).

[17] *Argus*, 5 November 1864, p 4.

[18] A Summers, *Damned whores and God's police*, Penguin, Melbourne, p. 394; Wright, *A People's Council*, p. 39.

[19] For example, see Land File for Alice O'Hara, PROV, VPRS 660/P0 Licensing Court Registers, Unit 418A.

[20] Parliament of Victoria, www.parliament.vic.gov.au/council/info_sheets/Legislative_Council_History.htm (accessed June 2005).

Merely Corroborative Detail

The use of public records at the Sovereign Hill Museums Association, Ballarat

Dr Janice Croggon

Merely Corroborative Detail: The use of public records at the Sovereign Hill Museums Association, Ballarat', *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Jan Croggon.

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She is a member of the Professional Historians Association, and Museums Association (Vic), on which committee she served for 8 years. She is employed full time as Senior Historian at the Sovereign Hill Museums Association in Ballarat, and is part of a team of historians, curatorial staff and educators who are committed to making history accessible to the general public, and to providing academic and scholarly rigour to the interpretation of Victoria's gold rush and its significance in the larger context of Australian history.

Abstract

This article discusses the value and importance of public records for historians working in an outdoor museum such as Sovereign Hill. It points out that Sovereign Hill's mission to depict the 'mining, social, cultural and environmental heritage of Ballarat' demands, in the first instance (and wherever possible) accuracy of re-creation. In projects such as the 1850s Government Camp (on which was based the accommodation complex at Sovereign Hill), and the Red Hill National School (a two-day, costumed school experience), the richness and detail of Victoria's public records have enabled historians to describe the exact nature of the buildings as they existed in the nineteenth century. This, in turn, informed the architects and builders of Sovereign Hill's own re-created buildings. The value of public records in developing the story of the Eureka Stockade has likewise been invaluable. The detail, the chronology, the players and participants — indeed, the basic integrity of our sound and light presentation is fundamentally reliant on the availability and accuracy of public records.

The detail which is such an intrinsic part of public records has always been of immense importance to historians attempting to understand, for example, the difficulties of establishing an education system on the goldfields, the nature of school curricula, the style and content of the textbooks, and the trials and

tribulations of the teachers of the goldfields schools. Similarly, the accuracy with which public servants in nineteenth-century Victoria recorded the changing fortunes of police and government buildings on the goldfields provides not only wonderful detail of layout and elevation, but also gives us a window through which we may understand something of the nature of law and order on the goldfields of central Victoria.

Finally, the article identifies the value of public records in supplying some insights into the 'essence' of the Victorian age. The formality of the written word, and the richness of the language used, enabled Sovereign Hill's historians to gain a deeper understanding of the ways in which public records might be said to have actually helped to shape the whole Victorian age.

Merely corroborative detail, intended to give artistic verisimilitude to an otherwise bald and unconvincing narrative...[1]

The value of public records as a rich source of information and insight for historians is fairly much beyond doubt these days. It is perhaps less clear how valuable such records can be for the historian working at an outdoor museum such as Sovereign Hill, where accuracy of re-creation has always been a high priority.

The Sovereign Hill Museums Association is a not-for-profit, community-based organisation structured as a company limited by guarantee. It is responsible for managing a network of museums whose mission is to:

... present, in a dynamic group of museums, the mining, social, cultural and environmental heritage of the Ballarat region and its impact on Australia's national story.[2]

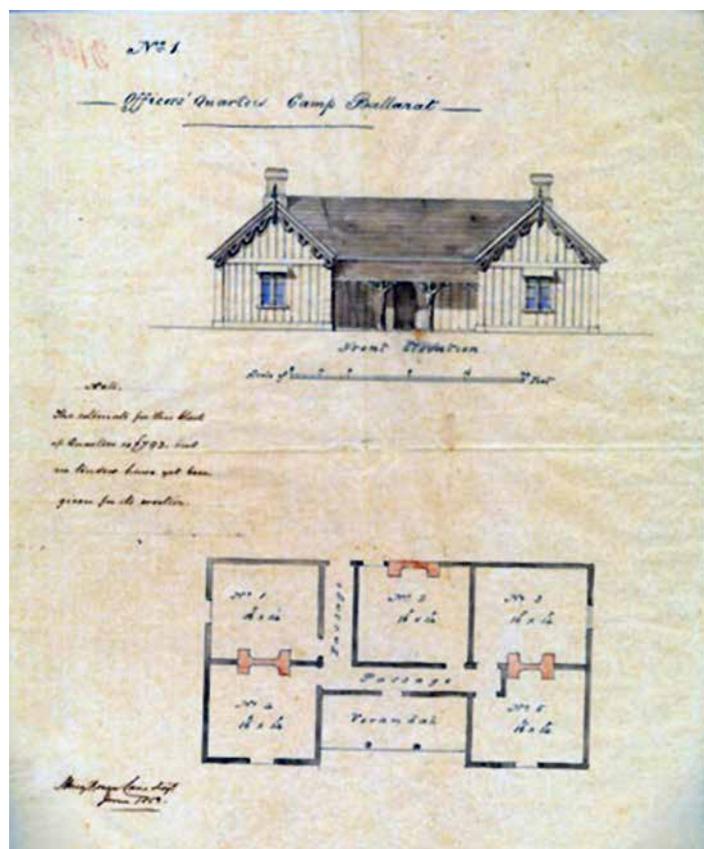
One of the major problems with attempting to envisage and create a 'whole' environment (that is, the interior and exterior of a building, and its function) is that the nature of the private records left behind by the people of the gold rush are often incomplete, sometimes vague, and usually lacking in detail. However, over the years, one of the most significant resources for Sovereign Hill's researchers has been the richness and strength of Victoria's public records.

From the museum's earliest days, public records have been used in many of our most important projects to establish accuracy and detail, and to impart meaning and understanding to their function. They have also been a source of wonderful, *visual* information for historians trying to re-create the life and colour of Victoria's gold rushes. The use of public records, of course, is critical because at Sovereign Hill we are trying to re-create a township which really existed. 'Making it up' is not an option. Almost every building which has been re-created at Sovereign Hill is based on a real building which was present in Ballarat in the decade 1851-1861; the historian's brief at Sovereign Hill is to provide visual, architectural reference for the building, and as much detail as possible about its function. How valuable, then, are public records, and how marvellous it has been when the opportunity has arisen for us to research a building which has been 'on the public record'!

Use of public records at Sovereign Hill goes back to our earliest days, and continues to the newest projects. The list of projects covers a broad spectrum, and in itself is indicative of the range and depth of public records as they define a society:

- the Post Office;
- the Government Camp;
- the Chinese Village;
- the Red Hill National School;
- The Eureka Stockade (Blood on the Southern Cross).

In this article, there is only time to deal with a couple of these projects.



Officers' Quarters Camp Ballarat, plan dated June 1853. PROV, VPRS 1189/P0, Unit 91, F54/5953.

The Government Camp

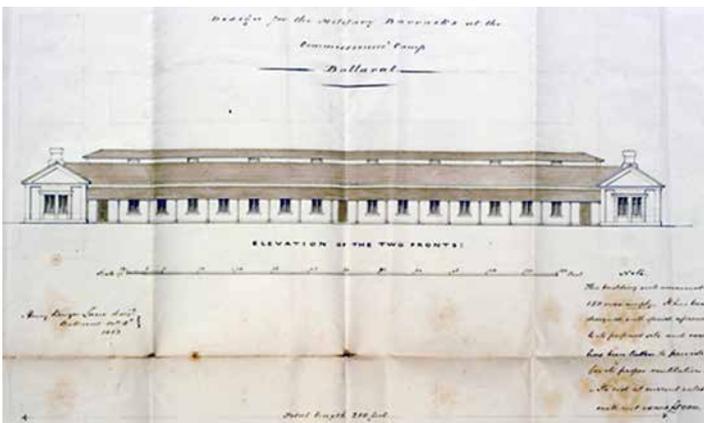
The Government Camp is an example of Sovereign Hill's use of public records to supply a *visual* image of buildings. When, in the 1980s, Sovereign Hill was considering the provision of accommodation, on a site adjacent to the outdoor museum, a group of buildings was needed to fulfil this function. The organisation had for a long time been aware that its representation of the colonial administration at Ballarat needed to be developed. The historians went to work, and found that many of the plans for the 1850s Government Camp existed in mint condition at PROV. It was decided to re-create the exterior of the 1857 Government Camp, and build the interior to cater for modern accommodation needs. The buildings which we chose to re-create were designed principally by Henry Bowyer Lane, the Government Architect. They were simple but attractive weatherboard buildings, and the original plans and elevations are still held at PROV.[3]

Maps, plans and photos drawn from PROV records constituted the research material for the re-creation of the 1857 Government Camp.



Officers' quarters, Sovereign Hill. Reproduced with permission from The Sovereign Hill Museums Association, Ballarat.

The Camp was the centre of colonial administration for the Ballarat Police District; it encompassed courts, judiciary, public administration such as business licences and health controls, police, military, gaol, gold licensing, gold escort and officials such as the Chinese Protector. A large-scale research effort was invested to produce the information necessary to establish the external appearances, general function and siting of the buildings of the Ballarat Government Camp. For interpretation purposes at Sovereign Hill, the period chosen to be represented was early 1857. Although the architect's plans still extant for the Camp's buildings were of the 1853/54 period, many of these buildings were known to be still standing in 1857. A plan of the Camp, drawn in February 1857, was available which indicated the dimensions of each building, the materials from which each building was made, and the building's current function. Using this plan, together with the original architect's elevations and early photographs of the area as references, Sovereign Hill re-created the Military Barracks, the Residence of the Superintendent of Police, the County Court and the building which was designed for the Officers' Quarters. This latter building had several functions over the years, and in 1857 was in fact being used as offices by the Superintendent of Police and the Detective Police.[4]



Design for the Military Barracks at the Commissioner's Camp (front elevation), plan dated 8 October 1853. PROV, VPRS 1189/P0, Unit 87, D53/10472.

Sovereign Hill's choice of 1857 was in part dictated by the confusion which seemed to reign over the function and availability of the buildings loosely designated as the 'Government Camp'. We needed to select a clearly defined set of buildings within what was a very fluid political environment. The military was in the process of moving out of Ballarat, and the police were taking charge, and moving into buildings hitherto occupied by the military. As well, the inadequacies of the constructed buildings meant that there were many complaints from those in authority at Ballarat who had to use them, and much detail about the nature of alterations to make them more appropriate to the need of the moment. Such disputes entailed heated written exchanges between the authorities in Ballarat battling with inadequate facilities, and colonial authorities in Melbourne. These disputes, in fact, were a bonus for Sovereign Hill, since the exchanges often revealed detail about the appearance and function of the building. As well, the correspondence begins to develop our understanding of the way in which colonial government and the goldfields administration actually functioned. More often than not, construction was arbitrary, and somewhat haphazard. Budgets were limited, and expedience ruled the day. Changes to mining regulations (for example, as a result of the Enquiry released in 1856 following the Eureka Stockade in 1854) also influenced the function and layout of the buildings; new incumbents in new positions of authority made new demands on colonial purse strings. The rationale of some buildings was adjusted, and their exterior appearance altered to suit. Public records relating to the Government Camp, in fact, demonstrate a fascinating interaction between the forces battling for political and physical supremacy in the city of Ballarat. The city's transition from a military encampment (post-Eureka) to police administration is demonstrated many times in the letters which fly backwards and forwards between goldfields administrators, the military, and the police. [5] The volatility of the camp building functions, as they altered to suit each successive wave of inhabitants, caused Sovereign Hill researchers many headaches. It was therefore a challenge for Sovereign Hill to identify a set of buildings which all existed at the one time, and for which we could identify a function.



Northern Barracks, Sovereign Hill. Reproduced with permission from The Sovereign Hill Museums Association, Ballarat.

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Sovereign Hill has, in the Government Camp project, harnessed an economic and functional requirement to an interpretive goal. Strong research using public records has provided the organisation with the historical basis on which to construct a much-needed resource. Although the Sovereign Hill Government Camp buildings are internally given over to twenty-first century accommodation, their physical presence overlooking the Township serves to remind us of the importance of colonial administration, and the dispensation of British law in the far-flung colonies of the Empire.

The value of public records goes far beyond the unadorned information which they impart. They tell the story of the Victorian age, and reveal the essence of the Victorian people: they speak to the historian of an age when the printed word was virtually the only form of communication, and the only formal means of documenting the massive changes which were taking place in the world. In fact, it could be argued that their use of language, and the need to formalise and make clear every step of the official position, actually helped to shape the world in which they lived. The nineteenth century represents, in many ways, a more gracious, more considered lifestyle, where time flowed more slowly. Transport and communication was not instant. In a world of email, satellite communication, air travel, it is hard for us to comprehend that letters from Britain could take up to three months to arrive in Australia, and that communication between the seat of colonial government in Melbourne and the place of action, for example, Ballarat in December 1854, was the length of a horse ride away, probably a day's ride. Such distances obviously placed other limitations, and had other effects, on the way events unfolded, but the pace of life clearly had to be slower and more considered. Public records, and their language, reflect this.

Eureka

Nowhere has the use of public records been more intense or more important than in the research carried out for The Sovereign Hill Museums Association's presentation of *Blood on the Southern Cross*, which re-creates the story of the Eureka Stockade. This formative event in Australian history took place right in the middle of the decade represented at Sovereign Hill's outdoor museum.

The strength and drama of the story, and its far-reaching consequences for the development of political democracy in Australia, demanded appropriate attention. It was decided to tell the story through a

sound and light presentation, a magical interpretive device which provides a vivid sound and light 'stage', and invites the viewer to use his/her imagination to supply the actors. But in order to make the story come to life, the historians' brief was to ensure that the detail, the chronology of events, the participants, and the set, were accurate down to the last detail. Where else could this detail be obtained, but through public records? The research task was daunting: the Sovereign Hill team was determined to ensure that the story told in *Blood on the Southern Cross* was true to the spirit of *both* sides of the story (miners and authorities), and so could offer visitors the opportunity to weigh up the facts and make up their own minds about what had happened in those momentous few days in December. We hoped that it might, perhaps, even offer them a chance to understand why it happened.

It was fortunate that in 1994, to mark the 140th anniversary of Eureka, Public Record Office Victoria mounted an exhibition to display part of its record-holdings relating to Eureka. The book of the exhibition contained more than 600 citations to official documents in the PROV holdings. This, as well as other public records,[6] was an invaluable resource for Sovereign Hill researchers.

The detail and the humanity with which the characters of Eureka are presented in their own documents is a unique asset: in their own words, the colonial administration proclaimed their confusion, fear and often misguided authority. In these preserved records we are able to detect the concern felt by government authorities as the situation in Ballarat deteriorated, and the determination of Commissioner Rede and Governor Hotham to uphold British justice in the face of perceived insurrection and treachery:

So long as the law which regulates the fee to be paid for licences is in force it must be maintained, otherwise Government is at an end and the Leaders of a Riot have obtained that which they contended for.[7]

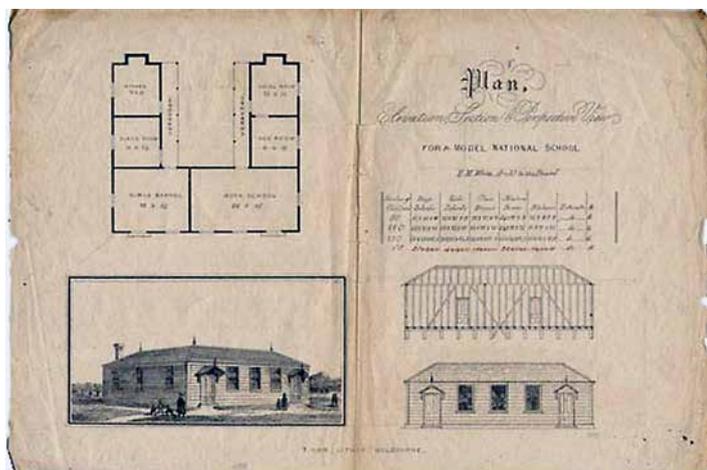
Rede's fear of loss of control, and his deeply felt obligation to restore and maintain order, and especially to communicate with and seek guidance and support from Governor Hotham in Melbourne, is very evident in these records:

The whole affair is a strong democratic agitation by an armed mob. If the Government will hold this and the other gold fields it must at once crush this movement, and I would advise again that this gold field be put under Martial Law, and artillery and a strong force sent up to enforce it.[8]

Almost all the elements of the Eureka story — the chronology, the aftermath, the actual physical realisation of the Eureka scenario — were part of the brief which we attempted to address in *Blood on the Southern Cross*. Had it not been for the depth and breadth of the public records available, our task would have been well-nigh impossible. The casualty lists, the State trial records, the minor players, all provided a wonderful canvas on which Sovereign Hill could paint its picture of the Eureka story.

There is not the scope in this paper to detail the value for Sovereign Hill researchers of the public records relating to Eureka. But it should be said that they provided the structure around which our interpretation of the event was based: the sound and light show drew extensively on the invaluable insights which the despatches and correspondence of the players in the Eureka drama revealed. Without these documents, our understanding of the fundamental issues of Eureka would have been limited indeed. *Blood on the Southern Cross* provides visitors with a dramatic, colourful, and evocative experience, but the bones of the story were already there in the public records.

Red Hill National School



Plan, Elevation, Section, and Perspective View for a Model National School, used to assist The Sovereign Hill Museums Association's re-creation of the Red Hill National School. PROV, VPRS 4857/PO Plan For A Model National School, Unit 1.

The re-creation of the Red Hill National School, the first in Sovereign Hill's two-day costumed schools program, was also based on research into public records. The public record office in Laverton (where it was then based) was the scene of many long hours of research (in 1978) in efforts to locate and copy original records relating to education in the early days of the state's history. Along with texts from the State Library of Victoria, these records provided the basis for the

program which is still taught in the Red Hill National School at Sovereign Hill today, as it was in 1856, to the children on the Ballarat goldfields. The educational experience it provides for young students is probably unequalled anywhere in Australia, if not the world. Thankfully, non-denominational school records have always been part of the 'public domain' in Victoria, and the story we wanted to tell, and the information needed to bring it to life, was there for our researchers to find. [9]

For example, amongst the comprehensive collection held at PROV relating to National Schools, a particular gem comes to light relating to the somewhat inconvenient loss of the school building in 1856 owing to a 'recent gale':

Sir
I have the honour to inform you that a recent gale blew down the school in Warrenheip Gully and at present the school is being conducted in a building [not intended] for that purpose. Under these circumstances the Local patrons decided that the only course to pursue was to get a Building up at once. They therefore obtained permission from the Chief Warden, to erect it fronting the Main road at a distance of about 200 yards from the site of the former school. The building is to be 18 feet by 30 feet, all of colonial timber: with, 2 windows in front and 2 the back and roofed with shingles ... to cost £80 and to be up in 5 days from this date. The contract was signed on Friday last and the Building started at once ...[10]

Again, the records were not only a rich source of specific detail for Sovereign Hill historians, but provide us with another layer of understanding of the way in which education was carried out on the Victorian goldfields. The importance of schooling was almost always compromised by lack of funds, an itinerant population, and lack of commitment from both parents and the colonial government. Much of this debate is revealed in the reports and correspondence held at PROV, which paint a compelling picture of the frustrations and difficulties attendant on attempts by both government and community to provide the swelling goldfields population with adequate schooling.



Head teachers Caroline Hutterer (St Peter's Denominational School, 1986-02), and David Henderson (Red Hill National School, 1983-90). From *Silver Threads among the Gold*, 25th Anniversary of The Sovereign Hill School, Sovereign Hill, 2004, p. 63.



Sovereign Hill's re-creation of the Red Hill National School. Illustration taken from *Silver Threads among the Gold*, 25th Anniversary of The Sovereign Hill School, Sovereign Hill, 2004, p. 19.

A letter from 'The Correspondent of Patrons' (William Coote) to Benjamin Kane, Secretary of the Board of National Education, relating to the erection of a new school house in October 1857, underscores this:

The first topic to which the patrons have to draw the attention of the Commissioners is the deficient accommodation provided by the Building now used as a school. In itself it is a mere shed, the weatherboarding defective, the framing bad, and the whole incapable of being [refixed?] whenever it is removed ... the school stands upon ground required for the opening of one of the cross streets into the Ballaarat Main Road ... the utter inadequacy of the shed to the purpose of education, would render such a step exceedingly undesirable. It is low, badly lighted, and worse ventilated. The maps and other objects which are usually hung upon the walls of a school cannot be exhibited for want of space. There is a canvas covered tent with damp earthen floor, now used as a classroom, and which is less fitted for its purpose than the school itself. The fittings are few and poor and totally inadequate to the requirements of the scholars. All this is very deplorable ...

[regarding the inadequacy of the master's residence]
As matters are now the master has a most depressing influence -- that of domestic discomfort and even privation ... and it is neither for the good of the school, his own good, or the reputation of the national system of education that they should remain in their present state.
[11]

The struggles and small human crises of the men and women who taught in the schools on the Victorian goldfields are colourfully documented in the PROV records relating to the National Schools.

For Sovereign Hill, history is not only about creating a built environment, but about using the bare bones of history to interpret to visitors the kind of society in which people lived and worked. Our own teachers are familiar with the public records relating to our re-created schools, and use this knowledge to create and present their own 1850s personality. Part of the Red Hill School program involves the visit of the school inspector, and this event features (amongst other things) the inspector quizzing the teacher and the students about the appropriateness of allowing the hapless teacher a pay increase, and some new and better accommodation. This has become a highlight of the program, and allows our staff to interpret those documents from PROV which identify the constant pleas from underpaid teachers for higher wages and better conditions.

To the Chairman of Patrons, Ballarat, July 15 1857
[B.F. Kane, Secretary, Board of National Education]

Relative to House Allowance to Mr. Millie, Master of the Red Hill School,

As we have received no reply to our application for an allowance in lieu of house accommodation to Mr. Millie of the Red Hill National School, we again write to recapitulate the circumstance, to remind you of the same, and to request that a settlement may be made.

When the School was visited in July 1856 we found the place in which Mr. Millie lived to be uninhabitable, and that it could not be repaired. We then requested him to write a letter describing the condition of the dwelling, and at the same time making an application for house rent. This was done, we endorsed the letter, it was sent to you...

When the school was blown down in the month of September last, the dwelling (such as it was) was also rendered useless and since then no accommodation of any kind has been provided.

We would remind you that we signed Mr. Millie's papers in January, claiming rent for the period during which he had had no accommodation of any kind and since then we have wrote (at least) two letters in explanation.

...

[signed] James Oddie[12]

The frustration of the Ballarat school administrators is obvious; one can only imagine how the hapless Mr Millie must have felt at such unfeeling treatment from the Melbourne-based National Education Board. Students at Sovereign Hill's Red Hill School are given a precious insight into the precariousness of a teacher's position in the 1850s when such situations are presented to them through the interaction between their 'teacher' and the school inspector. This one reference provides a single but compelling example of the important and vibrant detail available from public records.

The Chinese Village

The revitalisation of the Chinese village at Sovereign Hill is the most recent project in which we have used records from Public Record Office Victoria. Chinese petitions against the 1857 Residence Tax have enabled us to portray the Chinese perspective, whilst the Chinese Protectorate records have given us an understanding of how the system worked. The story of Chinese protests will be interpreted using multimedia technology.

Conclusion

At Sovereign Hill, each project is based on solid, directed research which provides the first, most substantial layer of the information and experience which we present to the visiting public. Other resources in the outdoor museum (the costume department, the engineering and maintenance department, the education department) ultimately rely on the accuracy and authority of the information supplied by the researchers. Successful marketing of the end 'product' is partly dependent on the claim to present an 'authentic' experience; finally, visitors themselves can be amazingly astute in sensing the integrity or otherwise of their encounters with nineteenth-century goldfields history.

The museum's use of public records provides us with a fundamental honesty and truth on which we are able to base our efforts to tell the stories of one of the most exciting periods in this state's history. To re-state the quotation that heads this paper, Sovereign Hill's own narrative might well have been 'bald and unconvincing' without the wonderful 'corroborative detail' and 'artistic verisimilitude' supplied by the breadth and depth of Victoria's public records.

Endnotes

[1] WS Gilbert, Pooh-Bah, in *The Mikado*.

[2] From 'Staff and Volunteer Guide to Sovereign Hill', Sovereign Hill Museums Association, 2004, p. 9.

[3] Drawings used in this article were sourced from VPRS 1189/P0 Inward Correspondence I, Unit 87, F54/5953 and Unit 91, D53/10472. Further contextual information can be found in PROV, VPRS 937/P0 Inward Registered Correspondence, Units 10-27 (Ballarat District); see also Units 432 and 434 (Public Works Department); Units 131 & 132 (Chief Secretary's Department), Unit 350 (Military); and Unit 141 (Colonial Miscellaneous).

[4] List of Buildings re-created at Sovereign Hill Lodge: Residence areas, including Military Barracks (Student Accommodation), Residence of Superintendent of Police (or Residence) (Motel

(Heritage style) Accommodation), and (Superintendent's and) Officers' Quarters, used as offices for Superintendent and Detective of Police in 1857 (Heritage Accommodation); Government Administration (Law and Order) areas, including Court House (dining, lounge room and reception area) and Chinese Protector's Office (theme lounge and entry into Outdoor Museum); Equipment and Supplies areas, including Warden's Stables (Recreation Area) and Quarter Master's Store (Recreation Area).

[5] PROV, VPRS 937/P0 Inward Registered Correspondence, Units 432 and 433; also Units 10 and ff.

[6] *Eureka Documents*, 1. *Three Despatches from Sir Charles Hotham*, Public Record Office, Melbourne.

[7] PROV, VPRS 1189/P0 Inward Registered Correspondence I, Unit 101, R55, quoted in Ian MacFarlane (ed.), *Eureka – From the Official Records*, Public Record Office Victoria, Melbourne 1995, p. 19.

[8] *Eureka Documents*, p. 16, quoted from Enclosure, Rede to Hotham, Ballarat, 30 November 1854.

[9] PROV, VPRS 1189/P0 Inward Registered Correspondence I, Unit 205.

[10] Letter from James Oddie to Chairman of Patrons Ballarat, intimating that the School Tent at Warreneep has been destroyed, and that another building has been erected, and respecting payment of accounts, 30 September 1856. PROV, VPRS 880/P0 Inwards Registered Correspondence, Unit 4, 56/1785.

[11] PROV, VPRS 880/P0 Inwards Registered Correspondence, Unit 4, 57/2334.

[12] Letter from James Oddie 15 July 1857 to The Chairman of Patrons, Ballarat, relative to House allowance to Mr Millie, Master of the Red Hill School, PROV, VPRS 880/P0 Inwards Registered Correspondence, Unit 4, 57/1618.

‘The Township is a Rising One’

The growth of the town of Loch and its school

Lyn Payne

“The Township is a Rising One”: The growth of the town of Loch and its school’, *Provenance: The Journal of Public Record Office Victoria*, issue no. 6, 2007. ISSN 1832-2522. Copyright © Lyn Payne.

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Abstract

The township of Loch in South Gippsland was established with the coming of the railway in the 1880s. Early in Loch’s development, the townspeople recognised the need for a local and accessible school to provide the fluctuating numbers of children with an elementary and socialising education. Petitions were sent to the Victorian Department of Education for this purpose and by 1889 the school had been constructed and a Head Teacher, Francis William Clarke, appointed. He remained at Loch for the next 28 years and his time there provides the focus for a broad exploration into the establishment and growth of a small Victorian town. The school’s fluctuating numbers reflect the transient nature of Loch’s early population, while Clarke’s experiences with the Victorian Department of Education demonstrate the difficulties of dealing with a remote and officious bureaucracy. In many ways the history of this school and its teacher provide valuable information about living in what was then an isolated town, and the efforts of its residents to establish a sense of place and community. Through school history, we gain insight into the values, aspirations and achievements of the town’s people.

Beginnings and Sources

For this article, the author mainly utilised VPRS 640 Central Inward Primary Schools Correspondence 1878-1962 and VPRS 795 Building Files: Primary Schools 1863-1975. To open a box at PROV and take out the fragile records of Loch State School is to enter a world as familiar and foreign as the moon, yet these events took place only three generations ago. It is a world of deprivation and hardship, of deference and pride, of religion and manners, of isolation and sometimes of danger, of uncertainty and also of hope and optimism, a world where it can be said ‘the township is a rising one ...’[1]

We bought our farm at Loch, a small township in South Gippsland, in 1982 and shortly after its purchase I embarked on research for a thesis based on the history of education in Victoria. For a major piece of work, I chose to write a history of the Loch State School and subsequently embarked on many visits to Public Record Office Victoria (PROV), then based in Laverton, to peruse the Victorian Department of Education’s primary school records. I found a wealth of letters, receipts, marginalia, scribbled notes, petitions, reports and attendance records that contained the names and signatures of early European settlers already familiar to me through the street, track and laneway names of Loch and its surrounds. These were people who cleared and settled the land carved from an early pastoral run, the Kangaroo Run, itself formed by arbitrary boundaries imposed on the steeply forested hills and gullies of the lands of the Indigenous Bunerong people.[2] I also delved locally and found published oral histories, recorded reminiscences, newspaper articles and a photograph of the school obtained through a somewhat clandestine loan. I was fortunate to be able to interview a local resident who had attended Loch primary school in 1906.

I found many of Loch's first citizens, with whom I had developed familiarity, in the cemetery at Nyora and some in Poowong. I discovered our farm formed part of a parcel of land pegged out by Mary Henrietta Leys, the first Head Teacher at Jeetho West. I felt personally located in the early days of this small Victorian township that owed its establishment to a fortuitous change in plans for the route of the Great Southern Railway when it was decided to utilise the easier gradients of the valley of Alsop's Creek through Loch and Bena rather than follow a ridge of hills through Poowong to Korumburra.

Recently I revisited this work and again appreciated the broad application of school records for the historian. They not only document the day to day concerns of bureaucrats, students and teachers, but contain a wealth of sources that illuminate broader personal and community aspirations, social and religious values, institutional and bureaucratic activity (and inertia), class structures and issues of gender, attitudes to power and authority, community health issues, and attitudes to the environment. My research using the state archives at PROV provided me with information on what it was like in a difficult environment with a harsh climate, isolation, primitive facilities and lack of infrastructure. It also enabled me to come to some understanding of life in a small township in the late nineteenth century, its social composition of European pioneering families, community leaders, ambitious professionals, canny speculators, workingmen and itinerant travellers; and their personal aspirations, concerns, ambitions, achievements and disappointments. I have reworked my earlier writing to encompass this broader perspective.

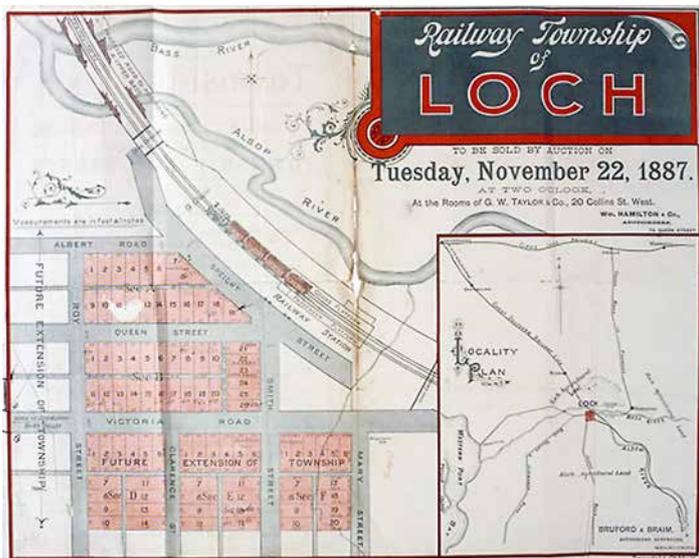


Victoria Road, Loch, c. 1913. Photograph courtesy of Loch & District Historical Group.

The Township

Motorists on the South Gippsland Highway, travelling through the usually green and pleasant hills to Korumburra, Leongatha, Wilson's Promontory and on to Yarram, will pass the turn-off to Nyora and then swing left on a bypass road that skirts the edge of the small township of Loch. If they glance to the right on this swift journey, they may notice a small railway station, a hotel, an old bank and a post office. They will be well past, and will not see, Loch's small primary school, situated on a gentle rise on the curve of the old highway that is now a quiet side route into the township. The school's position was considered 'a fine one' in 1888 when protracted negotiations took place for the purchase of land. It was then on the main road into the town, opposite land later provided for St Vincent's Roman Catholic Church. For a century, then, those two civilizing influences, church and school, formed a gateway into the town. The original school building with quarters has long disappeared but a 'new' building of 1892 and a companion building erected in 1910 are still visible though now obscured by the later addition of a 1965 extension which spans the northern elevation of the school.

In the 1880s, the roads were little more than pack horse and bullock tracks, winding through almost impenetrable forests of blue and white gum, messmate, hazel and blackwood, fringed by enormous tree ferns and variously described as the Great Gippsland Forest, the primeval forest or, more simply, 'the Big Scrub'. [3] The Koo-Wee-Rup Swamp was then impassable for bullock teams and drays, and European settlers pushed southwards from Drouin and Poowong, or east from Westernport and Grantville, to take up land in the pastoral leases and peg out their own allotments under the 1869 Land Act. To canny landowners, it seemed probable the population would grow with the construction of a rail link, the Great Southern Railway, from Dandenong to Yarram. The first section of the line to Whitelaw's Track near present Korumburra commenced in 1887 and reached Loch in late 1890. [4] Early in the 1880s land speculators began buying up allotments along the proposed route, to be surveyed and subdivided into townships. One of these was the property of Augustus Robert Smith situated in the Parish of Jeetho at the junction of the Bass River and Alsop's Creek, an area then variously known as Sunnyside, Jeetho or Poowong. The first sale of town lots in what was to become Loch, then described as the 'principal township on the first section of the Great Southern Line', was held in November 1887. [5] As the railway approached, the town swelled to accommodate a tent city of railway gangers and their families who joined farmers, croppers, speculators, storekeepers, professionals and craftspeople in a thriving and optimistic community. [6]



Advertisement for sale of town allotments in Loch. PROV, VPRS 795/ P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

The nearest school was at Jeetho West where the head teacher was Mary Henrietta Leys. With her father, she had pegged out a Crown Allotment south of Loch in 1876 and rode on her father's horse four miles to her duties each day along the rough bush tracks.[7] She remained at Jeetho West until 1889, shortly before the closure of the school in 1900, and was to prove so able and popular that two petitions were sent to the Education Department on her behalf, one for her to remain at Jeetho West after the destruction of the school by fire, and another later request that she be appointed to the new school at Loch, 'on account of the very large proportion in number of female over male pupils eligible for instruction at the present time ...'[8]

Jeetho West, or Sunnyside as it was sometimes designated, was a long and difficult journey for the children of Loch, the roads often being impassable in the winter rains. According to Inspector Hamilton, sent to visit and report on the viability of a school at Loch, his view of Jeetho West was that many children '... do not attend that school, nor do they attend any other because of the character of the roads'.[9]

In March 1887 a petition requesting the establishment of a school in Loch was sent to the Minister for Education. Most of the signatories' names appear on early maps of the district for they were among the earliest European settlers of the Loch and Jeetho area.[10] Mr AR Smith placed an attractive site aside for educational purposes to be considered by the Department of Education, as the people of Loch feared their children were running wild for want of education and discipline. They were described as a rough and unruly lot 'running in a half semi [sic] state of wildness for want of teaching'. Indeed, one good citizen believed

that only a male teacher would be able to manage such boisterous rascals, '... a female would never do here as there are three boys who will be sent to the school who would put her out the first week ... I am naturally anxious that a teacher of the sterner sort should be appointed who will be able to put on the iron hand if required'.[11]

The Department responded by sending Inspectors Craig and Robertson to visit Loch to assess the numbers of children who would be in attendance and to report on the viability of a school there. They were hesitant about establishing another school while that at Jeetho West was available, fearing that two schools in the vicinity would be unsustainable. Their reports therefore were unfavourable to a new school. At once, the petitioners protested that their children could not continue to travel the distance to the school at Jeetho West for 'it is no joke to saddle two or three horses every morning for a ride of four or five miles as has been the case these last eight years'.[12] Subsequently, in December 1887, Inspector Hamilton provided the names of 44 children who possibly would be in attendance. Following this report, negotiations began with Mr AR Smith for the purchase of a site suitable for a school.



Road – Early Track, (no date). Photograph courtesy of Loch & District Historical Group.



Smith Street, c. 1910. The balconied building on the right hand side was the Temperance Hotel. Photograph courtesy of Loch & District Historical Group.

Smith's ensuing protracted negotiations with the Department show not only his own determination and entrepreneurial skills, but the inertia, tardiness and parsimony of a Department that could not decide on the choice of a site or the purchase price. Smith furnished maps, sketches and advertising material in an attempt to convince them they were getting a good deal. He wrote: 'I have made the price as reasonable as possible and I think you will say so when you see the prices the lots brought in the same street ... I have marked £200 per acre and giving the quarter-acre as promised'. The hesitancy of the Department contributed to a growing sense of urgency and frustration from the townspeople. Suggestions were made by some parents that they would erect a suitable building themselves, to be let 'at a nominal rent'. 'They are getting very dissatisfied', wrote Smith, 'and partly blame me for it'. [13]

The reports of inspectors and departmental minutes indicate awareness of an increase in population and the growing urgency for a school in Loch, noted as an 'absolute necessity as soon as the railway is completed'. In March 1888 Inspector Craig estimated an attendance of twenty children, recommended that the Department accept Smith's offer of Site B on the map, 'a splendid site', advocated the purchase of three quarters of an acre and acceptance of Smith's gift of a further quarter acre, suggested the usual portable school with dwelling attached be sent before the winter rains and recommended this should be transported by boat to Grantville and thence to Loch by carriage.[14]

Even with such firm advocacy, the Department failed to act and frustrating delays continued. Over time, the number of children increased and the bureaucrats passed on. Robert Lowe wrote to the Minister:

It is now over twelve months since our application for a school was made for Loch, and during that time, there has been no less than three inspections reported on the matter. And from anything we know to the contrary, these reports have been favourable.

Since the last report our children of school ages have increased considerably.

We must try to draw your attention to the almost impassable state of our roads during the winter months and if it is your intention to grant us school it should be sent at once. A site has been given and the late Inspector Craig considered the site a desirable one.

If it is not the intention to send a school kindly let us know at once so that we may erect a suitable building and rent same to your department.[15]

'If the residents will put up a suitable building in a central position and lease it at a moderate rental to the department,' was the smooth rejoinder, 'the establishment of a school ... will be greatly facilitated'. [16] Finally, a decision from the Board of Advice settled the matter when it approved the proposed site and emphasised the likelihood of continuous growth in the population of the township. By 18 May 1888, authority was given to accept Smith's offer of an acre of land at 150 pounds. Tenders were invited to clear the site and three local citizens, W Burns, F Wells and R Laver, offered to complete this work. A departmental memo shows tenders were accepted and a portable building with quarters was despatched on 12 October. Four months later, on 21 January 1889, the final certificate of completion was given.[17]

The Head Teacher

The frustration and delays were not over for the parents of Loch for although they now had a school, as yet there was no teacher. 'I have been requested by some of the families of this place to ask you the reason that the school at this place has been erected for at least six weeks and everything in readiness but there has as yet been no teacher sent up' wrote Mr Wadeson on 19 February 1889.[18] The following day the Department received the petition mentioned earlier, signed by twenty parents requesting that a lady teacher, Miss Mary Leys, 'who is well known and appreciated by your petitioners', be appointed to the school in Loch. In reply, the Department noted that it was required to nominate the first teacher available for such an appointment, male or female. The familiar and popular Mary Leys was passed over in favour of Francis William Clarke, a teacher then employed in the Relieving Service.[19]

When Clarke was appointed to his position at Loch, he was 31 years old and had extensive experience in both large and small urban and rural schools. He had served his apprenticeship in farming and pastoral communities and on the goldfields. He was described as intelligent and efficient and was also qualified to teach Military Drill. He must have been well-acquainted with similar conditions to those which awaited him at Loch and the liveliness of the local youngsters would have been no better or worse than others he had encountered in his career. Clarke was experienced, but obviously enjoyed his mobility and his salary as a relieving teacher. He did not wish to come to Loch.

Initially he received his new appointment with equanimity. On 15 January 1889 he courteously replied that he was ready to take up his position as soon as he was relieved at the school in Aberfeldy. On 20 February 1889, just seven weeks later and on the same day the parents of Loch petitioned the Department for the appointment of Mary Leys, Clarke wrote to the Department requesting that he be granted permission to remain on the Permanent Relieving Staff. He was willing, he said, to take up his appointment to Loch after a period of one and a half years. He was probably relying on an increase in school attendance with Loch's steady growth and completion of the proposed railway. Certainly he gave a considerable loss in salary as his reason for wishing to delay his appointment. 'My chief concern is that I shall lose considerably in salary at present by going there.' Perhaps he also enjoyed his mobility as a relieving teacher. 'I shall probably be locked up long enough at Loch', he quipped. He requested the Department to 'send some other teacher there, temporary, for above time as it is not very far from town'. His request was refused and Loch State School no. 2912 opened on 1 April 1889 with Francis William Clarke as Head Teacher.[20]

The School

From the day of opening Clarke was plagued by a lack of facilities and fluctuating attendances. 'I have the honour to report that I opened the above school this morning with 16 children' he wrote on 1 April. 'No books, slates, maps or requisites are here at present.' On the same day he notified the Department that one tank was already useless, that one of the outhouses had a spectacular lean from the perpendicular and in the first strong wind would very likely be blown over, that neither the school nor residence porches were floored and that both buildings required scrubbing. A week later he requested an Inspectors' and School

Register and a notation frame and enquired about the proposed rental for the school residence. This was set at 4 pounds per annum. By 12 April, Clarke was also complaining about the state of the school grounds and requesting the erection of a fence, as 'the cattle in the paddock surrounding the school congregate round the building at night and Mr AR Smith from whom the site was purchased is constantly afraid of losing cattle'. Clarke later reported that both tanks were useless and the cattle were sheltering in his porch.[21]

By the end of March 1890, there were 52 children on the roll and Clarke reported an average attendance of 39. True to earlier departmental fears, as the attendance at Loch grew, that at Jeetho West steadily declined. In September of the previous year, the then Head Teacher, Grace Hall, had written anxiously to the Department over a report she had read in a local newspaper about the proposed closure of the school. 'I beg to state that as soon as the weather clears and improves there will be seven additional scholars who are prevented attending at present owing to the bad state of the roads.' [22] While Grace Hall was anxiously contemplating the decline of her school, Clarke had 49 children on the roll and was making application for an extra staff member, a sewing mistress, to be appointed to Loch. After a competitive examination, Mary Ann Taylor, the sister-in-law of AR Smith, took up her duties at the school where she also took the infants' or babies' classes in the afternoons.[23]

Despite increasing growth, the population of Loch was a variable one due to the movement of the navvies or railway workers who followed the line as work on the railway progressed. The families of these itinerant workers moved into the town and then moved on with the railway, causing fluctuations in the numbers of children attending the school and general instability in the classrooms. The quality of scholarship was adversely affected, an important concern when teachers were paid by results. Clarke noted the constant changes and the adverse effects on his pupils. Of the 80 children registered since the school's opening, only 40 remained by November 1890, the other half having left the district. Of those remaining, only half had been with him since the school opened and because of delays in opening the school a number of his students were above the average age for their class. In addition, many of the children did not attend regularly. Clarke requested that the Department take action and the examinations (on which his salary would be based) be deferred. His request, of course, was not granted.[24]

At this stage Clarke was contemplating marriage and on 22 December 1890 he began a long correspondence with the Department over the conditions of the residence attached to the school. His initial request was for minor improvements to make the quarters more habitable, for improved ventilation in both the school and residence, and for varnishing the two rooms which would constitute his new abode. 'I intend to reside in the rooms. At present they are miserable and bare but would look a little better being varnished.' By 26 January 1891, perhaps with a view to accommodating his future sister-in-law who later resided with the family, he requested permission to build a small detached building in the school grounds, 'about twelve feet by ten feet (or larger) ... of soft wood, iron roofing with a brick chimney'. This request, accompanied by a helpful sketch, was granted. Four days later Clarke discarded that idea and made the first of his many requests for the Department to provide additional quarters. Disarmingly, he phrased his request with the welfare of the children in mind and appealed to the economic sensibility of the Department. The most efficient solution, he thought, was by using the whole of the present building as a school by simply cutting two doorways into the room, and erecting a new four-roomed detached residence:

The latter I am strongly of opinion would be the cheapest and best as if the township increases as it is thought it will, a building put up now would require to be altered in two or three years, whereas the whole of this building would do for a longer period, and a more suitable building could be erected when required.[25]

His suggestion would be considered, replied the Department, although 'in view of the more pressing demands upon the Department's resources it may be some time before the work ... could be proceeded with'. The economic stringencies of the 1890s were already apparent.

One month later, on 20 February 1891, Clarke was married to Annie McGuire in the Church of England in Loch. Witnesses at his marriage were Augustus Smith and AG Taylor. His friendship with the respected Smith and Taylor families indicates that Clarke was well accepted in the township and occupied a position of some social standing.

He continued to press for suitable accommodation for himself and his bride, couched in terms of providing extra accommodation for his students. His concerns appear to be genuine enough. Forty to forty-five children were often present, he wrote, there being 'only accommodation for about thirty'. He drew attention to considerations of health. 'Several of the children have lately gone home from the morning meeting ill, owing I believe to the above cause.' He also referred

to the predicted growth of both the township and the school population. 'I think there is very little doubt of there being a good school here.' But the quarters were cramped and uncomfortable and the erection of a new residence would, he believed, solve both these problems:

... there are only two rooms in the quarters, one small, which are not at all pleasant or comfortable to live in ... I would therefore earnestly request that a four-roomed cottage be erected at once, before the winter comes on and the present building be used as a school.[26]

Although this plan received approval from at least one inspector, departmental notes indicate that an alternative plan was adopted, that of converting the schoolroom into additional quarters and erecting a new school building.[27]

Clarke made arrangements for the school to be temporarily accommodated in the Sunday School Hall of the Church of England while the building works were taking place. He busied himself with advice to the Department as to how he would like the school converted to quarters. The schoolroom itself, he wrote, should be partitioned into two rooms. A double brick chimney should be provided as the old one smoked badly. Two nice mantelpieces should be provided to complete the fireplaces, while the windows should be lowered about one foot and cleaned of their paint. The interior should be stained and varnished, the whole completed by a verandah on the north side to keep out the afternoon glare.[28] It is doubtful that all of Clarke's requests were complied with but by 2 November 1891 a contract had been let for the conversion of the school into a residence of four rooms. This was completed by 2 December 1891 and was then let to Clarke at a rental of 9 pounds per annum. The newly constructed schoolroom had accommodation for 54 pupils and was built at a cost of 230 pounds. It appears that the school building was not completed until late June of the following year as the Sunday School premises were not vacated until 25 June 1892.[29]

By 1901 the Clarke family had grown, 'We are eight, self, wife, five children and wife's sister,' and accommodation once again became a pressing matter. In July of that year Clarke requested that the residence be revarnished as it had not been touched for nine years, and an extra bedroom be added 'for the preservation of good health'. In the space of one week he doubled his request. 'Five sleep in one bedroom, three in the other, which are not very large and as the elder ones are growing up, we could do with more rooms. We could easily do with a couple.' The quarters were desperately short of facilities for his large family, for there was no wash house or bathroom and there were not enough bedrooms.

He eagerly sought an estimate of the cost of two extra rooms and sent this off to the Department. By February 1902 he moderated his demands. 'I have the honour to request that I may be informed if there is any possible (probable) hope of getting two additional rooms (or one) added to the dwelling and when ... I will be thankful with one bedroom.'^[30] Nine months later the Department, preoccupied with its own economic problems, again refused Clarke's urgent requests: '... in view of the state of the finances, the money at the disposal of the Department can only be devoted to repairs of an urgent character. The question of erecting additional accommodation at the residence must therefore remain in abeyance.'^[31] Clarke then took matters into his own hands. In 1899 he had bought a three-acre paddock adjoining the school on the western side from the estate of Christie Thomas Smart. Mr Shackelford, who had been an architect, designed a residence for him that was built at a cost of 400 pounds between December 1902 and June 1903.^[32]

The wheels of bureaucracy were still moving although very slowly indeed. On 30 November 1904, almost two years later, a departmental recommendation authorising 174 pounds to be spent on additions to the old residence was approved and noted on the back of a letter Clarke had penned on 21 February 1902. We can only sympathise with Clarke's despair at the snail-like bureaucratic process. 'I reported two years ago that I did not now require an addition to the residence,' he replied. 'I have built a house of my own.' The authorisation was promptly withdrawn.^[33]

Letting the school residence to cover his own financial obligation to the Department was now a major problem for Clarke, for the Department was prepared to continue deducting money for rent for a building he no longer occupied. His tenants appear to have been temporary and short term, and often late with the rent. To exacerbate matters, the Department maintained that he owed some 12 pounds in arrears. 'I have not received the rent I pay for it' Clarke pleaded in Sept 1905. 'I have paid from £50 for quarters which I have not used.' In November of that year he appealed to the Department to remove the dwelling: '... the letter I received has caused me to be unwell all the week through sleeplessness and worry ... Can the Department take over this place or better still remove or will they sell?' For the Department, his pleas were in vain. 'This is the usual charge whether the quarters are occupied by Head Teacher or not occupied', they noted. By February 1906, Clarke's correspondence took on a more desperate note. 'You have deducted from my last salary more than the amount I have received.' 'There does not appear to be any need for a reply', was the unfeeling rejoinder. ^[34]



Loch Primary School, c. 1905. Photograph courtesy of Loch & District Historical Group.

Attendance figures at the school reflected a steady increase in the population of the township. By June 1906, attendance had risen to 74 children, 28 of them infants. Clarke wrote to the Department with a solution that would not only solve his problem with the letting of the residence, but would alleviate the crowded conditions of the school. 'I can easily get over the difficulty for the present by using the school residence for the infant classes if I get permission to do so.' By July of that year Clarke was relieved of the responsibility of paying rent when the Department finally acknowledged the quarters provided were inadequate for his family. He was expected, however, to carry on the general oversight and care of the buildings and to arrange for the letting of the quarters at a rental which was fixed at five shillings.^[35]

Clarke's request for more room for infants' lessons at least urged the Department to look into the crowded conditions of the school. They found the existing accommodation was hardly adequate and consideration was given to building a new school, although the projected cost of 300 pounds was subsequently thought to be too high. Rather than put the infants into the residence, a decision was taken to lengthen the existing building. Authorisation was therefore given to extend the existing schoolroom, to remove the gallery which was considered a hindrance, to provide cloakrooms, improve ventilation and carry out repairs. This approval was given in July 1907. By 1910 attendances had further risen and an extra schoolroom was added. These are the two rooms which exist today.^[36]

Clarke was remembered as a stern disciplinarian and he no doubt exercised the techniques of a nineteenth-century pedagogue to achieve educational and social outcomes. The children were marched military style into school each Monday morning then marched down the main street of Loch and back. They were marched to the river banks where they lined up to sing. The syllabus included writing, arithmetic, geography and lots of dictation. Mental arithmetic was held in the open air. Despite his authoritarian manner Clarke was described as having been a good teacher and reports from inspectors describe him as having a good natural ability in teaching and of maintaining good to excellent discipline throughout the school. It can be safely assumed that the people of Loch would have approved. [37]

Clarke's correspondence often provides a personal response to some of the crises that befell the town, the most notable being the great bushfires of 1889:

... there is grave danger of this school and dwelling being burnt by the bush fires. There are a dozen houses burnt within a radius of ten miles, five within a radius of three miles. The fires are burning on every side of the township ... If a South or West wind comes, we will have a bad time, as the place is surrounded by big timber ... I have sent Mrs Clarke and family away, packed or buried portables and most of the townspeople have done the latter.[38]

Clarke was always conscious of the health of the children, as well as that of his own family, due to overcrowding, poor sanitation and lack of hygienic conditions. He was appalled, for example, at the lack of proper heating in the Sunday School building when children had to sit in damp clothing.[39] He appears to have worked tirelessly in the school grounds, carrying out repairs and maintenance. He reported on one occasion a nest of snakes under the school building and was advised by the Department to coax them out with milk and then shoot them, being careful, of course, not to damage the building.[40] Clarke also participated in the community and sporting life of the town, having some prowess as a sportsman. In 1903 he was secretary, treasurer and captain of the Loch Tennis Club and from 1889 to 1890 he was president of the local football club.[41]

The Legacy

Loch today is a thriving town but it has completely changed in recent decades. Some families with familiar names still reside in the town but where there was a butcher there is a real estate agent, where there was a store there is a quilting workshop, the health centre is a

café, the bank an antique shop, the blacksmith's was a junk shop and is now a private home. It is not possible to buy food staples, go to the bank, or purchase a hammer. A car is necessary now to travel to Korumburra or to Cranbourne to purchase such things. The ever-widening South Gippsland Highway snakes smoothly over the once impassable Koo-Wee-Rup Swamp. Melbourne is an hour away.

The school is still there but Francis Clarke's residence was taken away some ten years ago to begin life anew in a different community. The once rough tracks are paved and the scrub, the big timber, has long disappeared, as have the blackfish in the Bass River and in Alsop's Creek. The Great South Gippsland Railway is a novelty train, running on weekends from Nyora to Korumburra for the entertainment of tourists. Even the station has gone. Loch seems now a township offering pleasant respite for the traveller — but one on the way to somewhere else. Nevertheless, the school is a thriving one and celebrated its centenary along with that of St Pauls Church of England and Loch Football Club in 1989. In 2001 its enrolment of 80 children was drawn from the town and from small subdivisions and farms, with approximately half of the children travelling to school by bus. In that same year the township of Loch celebrated its own 125th birthday with a book to complement the earlier history of the region *The Land of the Lyrebird*. [42] Entitled *Loch & District 2001, ...From then until now*, the aim of the book was to enable future generations to 'proudly carry on ... and to ensure that this beautiful part of South Gippsland never loses its identity ... In this way we leave our footprints – however faint – to show that we have passed this way. In another 125 years we too will be history'.[43]



Loch Primary School, c. 1950s. Photograph courtesy of Loch & District Historical Group.

Endnotes

[1] Report of Inspector Dennant, Victorian Department of Education, 6 April 1891, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[2] G Presland, *The land of the Kulin*, Mcphee Gribble, Australia 1985, pp. 24, 50. Evidence of Indigenous occupation is mentioned by early European settlers in *The land of the lyrebird: a story of early settlement in the great forest of South Gippsland*, The Shire of Korumburra for the South Gippsland Development League, 1972, p. 31. TJ Coverdale, for example, writes of evidence of intentional burning of the scrub, of stone tomahawks lying on the surface and the discovery of clay ovens in the dense bush.

[3] TJ Coverdale, 'The scrub' and WHC Holmes 'Scrub cutting', in *The land of the lyrebird*, pp. 16-33 and pp. 54-66.

[4] RJ Fuller, 'The great southern railway', in *The land of the lyrebird*, pp. 221-29. For a complete history of the rail line see KM Bowden, *The great southern railway*, Hodges & Bell, Maryborough, 1970.

[5] Joseph White, *The History of Loch & District*, M&B Print, Korumburra, 1972, pp. 3-7. A full advertising brochure with date, time and place of sale, and attractive description of Loch and surrounds is held by PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912. See also the reminiscences of Mrs AR Smith in *The land of the lyrebird*, pp. 198-201.

[6] The variety of townspeople and the important skills they brought with them to establish a successful new settlement are described in White, *The history of Loch*, pp. 3-7.

[7] Letter from Mary Leys to the Department of Education, 30 May 1887, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1396, Loch State School 2912. See also report by Inspector Carmichael, 30 April 1885, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1396, Loch State School 2912.

[8] Petitions of 20 June 1881 and 20 February 1889. Petitioners' names include those of Ferrier, Greening, Horner, Loh, Bowcher and Wadeson. PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 506, Loch State School 2912.

[9] Report of Inspector Hamilton on the viability of a school in Loch, 17 December 1887, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[10] Petition of 14 March 1887. The return address is given as Sunnyside via Lang Lang. The names on the petition include Messrs Laver, McTaggart, Ferrier, Loh, Morgan, Simpson, Wells, Taylor and Greening. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1679, Loch State School 2912.

[11] Letters from D Wadeson to Department, 25 April 1888, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 506, Loch State School 2912; and W Bowcher to Department, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912. In fairness to the people of Loch, the same three boys had been expelled earlier from an urban school, 'for stoning the master at his desk'.

[12] Reports of Inspector John Robertson 5 July and 19 August 1887 and letter from David Ferrier, 6 March 1888, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912. Ferrier gives his address as Poowong via Drouin in this correspondence.

[13] Letters from AR Smith to Inspector Hamilton and Department, 14 January, 21 January, 26 January and 15 March, 1888, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[14] Inspector Craig, minute dated 20 March 1888, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[15] Letter from Robert Lowe to Department of Education, 25 April 1888, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[16] Department of Education, departmental minute, 25 April 1888, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[17] Authority to establish a school and purchase land was gained from Board of Advice 12 May 1888 and noted in Inspector's Report 18 May 1888. A contract for the purchase of land from AR Smith is noted in Crown Solicitor's Office memorandum 17 September 1888. The despatch of a school and quarters is contained in a Departmental memorandum 1 October 1888. Receipts for land clearing are dated 16 and 18 October 1888 and the final certificate of completion is noted in a Departmental report 21 January 1889. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[18] Letter from D Wadeson to Department of Education, 19 February 1889, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 506, Loch State School 2912.

[19] Departmental response to petition requesting Mary Leys appointment, 29 March 1889, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[20] Letter of acceptance from Clarke to the Department, 15 January 1889. He requested he remain on the Relieving Staff on 20 February 1889. PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 506, Loch State School 2912.

[21] Letter from Clarke to the Department, 1 April 1889. His problems with tanks, outhouses, and cattle are in letters of 8 April and 8 July 1889, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 506, Loch State School 2912.

[22] Letter from Grace Hall to the Department, 3 September 1889, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1396, Loch State School 2912.

[23] Letter from Clarke to the Department, 28 February 1890. Clarke expressly favoured the younger candidate, Eva Bowcher, over Miss Taylor. The examination included dictation, arithmetic, parsing, geography and spelling as well as needlework. PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 506, Loch State School 2912. Recollections of infants' and babies' classes are contained in 'Mrs R Horner', White, *The history of Loch*, pp. 57-8 and in information given to the author by Mrs Annie Hee (nee Cowcher) of Loch.

[24] Letter from Clarke to the Department, 20 December 1889, PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 516, Loch State School 2912.

[25] Letters from Clarke to the Department, 22 December 1890 and 26 January 1891, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[26] Letter from Clarke to the Department, 23 March 1891, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[27] *ibid.* The approval of a plan put forward by Inspector Dennant is in a Departmental minute of 6 April 1891, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[28] Letters from Clarke to the Department, 16 April, 26 May and 27 July 1891, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[29] Letting the contract for conversion of the school building into a residence is noted in a Departmental minute 2 November 1891. The final certificate of completion of the dwelling was reported by Inspector Cook, 2 December 1891 and letter from CS Bigelow 20 July 1892. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[30] Letters from Clarke to the Department, 24 July, 1 August, 2 September 1901 and 21 February 1902, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[31] Departmental minute, 24 November 1902, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[32] See White, *The history of Loch*, p. 82 for information about Clarke's purchase of land and p. 15 for the residence he built. Details of Clarke's living conditions are given in a letter from him to Frank Tate, Director of Education, 25 May 1906, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[33] Authorisation and allocation of money for additions are noted in a minute of 30 November 1904. For Clarke's response, letter to the Department 8 December 1904. Withdrawal of the offer is noted in a minute of 22 December 1904. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[34] Letters from Clarke to Department, 13 December 1904, 5 June, 25 September, 8 November, 2 October, 11 November, 12 December 1905, 7 February and 10 April 1906, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[35] Letter from Clarke to Department, 6 June 1906, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[36] Departmental report 7 July 1906 and notes on alterations to school building, July 1906. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912. The later building of 1910 is described in LJ Blake, *Vision and Realisation*, Education Department of Victoria, Government Printer, Melbourne, 1973, vol. 3, p. 1250.

[37] Information given by Mrs Annie Hee to the author.

[38] Letters from Clarke to the Department, 2 February and 1 April 1898. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912. See too AW Elms, 'A fiery summer,' and TJ Coverdale, 'Recollections and personal experiences of the great fires of February 1898', in White, *The land of the lyrebird*, pp. 302-10; 296-301.

[39] Letter from Clarke to Department, 27 July 1891. It should be noted that July is a very cold month in South Gippsland. Nevertheless the Department refused, noting, on 28 August 1891, that 'the summer is coming'. PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[40] The death of a child is reported in a letter from Clarke to the Department, 9 December 1891, and snakes under the school in a letter from Clarke to the Department, 2 December 1889. For Departmental reply, minute of 4 December 1889, PROV, VPRS 795/P0 Building Files: Primary Schools, Unit 1697, Loch State School 2912.

[41] White, *The land of the lyrebird*, pp. 28, 37.

[42] *ibid.*

[43] *Loch & District 2001 ... From then until now*, Loch & District Historical Group, May 2001, p. iii.

