Index

About Provenance 2

Editorial 4

Refereed articles 6

Susanne Davies
The Search for a Certain Cure: Doctors, Drunkards and Victoria’s Committee of Inquiry 1901 7

Charles Fahey
John Sweeney and the Making of an Australian Farming Landscape: A micro-level study of Baulkamaugh and Katunga, 1877-1955 17

Barbara Minchinton
The Trouble with Otway Maps: Taking up a selection under Land Act 1884 29

Dr Sarah Mirams
‘Situated Among the Gum Trees’: The Blackburn Open Air School 42

Richard Pennell
Looking for Azzopardi: A historic and a modern search 50

Jeremy Smith
Losing the Plot: Archaeological Investigations of Prisoner Burials at the Old Melbourne Gaol and Pentridge Prison 62

Brett Wright
In Pursuit of the Kelly Reward: An examination of applicants to join the hunt for the Kelly gang in 1879 73

Forum articles 81

Kimberley Meagher and Jill Barnard
Exhibiting PROV at the Old Treasury Building 82

Andrew J Kilsby
Thomas Joshua Jackson (of ‘Young and Jackson’s Hotel’) 89

Fiona Poulton
Little Latrobe Street and the Historical Significance of Melbourne’s Laneways 95

Joan Hunt
Campbell and Woolley’s Store 105

Arthur Mitchell Fraas
Local History from 8000 Miles Away: Early Colac Court Records in the United States of America 111
Provenance is a free journal published online by Public Record Office Victoria. The journal features peer-reviewed articles, as well as other written contributions, that contain research drawing on records in the state archives holdings.

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

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.

Contact the Editor

Please direct any queries, comments and submissions regarding Provenance to the editor, who can be contacted by email at provenance@prov.vic.gov.au or by telephone on (03) 9348 5600, or post to:

The Editor, Provenance
Public Record Office Victoria
PO Box 2100
North Melbourne Victoria 3051
Australia

Provenance journal publishes peer-reviewed articles, as well as other written contributions, that contain research drawing on records in PROV’s holdings.

Editorial Board

The editorial board includes representatives of:

• Public Record Office Victoria access services;
• the peak bodies of PROV’s major user and stakeholder groups;
• and the archives, records and information management professions.

An editor is appointed to the board to co-ordinate production of the journal and the activities of the editorial board. All board members are appointed to the board by the PROV Director and Keeper of Public Records for a period of two years.

Assessment of submitted articles

Assessment of all submitted articles is overseen by the editor in consultation with the editorial board. All articles intended for the peer-reviewed section of the journal undergo double-blind peer review by at least two referees with expertise relevant to the submitted article. The editorial board also makes recommendations regarding the publication of informal articles in the Forum Section. For guidelines and information for authors interested in submitting an article to Provenance, see the Author Guidelines.


Open access policy

Provenance is an Open Access journal which means that all content is freely available without charge to the user or his/her institution. Users are allowed to read, download, copy, distribute, print, search, or link to the full texts of the articles, or use them for any other lawful purpose, without asking prior permission from the publisher or the author. This is in accordance with the Budapest Open Access Initiative (BOAI) definition of Open Access.
Archiving of journal

Provenance is archived regularly in PANDORA, Australia's Web Archive, which is a growing collection of Australian online publications, established initially by the National Library of Australia in 1996, and now built in collaboration with nine other Australian libraries and cultural collecting organisations.

The name, PANDORA, is an acronym that encapsulates the web archive's mission: Preserving and Accessing Networked Documentary Resources of Australia.

Since 2015, the journal has been aggregated and indexed as full text on the Informit Humanities and Social Science database.

Copyright

The authors who contribute to Provenance must clear any copyright for material and images in their articles before their articles are published. It is the responsibility of the author to supply copies of images or other material that will be published in the article.

Copyright in each article remains with the author of the relevant article. Authors have the right to publish their articles elsewhere subject to acknowledgment of prior publication in Provenance.

Users of the Provenance website may have rights to reproduce material from this site under provisions of the Commonwealth of Australia's Copyright Act 1968. In addition to any such rights, unless there is a statement to the contrary, the author of each article has given permission for physical or electronic copies of the text and graphics in that article to be made for classroom or research use, provided:

• Copies are distributed at or below cost;
• The author and Provenance are attributed on each copy;
• Notice of relevant copyright ownership is attached to each copy; and
• The Editor, Provenance, is notified of the use within one calendar month of use.
Editorial

Provenance 2011

Australia’s ever-green infatuation with Ned Kelly recently received new impetus through the findings of archaeological work done on burial sites at Pentridge Prison. In his article on this long-term project that has just come to fruition, Jeremy Smith from Heritage Victoria recounts the processes and investigations involved in sorting out the bones in the burial site, and the remarkable discovery that a stolen skull returned to Heritage Victoria by Tom Baxter, who thought it was Ned Kelly’s, turns out to belong to Frederick Bailey Deeming, the nineteenth-century serial killer. Among the fascinating insights into the effect of the generous reward issued for the capture of Ned Kelly on the progress of the police investigation, Brett Wright draws our attention to the ‘engineer Benjamin Dodds, of Flinders Lane, Melbourne, [who] laboured over a plan to establish a network of tethered hot-air balloons in four country towns. Each balloon would act as a look-out and – equipped with an officer, telegraphic operator, arms and telescopes – it would be able to rise to a height of two miles’!

Land records also feature prominently in this year’s batch of articles. Charles Fahey presents the story of John Sweeney as a case study of the transformation of farming practices on the northern plains of Victoria during the era of land selection in the 1860s and 1870s. Part of this transformation involved the clearing of woodlands and the use of the felled timber as material for fencing. As Fahey explains, ‘Fencing placed a huge burden on the northern woodlands... When he finally secured his lease ... [in 1882], John Sweeney had completed over 5500 metres of fencing erected from local bush materials... In total, at a minimum estimate, they [selectors of Baulkamaugh and Katunga where Sweeney’s farm was located] constructed over 360,000 metres of fencing. When we extrapolate from these two parishes to the hundreds of parishes on the northern plains we can begin to visualise the staggering scale of timber use.’

The impact of inaccurate maps produced by the Lands Department for the Otway Ranges is examined by Barbara Minchinton. Quoting Thomas Baker MLA, 3 August 1895, Minchinton introduces her article with the observation that ‘Whenever [I s]ee a straight road on a plan in such country I [take] it as a certainty that it crosses impassable places.’ The maps showing straight roads was part of the reason many of the selectors who tried to take up land in the Otways failed in their efforts, as they encountered the reality of the impassable places on their selected allotments.

Attempts to address the problem of habitual drunkenness date back to the nineteenth. Susanne Davies looks at the transition to treatment-based approaches to this problem which recast it as a disease rather than a moral failing. Davies revisits the proceedings of a Victorian government committee established in 1901 to gain an insight into the various opinions and cures that were debated at the time, many of which find their echo in contemporary debates about substance abuse.

In 1942, a Maltese man, Giuseppe Azzopardi murdered a Dutch woman in Smyrna (now Izmir) in Turkey in 1842. Richard Pennell’s goes in search Azzopardi, one of the many people who disappeared between the cracks of the British Empire. Along the journey, Pennell discovers that in 1857, Azzopardi’s abandoned wife Concetta had already made an unsuccessful attempt along with several others to trace his location. Like the earlier search, Pennell’s search, though pushing a little further into Azzopardi’s presence on the Victorian goldfields, pursues a trail that eventually goes cold, which leads us to wonder how many other people simply disappeared at the fringes of the empire by selectively obscuring their identities.

From Sarah Mirams we learn about the Open-Air Movement and the little-known experiment that was initiated by the Victorian Education Department in 1915 in semi-rural Blackburn. The Blackburn Open Air School, which was the first of its type in Australia, adapted a model first implemented in Germany in 1908. The article traces the history of the school, and considers the extent of the adaptation of the open-air philosophy to local conditions and the evidence available in PROV records to tell us about the actual experience of the students and teachers of the school.
In *Provenance* issue 7, 2008, we ran an article from Dawn Peel about Colac. Her interest in Colac led Dawn to her to an unusual find: a court record from Colac turned up on the online catalogue of the Rare Book, Manuscript, and Special Collections Library at Duke University in Durham, North Carolina. Dawn made contact with Mitchell Fraas who was working at the library at the time as an intern. Fraas developed an interest in this errant record brought to his attention by Dawn, which led to contact with PROV and contributing to a project to make these estray records available to Victorians via online technology. In his article about this instance of the local becoming global, Fraas observes that he is perhaps unique among the authors who have written for the journal in that ‘I have never been to PROV, nor have I set foot in Australia’ – a sign of things to come perhaps.

Icons feature in this year’s Forum section. Fiona Poulton digs into PROV’s public records to recover the significance of the urban streetscape of Little Latrobe Street and Andrew Kilsby tells the story of Thomas Joshua Jackson, the businessman responsible for establishing one of Melbourne’s most iconic pubs, Young & Jackson’s on the corner of Flinders and Swanston streets opposite the Flinders Street Railway Station. Other Melbourne icons, such as Robert Hoddle’s grid plan for the city and drawings of Pentridge Prison, are among the treasures from the PROV collection that feature in Kimberley Meagher and Jill Barnard’s article on their role curating the permanent exhibition at the Old Treasury Building.

And finally, Joan Hunt, who until last year was part of the Ballarat team of PROV, clears up a long-held confusion relating to the business of Campbell and Woolley, and establishes its true location on the Buninyong road.

Sebastian Gurciullo
Editor
Refereed articles
The Search for a Certain Cure

Doctors, Drunkards and Victoria’s Committee of Inquiry 1901

Susanne Davies


This is a peer reviewed article.

Susanne Davies is the Convenor of Legal Studies in the School of Social Sciences at La Trobe University. An historian by training, her teaching, research and writing interests span critical criminology, cultural studies, socio-legal history and gender and sexuality studies. She is the co-editor of two volumes, A nation of rogues: crime, law and punishment in colonial Australia (Melbourne University Press, 1994) and Harsh punishment: international experiences of women's imprisonment (Northeastern University Press, Boston, 2000).

Abstract

During the latter half of the nineteenth century, in Britain, North America and the Australian colonies, a dramatic change occurred in the way in which habitual drunkenness was understood. Having long been regarded as a sin or a vice, habitual drunkenness was gradually recast as a disease, one requiring specialist treatment if its sufferers were to have any hope at all of being cured. This article considers how the debate over drunkenness and its treatment played out in Victoria. In particular, it focuses upon the formation and work of a committee which in 1901 was appointed to investigate and test the merits of various ‘alleged cures’. As its proceedings demonstrate, exactly what was to be involved in the treatment of inebriates was a matter of heated dispute. Contributions to the committee provide us with insights into the varying questions, views and issues involved in the debate and moreover highlight, often poignantly, the vulnerability of those who sought to be cured.

In 1901, the Victorian Government appointed a committee to inquire into ‘certain alleged cures’ for inebriety. The committee’s formation was a product of decades of growing concern and often heated public debate over the nature and effects of drunkenness in Melbourne and was welcomed by a wide range of people including medical practitioners, social reformers and entrepreneurial laymen. Upon learning of the committee’s activities, some individuals with first-hand experience of drunkenness were moved to write of their circumstances and hopes. Mr Heming of Carlton, for example, took the opportunity to introduce his wife to Chief Secretary William Trenwith in this brief but revealing letter:

Dear Sir, I see by The Age of the 3rd that you want some inebriate to experiment on. My wife is an inebriate. She would be a good one to try. She will take anything to try and get better. I have tried a few cures but they have proved failures.[1]

This letter along with other documentation relating to the committee’s origins, proceedings and findings now forms part of the collection of Public Record Office Victoria. Taken as a whole, the surviving correspondence, transcripts of evidence and reports provide an exceptional insight into the committee’s workings as well as the broader nature and dimensions of the debate over drunkenness in late nineteenth century Victoria. They attest to the tireless efforts and growing influence that medical professionals and some social reformers exercised in changing understandings of habitual drunkenness and its treatment. They also illuminate some notable differences in the perspectives, interests and agendas of those engaged in the debate. The despair of those with troubling personal experiences of drunkenness is also revealed, especially in letters to the committee. As Catharine Coleborne has noted, such personal contributions deserve examination as ‘rich sources of information about families, households, and the language used by ordinary people’ to describe their experiences and interactions with experts and institutions.[2] Despite the richness of these records, the work of the committee and even its very existence have been largely forgotten. However, as the following discussion illustrates, the views, questions and issues it canvassed still resonate today in public debates concerning drugs and drug users.

1. Dear Sir, I see by The Age of the 3rd that you want some inebriate to experiment on. My wife is an inebriate. She would be a good one to try. She will take anything to try and get better. I have tried a few cures but they have proved failures.

2. As Catharine Coleborne has noted, such personal contributions deserve examination as ‘rich sources of information about families, households, and the language used by ordinary people’ to describe their experiences and interactions with experts and institutions.
Drunkenness was a problem in the colony from its very first years as is shown on the first page of the Register of Drunkards from 1842, which records evidence and Melbourne Court of Petty Sessions proceedings against offenders found drunk. PROV, VPRS 49/P0 Register of Drunkards, Unit 1, Folio 1.

The Problem of Drunkenness

By the late nineteenth century, Victoria’s social reformers, politicians and doctors agreed that alcohol, or more specifically, some people’s propensity to over-indulge in it, was the cause of inestimable harm. ‘The problem of drunkenness and other social problems run into the other like the colours of the rainbow’, observed Wesleyan Minister Alexander Edgar.[3] In medical, legal and charitable discourses, drunkenness was routinely linked to crime, insanity, disease and death. Inebriety, especially on the part of husbands and fathers, was identified as a major contributor to family breakdown and poverty. Habitual drunkards were accused not only of failing to contribute to the economy, but of draining government and charitable coffers, for many resided at the public’s expense in gaols, lunatic asylums and hospitals. In 1899, Herbert Booth, the Commandant of the Salvation Army in Victoria voiced the concerns of many when he told a board investigating the treatment of habitual drunkards that ‘the Government ought to act’. In his view, the prevailing policy of locking up drunkards was thoroughly futile, a point he made by comparing their treatment with that of the mentally ‘disturbed’. As he put it:

the habitual and chronic drunk is as powerless and as mentally unhinged, by the temptation presented to him at the entrance of the drinking saloon, as is any maniac. Why does society reserve all its remedial measures for one class of its weaklings, while it has no better system for the other than the ever-recurring police cell?[4]

Victorians were not alone in being vexed by the problem of habitual drunkenness. It was a subject that had also inspired prolonged debate in Britain, America and the other Australian colonies, and developments in these places played an important role in informing debate and reform initiatives in Victoria. The temperance movements in Britain and America, for example, found expression in the formation of organisations such as the Melbourne Total Abstinence Society in 1842 and, four decades later, a local branch of the Women’s Christian Temperance Union.[5] Temperance campaigners sought to limit alcohol at the point of supply and earnestly warned Melburnians against ‘treading the dangerous paths of moderation which ha[d] led so many down to the abyss of excess’.[6]

The teetotaller’s conception of habitual drunkenness as a sin or a vice came to be rivalled by quite a different view in the latter half of the century. This emerging view reflected a medical perspective and was just ‘one part of a wider movement towards a scientific discourse on social problems’. [7] Within it, habitual drunkenness was re-defined as a disease and drunkards were re-cast as ‘inebriates’, as individuals beset by a mental and physical disease and thus requiring specialised, scientifically based treatment.
In 1872, the introduction of the *Inebriates Act* provided clear evidence that the medical perspective was gaining influence. This law enabled licensed individuals to operate retreats for the specific treatment and cure of inebriates and also set out the means by which inebriates, upon their own request or that of a friend or relative, might be committed. The following year Dr Charles McCarthy, who had long campaigned for the establishment of such institutions, opened the colony’s first Inebriate Retreat at Northcote.[8] Concerns over his management of the retreat resulted in it being taken over by the government in 1889. Three years later, the government signalled its lack of commitment by refusing to save the debt-ridden facility from closure.

Familiar allusions to immorality and vice continued to colour political and popular perceptions of drunkenness and found expression in the ongoing neglect of those inebriates who could neither afford to pay for treatment in one of the private clinics that had emerged nor avail themselves of the various ‘cures’ being eagerly extolled by local entrepreneurs. The fact that the majority of habitual drunkards remained at the mercy of the criminal justice system prompted organisations which dealt first-hand with the effects of drunkenness to come together in 1898 for a series of conferences at the Melbourne Town Hall. In an attempt to break free of familiar deadlocks, discussion of the licensing laws and arguments for and against temperance were excluded from the agenda. A deputation representing the participants later urged Premier George Turner to ensure that habitual drunkards were treated differently from ‘ordinary’ drunks and criminal offenders. It recommended the establishment of inebriate asylums for the treatment of those who would otherwise be assigned to gaol, and the introduction of labour colonies for the ‘discipline and control of persons of drunken habits’. [9] Parliamentarian James Cook was most forthright, arguing that the treatment of habitual drunkards was not a question reserved for teetotallers and church people but rather ‘a political one’. ‘As the government existed for the benefit of the whole people’, he argued, ‘surely the treatment of these people was a matter for the Government’.[10] Ephraim Zox, one of Melbourne’s most tenacious and influential philanthropists and reformers, suggested an inquiry into the matter.[11] He assured the Premier that ‘good results would accrue’ if the government established ‘a retreat for the poorer classes’, but Turner remained unconvinced.[12] He doubted that any scheme set up to deal with chronic drunkards would be successful. This assessment partly reflected his personal views of drunkards as individuals lacking in responsibility and self-restraint. As he told the deputation:

> He had no sympathy with the drunkard, or with those who could afford to get drunk and then went to the shelters for a night’s free lodging, only to go out again next morning to get drunk again.[13]

Despite his pessimism, Turner agreed to appoint a board to inquire into the matter. He did so, on the condition that some members of the deputation would volunteer their services to it. Zox and Dr William Maloney leapt at the opportunity and the following year the Zox-chaired board submitted its report. Unsurprisingly, it echoed the views of the deputation, describing the existing laws as being ‘altogether inadequate for the purpose of checking drunkenness’ and recommending instead the establishment of a government retreat for inebriates on French Island; one that would be similar to a labour colony with hard work and open air serving as the basis for reform.[14]

Over the next two years, these recommendations were the subject of furious campaigning. Zox and representatives from both houses of parliament called upon the Premier to act.[15] The public and private overtures of those who claimed to be able to treat or cure inebriates added weight to the cause. Some of the more entrepreneurial, no doubt sensing a business opportunity, directly approached the government with offers to provide either goods or services at a price. Following Turner’s resignation in February 1901, the prospects for change improved. In July, a resolution calling for the establishment of a state inebriate institution was unanimously passed by the Legislative Assembly and, five months later, Chief Secretary Trenwith announced that he would be appointing a committee to investigate the merits of various alleged ‘cures’ that had been brought to his attention. [16] A set of perplexing questions underscored this initiative. Could drunkenness be prevented or treated or cured? Was there a single means or many which might be employed to rectify the incorrigible behaviour of habitual drunkards? Who should be entrusted to oversee their treatment? And finally, and perhaps most importantly, did drunkards need to be willing participants in their treatment in order to be cured?
Among the documents gathered by the Royal Commission into the Treatment of Inebriates were pamphlets such as this one from the Tyson Sanatorium of St Kilda, professing cures for alcoholism and associated vices. PROV, VPRS 2598/P0 Records Relating to the Royal Commission..., Unit 1, Item XV, The Tyson Vegetable Cure for Alcoholism, Neurasthenia, and Opium Habit.

The Committee and the Curers

In 1898, Zox had urged that women be appointed to any Royal Commission that might be established to investigate drunkenness. In his view, women ‘had a great amount of common-sense’ and ‘might be able to tell them what others might not be able to’. [17]

Trenwith, however, opted for a more conventional committee, appointing five men. They were parliamentarians John Billson and Malcolm McKenzie, medic Dr Clarence Godfrey who was an assistant to the Government Medical Officer, and two clergymen, Dr Strong and Dr Bevan, both of whom were well known for their liberal outlooks and their commitment to the welfare of the working class, the uneducated and the poor of Melbourne. The involvement of such notable men highlights the importance that was attached to the problem of drunkenness and more specifically to the work of the committee. Its responsibilities were multiple. The committee was empowered to accept formulas from across the world for testing, as well as to receive applications from individuals upon whom the cures might be tested. It was required to oversee the experimental testing of alleged cures, to report upon their merits and finally to form a view as to whether or not an Institute for Inebriates should be established. [18]

The committee identified as its starting point the increasing body of thought that conceptualised drunkenness not as a sin but as a ‘physical and mental disease’. [19] In its summary report of May 1902, it expanded upon this by noting:

The treatment of inebriates as merely part of the criminal procedures of the community is a method which belongs to the barbarians of the past... Whatever may be performed during a condition of drunkenness, inebriety as a habit is rather a disease than a crime. It may be a vice. It also is a distinct physical deterioration. [20]

The idea that drunkenness was primarily a disease also carried weight with the contributors to the inquiry who, in the main, belonged to one of two groups. The first group comprised medical practitioners with specific or general experience of treating alcoholics and who claimed scientific knowledge as their own. The second group consisted of a range of individuals who lacked medical qualifications but who advanced the merits of various treatments and drew upon the testimony of ‘reformed’ drunkards as proof of their claims.

Even before the committee had begun its work, relations between these groups were strained. The ardent advocate of one particular remedy likened himself to an early scientist and warned against being ‘influenced by the sneers or doubts of some of the medical profession, who, in accordance with strict medical ethics, are opposed to all remedies of a secret nature’. [21] Another correspondent who had worked with inebriates in institutional settings rejected the notion of a cure-all and described those who advocated them as ‘catch penny charlatans’ who, at the very least, were ‘destitute of experience and common sense’. [22]
Dr John Creed, whose contribution to the committee was specially recognised in its final report, was well aware that such antagonisms might derail any possibility of serious reform. In June 1902, he advised the committee to distribute a progress report in order to ‘place non debatable matter before the public, get their confidence and be in a better position to speak strongly as to the cures’. He warned that should this not take place, ‘the legislative necessities w[ou]ld be lost sight of in the scrimmage which [was] sure to occur from the enmity aroused in disappointed people’. [23]

And it was certain that there would be many who would be disappointed. Offers of various cures, remedies and treatments were readily forthcoming and ranged from the vague and hopeful through to the exceptionally polished and overly optimistic. One of the fastest starters, and certainly the most precocious contender for the government’s attentions, was JPT Caulfield, a reformed alcoholic. His Caulfield Institute at Studley Park promised affluent inebriates ‘the comforts and cheerful content of a nice home’ as well as ‘all the liquor they require[d]’. [24] Caulfield attributed his own return to sobriety to an American cure, but, having ventured into the field of treating patients, he was eager to distinguish his views and techniques from those of other practitioners. Thus while he advocated the medical treatment of inebriety, he rejected the commonly held view that success required a lengthy period of confinement or restraint. Caulfield defined inebriety as a lesion of the tissue cells and nuclei and identified it as the ‘first disease’ caused by the poison that was alcohol. Inebriety, he argued, was ‘characterised by a craving for liquor, and by an increased tolerance to the action of the poison’. Only his cure promised success for, unlike other treatments, it employed remedies that ‘cured the necessity and desire for strong drink’ rather than treating the secondary diseases which affected the drunkard’s bodily organs. [25] Exactly how the desire to drink was curbed was spelt out in a letter written by his sister. It detailed how patients could be discharged within three to six weeks, having been prepared, as she put it, to ‘choose his own path’. [26]

Caulfield’s formula was merely one of many brought to the attention of the committee. Charles Hoinville forwarded a recipe of ‘sulph [sic] Berry, oil of peppermint, magnesia, nutmeg’, while William Philpott offered his ‘purely herbal’ cure – ‘plutina’. [27] Charles Graham was so confident of his formula that he sought to test it upon an unconsenting party, who would be cured ‘in spite of himself’. [28] Mark Johnson, who worked at the Clunes District Hospital, reported good results using the Hatherlow Remedy, which he thought to be closely related to the Keeley Remedy that was widely marketed in the United States. [29] The fact that the cure of habitual drunkenness had become an international affair was clearly evidenced in letters written by representatives of the Central Methodist Mission which operated the Bichloride of Gold Institute at Jolimont. They had bought the rights to formulas devised by two American doctors, Thompson and Hagey, and claimed the bichloride of gold treatment to be ‘by far the best yet discovered’. [30] A formula supplied by JP O’Shaughnessy who worked at the Yarra Bend Asylum amply illustrates the unfortunate mix of ingredients found in such cures. It consisted of chloride of gold and sodium, inurate of ammonia, nitrate of strychnia, atropia, fluid extracts of anchoria and coca, glycerine and distilled water. A full treatment lasted from three to five weeks and consisted of the patient being given a teaspoon of the formula every four hours over several days, then resting for a short interval, prior to another round of administration. [31]

Lined up in opposition to the peddlers of potions were the advocates of suggestion and hypnosis. Both J Crawford and Madame Aushley expressed their desire to demonstrate the effectiveness of hypnotism in treating inebriety, the latter adding, ‘the more severe the test the better’. [32] In advancing a similar course of intervention, Mr Swan referred the committee to ‘the greatest European practitioners’ who ‘regard [inebriety] not as a physical disease but a psychical [one]’. [33] As J Crawford McDowell, a self-taught hypnotist who claimed some success in treating inebriates explained: ‘The suggestion sets a train of thought in motion – Takes it out of one groove and directs it into another’. [34] The most influential proponent of this approach was however far more qualified in terms of his background and his promises. Mr Creed was a medical practitioner, a member of the Legislative Assembly of New South Wales, and had twice served as the president of that state’s branch of the British Medical Association. Possessing greater status and experience than most, his testimony, especially his advocacy of the curative treatment of inebriates as practised in New South Wales, was highly regarded by the committee. [35]
Creed was of the view that ‘in itself, the administration of drugs [was] practically impotent in the treatment of chronic inebriety’. If cure happened to follow the administration of a remedy, he argued, this was due not to the drugs but rather ‘the moral support and self confidence afforded to the subjects by suggestion’. Suggestion, he argued, could be powerful even without hypnosis. Ultimately what mattered most, he believed, was the intellectual power and force of character that an inebriate possessed. Had any remedies ever worked, he asked, in the case of ‘an easily led person’ devoid of any ‘active desire on his own part’ to be cured?[36]

Those in Need of a Cure

Creed’s question illustrates how, despite its reformist nature, the debate over inebriety never fully escaped the influence of earlier conceptions that linked drunkenness to immorality and wantonness.[37] Given prevailing notions of gender, it is hardly surprising that many considered women to be less amenable to cure than men. According to Dr Norton Manning, who was a leading figure in debates concerning the mentally ill, women ‘seemed to have a smaller outlook, and once down were always down’. [38] The chance of sobriety being reached and then maintained was generally seen as being closely related to the character and proclivities of the individual. Caulfield’s sister put it this way:

There is in reality no positive cure for drunkenness or alcoholism, but under favourable circumstances people of a certain temperament can be assisted in a great measure to overcome the evil, their success depends afterwards on their own resolution, self-respect, and the influences brought to bear on their surroundings and purpose of life.[39]

The common request that cures only be tested upon willing participants arguably had less to do with a well developed sense of ethics than with the belief that a desire to be cured was necessary for the treatment to be successful.

Correspondence to the committee confirmed that there were indeed individuals who possessed such a desire. A basket maker from Brunswick named Adamson pleaded ‘to be one to be cured’. He had tried for six months to ‘get off the drink’ and had failed.[40] Mrs Frauenfelder, who described herself as a ‘working woman’, wrote of her difficulty in abstaining, while Mr Rogers, a married man with two children and a permanent position, went into more detail:

I am not like the majority of men have a glass and then leave it alone. When I start I don’t know when to stop and of course lose my senses altogether. It is not an everyday occurrence [sic] Thank God. I can guarantee to keep away for a month or more for that matter but I wish to get rid of the craving for ever. I would take any kind of medicine to do so.[41]

For every person who directly put themselves forward, there were two or three others who came to the committee’s attention via the efforts of people they knew. Dr Napthine offered his brother for cure, even though he held ‘no faith in such cures from a medical or scientific point of view’. [42] Miss Barton wrote of her brother whose addiction to drink, principally whisky, had caused ‘wretchedness to his wife’. [43] So too, no doubt, had the drinking of John Shepherd, who, according to his wife Harriet, had ‘been a confirmed drunkard for fourteen years and had been before the Police Court five times’. Shepherd had been drinking for six weeks prior to his latest arrest and when admitted to the Melbourne Gaol had reportedly been only a day or two away from death. In spite of all this, or perhaps because of it, Harriet felt able to write of her husband’s ‘great desire to do well, and to conquer this habit that [had] ruined his life and made [their] home so wretched’. [44]

It is not necessary to read between the lines of these letters to detect the deep shame and desperation felt by many of those affected either directly or indirectly by habitual drunkenness. Miss Barton, for example, recounted how when her brother was in the grip of cravings, there was nothing she or his wife could do or say to stop him. She did not want to mention their name however ‘as they were once well known’. [45] JP Eckert, a schoolmaster from Murtoa, was similarly wary of the damage that disclosure would do, and thus offered himself for cure only on the condition that his name not be released. [46] References to a reputable past or to a steady job were commonly offered as evidence of a good, or at least salvageable, character. William Stanley Philpott occupied the dual role of reformed inebriate and potential curer. He attributed his fall to ‘constant troubles followed by landbooming’, and had, he said, ‘passed through every stage of Delirium Tremens’. In attempting to interest the committee in his cure, Philpott expressed the hope that ‘men of practical experience (those who have passed the furnace)’ would control the cures rather than the beneficiaries of the patronage and friendship of ‘some in power’. This did not however prevent him from referring to the chair of an earlier government board as ‘an old friend’. [47]
Despite his attempts to affirm his credibility, Philpott’s communications grew increasingly desperate in tone. Within five weeks of sending his first letter to Dr Bevan, he wrote to inform the committee that he was ill and staying at the Immigrant’s Home, an institution he described as being ‘very rough for [a] refined man’.[48] Over the course of the next month, Philpott wrote to both the Chief Secretary and the committee, correcting what he claimed to be public misrepresentations of his age and health, and growing increasingly insistent in his requests that he be provided with financial assistance given his ‘pennyless state’.[49]

Poverty was commonly cited not only as a consequence of drunkenness but also as a barrier to its treatment. WR Rogers thus felt the need to explain that ‘if required to go to an institution it would be impossible as I am only a poor man’.[50] Caulfield Institute with its promises of homely comforts, privacy, confidentiality and the ‘separate treatment for alcoholic ladies’ clearly catered for a more affluent clientele. The Bichloride of Gold Institute, operated by the Central Methodist Mission, opened its doors a little wider. According to its founder Dr Wolfenden, about 25 per cent of patients came in destitute and needed not only medical treatment but also food and clothing. It was a situation that had stretched the Institute almost to breaking point and thus he wrote to impress upon the committee ‘the urgent necessity of establishing a ‘state-aided institution for the treatment of those who [could] not afford to pay the necessarily high cost of private, separate treatment’.[51]

It was in fact this group which stood at the centre of the debate over habitual drunkenness. As Gerry Johnstone has noted in relation to the British experience, the better-off tippler whose drinking and treatment took place largely in private was overlooked.[52] Attention was instead focused upon those of lesser standing, whose drunkenness was more public. It was they, still tainted by notions of immorality and vice, who were blamed for the plethora of social ills that were linked to over-consumption. For the entrepreneurial set, this group also represented an opportunity. Providing them with services or goods on behalf of the government was liable to net a handsome profit, and thus offers of cures and treatment came accompanied with specific terms and conditions. G Ricketts, who ran a home for invalids and was already licensed under the Lunacy Act, offered a course of treatment lasting from three to six weeks and was willing to take in four or five patients at a time at a cost of £2 a week.[53] Charles Graham was less modest. He wanted £1000 for his formula should it be proven to work as well as a ‘salaried position at the hospital or retreat set up for inebriates’. The salary was ‘to be proportional to the benefits conferred’.[54] Caulfield was even more enterprising. He proposed that an institute be established and that, at a cost of £1500, he and the Caulfield Institute’s physician be appointed as the Superintendent and Chief Medical Officer respectively. In addition to these year-long appointments, all medicines were to be acquired from his company at a cost of £5 per patient and the government would be responsible for equipping the facility, providing all stores and paying for a matron and any servants required.[55] The representatives of the Bichloride of Gold Institute, like Caulfield, did not wish to sell their cure or their formula to the state, but expressed their interest in working with the government should it be decided that inebriates would be treated in ‘proper moral and hygienic surroundings’.[56]
Experimenting with Change

The fate of these proposals rested with the outcome of experiments that were to be overseen by the committee, but these proved difficult to organise. Dr Creed reacted with indignation when asked to give a display of the hypnotic cure of inebriety, for he considered it would be a gross breach of professional confidence.[57] Mr Swan preferred to try his cure outside of a gaol, and if it involved a woman he asked that a witness be present.[58] The representatives of the Bichloride of Gold Institute found the hospital at Pentridge Prison afforded a better environment for testing than the entirely unsuitable Melbourne Gaol, however neither facility in their view held acceptable candidates for cure. As they saw it, the prisoners at Pentridge ‘appeared in all cases to be criminals first and drunkards afterwards’, and as for the inmates at the Melbourne Gaol:

Most of the short sentenced prisoners were there for
thieving, assaulting and other crime – the few who were
drunkards were clearly persons of bad moral character or
with no prospects or hope in life.[59]

In the surviving documentation there are fleeting references to what appear to have been experiments but it is impossible to know how many were conducted or what exactly they entailed. The only exception to this lies in an account of the testing of O’Shaughnessy’s cure upon eight ‘habitual drunkards confined in the Melbourne Gaol’. O’Shaughnessy had forwarded his formula free of charge and it was administered orally to the prisoners in treatments that lasted between two and nine days. In one case, testing had to be halted temporarily as a consequence of the prisoner’s ‘health’, and a check on the progress of the group a short time after the treatment showed mixed results. One of the men would still ‘take drink readily when offered’. Three had relapsed, including one who had been re-arrested for drunkenness within seven weeks of the treatment. Two were ‘fairly steady’ but not abstainers and the remaining two could not be traced. It was subsequently concluded that the drugs were ‘well known cardiac and nerve tonics’, and that the results of the experiment suggested nothing more.[60]

In its final report, dated 3 April 1903, the committee noted the many difficulties it had encountered in the course of its inquiries. While appreciative of the efforts of the many reformed drunkards who had spoken on behalf of various cures, it found their testimonies to be ‘too uncertain to be of any value’. The statistical evidence provided to them had been ‘vague’ and it had been impossible to establish whether cures were permanent or not. The gathering of information, much of which was from interstate or overseas, together with the examination and testing of formulas had been time-consuming. But even more problematic had been the fact that the ‘proprietors’ of the ‘best known and most popular cures’ were unwilling to divulge the specifics of their formulas.[61] For all its efforts, the committee was unable to affirm the existence of any specific and certain cure. It did however feel able to confirm that there were methods of treatment used in various institutions which resulted in the ‘restoration’ of large numbers of inebriates. These methods, it found, combined the administration of medicines with ‘physical and moral conditions’. Citing the example of New South Wales legislation, which it described as providing the ‘highest mark of restrictive and restorative action’, the committee called upon the government to act. As it put it,

For any civilized community to remain inactive or satisfied with a merely criminal treatment of the subject is to be guilty of a grave neglect, and almost justifies a charge of criminality upon the State itself.[62]

For reasons that remain unknown, the committee’s final report was never formally tabled in parliament. This may help to explain why its work has been largely overlooked by later generations. Still, it does appear to have had some effect, for in 1904 Victoria passed a new Inebriates Act. This legislation incorporated existing provisions allowing for the compulsory and voluntary confinement of inebriates in government licensed institutions, but also extended the powers of police and magistrates. Under the new law, a magistrate could order an individual convicted of three drink-related offences within a single year to be detained in a licensed institution for up to twelve months. Rather than simply being imprisoned, habitual drunkards were to be treated, but as is so often the case, the policy was not matched by an equal commitment of resources. Discreet facilities for inebriates were not immediately forthcoming, with the result that those who were committed as inebriates found themselves consigned to asylums intended for the treatment of the mentally ill. This outcome illustrates the difficulty of securing policy reform, especially when it concerns individuals or practices that are commonly regarded as being problematic or suspect. The questions and issues that were raised in the furore over habitual drunkenness remain important, for they set the contours and parameters of debates that continue to rage today.
Endnotes

[1] PROV, VA 4942 Royal Commission into the Treatment of Inebriates, VPRS 2598/P0 Records Relating to the Royal Commission…, Unit 1, Letter from W Heming to Mr Trenwith, 4 December 1901.


[8] McCarthy firmly believed that chronic drunkenness was a medical issue and that its treatment was a government responsibility. He aired this view as early as 1859 in anonymous correspondence published in the *Argus*. See AM Mitchell, ‘McCarthy, Charles (1814-1896)’; in *Australian dictionary of biography online*.

[9] PROV, VPRS 2598/P0, Unit 1, ‘The treatment of drunks’, Deputation to the Premier, 9 September 1898.


[11] Ephraim Zox was a financier, philanthropist and politician. He chaired Royal Commissions into Victoria’s asylums (1884-86) and charitable institutions (1890, 1891, 1895) and also played a major role in various organisations including the Discharged Prisoners Aid Society. See LE Fredman, ‘Zox, Ephraim Laman (1837-1899)’; in *Australian dictionary of biography online*.

[12] PROV, VPRS 2598/P0, Unit 1, ‘The treatment of drunks’, Deputation to the Premier, 9 September 1898.


[17] PROV, VPRS 2598/P0, Unit 1, ‘The treatment of drunks’, Deputation to the Premier, 9 September 1898. All further references to correspondence and findings of the committee are from this collection.

[18] ‘Committee to report on certain alleged cures for inebriety’, remarks of the Chief Secretary to members of the committee, 20 December 1901.


[21] JPT Caulfield to Hon. JR Dickson, 30 October 1899.

[22] JP O’Shaughnessy to Chief Secretary, 21 November 1901.

[23] Dr Creed to Dr Bevan, 26 June 1902.

[24] JPT Caulfield to Chief Secretary, 16 January 1900.


[26] Miss C Caulfield to Chief Secretary, 16 October 1901.

[27] C Hoinville to Mr Trenwith, 31 December 1901 and WS Philpott to Dr Bevan, 21 December 1901.

[28] CH Graham to Chief Secretary, 17 December 1901.

[29] M Johnson to Dr Bevan, 12 July 1902.


[31] JP O’Shaughnessy to Chief Secretary, 21 November 1901.

[32] J Crawford to Scott, 28 February 1902; Madam Aushley to Dr Bevan, 23 January 1901.

[33] Mr Swan to Rev. Dr Strong, 21 August 1902.

[34] J Crawford McDowell, Item VI, ‘Synopsis of evidence relating to the treatment of inebriety by hypnotism’.


[36] Dr Creed to Dr Bevan, 10 January 1902.

[38] Norton Manning MD, Item V, ‘Synopsis of evidence mainly relating to the treatment of inebriety in general practice’.

[39] Miss C Caulfield to Chief Secretary, 17 October 1901.

[40] Letter from L Adamson, 5 December 1901.

[41] Letter from WR Rogers, 15 December 1901.

[42] Letter from Dr Napthine, 17 December 1901.

[43] Letter from Miss R Barton, 2 January 1902.

[44] Letter from H Shepherd, 1 March 1902.

[45] Letter from Miss R Barton, 2 January 1902.

[46] JP Eckert to Chief Secretary, 4 December 1901.

[47] WS Philpott to Dr Bevan, 21 December 1901.

[48] Philpott to Scott, 4 February 1902; Philpott to Chief Secretary, 5 February 1902.

[49] Philpott to Chief Secretary, 5 February 1902 and 17 February 1902; Philpott to Scott, 18 February 1902; Philpott to Dr Bevan, 1 March 1902.

[50] WR Rogers, 15 December 1901.

[51] J Wolfenden to Chief Secretary, 6 April 1900.


[53] G Ricketts to Chief Secretary, 9 December 1901.

[54] CH Graham to Chief Secretary, 17 December 1901.

[55] JPT Caulfield to Chief Secretary, 16 January 1900.

[56] AR Edgar and AJ Derrick to AE Scott, 16 January 1902.

[57] Dr Creed to Dr Bevan, 14 June 1902.

[58] C Strong to Dr Scott ‘re. Swan's hypnotic treatment & experiments’.

[59] AJ Derrick to Captain Evans, 6 December 1901.

[60] Minutes of meeting held at the residence of Dr Bevan, 6 May 1902, Item XII, ‘Minutes of evidence’.


John Sweeney and the Making of an Australian Farming Landscape
A micro-level study of Baulkamaugh and Katunga, 1877-1955

Charles Fahey

Abstract
This paper examines settlement patterns and landscape changes in the parishes of Baulkamaugh and Katunga on the northern plains of Victoria. The memoir of one settler, John Sweeney, provides a first-hand account of the problems faced by selectors under the Land Act 1869, and a general picture of environmental changes is drawn from the selection files of his neighbours. Sweeney also provides a rare personal insight into how settlers learnt to farm on the northern plains in the late nineteenth century. The paper argues that farmers in Baulkamaugh and Katunga had developed a stable system of broad-acre farming by the first decade of the twentieth century. Parish-level statistics show that this system survived into the middle of the twentieth century and was only dismantled by government plans to introduce irrigated agriculture in the 1950s.

Introduction: Land Settlement Records
Since the publication of JM Powell's seminal study of land selection, The public lands of Australia Felix, the vast archive of selection files created under the Land Selection Act 1869 has been a major source for the study of the evolution of the Victorian rural landscape. Powell himself suggested important ways in which these files could be analysed. Using the Section 19 application forms, he studied the migration paths of settlers taking up land in the Wimmera. He was able to demonstrate statistically that many settlers brought to the Wimmera experience in farming in southern Victoria and in the adjoining colony of South Australia. Powell also made important use of the Section 20 Lease Application Schedule to analyse the improvements selectors made to their blocks in the initial three-year licence period. Most importantly he was able to show, through a micro-study of the parish of Kewell East, the sorting out of selectors under the rigours of settlement. From the files, he could identify 187 settlers resident in the parish in the years 1876-79, of whom only 107 received a Crown grant. Using the detail of a small-area study he plotted the strategies – notably family group selection – adopted by settlers to acquire more than the statutory 320 acres permitted under the Act. He was also able to identify four land-holders – including a former pastoralist – who acquired extensive land holdings.[1]
A number of other historical geographers have followed Powell's lead in studying settlement through the Section 19,20 land files. In an important study of South Gippsland, Stephen Legg exhaustively examined land files and provided data on the rate of transfer of selections and the proportion of individuals and families who received Crown grants. His study demonstrated that in the dense forests of South Gippsland turnover during the period of selection was higher than on the open Wimmera plains. He provided two measures of 'success': where the selection was occupied by the original selector from the period of licence and lease through to the granting of freehold title, or where a member of the original selector's family obtained the freehold title. Of the 259 selectors' files he examined for 1870 to 1884, only 85 received a Crown grant and in a further 29 cases land was transferred within families through direct transfers or as a result of probated estates. Overall in this more rugged environment settlers' farms were smaller than in the Wimmera.[2]

John McQuilton also employed land records in his study of the Kelly Outbreak. McQuilton's study area was settled before 1870 and his study was, accordingly, based on a range of land records – records of land sales and reports of Crown land bailiffs as well as the selection files from the 1869 Land Act. Although he did not present any statistical analysis of the proportions of selectors receiving grants, McQuilton analysed several parishes to show how large properties were consolidated by squatters. Yet the land files were critical in establishing his argument that selection was a regional failure, and he drew on the correspondence in the files to illustrate the problems faced by selectors. As a native of the north-east, John McQuilton was well aware that the area eventually became a prosperous agricultural one. However, his study focused only on the years leading up the capture and execution of Ned Kelly in 1880.[3]

Unquestionably one of the more important elements of the land files is the Section 19 Lease Schedule, which sets out improvements made to the land in the first three years of settlement – fencing, cultivation, clearing, water conservation and the construction of domestic and farm buildings. These schedules are simply our best record of clearing brought about by selection. The files also permit researchers to trace the fortunes of the settler from the date he or she pegged out the land, and to discover whether a Crown grant was obtained or not. However, the selection file had a specific administrative purpose: to ensure that improvements were met, that rents were paid on time, that leases were issued, and finally that Crown land was converted to freehold. Once this latter point was achieved, the file was closed. As a consequence our view of the selector from his or her file can be as little as three years and generally not much more than ten years. For a long-term picture of the selector and the selection landscape we must turn to other sources.
Unlike historians in the United States or Canada, the historian of European settlement in Victoria does not have manuscript agricultural census returns that followed farms and small areas over the long-term. However, there are sources that can be used to explore agriculture beyond the first years of selection and on a micro-level. Charles Fahey in his study of selectors in northern Victoria turned to probate records and analysed farming fortunes at several points – 1879-81, 1889-91 and 1899-1901 – during and after the selection process. He was able to show that the wealth of probated farmers increased dramatically between the late 1870s and the early twentieth century. Yet the great limitation of probate records is that they capture the farmer at only one point in time: death. In a recent study of the movement of the farming frontier from southern Victoria, Charles Fahey also demonstrated that we are able to learn much about farming practices from the journals and ledgers kept by selectors and that rate books can be used to plot changing land-owning patterns. Although journals were only kept by a minority of settlers the practice of individual record-keeping was surprisingly widespread. While rate books are limited in the information they record – most critically land ownership and its value – they have the advantage of being able to track the fortunes of individuals at regular points in time. Finally, from the early twentieth century we have the annual agricultural census that broke data down into small areas – sub-sections of parishes – which permits us to gain a detailed insight into farming practices from 1907 to 1955.

This paper will employ official records – land files, rate books and parish statistics – to present a micro-study of two parishes on the northern plains settled by selectors in the late 1870s: Baulkamaugh and Katunga. It will also use the journal of one perceptive settler from this region, John Sweeney. The paper will analyse the way in which the selectors cleared the native vegetation of the plains in the 1870s and developed a stable and profitable system of agriculture that endured from the late nineteenth century into the mid-twentieth century. In recounting this narrative, the paper asks a number of key questions. First, what was the impact of clearing on the native vegetation of the northern plains and how successful were settlers in meeting the conditions of the 1869 Land Act? The second, and perhaps the more original question is to ask what happened to selectors after they received their Crown grant. The paper argues that in the late nineteenth and early twentieth centuries land ownership was fluid and farms often changed hands. But this was not necessarily a sign that the agricultural economy was failing. While farmers came and went, a viable system of broad-acre agriculture was established and the number of ratepayers in Baulkamaugh-Katunga remained steady between 1878 and 1911. Farmers left the land for a variety of reasons, and leaving the land did not necessarily imply failure. Indeed, a turnover of holdings can be seen as a sign that the system was working: there was a demand for land.

One of the great qualities of land files is that their correspondence introduces us to the words of the settlers. Yet these letters were written to make a case for the non-payment of rents: they were reacting to the demands of the bureaucracy. Journals kept by farmers such as John Sweeney can illustrate that settlers did not just react to conditions imposed on them but used their own initiative to adopt technology and develop new systems of agriculture. Finally, the paper seeks to extend the narrative of settlement and agricultural change beyond the first years of selection, and employs the parish-level returns to show how the parishes of Baulkamaugh and Katunga were farmed from the early to the mid-twentieth century.

John Sweeney and the Parishes of Baulkamaugh and Katunga

Born in Cork in 1850, John Sweeney grew up in the Victorian goldmining town of Castlemaine. His parents, Denis and Mary, migrated from Ireland to South Australia in 1852 and moved internally to the Victorian goldfields in 1856. Sweeney's father worked as a miner and, on completing school in 1865, John followed his father into the mines. By the 1860s Castlemaine's gold mines were in decline, however, and unemployment and under-employment were constant companions of mine workers. Sweeney commenced his mining career, like most young men, labouring about the mines. From feeding quartz-crushing batteries for a year he was promoted to engine driving, a job he held for seven years. 'Knocked off' when the claim was not paying, Sweeney then turned to railway navvying. While labouring on a job in Portland in 1877, he read in a local newspaper that land was to be opened for selection in the parish of Baulkamaugh, north of Shepparton. Sweeney decided to throw in his job and try his hand as a selector, and in March he pegged out 320 acres or 130 hectares under the terms of the Land Act 1869. Over the next thirty years John Sweeney transformed his open woodland selection into a prosperous farm.
The parishes of Katunga and Baulkamaugh are located in the County of Moira, part of the great Northern Plains of Victoria and part of the extensive south-eastern Australian region of red-brown soils characterised by a vegetation of eucalypt woodlands and grasslands. Annual rainfall is in the range 300 to 500 mm. Europeans first settled the northern plains in the 1840s, and the area that was to become the parishes of Baulkamaugh and Katunga was part of the Strathmerton or Ulupna run. Just prior to the Orders in Council of 1847, the Strathmerton run was part of the vast empire of Benjamin Boyd. The run was subdivided into East and West Strathmerton in 1861, and in 1877, when John Sweeney entered the Goulburn Valley, it was under the control of the Trustee and Agency Company of Australia Ltd. Taking up his selection in September 1877, Sweeney wrote that ‘there was not the least sign of grass as the squatters over stocked with sheep, so as to frighten the people from selecting’.[11] It was more likely that the run had been badly managed and eventually fell into the hands of the mortgagor, the Trustee and Agency Company. Plans of neighbouring parishes, prepared for the Amending Land Act 1865, suggest a mosaic pattern of vegetation with eucalypt forests interspersed with open plains, probably created by centuries of burning by indigenous owners. In many parishes smaller belts of buloke trees were found.[12]
Turning Bush into Farms

In his report for 1872, the Lands Officer at Echuca wrote:

With the Land Act 1869 a great improvement in the seasons took place, the rainfall increased, the grass became abundant, steady and increasing settlement took place, which has now amounted to a rush, and the cry is still they come.[13]

This rush lasted well into the late 1870s, with the majority of licences in Baulkamaugh and Katunga taken up between 1877 and 1881. In the first years of the 1869 Land Act settlers moved into the southern parishes of the Goulburn Valley and spread out onto the plains of the Campaspe River from established centres such as Echuca. By the second half of the decade settlers had moved north of Shepparton.

On his application form, John Sweeney ignored his recent work as a railway labourer and testified that he was a miner from Castlemaine.[14] One of the ideological underpinnings of the Land Acts was that the public lands of the colony should be wrested from squatting monopolists and made available to men of limited means. As either a miner or a labourer, Sweeney was clearly from the group the legislators hoped would take up land, and so were the majority of his neighbours. Unskilled rural workers – labourers, agricultural labourers, sawyers and carters – completed two-fifths of the surviving application forms. Miners signed a little less than five per cent of application forms, and skilled tradesmen – blacksmiths, carpenters and wheelwrights – signed a further seven per cent. Only one in ten came from white collar or business backgrounds – millers, grain buyers and storekeepers. Critically for the success of farming in the region, over a third of selectors signed their applications as farmers, and many of the agricultural labourers also had farming experience.

The settlers of Baulkamaugh and Katunga were part of a massive push from farming regions south of the Great Dividing Range and the goldfields and almost half (47 per cent) were from these two regions. However, many had also come immediately from northern parishes settled under the 1869 Land Act. Here they worked briefly as agricultural labourers for selectors, or for their own families, before taking their own chances at settlement. The critical point was that settlers were not totally unacquainted with colonial conditions and with farming as a way of life. Less than two per cent were from Melbourne.

In southern districts of Victoria and particularly in the Western District, pastoral tenants acquired extensive freehold estates through competitive auctions during the 1850s and 1860s. When Land Acts were introduced in the early 1860s they ruthlessly exploited loopholes in the legislation and employed agents or ‘dummies’ to select on their behalf. The 1869 Land Act attempted to avoid this by imposing heavy improvement and residency conditions on settlers, but permitted them to purchase properties on time payment. For the first three years of settlement selectors held the land as licensees and paid an annual rent of 2 shillings per acre. After three years they could pay the balance of 14 shillings per acre or continue to pay off the land for seven years at the rate of 2 shillings per acre.

During the licence period settlers were legally obliged to enclose their property with a boundary fence, cultivate ten per cent of the holding, build a permanent house and generally make improvements to the extent of £1 per acre. They were also expected to live on site. Although the logic of these regulations committed squatters to enormous costs if they planned to acquire thousands of acres, it also placed substantial burdens on men and women with fewer resources who had selected up to the maximum limit of 320 acres. The system was carefully monitored by bureaucrats located in Melbourne and regional land offices and by the regular inspection of mounted Crown Lands bailiffs.

The amount of work demanded by the 1869 Land Act depended upon the location of settlement. In the great forests of Gippsland, settlers taking up 320 acres virtually committed themselves to a generation of clearing. On the Wimmera plains open grasslands were encountered and clearing costs were low.[15] The box woodlands were in between these extremes, but as John Sweeney and his neighbours quickly discovered the Land Act placed enormous burdens on settlers.

Under the stringent financial terms of the Act settlers were committed to commercial agriculture; subsistence was not an option. From the beginning of the licence period, annual rents had to be paid and improvements made, and the latter, in turn, were crucial for the growing of commercial crops that would pay rents and finance improvements. Experience of farming small blocks in southern districts impressed on settlers the need for selecting the maximum area set by the Act. Selectors were also acutely aware of the values of family resources and labour. Among the selectors in Baulkamaugh-Katunga the median area pegged out was 320 acres (130 ha) and, using surnames as a guide and information in files, four out of ten selectors had kin on blocks in the neighbourhood.
Often the smaller blocks were part of a family selection, and families selected as groups to obtain more than the maximum holding. Kinship ties extended beyond those holding selection blocks. John Sweeney worked his block with the aid of his brother, Patrick, for over twenty years before the latter purchased his own block from an original selector. Nine months after taking up the first block, the two brothers were joined by their unmarried sister, Annie, in January 1878 and their mother, Mary, in April.[16]

Perhaps the most pressing task facing the selector was clearing. Initially timber was ring-barked and in the first years, according to Sweeney, only the small timber was grubbed out, ‘so all the big timber was left in all the crop paddocks and it used to be no end of trouble ... and there were no seed sowers or reaper or binder in those days’ (p. [1]). As settlers mechanised their farming practices, the larger timber stumps were grubbed out, leaving gaunt and leafless ring-barked trees that disfigured the northern landscape well into the late nineteenth century. In his first year on the plains Sweeney cultivated 12 acres (4.9 ha), and in the following three years 11, 15 and 22 acres, or a total of 60 acres (25 ha). Over the two parishes the average brought under the plough in the three years of the lease period was 54 acres (22 ha). This was the most intensive period of clearing. A generation later the typical Baulkamaugh-Katunga farm had only half of its area in crop or in fallow, the remainder being still native pasture.

Fencing placed a huge burden on the northern woodlands. Where timber was plentiful it made good economic sense to use this ‘free’ material for timbering. When John Sweeney fell behind in his rent in March 1879, a mounted constable was despatched by the local Lands Board to assess his improvements. In the space of two years he had erected 792 metres of log fences and 1663 metres of chock and log fences. For the former he probably just piled up cleared timber along the fence line. The chock and log fence was more substantial and was built by resting logs on transversely placed blocks, or chocks. These structures had to withstand livestock and could be over a metre high. Such a fence might require three chocks and three logs. In March 1879 a further 300 chocks and logs had been cut awaiting erection. When he finally secured his lease three years later, John Sweeney had completed over 5500 metres of fencing erected from local bush materials. The mosaic pattern of woodland and open plain imposed two different regimes of fence building. Where the land was more open, selectors had to resort to post and wire fences, which were less timber-intensive. However, all used some bush fencing and for the 116 files examined for Baulkamaugh and Katunga the median length of bush fencing was 2772 metres. In total, at a minimum estimate, they constructed over 360,000 metres of fencing. When we extrapolate from these two parishes to the hundreds of parishes on the northern plains we can begin to visualise the staggering scale of timber use. Timber was also used for buildings, and the log cabin was a distinctive feature of the plains. In his application for a lease, John Sweeney testified that he had constructed a log dwelling with an iron roof and a log barn, log kitchen and log stable, all with bark roofs.

A remnant chock and log fence in 1992. Photograph by Peter Russell in the author’s possession.

During the first three years as a licence holder, selectors were under considerable pressure to meet the costs of farm establishment. At the same time, as licence holders, they were merely Crown tenants, with little security of tenure and unable to secure loans with banks. For this reason it made sense to use local materials to reduce expenses, such as fencing, and it helped to come to the selection with a nest egg of savings. Having worked as a labourer before selecting, John Sweeney probably had few reserves, and in his memoirs he wrote that he was reluctant to borrow (p. 2). In contrast, one-third of applicants for licences claimed to be farmers and many of these may have sold out before moving north and brought capital for improvements with them. Overall the Baulkamaugh and Katunga selectors more than met the requirement of £1 per acre imposed by the Land Act and completed improvements to the value of £2 10s per acre.
Planting his first crop of 14 acres in the season of 1877-78, Sweeney enjoyed land that had never been cultivated before, and returns from the small area planted, at 22 bushels per acre, were high. Getting this bumper return to market, however, was difficult. Most Victorian settlement preceded the construction of railways and John Sweeney in Baulkamaugh faced a forty-five mile drive to the nearest station. By the time of his second crop, the railway had been extended to Shepparton and the round trip now took only two days, including a 'camp one night on the road' (p. [1]). Over the next three years the railway came progressively closer and eventually the railway siding was only two and a half miles from the Sweeney farm. More critical was the change from wet to dry seasons, and Sweeney quickly faced the perennial problem of Australian farmers – the extreme variability of the climate.

The first settlers on the northern plains came in an abnormally wet year, and so the lush conditions deceived many. The 1878-79 season turned disastrously dry, and rust broke out in wheat crops across the northern plains. John Sweeney spoke for many of his neighbours when he wrote to the Lands Department in October that

before my crop got the rust it looked as fine a crop as there was in the district but through the rust and the hot winds it very more than paid its own expenses and now I expect to be able to pay one half year's rent and if I can I will pay it within this month October and the remainder I will pay at once after harvest.[17]

The following year, 1879, did not live up to his expectations. 'We had only 25 acres of crop as it was an awful dry year, and it only yielded 95 bags of wheat' (p. [1]). In the next season, to make up for these losses he planted 70 acres of wheat but the early promise of a heavy crop turned to disappointment when smut reduced the yield. At times during these dry years feed became so scarce that Sweeney reported that many of his neighbours resorted to feeding their horses on the hay used to roof barns (p. [1]).

Learning to Farm on the Plains

John Sweeney struggled during the dry years of the late 1870s, and in these years many of his neighbours sold out. Of the 116 selection files examined for the parishes of Baulkamaugh and Katunga, 57 of the original settlers sold out before they received a Crown grant. However, to read this turnover as a failure of the Land Act in Baulkamaugh-Katunga would be a mistake. Firstly, unlike some parts of the Western District under earlier Land Acts, the former pastoral tenant did not maintain control of the land. Secondly, while original settlers may have sold out, they often sold out to neighbours who were in the process of working out a farm size and farming methods that would provide a liveable farm on the northern plains. Newcomers also moved into the parishes and purchased blocks from selectors and thus avoided much of the labour of clearing.

In response to the dry years of the late 1870s and early 1880s, John Sweeney and his brother made immediate efforts to secure water. Here their mining experience proved valuable. John wrote that they ‘sunk a well 108 ft. [36 metres] in 1880’; his brother ‘done all the sinking and slabbing’, while John ‘pulled up the stuff’ and trimmed the well with timber. Although the water was ‘sweet’ it was good for cattle (p. 2). In addition they dug a very good dam that ‘would stand the year all right’ and for domestic supplies they erected a brick well nine feet deep and twelve foot six inches across (2.7 m by 3.8 m). Although Sweeney felt assured that there was ‘no fear of that going dry’, the great Federation Drought at the turn of the century would test his optimism.

In the early 1860s, and even well into the twentieth century, legislators had planned for a densely populated countryside with self-sufficient yeoman farmers.[18] After more than a decade of experimentation settlers abandoned such dreams and by the 1880s consciously engaged with a new form of agriculture based on broad acres, cash crops and mechanisation. Sweeney and his neighbours in Baulkamaugh-Katunga took part in this agricultural revolution.

As early as 1882 Sweeney realised that the key to reducing labour costs was mechanisation. In the 1870s Victorian farmers in the central counties of Victoria harvested crops with primitive reaping machines, which required labour for binding, stooking and carting the crop. After the harvest the farmer had to employ a travelling thrashing machine and a team of labourers. As the agricultural frontier moved north across the divide, farmers in this drier climate found they could adopt the South Australian stripper. The stripper literally stripped the heads off the ripe grain, and the crop was then either winnowed by hand or by a horse-works attached to the winnower.
Sweeney observed that had it not been for strippers and winnowers, which came into general use around 1882, farming ‘would not be made to pay, as for one thing, there [were] not sufficient men to bind the crops at any price and then when the men knew they were so scarce, they would do just as they liked’ (pp. [1]-2). Although the stripper was ideal for wheat that matured in mid-summer, settlers continued to use the reaper for the earlier harvested oats and barley. Sweeney purchased his first imported reaper and binder in the mid-1880s. This did away with the labour required to bind the crop.[19]

By the 1890s Sweeney, like many plains farmers, was also increasingly conscious of the importance of fallowing and tillage. In the first years on their selections farmers enjoyed good returns from soils that had never been cultivated. By the late 1880s, however, yields declined and fallowing became critical. Fallowing increased the amount of nitrogen available to the crop, and regular tilling of the fallow fields killed weeds and preserved moisture. In his memoir Sweeney commented on the need to fallow and discussed what he considered were the best methods of doing this. An inventory of his farm compiled around 1893 also shows a range of both tillage and harvesting machinery, including: 2 double furrow ploughs, two scarifiers, 2 sets of harrows, a seed-sower, a stripper and winnower, and a reaper and binder (p. 3). Sweeney was also keen to experiment with new seed varieties provided by the government through its agricultural college at Dookie. When his brother, Pat, purchased an additional 147 acres in 1893 they were better placed to employ these new, broad-acre technologies. Like their neighbours, the Sweeneys also diversified and ran livestock. The 1893 inventory of Sweeney’s estate lists 20 cows and calves and one bull, while there were seven horses to drive machinery. Throughout the two parishes, cattle and sheep grazed on native pastures (p. 3).

From the early 1890s through until the early twentieth century, plains farmers experienced a number of bad years culminating in the great Federation Drought of 1901-02. Sweeney’s memoir chronicles the difficulties of these years but it also shows that during many of the bad years the new technology permitted crops to be harvested. In 1893 Sweeney recorded a splendid result from his crops: from forty acres of barley he harvested eight bags per acre (1411 bushels) and from 110 acres of wheat 760 bags (3260 bushels). The total crop was sold for £648 (over six times the wage of a Melbourne labourer) (p. 4). But in the following years his memoir was littered with complaints about the weather. He recalled 1894 as the worst year since he came north; 1897 was a ‘terrible bad year all round’ (p. 5), and 1898 ‘another verry bad year for yeald and prices’ (p. 6). At the end of the 1901-02 harvest he wrote: ‘I hope I will never see another one like it’ (p. 10). Throughout these dry years Sweeney continued to purchase new machinery and experiment with seed varieties. In 1899 he purchased a second stripper and a new winnower, and in 1901 he purchased a McCormick reaper and binder imported from the United States. And despite the dry conditions most years gave some crop. Even in 1901-02, a year he never wished to see again, 200 acres produced 1523 bushels of wheat and 15 tons of hay (p. 10).
When the drought broke, the experiments with broad-acre farming and labour-saving machinery permitted farmers to take advantage of the improved seasons and plant record areas of crops. On 26 April 1902, Sweeney jubilantly wrote that after the drought broke there was ‘grand rain. The ground soaked it all up, none lying on the top’ (p. 12). Though the horses were in bad condition from the drought, John and his brother sowed 316 acres, a larger than normal area of crop. And after seven years of dry weather, he once again sowed his home garden with vegetables – ‘400 cabbages and some turnips and beet and potatoes’ – and, with a return of confidence, cattle were ‘dearer than ever I saw them’ (p. 14). His optimism was not misplaced and the harvest produced 1365 bags of wheat (5856 bushels) and 300 bags of barley. The following season was also wet. In October 1904 the ‘crops and grasses [were] growing wonderfull quick’ and he had never seen such a ‘quick growth’ (p. 15).

Sweeney had suffered a serious bout of chest inflammation in 1895, and in 1906 he was in poor health. He had married Ella Thompson in 1891 and his family had grown to seven children with the birth of twins in 1902. To support his family he believed that a minimum of 640 acres was required in the Goulburn Valley, and in February 1906, after twenty-nine years of farming, he sold out at £8 per acre (as he had no debts he cleared over £2500) and retired to Castlemaine. His brother sold his 150 acres for £6 10s per acre.[20]

High land prices were undoubtedly encouraged by good seasons after the Federation Drought; the position of plains farmers was also strengthened by further technological change and farming innovation. Sweeney was a rapid adopter of new technology and he was a strong proponent of both the stripper and the reaper binder. In the early twentieth century the new combine harvester, that both stripped and winnowed the crop, offered further labour-saving advantages over the stripper. The use of superphosphate, applied to the crop with American seed drill, also became common in the first decade of the twentieth century, and resulted in further improvements in crop yields. By the early twentieth century the broad-acre farmer also combined cropping with the raising of livestock.[21]

A Stable System of Farming

Land holdings from the nineteenth century can be measured at the parish level through rate books and from the early twentieth century through sub-parish level statistics. These do not quite measure the same thing. Farms were often worked as one but were rated in several parcels and, as a consequence, rate books give smaller average land holdings than the parish statistics. Looking first at the evidence from rate books, the number of occupiers remained remarkably stable from the pioneering period through to the early twentieth century, and the size of land holdings also rose little above the maximum legislated under the 1869 Land Act (Table 1). On the other hand there was a large turnover of ratepayers (Table 2). However, when we look at the parish level agricultural statistics this churning of individuals masks a stable system of agriculture that persisted during the first half of the twentieth century.

<table>
<thead>
<tr>
<th>Year</th>
<th>Average holding (acres)</th>
<th>Median Holding (acres)</th>
<th>Number rated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1878</td>
<td>278</td>
<td>320</td>
<td>142</td>
</tr>
<tr>
<td>1895</td>
<td>323</td>
<td>320</td>
<td>146</td>
</tr>
<tr>
<td>1911</td>
<td>338</td>
<td>320</td>
<td>140</td>
</tr>
</tbody>
</table>

Table 1. Land Holders in the Parishes of Baulkamaugh and Katunga

Source: PROV, VA 3922, VPRS 7238/P1 Rate Books Echuca Shire, Unit 1 and VA 4080, VPRS 11438/P1 Rate Records Numurkah Shire, Units 1 and 13.

Indenture certificate dated 1885 for John Sweeney’s land selection ‘containing three hundred and twenty acres more or less being allotment thirty of section C in the Parish of Baulkamaugh, County of Moira.’ PROV, VPRS 626/P0 Land Selection Files, Unit 423, Item 3745.
Table 2. Farm Turnover in Baulkamaugh and Katunga

<table>
<thead>
<tr>
<th></th>
<th>1878-95</th>
<th>1895-1911</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left</td>
<td>64.8%</td>
<td>56.4%</td>
</tr>
<tr>
<td>Remained on the land between the two dates</td>
<td>35.2</td>
<td>43.6</td>
</tr>
<tr>
<td>Number</td>
<td>142</td>
<td>146</td>
</tr>
</tbody>
</table>

Source: PROV, VPRS 7238/P1, Unit 1 and VPRS 11438/P1, Units 1 and 13.

By the end of the first decade of the twentieth century a generation of experimentation and change had resulted in a stable system of mixed farming. The majority of the 98 farms in Baulkamaugh-Katunga in 1911-12 were principally engaged in cropping, 15 were dairy farms and 10 principally grazed sheep or cattle. Most farms undoubtedly earned income from each of these areas. In all, these 98 farms employed 160 men and 124 women. Although the parish statistics do not permit us to measure distribution of land holdings, the average farm, at 431 acres, exceeded the level set under the 1869 Land Act. The average farmer by the standards of his colleagues in the Wimmera or the Mallee cropped a small area, only 116 acres of wheat in 1911, and ran smaller flocks of sheep, about 68 per farm, but had twice the Wimmera’s level of dairy and other cattle.

Livestock was grazed on native pasture, which in 1911 still comprised over half of each farm. At the same time the new methods of cropping were followed. Each farm had on average 79 acres of fallow and the new harvester was found on over 80 per cent of properties. This system of agriculture, which evolved over a generation of pioneering, proved to be durable and persisted well into the middle of the twentieth century (Table 3). The landscape of the 1940s was little different from that of the early twentieth century and would have been recognisable to John Sweeney.

Conclusion

The aim of this paper was to demonstrate that, by using a variety of micro-level records, both official archives and the personal papers of settlers themselves, the story of free selection can be extended beyond the initial years of settlement. In Baulkamaugh-Katunga settlers were resourceful and adaptable and they were part of a much wider story that saw the fashioning of a uniquely Australian system of broad-acre agriculture at the turn of the twentieth century. Yet despite this achievement, well into the twentieth century Victorian legislators still favoured a landscape of small farms. In the case of Baulkamaugh and Katunga the state government used its powers to compulsorily acquire broad-acre farms, and in the 1950s properties were subdivided and offered to soldier settlers as irrigation blocks (Table 3). A system of farming based on cheap water and more intensive dairying was seen as superior to broad acres.

Throughout the 1950s, new settlers transformed the landscape moulded by John Sweeney and his free selector neighbours, and wheat farms were replaced by dairy farms. Now, after a decade of drought and the drive for a more market-based method of pricing irrigated water, irrigation has become a hotly debated issue of public policy in Australia. However much of this debate lacks historical context. In Thirsty country, Åsa Wahlquist sums up the history of selectors in Victoria by stating:

While many managed to make a living in the wet years of the early 1870s, by the end of the drier 1880s only one in ten of the original selectors remained. The solution, they decided, was to irrigate.

The historian turning to both the public and private records left by settlers can show that the story was much more complex than this. For many selectors irrigation was not seen as the solution, and in areas that are now largely irrigated there was a long and successful history of dry-land farming. Native timbers were cleared to provide broad-acre crop land, settlers experimented with labour-saving machinery, they developed methods of managing their soils, and they grazed livestock on native pasture. This was a significant achievement.
<table>
<thead>
<tr>
<th></th>
<th>1911-12</th>
<th>1921-22</th>
<th>1931-32</th>
<th>1941-42</th>
<th>1950-51</th>
<th>1955-56</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average acres per farm</td>
<td>431</td>
<td>467</td>
<td>490</td>
<td>470</td>
<td>247</td>
<td>170</td>
</tr>
<tr>
<td>Farms number</td>
<td>98</td>
<td>106</td>
<td>99</td>
<td>106</td>
<td>133</td>
<td>242</td>
</tr>
<tr>
<td>Acres cultivated with cereals per farm</td>
<td>124</td>
<td>145</td>
<td>144</td>
<td>161</td>
<td>49</td>
<td>11.5</td>
</tr>
<tr>
<td>Acres wheat per farm</td>
<td>116</td>
<td>135</td>
<td>120</td>
<td>139</td>
<td>36</td>
<td>9</td>
</tr>
<tr>
<td>Acres oats per farm</td>
<td>8</td>
<td>9</td>
<td>24</td>
<td>24</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Bags of wheat per farm</td>
<td>398</td>
<td>846</td>
<td>678</td>
<td>986</td>
<td>272</td>
<td>48</td>
</tr>
<tr>
<td>Acres fallow per farm</td>
<td>79</td>
<td>107</td>
<td>97</td>
<td>58</td>
<td>25</td>
<td>0.7</td>
</tr>
<tr>
<td>Acres native pasture per farm</td>
<td>229</td>
<td>214</td>
<td>249</td>
<td>250</td>
<td>144</td>
<td>74</td>
</tr>
<tr>
<td>Acres of sown pasture per farm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horses per farm</td>
<td>12</td>
<td>11</td>
<td>9</td>
<td>8</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Milch cows per farm</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>5</td>
<td>11</td>
<td>24</td>
</tr>
<tr>
<td>Total cattle per farm</td>
<td>20</td>
<td>20</td>
<td>19</td>
<td>13</td>
<td>14</td>
<td>40</td>
</tr>
<tr>
<td>Sheep &amp; lambs per farm</td>
<td>68</td>
<td>117</td>
<td>155</td>
<td>164</td>
<td>138</td>
<td>94</td>
</tr>
<tr>
<td>Wool lbs per farm</td>
<td>330</td>
<td>679</td>
<td>1144</td>
<td>1110</td>
<td>1184</td>
<td>707</td>
</tr>
<tr>
<td>Acres of crop land with superphosphate per farm</td>
<td>23</td>
<td>134</td>
<td>124</td>
<td>105</td>
<td>36</td>
<td>8</td>
</tr>
<tr>
<td>Cwt superphosphate crops</td>
<td>9.3</td>
<td>60</td>
<td>73</td>
<td>na</td>
<td>26</td>
<td>6.4</td>
</tr>
<tr>
<td>Acres of pasture top dressed with superphosphate per farm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cwt of superphosphate for pasture</td>
<td>33</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with harvester</td>
<td>85</td>
<td>na</td>
<td>29</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>% with header</td>
<td></td>
<td></td>
<td>47</td>
<td>na</td>
<td>na</td>
<td>10</td>
</tr>
<tr>
<td>% with stripper</td>
<td>20</td>
<td>na</td>
<td>0</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>% with reaper binder</td>
<td>72</td>
<td>na</td>
<td>56</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>% with cream separator</td>
<td>70</td>
<td>na</td>
<td>72</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>% with tractor</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>na</td>
<td>40</td>
</tr>
<tr>
<td>% with milking machine</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>37</td>
</tr>
<tr>
<td>labour male</td>
<td>160</td>
<td>156</td>
<td>143</td>
<td>na</td>
<td>150</td>
<td>263</td>
</tr>
<tr>
<td>labour female</td>
<td>124</td>
<td>121</td>
<td>na</td>
<td>na</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>bushels wheat/acre</td>
<td>11</td>
<td>20</td>
<td>18</td>
<td>23</td>
<td>24</td>
<td>24</td>
</tr>
</tbody>
</table>

Table 3. Farming in Baulkamaugh and Katunga
Source: National Archives of Australia, Series MP570, Boxes 7, 21, 35, 49, 66 and 74. Note 1911-12 was a dry year and the crop yield was below the long-term average. From 1911 there were 3 bushels of wheat to a bag.
Endnotes


[6] Rate books list the owner and occupier of each rated property, the occupation of the occupier, the acreage of agricultural land, and its value expressed as net annual value. These were updated annually and they are extant for many Victorian municipal areas. PROV holds a rich collection of these and some remain in local government offices. For a study using rate books see C Fahey, *Moving north: technological change, land holding and the development of agriculture in northern Victoria, 1870–1914*, in A Mayne (ed.), *Beyond the black stump: histories of outback Australia*, Wakefield Press, Adelaide, 2008. For a study using farming journals see C Fahey, ‘Two model farmers: Ann and Joseph Day of Murchison’, *Victorian historical journal*, vol. 71, no. 2, September 2000, pp. 102–23.

[7] The manuscript parish-level statistics are found in National Archives of Australia Series MP570. These are a largely untapped source on land use in the first half of the twentieth century. They were used by Stephen Legg in his study of Gippsland.

[8] In her recent study of the northern plains, Robyn Ballinger has evocatively examined a number of selection files to show the problems of applying the yeoman ideal to this semi-arid region. This approach can show the inherent inadequacies of land legislation but it cannot show how settlers may have adapted farming methods to suit this environment. Moreover, a simple drop in the number of residents in northern shires tells us little about the farming that emerged in the years after initial settlement. A decline in population could be due to a number of factors. And while she is correct in pointing out the decline in soil fertility by the early 1880s, this was arrested and reversed in the 1890s and 1900s. See R Ballinger, ‘Landscapes of abundance and scarcity on the northern plains of Victoria’, *Provenance*, no. 7, 2008.


[11] John Sweeney’s Diary, typescript, 16 pages, Australian Manuscripts Collection, State Library of Victoria, MS 668, p. [1]. The memoir appears to be extracts from a diary that is not extant. Further page numbers will be given in the text. Quotations preserve the original spellings.


[14] PROV, VA 538 Department of Crown Lands and Survey, VPRS 626/P0 Land Selection Files by Land District, Sections 19 and 20 Land Act 1869, Unit 423, File 3745, John Sweeney. The following survey is based on an examination of all the extant files from the parishes of Katunga and Baulkamaugh.


[17] PROV, VPRS 626/P0, Unit 423, File 3745.


[19] For the changes in farming technology, see Fahey, ‘Moving north’.

[20] John Sweeney died in 1912 and left an estate valued at £1824, PROV, VPRS 28/P3 Probate and Administration Files, Unit 313, File 126/308.


[22] The parish statistics divided farms into these three categories. The 1911-12 returns are exceptional in that they appear to list women on farms as workers.

[23] In the Horsham district in 1911-12 the average area sown to wheat was 174 acres and farmers ran 232 sheep and lambs.


The Trouble with Otway Maps

Taking up a selection under Land Act 1884

Barbara Minchinton

Abstract

Land selection took place in Victoria under different rules and regulations throughout the nineteenth and early twentieth centuries. A few settlers entered the forests of the Otways under the Land Act 1869, but the first large wave went in under Land Act 1884, when allotments were selected from pre-survey maps prepared by the Lands Department. Unfortunately there was so little survey data available and the terrain was so rough that for decades it was impossible to produce accurate maps. This article argues that changes in the process of settlement between the earlier Acts and the Land Act 1884 led to misunderstandings which, along with the inaccurate and misleading maps, resulted in high levels of failure amongst the earliest Otway selectors.

The Otways were locked up as a Timber Reserve from 1873 to 1879, and between the settlement of Gippsland's forests in the 1870s and settlement of the Mallee and the Otways under the leasing Land Acts of the 1880s the administrative process of land selection in Victoria changed dramatically. Under the earlier legislation selectors were required to peg out their selected land themselves. Under the later legislation selectors applied for numbered allotments marked on pre-survey maps prepared by the Lands Department.

Settlement in Gippsland in the 1870s was thus able to fan out gradually from the railway lines, but there were no all-weather roads and no railways in the Otway forest until decades after settlement began, and the maps of the terrain were profoundly misleading. The notional straight lines of the land selection maps may have suited the flat Mallee country under the Mallee Pastoral Leases Act 1883, but under the Land Act 1884 in the Otways they were a disaster.
This paper traces the development of the maps which were used by the Otway selectors to locate their land, and shows why the land selection maps of the Otways were so poor. It argues that unlike other areas, where inadequate infrastructure and distance from markets were primary causes of failure, in the Otways it was the inaccurate maps, combined with the confusion caused by the shift in survey arrangements between the Land Act 1869 and the Land Act 1884, which produced the high level of failure amongst the early selectors.

The Cape Otway District Map of 1865

In 1879, when the Cape Otway Forest was declared open for selection, the only maps of the region were compilations of material gathered during mineral survey expeditions, most importantly those undertaken by Charles Wilkinson in 1864[3] and Ferdinand Krause in 1874.[4] The Aboriginal people of the region had been killed or dispersed in the 1840s, and their tracks had been quickly overgrown; not even their place names remained.[5] The centre of the government’s official Polwarth County map, in fact, was completely blank.

The map did, however, show a track from Apollo Bay at the coast to the top of the range at Mount Sabine, reaching inland towards Colac. Despite its dotted line appearance, the Apollo Bay road was so well marked and used by 1880 that its ‘almost impassable condition’ was a constant source of irritation to the Colac Shire Council, not to mention to the travellers who had ‘to wade up to their knees in mud and slush’.[6] The earliest Otway selectors took up land adjacent to this track.
To the west of Mount Sabine, in the central area becoming known as ‘the beech forest’ (from the stands of myrtle beech which grew in the gullies), there were no roads at all. The only track that had been built there since the time of Aboriginal occupation had quickly disappeared under dense forest regrowth.[7] But in February 1883 the colony’s need for timber to shore up its mine shafts and underpin its railways prompted the Colac Shire Council to arrange for its engineer to guide about thirty-five men on ‘A trip to the Otway Ranges’ to inspect ‘the grandeur and magnificence of the timber in the region’. [8] Their reports resulted in a new track survey being undertaken, this time for a railway from Colac to the top of the range to tap the vast timber resources.

The railway survey began in July 1883, and the blazed survey line alone was enough to attract selectors. Within a few months the route was dotted with claims pegged under the 1869 Land Act, clinging to the path of the survey like shipwrecked sailors. Those who didn’t cling were washed away; six men who set out looking for land to select ended up ‘desperately hungry’ at Cape Otway, with ‘worn and haggard appearance’, after being lost in the bush. ‘For three days they scrambled through the thick undergrowth, with no other food than the berries of the native olive and such leaves as they could eat. The rain was falling the whole time, and keeping them soaked to the skin.’ [9]

Once the impossibility of building a broad gauge line became evident, the railway survey ended at the 19-mile mark from Colac,[10] but the track was then extended to 26 miles (42 kilometres) by a local surveyor, ending where the township of Beech Forest later developed. [11] With the new Land Act due to divide the Otways into large pastoral holdings in January 1885, in late 1884 there was a rush of smaller selections along the length of the track from the Gellibrand River to the rich land at the top of the ridge.

Virtually all of the Otway selectors under the 1869 Land Act pegged out land fronting onto either the Apollo Bay road or the Beech Forest track, because without a marked and cleared path the forest was impenetrable.

**Malcolm Taylor’s List-Map**

The selections along the track to the beech forest in 1884 created a substantial problem for the Lands Department. There were no maps and no survey data for the area, and not enough staff surveyors to produce what was required quickly. As the *Colac herald* pointed out in January 1885, ‘in the absence of a proper plan of its situation, the land officer is unable to deal with the applications that have been lodged’.[12] Everyone had to wait until arrangements could be made with contract surveyors to send a survey party in. The first survey party entered the forest in about April 1885,[13] but it was not until August 1885 – at least eight months after the applications were made – that Richard Birch and Thomas Fender undertook the first allotment surveys in the beech forest.[14] In the meantime, the department asked selectors to provide their own sketch of the location of the land they were applying for. Many who knew the layout of the country had no difficulty in doing so, and some, like William Raper who lived along the Gellibrand River, could tell the department more than its own staff knew. He sketched the upper branches of both Lardners Creek and Charleys Creek, including the spurs leading off the railway survey as well as the main range.

There were others, though, such as James Hills, a Colac butcher, who took exception to the request. ‘I have always thought’, he replied, ‘that it was the duty of the Surveyor, and what he is paid for to supply that information’. [15] Hills said he couldn’t supply it, and asked for a refund of his application fee. The Land Officer in Geelong (Malcolm Taylor) replied that he was unable to refund the money, nor could he proceed with the application without a sketch. Presumably in order to overcome such stalemates, a master sketch of the area was made in the Geelong office, and Taylor used it to keep at least a notional record of which land had been selected and by whom. As the applications were processed, tracings were sent to applicants with the request that they mark their selection on the tracing and return it to the Land Office. Hills was somewhat surprised to receive one since he thought he had withdrawn his application, but he marked his selection and sent it back anyway.
At the time this tracing was made (early 1885, prior to surveyors entering the forest), even the location of the parish boundaries was uncertain. South of the ‘Terminus of Railway Line Surveyed’ the tracing was more of a list than a map, but without proper surveys it was the best spatial representation the Lands Department had.

Fortunately, after the rush in December 1884, applications ceased for about six months because the new Land Act came into force on 1 January 1885 and the Otway map was not published until June. For selectors under the Land Act 1869 Taylor’s list-map was adequate for its purpose. The selectors had chosen and pegged the land they wanted; they just had to wait for the Lands Department to survey it. The arrival of the Land Act 1884, however, threw their plans into disarray.
When Albert Tucker, Commissioner of Crown Lands, introduced the new Land Bill to the Legislative Assembly in July 1884, he explained that free selection before survey was causing a number of difficulties. Selectors, he said, had begun ‘to take up small patches of land here and there, following the course of valleys, so that ... it is no uncommon thing to find one selector having five or six, or even more, selections’. This cherry-picking, he said, tended to ‘throw a large area of country out of occupation altogether’, since the remaining land was likely to be less useable.[16] The new Act, therefore, would place the control of selection boundaries in the hands of the government; selectors would be required to take the land as surveyed, and only hold one selection per person. The land would also be classified according to its capabilities, and the terms of selection would vary according to the classification.

Under the Land Act 1884, selection was to be made from maps prepared by the Survey Branch of the Lands Department, the first series of which gave only the broad classification of the land. The Polwarth County map of this series shows the Cape Otway forest as an undifferentiated area of country tinted blue, suitable for pastoral use only. The southern tip of Cape Otway was marked to remain as state forest, and some small areas (marked in pink) were to be sold at public auction.

The almost bare map shows a series of dotted lines representing tracks running across the centre of the forest, despite the fact that none of these routes were considered useable even as pack tracks at the time.

Apart from the largely imaginary tracks, the major problem with this map was that it did not show any of the selections that had already been pegged under Land Act 1869.
The outlines of Selwyn’s etched map can be seen beneath the colouring, with the addition of some hills (known as ‘the Barrier range’) running in an arc around the north and west of the central forest, which is still blank.

At the time this map was published, surveys of the allotments selected under the Land Act 1869 had not yet begun, and while Thomas Fender (the contract surveyor responsible for the area) reported in October that ‘we will be finished in two or three weeks weather permitting’,[18] the survey data was not fully plotted until February 1886.[19] Drawing a selection map under these circumstances was difficult, but the Act required the Lands Department staff to do so. The draftsmen appear to have solved the problem by taking Malcolm Taylor’s working list-map and overlaying it on the map of the County of Polwarth. The application areas are shown in white, but the layout, allotment numbers and acreages were drawn entirely without reference to the ground. Since the Land Act 1869 selectors had mostly climbed the hills and dodged the giant trees to peg their selections, they must have been astonished by the pattern of straight lines.

Amendments to the Second Land Act 1884 Selection Map

By the time this second selection map was published, it was widely known that there was good land to be found in the beech forest, and pressure was building to re-classify it as Agricultural and Grazing land. In August 1885 the Surveyor-General recommended that Pastoral Allotment F be made available for selection and the minister agreed; accordingly, it was ‘coloured brown’ on the map, and the process of subdivision was set in motion.[20]
In his report of 14 October 1885, however, Thomas Fender pointed out that Pastoral Allotment F was ‘considerably out of position on the new maps’, and suggested that the proposal to offer more land for selection be kept in abeyance until his surveys were completed, at which time he could then offer advice on what country would be most suitable.[21] The Surveyor-General concurred and the subdivision was set aside to wait for the completed surveys.

The earlier map was still in circulation, however, and intending selectors continued to use it to ‘locate’ the land they wished to select, and to pressure the minister to make more land available. Even as late as 15 March 1886, when William Green requested ‘the land coloured blue on the attached tracing’ to be made available, it is clear that the drawing was derived from Taylor’s list-map, not survey data.[22]

**Pastoral Classification versus Agricultural and Grazing**

None of the tracks dotted on these early selection maps were navigable by other than foot traffic, but still a few intrepid opportunists took up the challenge and applied for the pastoral leases delineated by the lines on the second selection map. They included Alexander Wallis, the former secretary of the Department of Agriculture who, along with District Surveyor Callanan, had provided the report which resulted in the opening of the Cape Otway Forest for selection in 1879.[23] Wallis applied for his run, Pastoral Allotment E of 25,000 acres (over 10,000 hectares), on 31 October 1885,[24] several weeks after Thomas Fender pointed out that Pastoral Allotment F was ‘considerably out of position’. It should have rung alarm bells for the Lands Department, and prevented the approval of any more applications for pastoral leases (including Wallis’s) but it didn’t. Instead, the department gave itself a safety margin by reducing his proposed lease to 15,500 acres (about 6,300 hectares),[25] and went on with the usual administrative processes for issuing leases of this kind. And there the matter rested, until January 1886, when Wallis became impatient with the delay in issuing his lease and pushed for some action.[26] The delay, of course, was due to the lack of survey data for determining the boundaries of Wallis’s pastoral leasehold, and when all the pieces of the beech forest jigsaw were finally assembled the department found that the Land Act 1869 residential applications encroached substantially on Wallis’s holding. The red hatched shape below and to the left of the large red ‘A’ on the map (image below) shows the location of these selections as plotted in February 1886.
A large part of the problem was the track. On Malcolm Taylor’s list-map it was a straight line, north-south, from the Gellibrand River to the beech forest. In the selectors’ minds, no matter which way they faced or where the track went, it was the frontage for their blocks. But on Thomas Fender’s survey it was a line cutting crookedly through Wallis’s Pastoral Allotment E. Putting everyone’s expectations together, the map had let the selectors down badly: the department had effectively leased the same land twice.

The first solution the Lands Department came up with was the simplest: take the land promised to the selectors out of Wallis’s lease, and give him an equivalent area from another pastoral allotment.[27] Wallis agreed to that, but when the draftsmen finished plotting Fender’s surveys, and he was finally able to fulfil his promise to indicate which country he considered suitable for selection, his recommendation threw everything up in the air again.
Fender recommended that all of the area tinted ‘yellow’ (see image above) should be offered for selection under Part III (Agricultural and Grazing Allotments) of the Land Act 1884. That meant Wallis’s entire pastoral lease, not only the part taken by the Land Act 1869 selectors. Not surprisingly, Wallis was unimpressed and he drove a hard bargain in return for relinquishing his pastoral lease. The government offered him compensation of a single pre-emptive Homestead allotment of 320 acres (130 hectares), but instead he demanded four allotments. Eventually the minister agreed to his demand, and Wallis was asked to choose four blocks.

The Third Land Act 1884 Selection Map

District Surveyor Callanan supplied a design for subdividing Pastoral Block E into Agricultural allotments in accordance with Fender’s earlier advice – ‘I do not think large areas of any use in such heavily timbered country and the lots should [not] exceed 300 or 320 acres’ (130 hectares) – and Wallis chose allotments 18A, 37, 38 and 39.

Under instruction from the Minister of Lands, who was under pressure to open the Otways for agricultural selection, the department then published the third selection map of ‘Supplementary Grazing & Pastoral Areas’ and opened the area for selection on 17 November 1886 under the Land Act 1884. Based on minimal survey data, the whole of the parishes of Weeaproinah, Barramunga, Wyelangta and Olangolah were opened for agricultural selection, together with parts of Aire, Krambruk and Barwongemoong. Despite Callanan’s advice on his survey design that ‘we cannot pretend to give complete accuracy of the features’, his map was reproduced for the use of intending selectors with few alterations other than the insertion of a ‘Township reserve’. The map showed an extraordinary array of straight lines across what turned out to be exceedingly rough terrain. The Argus scathingly dismissed it – not unreasonably – as ‘having been merely cut into blocks with rulers in the Lands department’. The Lands Department produced the straight lines knowing that they were notional, but having sorted out the overlap problems with the Land Act 1869 selections, and knowing that selectors under Land Act 1884 could not move onto their recommended allotments until they had been properly surveyed, they might have expected clear sailing ahead. The map method, however, fundamentally changed the process of selection and led to some unexpected difficulties, which in turn led to widespread failure for the selectors.
The Survey Process

To begin with, the inaccessible nature of the Otway country meant that the selectors, who chose their land from a map rather than pegging it, were unable to check their selection before applying for it. They were also often unable to locate it after it was recommended to them. Patrick Davey, for example, went to the forest with the Local Land Board's recommendation but ‘could not find it there is no guide in that [locality] to show me anything [of] it I had no tracing map to show or instruct me’. [39] Almost a year later, he reported:

I wrote to the Age newspaper that Journal directed me by way of Appolo Bay [sic] I went by that direction but was unsuccessful I then wrote to the Land Office at Geelong and got the latest map and tracing with directions regarding route Via Colac, Camperdown Cobden and Princetown and then after that the Lord Knows where... I advertised for a guide and would give £10 but got no response. [40]

Davey finally admitted on 5 June 1895: ‘I never could find it’. [41] His land was forfeited. Part of the problem was that allotments were numbered by parish, but the parish boundaries had not been set. [42]

For those selectors who did manage to find their allotment, the next problem was the ground itself. As Thomas Blacker explained in 1889, ‘after inspection I find that the land is extremely rough and in no part is there a suitable spot to build the land being nothing but a steep gorge’. [43] Selectors frequently found their land to be as Daniel Vaughan described it, ‘fairly standing on its end’. [44] For the lucky ones who both located their land and found it useable, access then became an issue. Selecting land from a map meant that selectors were dotted over the ranges like a chequerboard, and it was impossible for authorities to build roads quickly enough to service them all. Many, like James Grant Cooke, decided not to wait but to build their own, but when Cooke informed the department that ‘there is no track for 14 miles except the one that several of us have paid to have cleared & this is not fit for a horse to travel on’, [45] he found that the money he expended on making the failed track did not count as ‘improvements’ under the Act. He, too, forfeited his land. [46]

For those who managed to find their land and settle on it, there was another hazard that arose from the maps, and that was the mismatch between the selection map and the official survey pegs. On their application forms the earliest selectors specified their land in relation to the mile pegs to the beech forest, but the forms required them to give the number of the allotment as shown on the Land Act map. Unfortunately, the map had no mile pegs drawn in, so that selectors and the Land Officer alike had to guess at the correlation between the allotment numbers and the pegs. This led to selectors like John Graham, for example, choosing the land they wanted and specifying it by the mile pegs, only to have the wrong allotment number put on their recommendation. Sometimes a simple explanation from the surveyor could sort these matters out. [47] and sometimes the surveyors could simply adjust the areas given to each selector. [48] But in John Graham’s case the mess only became apparent when the surveyors began marking his block some distance away from where he had already built his house – on an allotment recommended to someone else. [49]

‘Mr Graham’, said surveyor Fender’s bald reply to the department’s request for an explanation, ‘is not on the land recommended to him by the [Local Land Board], I am effecting survey according to instructions’. [50] The instructions, of course, were set on the basis of the allotment numbers on the Land Selection map, which made no reference to mile pegs at all.

Fortunately for Graham and the Lands Department, the man who had been recommended the allotment where Graham had built his house had not paid his survey fees, which allowed the department to forfeit his rights to the block and resurvey it for Graham and his neighbour, who was in a similar predicament. [51] This sort of shuffle went on for years as the surveyors struggled to fit the selectors’ choices to the map, and adjust the map to fit the ground; hundreds of selectors had forfeited by the time the next selection map was published in 1893. [52]

The Land Act 1890 Selection Map

Under the Land Act 1890 a new map showing the land available for selection (and the land already taken) was produced.

This 1893 map, at least, showed some surveyed roads and gave a more accurate idea of some of the river courses, although Fénélon Mott (one of the contract surveyors) pointed out a few months after the map was published that ‘the Joanna [River] is not shown at all correctly’. [53] In the same memo Mott also advised the Lands Department that his work would ‘materially alter the design of the Beech Forest map’, but so did the work of many other surveyors of the time.
Land Act 1890 Selection map [No 4, 15 April 1893], ‘Supplementary Agricultural & Grazing areas Beech Forest’. PROV, VPRS 5357/P0, Unit 278, File J16912.

One surveyor ‘found the Carlisle Creek was much more into allot 58 than shown on tracing’,[54] and Mott also observed that ‘a road running NW as shewn on plan is impossible’. [55] Seven years after the first selectors were given permission to occupy, the beech forest selection map was still a work in progress, and it provided no reliable guide to the terrain. Eventually the solution was to redo the survey design of several sections, including part of the parish of Aire (which Mott referred to), the south-western corner of the parish of Weeproinah – where ‘the country all falls away rapidly to the west’[56] – and a central part of the parish of Wyelangta.[57] Such wholesale redesign of survey layouts was only made possible by the failure of the selectors who had taken up the land first and suffered heavily from difficult conditions and poor access to their blocks. About three-quarters of the early selectors left without obtaining their Crown grants.[58] By abandoning or forfeiting their selections they left the way open for better surveys and maps for the next round of selectors.

The Legacy of the Maps

Under the Land Act 1869, when selectors had to peg their selections themselves, the Otway forest remained virtually untouched. Selectors avoided the heavily timbered rich soil on top of the main ridge and clung to the few existing tracks. Under the Land Act 1884, however, when selectors chose their blocks from numbered allotments on a map, the entire forest was snapped up in eight days of Local Land Board sittings. Hundreds of selectors pinned the tail on the donkey and took up inaccessible land they had never seen.

The land selection maps of the Otways were not merely administrative aids; they were active agents in constituting the idea of settlement. The 1886 selection map ‘Supplementary Grazing & Pastoral Areas’ was the key to the government’s offering of a vast tract of rough, densely timbered forest country for grazing leases. The rivers and ranges were in the wrong places and most of the sectional roads were non-existent, but it made the forest look like a suburban subdivision – straight line boundaries, frontage to water sources neatly allocated, and service roads strategically provided. The distribution of patches of white land that had already been selected, too, seemed to indicate clusters of settlement – civilisation – in the centre of the forest and on the south coast. The map created the possibility of ‘smiling homesteads’ bringing forth ‘the fruits of the earth in great abundance’. [59] As JB Harley has pointed out, however, ‘maps are slippery customers’. [60] The Lands Department produced the Otway maps to the best of its ability from limited information, [61] but the selectors read them through rose-coloured glasses. Selectors, legislators and administrators alike were ensnared by the image of the yeoman farmer happily settled on his block, but in the Otways, as everywhere else in Australia, the image bore little resemblance to reality. Failure took different shapes in different places; in the Otways it can be seen first of all in the straight lines on the maps.

Land Act 1890 Selection map [No 4, 15 April 1893], ‘Supplementary Agricultural & Grazing areas Beech Forest’. PROV, VPRS 5357/P0, Unit 278, File J16912.
Endnotes

[1] For background and detailed information on Victoria's Acts, see P Nelson and L Alves, Lands guide: a guide to finding records of crown land at Public Record Office Victoria, PROV, North Melbourne, 2009. All photographs of forest landscapes that appear in this article without captions are from the author's personal collection.


[10] 'The forest survey', Colac observer, 19 March 1884; PROV, VA 538 Department of Crown Lands and Survey, VPRS 5357/P0 Land Selection and Correspondence Files, Unit 5587, File 1666/42.44, JE Johnson’s sketch [1884].


[14] PROV, VPRS 626/P0, Unit 948, File 1703/19.20, survey data for John Gardner’s block; Colac herald, 17 July 1885.

[15] PROV, VPRS 626/P0, Unit 950, File 1811/19, letter from James Hills, 6 January 1885.


[17] Colac herald, 26 May 1885. The Polwarth map was never announced in the Victoria Government gazette as being available for purchase. Copy in PROV Historic Maps Collection, VPRS 15899/P1, LC 28.

[18] PROV, VPRS 5357/P0, Unit 205, File 1910/21.29, memo T Fender to M Taylor, 14 October 1885.

[19] ibid., memo M Taylor to J Thomas, 16 February 1886.

[20] ibid., letter AJ Skene, 20 August 1885, countersigned ALT[ucker, Minister of Lands], 21 August 1885.

[21] ibid., memo T Fender to M Taylor, 14 October 1885.

[22] PROV, VPRS 626/P0, Unit 948, File 1703/19.20; see also Unit 955, File 2139/19.20, letter and sketch Stephen Venters, 15 March 1886.


[25] See details for revised Pastoral Allotment E in the image directly following the next paragraph in the text, with the caption Fragment Lond Act 1884 Selection map [No 2, 1 June 1885], amended by Joseph Thomas (detail 2).


[27] ibid., memo N Wimble to Surveyor General, 23 February 1886.


[29] ibid., letter from AR Wallis, 14 July 1886.

[30] ibid., memo JLD’ to Mr Morrah, 3 September 1886.

[31] ibid., memo M Callanan to JA Levey, 10 September 1886.


[33] ibid., file note JLD 8.4.1886.’

[34] Polwarth Map G20, Geelong Heritage Centre; folded copy at PROV, VPRS 5357/P0, Unit 292, File 5451/47.


[37] PROV, VPRS 5357/P0, Unit 205, File 1910/21.29, memo M Callanan to JA Levey, 10 September 1886.

[38] The Argus, 17 January 1887, p. 4f.

[39] PROV, VPRS 5357/P0, Unit 242, File 152/35, letter from P Davey, 16 April 1891.

[40] ibid., February 1892.
[41] ibid., 5 June 1895.

[42] PROV, VA 538 Department of Crown Lands and Survey, VPRS 440/P0 Land Selection and Occupation Files, Unit 1209, File 1977/32, letter from Thomas Widdicombe, 17 January 1887; PROV, VPRS 440/P0, Unit 1208A, File 1509/32, letter from John Keane, 8 December 1886.

[43] PROV, VPRS 440/P0, Unit 1205, File 0121/32, letter from T Blacker, [1889].

[44] PROV, VPRS 440/P0, Unit 1217, File 3878/32, letter from D Vaughan, 3 March 1896.

[45] PROV, VPRS 440/P0, Unit 1206, File 343/32, letter from JG Cooke, 23 April 1891.

[46] ibid., 3 February 1893.

[47] PROV, VPRS 5357/P0, Unit 5839, File 2399/50.51, memo T Fender, 4 January 1888.

[48] PROV, VPRS 5357/P0, Unit 5820, File 5322/47.98.49, memo Fender & Short to M Taylor, 10 May 1888.

[49] PROV, VPRS 5357/P0, Unit 233, File 677/42.44, letter from J Graham, 13 July 1886.

[50] ibid., file note T Fender, 17 July 1886.

[51] PROV, VPRS 440/P0, Unit 1209, File 1901/32, William Webster forfeiture, 23 July 1886.


[53] PROV, VPRS 5357/P0, Unit 4556, File 3012/MISC, memo Mott to Land Officer, 11 August 1893.

[54] PROV, VPRS 5357/P0, Unit 5554, File 2770/49.50, memo James Short to M Taylor, 27 February 1894.

[55] PROV, VPRS 5357/P0, Unit 5547, File 2971/49.50, file note F Mott, 2 November 1893.

[56] PROV, VPRS 5357/P0, Unit 5869, File 438/46, memo J Short, 24 November 1897.

[57] PROV, VPRS 5357/P0, Unit 350, File 1520/42, memo JM Reed, 18 December 1894.


[59] Colac herald, 14 January 1879.


[61] For more about the Lands Department’s involvement in Otway selection, see Minchinton, “That place”, especially pp. 277–317.
‘Situated Among the Gum Trees’

The Blackburn Open Air School

Dr Sarah Mirams


This is a peer reviewed article.

Dr Sarah Mirams is a freelance historian and writer who specialises in environmental history. She has a background in education and is the author of a number of history texts for secondary students. She was appointed education consultant to History Council Victoria in 2010, where she worked with Public Record Office Victoria (PROV) and Spatial Vision on the DEET-funded One place, many stories interactive website. She is currently lecturing in Australian history at Monash University Gippsland.

Abstract

The European pioneers of the open-air school movement believed exposure to fresh air, healthy food, exercise and being taught outdoors could prevent the onset of tuberculosis in children. Australia’s first open-air school was established in semi-rural Blackburn in 1915, its students drawn from industrial Richmond. This paper explores the relationship between social and racial concerns and pedagogic ideas in the first half of the twentieth century and argues that the ideals of the open-air movement were adapted to suit local conditions in Victoria.

A photograph in the Victorian Education Department’s album ‘Views of schools and school activities 1923’ captures a class of young boys and girls reclining in deckchairs. The children are arranged in a semi-circle around an open, grassy space, their legs swathed in blankets as if there were a chill in the air.[1] Behind them sits a wooden school building. It is a bush scene: eucalypts and scrub surround the school and there are no other buildings in sight. The photograph is entitled ‘The rest hour’, and these are the pupils at the Blackburn Open Air School taking their daily one-hour rest.

During the first half of the twentieth century, thousands of students attending open-air schools in Britain, North America and Europe followed the same afternoon regime. A rest in the outdoor air was one of the features of open-air schools, as was being fed a nutritious diet, being exposed to fresh air and natural light, having regular medical check-ups and being educated close to nature. The first open-air school or Waldeschule (forest school) was established in 1908 in Germany by Dr Bernhard Bendix and Hermann Neufert. This was an experiment in open-air therapy targeted at children living in cities who had been diagnosed with pre-tuberculosis.[2] Similar schools were quickly set up across the developed world. Exposure to the fresh air outside of the congested cities was a common treatment for tuberculosis and there was a general medical belief that those who spent more time outside breathing fresh air were healthier. By the close of World War One the open-air movement was holding regular conferences, with both medical doctors and educationalists presenting research findings demonstrating the benefits of their approach to health.
The Blackburn Open Air School, opened in 1915, was the first of its type established in Australia. This article traces the history of the school and considers to what extent the ideals of the open-air movement were adopted and adapted by the Victorian Education Department to suit local conditions. It is also an attempt to look beyond the carefully staged images of the school captured by the official education department photographer, and to see whether school records held at PROV can provide a more intimate and personal insight into the experience of the open-air classroom for both students and teachers.[3]

‘Hope for Weaklings’

The physical and moral health of the child living in Melbourne's industrial suburbs consumed the attention of politicians and middle-class reformers in the late nineteenth and early twentieth centuries. City life, it was believed, made children sick, weak and led to ‘the deterioration of the race’. Reformers worked to improve the condition of children living in working-class suburbs such as Collingwood, Carlton and Richmond through public health reforms and the provision of playgrounds, kindergartens, and baby and maternal health centres. A school medical service was established by the Victorian Education Department in 1904 and its officers carried out the first survey of students in the metropolitan area in 1909-10. Among the 3560 children surveyed, 2904 ‘defects’ were identified.[5] The survey found that city children were less fit than their bush cousins, and that children living in industrial suburbs were smaller and weaker and more prone to infection, disease and bad teeth than children in residential suburbs. Inner-city schools were reported in the press at the time as being overcrowded, badly ventilated and filled with ‘puny’ children.[6]

The Blackburn Open Air School was designed to cater for such children. The school came about largely through the efforts of Mrs Keast, the wife of Mr WS Keast, MLA. Mrs Keast was president of the Forest School Committee. Her original vision was to set up three forest schools in Victoria, one to cater for pre-tuberculous children and the other two for students not fit for regular schools.[7] She was inspired by the results achieved at the original forest school at Charlottenburg, Germany, and at the Forest School in London.[8] Described as an ‘enthusiast’ in the press, her committee raised £312 through public subscription to buy two acres of bushland in Gardenia Street, Blackburn, sixteen miles from Melbourne. This land was donated to the Education Department as a site for an open-air school.[9] Blackburn at this time was a young outer suburb with a rural feel; it was a short walk from shops and streets to orchards, flower farms and bushland.[10] The school was described as being ‘situated among the gum trees’.[11] This environment could, it was believed, offer ‘hope for weaklings’, transforming them into ‘perfectly healthy types’.[12]

The students recommended to attend the school were reported to be malnourished, anaemic and underweight, drawn from schools in Melbourne’s most densely populated industrial suburb, Richmond.[13] Janet McCalman’s study of Richmond, Struggletown, describes how in the early twentieth century there were pockets of acute poverty and urban decay across the municipality.[14] Schools and homes were overcrowded, insanitary and infested with vermin; this was an environment where illness flourished. Open-air schools established by education authorities in Britain catered for children living in similar circumstances in London and Manchester.[15] In the eyes of proponents of the open-air movement such environments created moral as well as physical illness. Fresh air, they believed, could cure diseases of both the body and the soul.[16]

One of the things that made an open air-school different from a more traditional school was the classroom, which was exposed, allowing fresh air to circulate freely. The Education Department, inspired by the open-air movement, designed pavilion-style classrooms in 1914. These were wooden buildings with one wall holding a blackboard, the other three walls being open windows with canvas blinds. The woodwork was painted white, giving the room a clean, airy feeling. The children sat in double desks and the teacher taught from a dais. The combination of fresh air and natural light, it was believed, enhanced the children’s health and educational experience.[17] Historian Martin Lawn has argued that school classrooms were designed with built-in values and purposes.[18] The pavilion classroom can be seen to reflect the increasing emphasis placed on fitness, hygiene and nature studies following the passing of the Education Act 1901 and the appointment of Frank Tate as Director of Education.[19]

Three small rooms were attached to the pavilion classroom at the Blackburn Open Air School – a kitchen, teacher’s room and cloakroom. The canvas blinds had, for reasons of economy, been replaced with removable wooden shutters. The ideal open-air school included a bathroom – regular baths were a feature of the open-air regime – but none was built at Blackburn.
The size and scale of open-air schools varied widely across the world. The Indiana Society for the Prevention of Tuberculosis built a number of open-air or fresh-air schools in the 1920s: these were large brick buildings with sophisticated heating systems and windows draped in muslin. In Milan the ‘Trotter’ residential open-air school catered for 160 children: its facilities included twenty pavilion classrooms, a cinema and a swimming pool.[20] A more prosaic approach was taken in London where twenty-three park bandstands were equipped with awnings and became open-air classrooms.[21] Students in the northern hemisphere often attended classes swathed in coats, hats, raincoats and, in the case of Indiana, ‘Eskimo Suits’ covering their normal clothes to protect them from the snow.[22] The Blackburn Open Air School was a modest enterprise, regarded very much as an experiment by the Education Department. Authorities were curious to discover how the results of their open-air schools would compare with those achieved in the northern hemisphere, where the way of life and the climate were so different.[23]

‘The vivacious young Australian’

The children’s school day began at Richmond Station where they took the train out to Blackburn. Parents were asked to pay for the weekly train ticket at a cost of 1s 2d. Special rail tickets were issued and the school medical inspectors could approve free rail passes for families who could not afford the fare. It was half an hour’s walk from Blackburn Station to the school. On their arrival the children were given a drink of hot milk and a slice of bread with dripping or jam. Their teacher, Miss Alice Trant, prepared the food with help from a senior girl. Miss Trant was described in a report on her interview for the position as being a skilful teacher, ‘bright, alert and adaptive’, qualities needed for running a school that differed from the traditional state school.[24] Her nursing experience also made her a most suitable candidate. Miss Trant can be seen overseeing the rest hour in the Victorian Schools photograph, standing tall and slender, with dark hair pulled back into a bun, in the shadow of the eucalypts.

The school program at Blackburn closely followed that practised by open-air schools around the world. After the early morning meal there was toothbrush drill, followed by 45 minutes of lessons. Then came recess and play for 15 minutes, followed by 15 minutes of rest. Lessons re-commenced and went for 55 minutes; the students then stopped for a 35-minute lunch of meat or vegetable soup, bread and a milk pudding. Parents who could afford it paid 1s 4d weekly for the meals. The Education Department photograph entitled ‘Food and fresh air’ shows the children sitting on a verandah at desks looking into the bush, eating their midday meal.[25] There is a formality to the image. The children eat off china plates with cutlery; there are cloths on the tables. The meals look substantial and there are spoons laid for the next course. After lunch the deckchairs were set out in the grounds and the children rested, and ideally slept for an hour. Lessons resumed after lunch, lasting for 35 minutes followed by games for 15 minutes, and finally 45 minutes of lessons and singing. The children then walked to Blackburn Station and went home.[26] Students were enrolled in the open-air school for between three and twelve months. They then returned to their normal schools.

Every Friday and Monday the children were weighed and measured and the results recorded on a chart. The records of fourteen children attending the school for twelve months were carefully studied in 1918. All had been suffering marked anaemia and malnutrition when they were first enrolled. The findings were presented to the Minister for Public Instruction and the results were ‘very disappointing’: despite the open-air regime there was no permanent weight gain and the children’s anaemia remained.[27] The Blackburn Open Air School had seemingly failed to match the impressive results achieved by the open-air schools in Britain and Europe.
The report caused the department officials reviewing the open-air program to question whether the practice of removing children from densely populated industrial areas and providing them with fresh air, a hygienic routine and good food could, by itself, overcome anaemia. The Education Department insisted that students attending the school from then on should see a doctor and have their condition, or ‘defect’ as it was called, treated. There was a perceived link between anaemia and either tuberculosis or congenital syphilis; therefore, they argued, the children should be tested for these conditions. This recommendation suggests that when children were first sent to the school little was understood of their medical history. There seemed to be an assumption that ‘wan’, ‘poorly-developed’, ‘weakling’ and ‘delicate’ meant anaemic, a very vague term in itself, and that the open-air regime could ‘cure’ this condition. The term pre-tuberculosis was also ‘interpreted liberally’ during this period.[28] The report also recommended that more meat be consumed during school meals, including black pudding, increasing the iron content in the children’s diet. With the dietary modifications there was a distinct weight gain during the week, but a loss over the weekend when the children were eating at home. The possibility of making the school residential was raised.

The report also identified a problem with the school routine. The children found it difficult to rest, let alone sleep, in the afternoon on the designated deckchair. The report concluded that persuading ‘the vivacious young Australian … to sleep in the day-time’ was well nigh impossible.[29] This hardly tallies with the public image of the ‘delicate’ children attending the school. Despite the charts indicating no measurable physical improvement, the children were reported as being happy, enthusiastic and bright. Both parents and teachers noted that they had shown more energy and vitality since attending the school. With the exception of one student they all attended regularly, even in the cold winters. When asked, they said they enjoyed school. The report struggled to explain these apparent contradictions, concluding that it couldn’t determine ‘what deserves credit for improvement in the children’. [30] Interestingly, the educational progress made by the students was not measured, suggesting it was the improvement in health that most concerned the Education Department.

Perhaps what was working at the school was something the department did not recognise at the time as being a factor in a successful school experience. The children had left cold, overcrowded, run-down classrooms in an industrial suburb and taken a train ride to a small bush school where they were well fed and had plenty of time to play and explore. The curriculum was modified and less rigid than that delivered in a conventional classroom. The children, perhaps less robust than others of their age, might have welcomed a break from the hurly-burly of the overcrowded Richmond classrooms. Janet McCalman argues in Struggletown that the most common barrier to working-class children’s learning was lack of self-esteem.[31] At the Blackburn Open Air School, Miss Trant, that skilful teacher, worked with this small group of children for six to twelve months. Perhaps she was one of those teachers who could inspire and encourage her pupils. In 1918 the Education Department did not measure student engagement and self-esteem as it does today, but perhaps what the school offered was not so much a means of healing their physical ills as the opportunity to develop their confidence and sense of self-worth.

This is only guesswork. To get a sense of how teachers, students and parents might have experienced the Blackburn Open Air School it is necessary to delve deeper into the historical record. Historian Phillip Gardner, in his study of English career teachers, makes the point that it is difficult to re-create the experience of the classroom owing to the dearth of historical evidence beyond that of public pronouncement and policy.[32] Teaching is also an intensely private and solitary craft.[33] In the case of State School 3850, the correspondence and building files held at PROV provide glimpses of the workings of the classroom in Blackburn. This is not an extensive collection – the complete files fill only one archive box – but nevertheless it provide snapshots of the conversations between the teacher, Education Department and parents over a thirty-year period.

‘They are not too delicate to make a nuisance in general’

When Maisie Coutts came home to Dover Street Richmond with bruised fingers, her mother wrote to complain to the Education Department. Mrs Coutts was concerned about the caning and about Maisie having being singled out for punishment for being talkative in a classroom of noisy children. She was also worried that if she complained to Miss Trant, Maisie would be ‘sent back to Richmond’.[34] She didn’t want this to happen, as her daughter’s health had improved at the school. The department acted quickly, interviewing Miss Trant and reprimanding her for using corporal punishment, which was against the regulations at open-air schools.
Miss Trant was suitably contrite.[35] The letter, in a perverse way, was an endorsement of the school, which had been running for nine years when this letter was sent.

The correspondence files for the Blackburn Open Air School include a number of letters from parents requesting that their children be admitted to the school. Mrs W Fitzpatrick wrote to the school medical officers in 1939. Her children Maisie and Teddy, students at Cremorne Street School, had been sick over the school holidays and were ‘very thin’.[36] George Bayley had spent four years in a sanatorium and was no longer infectious. His father, a returned soldier, ‘realised the importance of further education to his son’s success in life’ and asked that he be allowed to enrol at the school.[37] The mother of twelve-year-old Victoria Hassett, a Central School Richmond student recently released from a sanatorium, also requested a place at the open-air school.[38] Mrs P Phillips asked that her son Phillip, a student at Burnley State School who was recovering from whooping cough, be enrolled. The air in Melbourne, she wrote, ‘did not suit him’.[39]

These letters suggest that Richmond residents were familiar with the school and its purpose and that the parents who sought better opportunities for their children at the school did not fit the stereotype of the hopeless, hapless slum parent propagated in the press. In the eyes of social reformers, slum life was synonymous with crime, neglect and intemperance: there was a moral stigma attached to living in Richmond.

‘Teacher mothers delicate children’ announced the headline in the Herald on the opening of the school. Miss Trant was described as the children’s ‘foster mother’, an expression suggesting their own mothers were incapable of fulfilling that role.[40] Yet in 1918, 75 per cent of the parents were prepared to pay for the meals and train tickets required for attendance at the school. They were most likely among the many respectable poor who found themselves by misfortune living in the decaying suburb.

Miss Trant angrily denied these claims, claiming Langdon was aggressive to all he came in contact with. Even if he was a serial complainer his targeting of boisterous behaviour as ‘slum like’ confirmed the stigma that Richmond residents had to live with. A more bizarre accusation came by way of a telegram sent to the department warning that there was a rumour circulating that the girls from Blackburn Open Air School were ‘under orders to appear in Melbourne streets dressed as boys’.[43] The telegram, signed F Copeland, Blackburn, said there was much local feeling against this and demanded the orders be ‘counter-minded’. This was dismissed by the Education Department as being ‘malicious’ and suggested there were those who perhaps were less sympathetic to the school and its students. Richmond’s reputation as a slum was officially confirmed in 1936 when it, along with other suburbs within a five-kilometre radius of Melbourne, became the subject of government attention with the establishment of the Housing Investigation and Slum Abolition Board.

Primary school correspondence also throws light on the teaching experience at Blackburn. The Maisie Coutt incident, which involved either a cane or a duster depending on whose version of events you believe, suggests that Miss Trant had to do more than ‘mother’ her delicate children. There were many teachers in rural schools who, like Miss Trant, were teaching in single classroom schools, but they generally had the support of local communities. She however was the only teacher in a school dedicated to the open-air movement, and as such her experience was unique. She requested an upgrade in her classification in 1931, arguing that although the numbers she taught were the same as in a rural class, there was much more work. This was largely because of the diverse nature of her students, whom she described as ranging from ‘retards, defaulters, Opportunity Grade Scholars’.[44] She therefore needed to prepare a lot of individual work to cater for a range of abilities. Her request was denied.

Miss Trant also argued that her additional qualifications in First Aid and Cookery entitled her to a change in classification. A significant part of her day was dedicated not to teaching, but to organising the dietary component of the open-air routine. She was responsible for ensuring up to twenty-seven children were given hot drinks and a hot meal every day. This involved ordering food, keeping the wood fire going and supervising the assistant in cooking, serving and cleaning. Whereas most school correspondence files are filled with orders for books and maps, the Blackburn files are replete with butcher’s bills and grocery order forms.[45]

Richmond’s reputation did follow the children into leafy Blackburn, however. Herbert Langdon, who lived in Gardener Street, wrote an outraged letter to the department in 1926 complaining about the students.

What with stone throwing, jeering at the clothes line and making themselves generally offensive... This is a good class of street with Modern houses and good class residents... These children who I understand are from the poorer suburbs by their behavior constitute a menace to the place... The burden of taxation is heavy enough without the extra burden of having to tolerate ill mannered and slum behaviour... these children are supposed to be delicate but they are not too delicate to make a nuisance in general.[42]
The other cornerstone of the open-air school was the open-air classroom. Alice Trant worked at the school from 1915 to 1943 in the same pavilion-style classroom erected in 1915. The only significant addition was a verandah, built in 1921, where the children were photographed for the Education Department album, sitting at their desks eating. Presumably the verandah was a place where the open air could be enjoyed and the sun avoided during the summer months. When Mrs Dorothy Hamilton became head teacher in 1943 she wrote a number of letters to the department complaining about the building. One stated that the condition of the verandah and asphalt was such that the students were largely confined to the classroom for much of the winter.[46] She also requested that a gas ring be installed in the kitchen. This would replace the large wood stove, which was kept alight all day to heat milk for the ‘undernourished children’, and made the kitchen unbearably hot in summer.[47] She asked that a fireplace be built in the classroom so the children could warm themselves up after their long walk from the station in winter. In 1947 she requested that an electric light be installed as the gum trees that surrounded the building made the classroom dark and gloomy.[48] By this stage the canvas blinds had been replaced with glass, so the building was looking more like a normal school room.

After the years of depression and war many schools in Victoria were similarly run-down and required urgent repairs. The correspondence in the building files does more than record wear and tear though: it questions the ambitious claims made by supporters of the open-air classroom. A number of pavilion-style classrooms were built across Victoria as new schools from 1914. Seen as a cheap option by the department, they were universally condemned by teachers as ‘freezing chambers’ and ‘draughty sheds’.[49] While Miss Trant appears to have embraced the philosophy of the open-air classroom, her successor was less enamoured with its architectural elements. That is not to say the open-air philosophy had been completely abandoned: the afternoon rest in the deckchairs, the physical training and the meals remained as part of the school routine.

The voices most absent from the historical record are those of the children themselves. There were a few class lists of students, giving their names and addresses and some correspondence from parents and the department. We know about talkative Maisie and a boy called Master James Rutherford who was detected travelling on an out-of-date open-air school child’s weekly ticket in 1923.[50] Roy Brewer was sent to Blackburn Open Air School in 1928 and three years later Miss Trent wrote to the department requesting advice on his future training and employment. His best subjects were handwork and drawing and he was sent to the Vocational Guidance Officer.[51] This is the most detailed letter about a student in the files, and yet it presents more questions than answers. Why, for example, did Roy attend the school for three years when students were supposed to stay for months rather than years?

Letter from Victorian Railways to the Director, Education Department, 19 May 1923, reporting James Rutherford is caught on an out-of-date open air school’s weekly ticket. PROV, VPRS 640/P1 Central Inward Primary Schools Correspondence, Unit 1666, Item school 3850.

The criteria for sending children to the school were not made clear in the school records. Words like ‘undernourished’ and ‘delicate’ were used, as were ‘retarded’ and ‘vivacious’. The answer lies with the medical officers who made the initial recommendations, but their records have not been located. It could be that these doctors working within these communities used their discretion and sent children to Blackburn for a variety of medical and social conditions.
Conclusion

The Blackburn Open Air School shared many features of open-air schools around the world established in the first half of the twentieth century, although it counted itself amongst the more modest in its architecture and scale. Why other open-air schools were not established in Victoria was not explained in the files consulted. The lack of dramatic improvement in the children’s weight in 1918 may have discouraged further experimentation and an expansion of the scheme. Another possible explanation could be that there was not a pressing need for such schools by the 1920s. Melbourne never had the large slum populations of British and European industrial cities nor their rates of tuberculosis. With the growth of suburbia the city populations dispersed and the rates of general health improved.

Most open-air schools in Europe and North America closed or went into decline with the development of antibiotics, which provided a cure for tuberculosis. Blackburn Open Air School continued to operate until 1964. The school appeared to fulfil a need for those children who lived in the decaying inner suburbs of Melbourne. Further research into the public record may well reveal stories of the children sent on that journey to Blackburn, however the records for the years 1947-64 have not been located, so little is known of the school’s history after the Second World War. Interestingly, the open-air pavilion classroom in Blackburn did continue to play a role in the health of Victorian students: it was extensively modified and became a centre for the Education Department’s Psychology and Guidance Branch.

Endnotes

[1] PROV, VA 714 Education Department, VPRS 14562/P6 Miscellaneous Photographs ... [Education History Unit], Unit 5, ‘Views of schools and school activities’, page titled ‘An open-air school for anaemics’.


[3] This article uses the form ‘open-air’ when discussing the movement or the schools in general. The use of the hyphen appears to vary, with some schools, such as Blackburn, omitting the hyphen in their names.


[13] The first intake came from the East Richmond, Richmond, Glenferrie and Burnley state schools. Later Collingwood students also attended. Education Department medical officers recommended which students should attend.


[22] Indiana State Library, ‘Open air schools in Indiana’ (online exhibit accessed 20 May 2011).


[24] PROV, VPRS 640/P1, Unit 1523, Item 3850, notes on applicants for the position of head teacher to the Blackburn Open Air School, 18 February 1915.
[25] PROV, VPRS 14562/P6, Unit 5, photograph ‘Food and fresh air’.

[26] ‘Report of the Minister of Public Instruction’.

[27] ibid.


[29] ‘Report to the Minister’, p. 25.


[31] McCalman, p. 76.


[33] ibid., p. 127.

[34] PROV, VPRS 640/P1, Unit 1845, Item 3850 Blackburn Open Air School (1927-29), letter to Education Department, Mrs Coutts, 170 Dover Street Richmond, 7 November 1929.

[35] PROV, VPRS 796/P0 Outwards Letter Books, Primary Schools, Unit 810, Item 3850 Blackburn Open Air School (1915-37), memorandum for Miss A Trant, 20 November 1929. Corporal punishment was banned in Victorian government schools in 1985.

[36] PROV, VPRS 640/P1, Unit 2290, Item 3850 Blackburn Open Air School (1936-39), Mrs Fitzpatrick to Department of Education, 4 February 1939.

[37] ibid., Unit 1745, Item 3850 Blackburn Open Air School (1924-26), Public Health Department to Education Department, 25 November 1926.

[38] ibid., Unit 1523, Item 3850, request to Medical Officers from Mrs Hassett, 113 Church Street Richmond, 18 February 1916.

[39] ibid., Unit 2290, Item 3850, request to Medical Officers from Mrs P Phillips, 355 Burnley Street, 30 November 1938.

[40] McCalman, p. 47.


[42] ibid., Unit 1745, Item 3850, letter from H Langton to Education Department, 6 July 1926.

[43] ibid., Unit 1523, Item 3850, telegram from F Copeland, Blackburn, 1 November 1917.

[44] ibid., Unit 1949, Item 3850 Blackburn Open Air School (1930-32), request to the Secretary, Miss A Trant, 8 January 1932.

[45] Butcher’s shop receipts in PROV, VPRS 640/P0, Item 3850, various units.

[46] PROV, VA 714 Education Department, VPRS 795/P1 Building Files: Primary Schools, Unit 2887, Item 3850 Blackburn Open Air School, application for repairs to school, 11 February 1947.


[48] ibid., application for repairs to school, 11 February 1947.


[50] PROV, VPRS 640/P1, Unit 1666, Item 3850 Blackburn Open Air School (1921-23), Victorian Railways letter, 19 May 1923.

Looking for Azzopardi

A historic and a modern search

Richard Pennell

Abstract

This article concerns two attempts to trace Giuseppe (or Joseph) Azzopardi, a Maltese man who murdered a Dutch woman in Smyrna (now Izmir) in Turkey in 1842. The first search was instigated in Malta by his wife Concetta in 1857 after he had been tried in England and transported for life to the Australian colonies. This search by nineteenth-century authorities was unsuccessful. The second search was undertaken by the author in 2010, who became curious about the case as a by-product of other research. This second attempt pushed the story further by establishing that Azzopardi had moved to the Victorian goldfields and remarried, but then he disappears again.

Azzopardi was one among many subjects of the British Empire who vanished in Australia. A formal government system was set in place to try and find them, and this article describes that system and examines its failures. The methodology of a modern-day search offers an interesting comparison. Azzopardi’s story asks us to reflect on what it means to be ‘lost’.

This is the story of two searches for the same man, a century and a half apart. In 2010, I tried to discover what happened to Joseph Azzopardi, a Maltese convict who played a minor but intriguing part in the development of the English law of international jurisdiction. In 1857, his wife Concetta had also tried to find him because she was destitute. Both searches relied on the bureaucratic mechanisms of the Empire, a paper trail that led from Malta to London and then to Sydney, Hobart and Melbourne. Both were unsuccessful.

The two searches illustrate a rather un-researched phenomenon: the extent to which people vanished through the cracks in the Empire and how difficult it was for the authorities to find them. There were multiple British empires. One was a framework of government, bureaucracy and coercion, whose officials sought to exert control. Another marked the limits of their success, escaping their control: it was an empire of the lost.

Many individuals were lost by design, not accident. They sought to hide themselves, or at least their real identities, from official view – and even from the view of their relatives. If they crossed the will of the state, what is then known about their lives reflects the interests of officialdom. For example, it is not clear what crime he had committed in County Down that propelled James McKinney to Van Diemen’s Land (Tasmania): the records did not need to record that sort of information and so sometimes they did not do so. They did record his description in some detail, the better to hunt him down when he escaped, and they recorded the details of his punishment when he was recaptured – once in 1823, when he was given a hundred lashes, and again in 1825 when he was hanged, after a seven-month period as a bushranger. McKinney simply ran away and became an outlaw, desperate to separate himself from lawful society.[1]
This was not only an Australian phenomenon. In the first part of the nineteenth century, between 1815 and 1853, about 5% of Indian convicts transported to Mauritius were known to have absconded at any one time. This was called *marronage*, a term originally used to describe slaves who had fled, and, like them, many of these convicts lived on their wits, pilfering lawful society while living beyond its edges – very much like Australian bushrangers. Others tried to move back into society, passing themselves off as indentured immigrants, for example.[2]

This second tactic, of re-integrating into society by losing a previous identity, sometimes had immediate criminal ends. In the 1820s the swindler John Dow adopted the identity of the misled son of a minor Scottish gentleman to gull a clergyman of a small sum of money and defraud an innkeeper of his bill. He was arrested, tried in Dumfries and sentenced to transportation to Australia for seven years.[3] In New South Wales he then adopted the identity of another errant son, this time an aristocrat, and set about constructing a complicated life history that would allow him to pose as a government official, greatly to his benefit. The industrious bureaucracy that swallowed up transported convicts, with its meticulous record keeping, allowed a modern historian, Kirsten McKenzie to follow his progress through the convict system, but not as a person. He was, for the convict bureaucrats, ‘a cipher’, a series of entries in record books, not an individual.[4] Dow reconstructed his identity on fictitious lines in order to pursue his life of fraud and deception – and he was able to succeed because his mythmaking confirmed the preconceptions of his victims: he looked the part.[5]

John Dow was able to vanish and reconstruct himself because the machinery of Empire gave him the opportunity to do so. He wanted to disappear and he achieved this by turning himself into someone prominent, albeit at the very edges of the Empire itself. This created problems for those who looked for the real man: for his contemporaries, for his family who sent their agents to track him down through the records of the Dumfries court, and for the twentieth-century historian who tried to unravel his story. The agent and the historian followed very much the same routes through the same records, two hundred years apart.[6]

For men like Dow, the sea of anonymity was a blessing, even an opportunity. There were others who vanished because they got lost in the vast movement of people from one place to another. Some were ‘found’ again, later. The various records of the Victorian goldfields are filled with enquiries about missing persons, those who moved from place to place across the Empire in an effort to find a footing or make a fortune. But many disappeared without trace, because although the Australian colonies were remarkably sophisticated at controlling their subjects, there were still plenty of interstices through which individuals could slip.

The story of John Dow is a vivid one, but McKenzie has not yet had many imitators and relatively little work has been done on this empire of lost souls. At least, not much has been published – genealogists are well aware of it, as it is one of the major problems they find in reconstructing their family histories. It certainly poses some big methodological problems, and the modern search for Joseph Azzopardi is the other theme of this article. It provides an understanding not only of the limits of official action and control, but also of the bureaucratic and archival systems of the time that are of interest to those using the archives today. For PROV researchers in particular, it has a crucial message: the Empire really was an empire. What happened in Victoria articulated not only with other parts of Australia, and London, of course, but with other colonies: governments in Tasmania and New South Wales, London and Malta were all involved in the search for Azzopardi.

There were two striking resemblances in the careers of John Dow and Joseph Azzopardi. The first was the public trials that brought them notoriety, Dow’s in Sydney in 1835, Azoppardi’s at the Old Bailey in 1843. The second was what happened once their final sentences were over. For Dow, this came after he received his ticket of leave following his second period of incarceration in a convict colony, this time in Van Diemen’s Land. That was in 1843, the year Azzopardi was sentenced to transportation in London. John Dow vanished.[7] Azzopardi got his ticket of leave in 1854, moved to the Victorian goldfields and then, to all intents and purposes, he vanished too. There were also two crucial differences between the two men. Dow recreated himself as a publicly prominent figure and used it to dupe strangers. Azzopardi, his sentence completed, did not change his identity. He simply obscured some of its detail and sank into anonymity. He had only one duped victim: his second wife, whom he married in bigamy in Castlemaine. His fraud was entirely personal.
Azzopardi's Story

Joseph Azzopardi’s brief moment on the British imperial stage began in another empire altogether. On 5 July 1842, in the port city of Smyrna, now called Izmir, in the part of the Ottoman Empire that is now in western Turkey, he killed Rosa Sluyk, a Dutch woman. He was about 22 and she about 45, and they quarrelled over money.[8] Giuseppe Azzopardi, as he then called himself, had only recently arrived in Smyrna. The Maltese Government had given him a passport on 14 February 1842.[9] He was one of thousands of Maltese who migrated in the early nineteenth century to the Muslim parts of the eastern and southern Mediterranean. These were lands of opportunity compared with their barren, impoverished island. Most Maltese went to North Africa - Tunis, Tripoli and, above all, the new French colony of Algeria - but many went to Smyrna and Istanbul, joining throngs of other Europeans. At the bottom of the expatriate ladder were Italians and Ionian Greeks, living on their wits; at the top were French and British merchants, though the boundaries were fluid enough. Few Europeans settled in these Muslim countries, even if they had lived there for years. Except in Algeria, most men left their families behind. Giuseppe Azzopardi’s wife and small child stayed in Malta.[10]

Azzopardi was definitely at the bottom of the ladder. He spoke only Maltese,[11] was probably illiterate, and had a criminal record for stealing shoes.[12] After arriving in Smyrna, he could not get a job.[13]

Rosa Sluyk had once kept a large hotel a few miles outside Smyrna. When this failed, she returned to the city, and eventually moved into a residence above a coffee shop. Because she was frightened to be alone in the house at night, she asked Azzopardi to stay there and do odd jobs about the place. When she could not pay him, he decided to go home.

Before he left, however, he wanted his money. At about five in the morning on 5 July 1842, Azzopardi went to his landlady’s room and demanded his pay. There was an argument in which he lost his temper, and after trying to intimidate her with his knife he lost control of himself and cut her throat with a razor he had picked up. Neighbours eventually forced their way in and found the body.[14] Azzopardi would later deny this account, but he was not believed by either the British vice-consul in Smyrna, who eventually sent him to London to be tried, or the jury in the Old Bailey. But why was he tried in London by an English court at all?

Jurisdiction over European foreigners in the Ottoman Empire was regulated by treaties called the capitulations. These gave European consuls absolute jurisdiction over their nationals in cases that involved only their own subjects. If people of more than one European country were involved, the consuls concerned would sit jointly. If the victim of a crime was an Ottoman, the Sultan retained jurisdiction, though in practice consuls often managed to prevent Europeans from being tried in Ottoman courts. Consular authority was limited: in serious cases, they had to send an accused person home to stand trial.[15]

Azzopardi was examined by the British Consul, Richard Brant, and sent to London, not Malta - this was now an imperial case. On 1 May 1843, he was committed for trial under the Offences Against the Person Act (1828) and the Murders Abroad Act (1817).[16] Because the crime took place abroad, it was tried under a special commission at the Central Criminal Court, the Old Bailey. On 12 May 1843, the jury found him guilty,[17] and at a later hearing Azzopardi was sentenced to death.[18]

The trial excited great interest. Even the committal hearing in Thames Magistrates Court was ‘crowded to excess’: Joseph Azzopardi, as he was now named, was briefly famous: newspaper headlines called him simply ‘the Maltese convict.’[20] The prosecution was led by the Attorney-General and Azzopardi’s defender was William Ballantine,[21] a junior counsel at the beginning of a distinguished career,[22] paid from a special fund for indigent accused administered by the sheriff and under-sheriffs of London.[23] In the later stages of the trial, Azzopardi was helped by a Maltese lawyer, Adrian Dingli, the son of the Chief Justice of Malta, and eventually Chief Justice in his turn. Dingli interpreted for Azzopardi during the sentencing hearing, and wrote to the Home Secretary, Sir James Graham,[24] as part of a campaign for the sentence to be commuted.[25] On 3 July 1843, it was changed to transportation for life.[26]

Joseph Azzopardi was taken to Australia on the Mailand, and reached Norfolk Island on 9 February 1844, at the age of 24. After three years on Norfolk Island he was moved to Van Diemen’s Land, arriving on 7 April 1847. Azzopardi’s conduct on board ship, and as a convict, was excellent. He was only admonished once for unspecified ‘misconduct’ on Norfolk Island.[27] After a stint in the Lunatic Asylum in Van Diemen’s Land in 1849 (as a worker or as a patient?) he was sent to work for Thomas Connell of Richmond, another former convict, transported for forgery.[28] Azzopardi remained in Richmond - he was still there in December 1854 even after he got his ticket of leave (at his fourth attempt) in March 1854 – and in August 1855 he received a conditional pardon.[29]

I came across Azzopardi’s case while researching the trials of people who had committed crimes abroad.
The Indonesian trial and sentencing of an Australian, Schapelle Corby, charged with smuggling marijuana, is a recent example;[30] other cases include the execution in Tunis of another Maltese murderer, Paolo Xuereb, in 1844,[31] and the threatened execution of a British nurse for murder in Saudi Arabia in 1997.[32]

Azzopardi's was an intriguing instance because he was not punished where he committed his crime, but by an authority that claimed jurisdiction on the grounds of his birth and colonial rule. His trial became a significant part of the case law of jurisdiction and was cited as late as 1985 in an international fraud case in Canada,[33] and as early as 1858 in a parliamentary debate in the House of Lords about the extent of English jurisdiction over people resident in England who had plotted with Frederico Orsini to assassinate Napoleon III of France. [34] That debate was noted and re-used in a letter later that year to the Sydney morning herald on the benefits, not of extending jurisdiction, but of political control of the prerogative of mercy. The commutation of Azzopardi's sentence, wrote a correspondent who signed himself 'Serviens ad legem', was a political decision, subject to the oversight of Parliament, something that 'Serviens' believed was being undermined in New South Wales.[35]

All this was a long way from the fate of Joseph Azzopardi himself - although just as 'Serviens' was writing about him as a constitutional issue, the authorities had begun their search for him on behalf of his wife Concetta. As I live in Australia I found myself wanting to find out what had happened to him too. In late 2010, while trying out a new web search engine using Azzopardi's name as an example, I hit a link to the Victoria Government gazette for 8 December 1857.[36] A section headed 'Personal Information' had the following notice:

AZZOPARDI, JOSEPH, supposed to be at Castlemaine, is requested to apply or to forward his address to the Honorable the Chief Secretary, Melbourne. -- B.7385. 17th November 1857.

The announcement first appeared on 17 November when Azzopardi's name was one of eleven people who were sought and was repeated on 29 December (with fourteen others) and 5 January 1858 (five others).

I had already searched for a record of his death, but could not find one in any of the online databases. Instead I found a record of a Joseph Azzopardi who married Rose Nugent in the Catholic Presbytery in Castlemaine, Victoria on 2 January 1858.[37] He gave his birthplace as Malta and named his parents as Francis and Grace (maiden name unknown). Rose gave her birthplace as County Westmeath and named her parents as James and Mary (née Walshe). He gave his profession as miner and she gave hers as housemaid.[38]

Was this the same Azzopardi? This man gave his age as 28 and said he was a bachelor. Azzopardi the convict would have been 38 and was married in Malta, but Rose was 18, twenty years younger, and Azzopardi would not have been the first older man to lie about his age (ten years is a nice round number). Bigamy was not unheard of either. It was possible, but not certain, that the two Azzopardis were the same man.

Despite the distance from my main research project, I remained intrigued. In June 2010, during three days in Hobart, I found a little information about Azzopardi's convict career. In the very detailed surgeon's records of the Maitland,[39] he was not mentioned once, confirming both his general good health and his good conduct. There was not much in other files either. He did not apply to marry in Van Diemen's Land and the records of the Lunatic Asylum were missing. But a convict indent recorded Francesco as his father's name, the same name as that given in the marriage record. Unfortunately it left out his mother's.[40]

The announcement in the Victoria Government gazette sent me to the records of the Chief Secretary at Public Record Office Victoria (PROV).

The Chief Secretary's Files

I had a date, 17 November 1857, and a reference number, B.7385. The PROV staff warned me it would be difficult, but recommended I start with VPRS 1411, the index to inward registered correspondence received by the Chief Secretary's department. This begins in 1851 and is arranged by name of sender or subject. It indexes alphabetically letters from 'persons' (that is, members of the public), groups letters from rural officials under the name of the locality, and lists correspondence from other government officials under the name of the department (for example, Auditor General, or Penal and Gaols).[41] But I had no idea who had enquired about Joseph Azzopardi. The volume for the second half of 1857 did not list him as a private person, so I went through it page by page until I found an entry on a page headed ‘Enquiries’:

    October

1 Chilchester Eagle by Capn K B7204 A6939
16 23/1 Ch Upton for his son Wm Chs B7262
21 Jos Azzopardi by Chief Sec NS Wales
B7986 (sic) ...

The Chief Secretary's Files

I had a date, 17 November 1857, and a reference number, B.7385. The PROV staff warned me it would be difficult, but recommended I start with VPRS 1411, the index to inward registered correspondence received by the Chief Secretary's department. This begins in 1851 and is arranged by name of sender or subject. It indexes alphabetically letters from 'persons' (that is, members of the public), groups letters from rural officials under the name of the locality, and lists correspondence from other government officials under the name of the department (for example, Auditor General, or Penal and Gaols).[41] But I had no idea who had enquired about Joseph Azzopardi. The volume for the second half of 1857 did not list him as a private person, so I went through it page by page until I found an entry on a page headed ‘Enquiries’:

    October

1 Chilchester Eagle by Capn K B7204 A6939
16 23/1 Ch Upton for his son Wm Chs B7262
21 Jos Azzopardi by Chief Sec NS Wales
B7986 (sic) ...

The announcement in the Victoria Government gazette sent me to the records of the Chief Secretary at Public Record Office Victoria (PROV).
Fortunately, the difference in reference numbers, presumably a clerical error, was not crucial. With a firm date (21 October 1857), I consulted series 1186, the register of inward correspondence which is one stage more detailed than the index. It records the sequential number given each letter when it was registered and the date of registration, the author of the letter, the district where he or she resided and the date it was sent. There was a précis of its contents and sometimes details of where it was referred. A final column headed ‘result’ contained a reference number, presumably referring to the reply, and a categorisation (for example, personal, pris[oner], G[eneral], Dep[artment] Reg[istrar] General, Police, Med[ical] and so on). This categorisation was not always given and on occasion it was crossed out and another category was substituted.

Thirty letters arrived on 21 October including a circular from the Secretary of State about bank returns, a letter from the sheriff’s office about the removal of a prisoner, returns of releases of prisoners from the gaol in Castlemaine, requests from individuals seeking employment, and queries about the arrangements for smallpox patients in Kyneton. Number 7385 (the reference number in the advertisement) was about Azzopardi:

Colonial Secretary of New South Wales ... Inquiry respecting Joseph Azzopardi [referred to] Police.
2210 ... [result of application] 7385 in D69/8234
Personal[43]

This made it clear that after referring the matter to the police, further action was filed at D8234 and the letter was classified as ‘personal’.

The next stage was to identify the outward correspondence dealing with Azzopardi. This was listed in series 1187, the outward letter books, which were organised very similarly to the inward letters. Each letter was given a sequential number and the entries listed the name and location of the recipient, the registered number of the inward correspondence it was replying to, date, and any reference number used by the correspondent. There was also a transcription of the letter and notes of enclosures. Because these records are ordered strictly according to the date of their arrival, there is no certain way of finding the first letter in an exchange, short of searching through the volume sequentially.

Finding the first outward letter about Azzopardi meant going through the lists after 21 October. On 8 December, a letter was registered to the Colonial Secretary of New South Wales. It reported that Castlemaine police had made enquiries and no information was to be had. This carried a reference number D8254, which conflicted with the earlier number given.[44]

The original correspondence, once registered and summarised, was filed in a separate series, VPRS 1189, and stored in boxes of loose paper files. These were classified according to the categories noted in the register of inward correspondence (VPRS 1186). Classifications listed in the catalogue referred to the government agency concerned (‘Chief postmaster’, ‘Colonial Architect’, ‘Police’, ‘Other Colonies’, and so on), or to subjects (for example, ‘Missing Persons’). The classification ‘Private Persons’ referred to correspondence from individuals, while material about individuals was listed as ‘Personal’.

PROV, VPRS 1189, Unit 813, Colonial Secretary, New South Wales, to Chief Secretary, Victoria, 13 October 1857.
These categories appear to have been fluid but the register of inward correspondence indicated that the Azzopardi correspondence had been categorised as ‘personal’.

Each unit in VPRS 1189 consists of numerous paper-covered dossiers, containing the original letter and subsequent correspondence, documents and notes to the file. Filing and action notes were entered in an ad hoc manner on the cover page or on the documents themselves. Personal correspondence from 1857 is spread over seven units (units 807-813), divided according to the registration number of the original letter. The dossier relating to Azzopardi is in unit 813, with the registration number 8234 clearly recorded on the cover, but so is 8254, in a different hand: the confusion of reference is not explained.

The subject matter is very varied, as a rough categorisation of units 812 and 813 shows:

<table>
<thead>
<tr>
<th>VPRS 1189, Unit 812</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous (mainly property)</td>
<td>14</td>
</tr>
<tr>
<td>Petitions regarding prisoners/ fines</td>
<td>11</td>
</tr>
<tr>
<td>Appointments (requests &amp; refusals)</td>
<td>38</td>
</tr>
<tr>
<td>Search for people</td>
<td>11</td>
</tr>
<tr>
<td>Complaints about officials</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VPRS 1189, Unit 813</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous (mainly property)</td>
<td>11</td>
</tr>
<tr>
<td>Petitions regarding prisoners/ fines</td>
<td>13</td>
</tr>
<tr>
<td>Appointments (requests &amp; refusals)</td>
<td>50</td>
</tr>
<tr>
<td>Search for people</td>
<td>9</td>
</tr>
<tr>
<td>Complaints about officials</td>
<td>2</td>
</tr>
<tr>
<td>Legal matters</td>
<td>4</td>
</tr>
<tr>
<td>Prisoners’ property</td>
<td>2</td>
</tr>
</tbody>
</table>

So, each year the Colonial Secretary’s office received a number of enquiries seeking information about missing persons. At this time, most of them had vanished on the goldfields. They came from other parts of Australia, from Britain and from further afield: from other colonies and foreign countries. Enquiries from private individuals in London were sometimes channelled through Edward Barnard, the Colonial Agent-General, one of two men who acted as representatives of the governments of the crown colonies in the imperial capital.

Several files contain a pro-forma covering note headed with his address (5 Cannon Row, Westminster) and a printed form recording the personal details of the missing person. For example, Mrs Margaret Lovell sought Charles John Lovell, presumably her son, who had migrated to Adelaide at the age of 19, eight years before and ‘left Adelaide for Melbourne upon the discovery of gold there.

Other people wrote directly, like James Upton about his son William, lost on the goldfields. Charles Brodribb even travelled out from England, arriving in January 1857, to look for his son, Charles Henry, who had disappeared in late 1853 on the goldfields, where another son had died. Mr Brodribb advertised in the Argus, enquired at the hospital and went through the General Register of Deaths before turning to the Chief Secretary’s office.

From Hobart, Elizabeth Willmot enquired about her husband Stephen, once the sexton of the Anglican Cathedral, last heard of in Castlemaine.

The chief of police in Adelaide wanted John Phillips, a former grocer’s assistant, also in the goldfields.

The Colonial Secretary of the Cape of Good Hope asked about Joseph Dean, who a year before had written that he was about to leave Melbourne for Cape Town, but nothing had been heard from him since.

The cover notes on each dossier show that details were usually referred first to the Commissioner of Police, and if that was unsuccessful, advertisements were placed in either the Victoria Government gazette or the Police gazette. This was quite ineffective - of all the lost people in 1857, only Charles Brodribb was found alive. A note recording that ‘Mr. Brodribb has informed me that he has found his son’ suggests that the bureaucracy did not play much part.

There is also a file in the Chief Secretary’s series (VPRS 1189, Unit 822) entitled simply ‘Missing Persons’. It contains dossiers on sixty individuals, mainly from 1858 but with a few from 1857 and 1855. Most came from the office of the Colonial Agent-General, with some from the Secretary of State or other colonial secretariats. They too were referred to the Chief Commissioner of Police.
PROV, VA 475 Chief Secretary’s Department, VPRS 1189 Inward Registered Correspondence, Unit 812, Mrs Margaret Lovell of Horseferry Road Westminster inquiring for Charles John Lovell, 26 June/9 July 1857.

The Police Files

When an enquiry was referred to the police, it generated another paper trail, alongside requests that went to the police directly. The police correspondence series (VPRS 937 Inward Registered Correspondence) is not very well sorted: it is roughly filed under police districts in some cases, and subjects in others; dates are often mixed. The unit for Castlemaine police station in 1857 (Unit 100) is a grab-bag of letters. It is listed as 1853-59, and obviously an enormous amount must be missing for those seven years to fit into one file. It records several searches for individuals - often wanted criminals who had absconded - along with correspondence about rebuilding the stables of the police station, and leave and duty rosters of individual policemen. General police correspondence with the Chief Secretary between 1855 and 1859 is contained in Unit 132, and Unit 178 is entitled ‘Detectives’ and covers 1857–59. A unit titled ‘Foreign’, which apparently meant anything that was not Victorian, began in 1859 (Unit 199) and ‘South Australia and other Colonies’ begins in 1857 (Unit 446).[56] This last unit contains a considerable number of searches for missing people, but neither these police files nor the Chief Secretary’s files on ‘missing persons’ contains anything about Azzopardi.
The Azzopardi Enquiry

There was no public sign of all this bureaucratic effort unless an announcement appeared in the press. The public announcement about Azzopardi in the Victoria Government gazette was the entry point to the paper trail, although the Victorian Government only became part of the story at the end. As noted earlier, it had begun in Malta.

In December 1856, Charles F Stevens wrote from Malta to the Secretary of State for the Colonies 'for information respecting a convict named Giuseppe Azzopardi'.[57] Stevens was not identified, but a Charles F Stevens was then editor and proprietor of the Malta daily news. He was also a 'Public Auctioneer, Accountant, Land and House Agent, Interpreter and Translator'.[58] Most probably, this was the Stevens in question: he made a living acting for and representing other people.

In London, the Colonial Office wrote to the Home Office who sent a report to be forwarded to Sir William Reid, the Governor of Malta, for him to pass on to Stevens. It simply outlined Azzopardi’s trial, his sentence to death and his transportation to New South Wales ‘and that he was safely landed in that colony, which is all that is known respecting him’.[59] This was disingenuous: transportation to New South Wales had been suspended in 1840, and the Maitland had taken Azzopardi to Norfolk Island, from where he had been moved to Van Diemen’s Land.

This might have ended the enquiry, but Concetta Azzopardi continued the search. On 9 May she wrote to Victor Houlton, the Chief Secretary of the Government of Malta:

> Not having been able to obtain information whether my husband Giuseppe Azzopardi, a native of Malta, unfortunately a convict transported to Australia about the year 1843, is still in existence, and in what part of Australia he may, if still existing, be located, and as this information is of much moment to my pecuniary interests affecting the means of my subsistence [sic], may I humbly pray you to be pleased to make such inquiry in England as may elicit the information I earnestly pray for.

> With deep gratitude I subscribe myself your afflicted servant Concetta Azzopardi.[60]

This letter, in the Maltese Archives, is written in very fair handwriting and seems to be the original received by Houlton. The copy sent from Malta to London abbreviated the signature line (‘With deep gratitude I am &c’) and the copy of that copy, sent from London to Sydney, misspelt Azzopardi’s given name.[61] Yet clearly Mrs Azzopardi did not write it herself – the signature is not a formal signature but simply her name in the same educated hand as the body of the letter.

The whole correspondence was included in a despatch from the Governor of Malta (12 May) to the Colonial Office, which copied and forwarded it to Sydney.[62] On arrival, it was referred to the Inspector General of Police (on 21 August) and he reported back on 24 August.[63] This ‘report’ was merely a brief memo recording Azzopardi’s crime, sentence and transportation on the Maitland and the information that ‘after calling at Sydney the above named vessel proceeded to Norfolk Island and disembarked her prisoners - the man alluded to is probably in Tasmania’. So the New South Wales Government contacted Tasmania, on 4 September. The letter from Henry Watson Parker, the Premier of New South Wales, to the Chief Secretary in Tasmania asking for enquiries to be made about Azzopardi is in the Tasmanian Archives, annotated with a marginal note:

> This man received a Conditional Pardon at Hobart Town in August 1855. The records of this office having however shown that he had previously been residing near Richmond, application was made to the Police Magistrate of that District for information respecting him; and that officer has now reported that Azzopardi is supposed to be living at Castlemaine, Victoria, as a letter was received from him at that place [rest illegible in tight margin].[65]

PROV, VPRS 1189, Unit 812, Charles Brodribb to Chief Secretary, Melbourne, 16 September 1857.
On 1 October, William Henty, the Chief Secretary in Tasmania, wrote back to New South Wales stating that Azzopardi 'is supposed to be living at Castlemaine, Victoria.'[66] Sydney annotated this message with one note suggesting 'Apply to the Victoria government for further information 8 Oct.' and another recording a letter sent to the Chief Secretary of Victoria on 13 October 1857.[67]

When this letter arrived in Melbourne,[68] the Chief Secretary's office opened a dossier whose cover records what happened next:

- Referred to the Chief Commissioner of Police 21/10/57
- Noted and returned. Inquiries are being made and any information obtained shall be communicated 6/11/57
- ? Gazette?
- Gazette 12/10/57[69]

In summary, Azzopardi's name was advertised in the Gazette because the police could not find him. The dossier contains two letters from Superintendent CH Nicolson to the Chief Commissioner. The first (22 November) reported 'Repeated enquiries have been made for the person enquired for, but without success. - It cannot be ascertained that he ever resided in or near Castlemaine.' The second (21 December) reported that they had traced a man named Antonio Azzopardi, a 45-year-old migrant (not an ex-convict) who had arrived fourteen years earlier and now worked for a wine merchant in Melbourne. He had been at Forrest Creek, the original name for Castlemaine, but in 1852, several years before Joseph Azzopardi had left Tasmania.[70]

This was very unhelpful but it was enough for JH Kay, the Under Secretary of Victoria to inform Sydney on 11 January 1858 that Azzopardi could not be found. Two marginal comments were added in Sydney: one noted it would be reported to the Governor General, the other that 'the matter may now rest.'[71] The New South Wales Government had ended the search.

Azzopardi's New Family

This was not a very convincing record of action: the only candidate for the person they were seeking was clearly unsuitable. More telling, just when the governments were abandoning the chase, Azzopardi was re-emerging into the half-light of a different part of the bureaucratic system. He was still in Castlemaine, where they had been looking for him, but the records were to be found in the registers of marriages and baptisms held by the Catholic church in Castlemaine.[72] This is a completely different source of information from the bureaucratic records of the government and police. In terms of my own search, they take the story beyond the official record. In terms of Concetta Azzopardi's search and the mechanisms of government, they demonstrate the limitations of official action. Both searches, confined to government action, were looking in the wrong place.

The church records suggest what might have happened to Azzopardi. The Castlemaine marriage certificate contains the first hint. Rose Nugent, Azzopardi's wife, gave her profession as 'housemaid', but the two women on either side of her in the register recorded 'none specially' under this heading. She also signed her own name, in a fair hand, while the other two women (aged 19 from Belfast, and 17 from County Tipperary) only made a mark against their names. Rose was an educated and properly employed young woman.[73]

Another hint came just over a year later. On 18 January 1859, Father Smyth baptised Mary, daughter of Joseph Azzopardi and Rose (née Nugent) in the same church he had married them. The name of the sponsor (that is, her godmother) was Jane Frances Benbow,[74] a distinctive name. In 1868, Jane Frances Benbow married Herbert Henry Parry in the Catholic Church in Rushworth, another, smaller, goldrush town.[75] She was 22, which meant she would have been 12 or 13 at the time of Mary's baptism. She had been born in Birmingham, England, like her brother Thomas Wicks Rodway Benbow, who was one of the witnesses at her wedding. The other witness was her sister Helen.

This was a very respectable family.[76] Jane and Thomas's father, Thomas Morecroft Benbow, was an English surgeon who had married the daughter (Lucy Rodway) of a rich auctioneer, the owner of a house outside Birmingham where he planted the original Selly Oak to commemorate the accession of William IV to the throne.[77] By the late 1850s, Thomas Wicks Benbow was well established in Rushworth. He was the first manager of the Bank of Victoria in the town, and one of five members of a company set up to exploit the gold seams on the Dunlop Hill Reef. In 1868 he was appointed as a member of the school committee for the proposed Rushworth School. Herbert Perry was the accountant of the bank branch.[78] With only seven years separating Jane and Rose, it is easy to guess that Rose was housemaid in the Benbow residence and that the two girls grew close: what other female acquaintance could Rose have called upon anyway? The Benbows were a strongly Catholic family: one of Jane's sisters became a nun in the Sisters of Mercy, who sent her to New Zealand in 1878.[79] Rose, a Catholic girl from Ireland could easily have been absorbed into the structure of the house. How far they would have tolerated her husband, had they known he was a bigamist, is another question.
Two Searches, Two Meanings

There, at least for the moment, the story stops: I have been unable to trace any further appearances of Joseph and Rose Azzopardi. There are various possibilities: that they changed their name informally, or that they moved on somewhere else - perhaps to New Zealand where a new gold rush was beginning. The mystery is fitting: Azzopardi spent his life in a tug of war with the authorities of the British Empire. He escaped the poverty of British-ruled Malta for the ethnic grab-bag of Smyrna, a port city in another empire. When he murdered another uprooted person, the imperial authorities made a great effort to find a legal way of bringing him back under their control. In Norfolk Island and Van Diemen's Land he kept a low profile and vanished as soon as he could, hiding among another grab-bag of drifters in the goldfields. It is hardly surprising that the traces are those of people who tried to find him, rather than ones he left himself. Only rarely did the personal story of Azzopardi stand out from the careful bureaucratic records of the convict administration. Like others before him, when he was no longer of interest he vanished from official view and historical view together. John Dow, who pretended to be Viscount Edward Lascelles in Sydney until he was charged with fraud in 1835, was replaced as a person by his convict record, something he relied upon to create his new persona as the wayward heir to a great fortune. He invented an entirely imaginary, but very high-profile identity for himself.[80] Azzopardi wanted to escape public view entirely and construct a new identity that would allow him to forget his past. The process had begun, long before, with his change of name from Giuseppe to Joseph. That may have been simply a matter of convenience. But the details in the record of his marriage in 1858 were a matter of firm choice, as he abandoned forever his Maltese wife, and knocked a decade off his age. That would have meant obscuring his convict record, for to reveal it would have given the lie to his age, at the least. But he still kept a memory of Malta alive, acknowledging it as the land of his birth and preserving the names of his parents and his religion. His identity had been long in changing: his was a life of starting over and slipping through the interstices of an empire in which being lost was easy and being found was hard. The Empire's officials failed to find him just when their masters were seeking to extend their jurisdiction over reluctant subjects. And these reluctant subjects were lost to their relatives too: Concetta Azzopardi’s appeal to the imperial officials uncovered the extent of their incapacity.

Acknowledgements

Janet McCalman, Andrew May, Arthur Rodway, Helen Harris and Ray Pattle have all helped me in different ways in this project. The archival digging of Ian Morrison, Esme Cleall and Rosemary Phillips has been of enormous assistance. Thank you all very much.

Endnotes

[12] Tasmanian Archives, Con. 76, no. 17621 and Con. 18/1/48, Description list of male convicts: Joseph Azzopardi.
[14] The sequence of events comes from diplomatic sources (National Archives, FO97/407, Stratford Canning to Aberdeen, Buyukdery, 23 July 1842; FO97/407, Brant to Cartwright, Smyrna, 13 July 1842) and evidence given at the committal hearing in London (London Municipal Archives: see note 11 above).
[21] 'Central Criminal Court', The Times, Friday, 12 May 1843; 'Central Criminal Court – Friday', Morning Chronicle, 13 May 1843.
[27] National Archives, HO1/13, Convict Transportation Register, Maitland, 26 August 1843; Tasmanian Archives, Con. 76, no. 17621, Azzopardi, Joseph.
[28] Tasmanian Archives, Con. 37/1/1-00064, Thomas Connell.
[29] Tasmanian Archives, Con. 76, no. 17621, Azzopardi, Joseph.
[34] 'The law of aliens', The Times, 3 February 1858; 'House of Lords', The Times, 23 and 27 February 1858.
[35] 'Prerogative of mercy', Sydney Morning Herald, 6 August 1858, p. 8a. I would like to thank Andrew May for this reference.
[37] This was the last marriage in the presbytery. A new Catholic church in Castlemaine was opened later in January 1848. See 'A brief history' on the St Mary's Catholic Church website (accessed 13 August 2011).
[38] Marriage register, St Mary's Catholic Church, Castlemaine, p. 250.
[39] National Archives, ADM 101/46, Journal of his majesty's ship Maitland Mr Allan McLarin surgeon between the 21st day of July 1843 and 23rd day of March 1844.
[40] Tasmanian Archives, Con. 17/1/2, 2, Indent of male convicts arriving from Norfolk Island, per Pestongee Bonmangee.
[41] See PROV VA 475 Chief Secretary's Department, VPRS 1411 Index to Inward Registered Correspondence, in particular, see the description for this series.
[42] PROV VPRS 1411/P0, Unit 11, p.177, 'Enquiries'.
[43] PROV VA 475 Chief Secretary's Department, VPRS 1186/P0 Register of Inward Correspondence 1, Unit 27, p. 320, no. 7385.
[44] PROV VA 475 Chief Secretary's Department, VPRS 1187 Outward Letter Books, Unit 2, pp. 93-94, J Moore to Colonial Secretary New South Wales, 8 December 1857.
[45] See quotation and note 43 above.
[48] PROV VA 475 Chief Secretary's Department, VPRS 1189 Inward Registered Correspondence, Unit 812, Mrs Margaret Lovell of Horseferry Road Westminster inquiring for Charles John Lovell, 26 June/9 July 1857.
[49] ibid., James Upton to Colonial Secretary, Melbourne, Warwick Street, Daventry, Northants, 23 July 1857. The entry under 'Enquiries' (see note 42 above) lists 'Ch[arles] Upton'; but the letter here is signed James Upton.
[50] ibid., Charles Brodribb to Chief Secretary, Melbourne, 16 September 1857.
[51] PROV, VPRS 1189, Unit 813, Mrs Elizabeth Willmot to Colonial Secretary, Hobart, 31 October 1857.
[53] PROV, VPRS 1189, Unit 813, Colonial Secretary, Cape of Good Hope to Colonial Secretary, Victoria, Cape Town, 16 July 1857.
[54] PROV, VPRS 1189, Unit 812, Charles Brodribb to Chief Secretary, Melbourne, 16 September 1857.
[55] PROV, VPRS 1189, Unit 813, Edward Barnard, Colonial Agent, London to Colonial Secretary, Victoria, enclosing details of William Davies on behalf of Mrs Louisa Davies, 23 August 1857.
I am very grateful to Ms Helen Harris for guiding me to the police files. She knows them extremely well and has placed on her personal website a list of individuals whose whereabouts was sought by people who wrote from outside Australia to the Victorian police department. It is not complete but it is an extraordinarily rich resource. See *Index to missing people found in Victoria Police correspondence records* (accessed 13 August 2011).

National Archives of Malta, Gov 2154, Labouchere (Secretary of State) to Sir William Reid (Governor of Malta), Downing Street, 13 February 1857.

Announcement on fourth page of advertising section at the end of G Badger, *Description of Malta and Gozo*, G Muir, Malta, 1858.

National Archives of Malta, Gov 2154, H Waddington (Permanent Under Secretary, Home Office) to H Merivale (Permanent Under Secretary of State, Colonial Office), Whitehall, 28 January 1857.

National Archives of Malta, CSG01-11657A-1857, Concetta Azzopardi to EV Houlton, Valletta, 9 May 1857.

National Archives, CO 158/81, Houlton to Labouchere, Valetta, 12 May 1857; enclosed in Labouchere to Denison (Governor of New South Wales), Downing Street, 22 May 1857.

State Records New South Wales, Colonial Secretary’s papers, 4/3374, Item 58/217, W Labouchere to Denison, Downing Street, 22 May 1857, enclosing Reid to Labouchere, Palace, Valetta, 12 May 1857, enclosing Concetta Azzopardi to Houlton, Valletta, 9 May 1857.

ibid., note to file ‘Despatch No 59 – 22 May 57’.

ibid., note from Inspector General of Police, Convict Department at Sydney, 24 August 1857.

Tasmanian Archives, CSD 1/1/119, File 4188, Henry Watson Parker to Chief Secretary, Tasmania, 4 September 1857, Colonial Secretary’s Office, Sydney, New South Wales, 4th September 1857 [note that ‘4th’ is inserted in red ink, marginal note in right margin].

ibid., [Henty] to Colonial Secretary, New South Wales, Tasmania, 1 October 1857.

State Records NSW, Colonial Secretary’s papers, 4/3374, Item 59/217, Henty to Colonial Secretary, Sydney, 1 October 1857.

PROV, VPRS 1189, Unit 813, Colonial Secretary, New South Wales, to Chief Secretary, Victoria, 13 October 1857.

ibid., file cover.

ibid., Superintendent CH Nicolson to Chief Commissioner, Detective Office, Melbourne, 22 November 1857 and 21 December 1857.

State Records NSW, Colonial Secretary’s papers, 4/3374, Item 58/217, Kay to Colonial Secretary, New South Wales, Melbourne, 11 January 1858.

I would like to thank Raymond Pattle of Castlemaine Historical Society for his great help in tracing these records.

Marriage register, St Mary’s Catholic Church, Castlemaine, p. 250.

Baptismal register, St Mary’s Catholic Church, Castlemaine, p. 126.

Victorian marriages register, (Rushworth Catholic Church) marriage between Jane Frances Benbow and Herbert Henry Perry, 31 December 1868 by Father F[?] Branigan.

I would like to record my gratitude to Arthur Rodway for putting me on track to the importance of Catholicism in the Rodway-Benbow Family.


‘Shipping, Port of Wellington’, *Evening post* (Wellington), 4 October 1878.

McKenzie, *A swindler’s fortune*, p. 6 and *passim*. 
Losing the Plot

Archaeological Investigations of Prisoner Burials at the Old Melbourne Gaol and Pentridge Prison

Jeremy Smith

This paper presents the results of archaeological investigations and historical research into the burials of all prisoners executed in Melbourne from 1880 onwards. Over the past fifty years the knowledge of the location of these prisoner burial sites had become confused or forgotten, and was not accurately represented in official records. Much of the confusion dates back to 1929 when, following the closure of the Old Melbourne Gaol, approximately thirty burials were exhumed and the remains relocated to Pentridge in chaotic circumstances.

Recent archaeological excavations at the Old Melbourne Gaol and former Pentridge prison have done much to disentangle the complex history of the prisoner burials and it can now be reported that all burial sites at the Old Melbourne Gaol and former Pentridge prison from 1880 onwards have been located.

This paper was written prior to 1 September 2011, when the Victorian Institute of Forensic Medicine announced the results of its DNA analysis of Pentridge remains. These remarkable findings are included here as a Postscript.

Abstract

This is a peer reviewed article.

Jeremy Smith is Heritage Victoria’s senior archaeologist. He studied History and Archaeology at the University of Melbourne, and worked on the university’s expedition to the Neo-Assyrian (Iron Age) site of Tell Ahmar in Syria from 1990 to 1993. He completed his Masters in Archaeology in 1995, and has been employed at Heritage Victoria since 1997. In 2009 he directed the excavation of a mass grave at the former Pentridge prison.

Background

In March 2002, archaeologists from La Trobe University, working at the Old Melbourne Gaol site, made a surprising discovery. They unearthed an intact coffin buried against a bluestone wall in the area of the former gaol hospital.[1] This unexpected find set in train a series of investigations into the history of prisoner burials at the gaol and at the former Pentridge prison in Coburg, which led to a number of significant outcomes, including the discovery of a ‘lost’ burial ground at Pentridge,[2] the recovery of the skull stolen from the Old Melbourne Gaol in 1978, and the identification of the remains of Colin Ross, who was executed in 1922, exhumed and reburied in 1937, and pardoned in 2008.

The history of Melbourne’s prisoner burials is not a straightforward one. Following the closure of the Old Melbourne Gaol in the mid-1920s the remains of all executed inmates that could be located were exhumed, transferred to Pentridge, and re-interred in mass graves. The first of these relocations took place in April 1929, when the remains of approximately thirty individuals were exhumed in the grounds of a former Old Melbourne Gaol labour yard. In 1937, four additional coffins were unearthed in a different area, adjacent to the former gaol hospital, and were also taken to Pentridge for reburial.[3] Additionally, between 1932 and 1967 ten inmates were executed and buried at Pentridge.

Postscript

In March 2002, archaeologists from La Trobe University, working at the Old Melbourne Gaol site, made a surprising discovery. They unearthed an intact coffin buried against a bluestone wall in the area of the former gaol hospital.[1] This unexpected find set in train a series of investigations into the history of prisoner burials at the gaol and at the former Pentridge prison in Coburg, which led to a number of significant outcomes, including the discovery of a ‘lost’ burial ground at Pentridge,[2] the recovery of the skull stolen from the Old Melbourne Gaol in 1978, and the identification of the remains of Colin Ross, who was executed in 1922, exhumed and reburied in 1937, and pardoned in 2008.

The history of Melbourne’s prisoner burials is not a straightforward one. Following the closure of the Old Melbourne Gaol in the mid-1920s the remains of all executed inmates that could be located were exhumed, transferred to Pentridge, and re-interred in mass graves. The first of these relocations took place in April 1929, when the remains of approximately thirty individuals were exhumed in the grounds of a former Old Melbourne Gaol labour yard. In 1937, four additional coffins were unearthed in a different area, adjacent to the former gaol hospital, and were also taken to Pentridge for reburial.[3] Additionally, between 1932 and 1967 ten inmates were executed and buried at Pentridge.
A number of significant, if notorious, historical figures are among those whose remains were almost certainly moved from the Old Melbourne Gaol to Pentridge. Ned Kelly is recorded as being one, as is Australia's worst nineteenth-century serial killer, Frederick Deeming,[4] and the 'baby-farmer' Frances Knorr.[5] However, despite the historical significance of many of the executed prisoners, the knowledge of the precise location of the burial ground at Pentridge was lost or forgotten. When the former Pentridge prison site was sold by the state government in 1999, the location of the burial ground could not be established with certainty, and an area adjacent to the east end of the D Division building – and which was known to contain the remains of Ronald Ryan (executed in 1967) – was wrongly designated as the likely location of all the burials.

The key event in the convoluted history of Melbourne's prisoner burials took place at the Old Melbourne Gaol, shortly after its closure, in 1929. On 12 April the first of a number of graves was exposed during construction work for the extension of the Working Men's College (now RMIT University).[6] The college had acquired part of the gaol property which had been used as a prison yard and as the burial area for inmates executed between 1880 and c. 1916. On 13 April 1929, the *Argus* published an article titled 'Ned Kelly’s grave. Discovery in Old Gaol. Schoolboys seize bones', which reported that:

> When the steam shovel was lifting earth and stones last week Mr. H. Lee, of Lee and Dunn, the contractors for the building, had his attention directed to the name ‘E. Kelly’ carved in a stone in the wall, together with the imprint of a broad arrow. The excavation work was continued with the steam shovel, and the workmen kept a lookout for the coffin (which) was unearthed at noon yesterday. The edge of the shovel ripped off the lid of the coffin, which was made of redgum, and a skeleton was revealed.

> As soon as this gruesome discovery was made a crowd of boys who had been standing round expectantly while eating their luncheons rushed forward and seized the bones. The workmen intervened, but in the scramble portions of the skeleton were carried off, including even the teeth. The grave and the coffin were still powdered with quicklime. After nearly 50 years the skeleton remained intact when it was unearthed.

> Mr. Lee intends to hand the skull to the police for the medical school at the University... Another coffin was seen protruding through the broken earth near the same spot. Arrangements have been made for the disinterment of this and such others as may be discovered with due respect for decency. (p. 20f)

On 17 April, the *Argus* followed up this story with an article titled 'Gaolyard graves. Stolen bones recovered. Reinterment at Pentridge', which reported:

> Following the warning given by the Chief Secretary (Dr. Argyle) on Monday that those who had removed the bones of the bushranger Ned Kelly from his grave in the Old Melbourne gaol yard, when it was opened last week during building operations, most of the bones were returned to officers of the Penal department yesterday. Many were returned by those who had taken them away, but others were recovered by detectives who investigated the case...

> Since it has been established that the bones of executed criminals buried in the gaol yard have not been destroyed by the quicklime in which they were buried, it was decided by the State Cabinet yesterday to open the remaining graves, and remove the coffins to the Metropolitan Gaol at Pentridge. (p. 7h)

A further report in the *Argus* on 19 April quoted the Secretary of the Building Labourers’ Union, who confirmed that ‘apparently no attempt had been made to identify the remains, which had been placed in sacks about the works’.[7] Following the chaotic discovery and disturbance of the first graves, a professional undertaker was engaged to oversee the exhumation and re-interment of the remaining burials. The undertaker Josiah Holdsworth, of Lygon Street in Carlton, was assisted by Charles and Leslie Brown from the Melbourne General Cemetery.[8] The *Argus* report of 19 April stated that Holdsworth was in charge of works at the site and he had explained that all remains were to be placed in coffins and taken to Pentridge. Holdsworth was aware that sets of remains had already been relocated to Pentridge.

Two issues of particular significance emerge from the events at the Old Melbourne Gaol in April 1929. It is clear that the initial process of exhumation, the sorting and packing of bones, and their relocation to Pentridge was carried out in a disorganised manner, particularly in the week prior to the engagement of Holdsworth. It is possible that some mixing or commingling of remains took place during the exhumation process and while bones were ‘lying in sacks about the works’. At the same time, information about which remains had come from particular coffins and grave sites may have become confused. The theft of remains believed to be those of Ned Kelly on Friday 12 April and their recovery at the start of the following week may have resulted in the loss of some material or even the substitution of other bones.
A remarkable image exists of the former Old Melbourne Gaol burial ground being disturbed in April 1929 (Image 1). The picture shows the dismantling of the southern bluestone wall of the yard. The bluestone blocks were destined for re-use in the construction of sea walls stretching from Brighton to Beaumaris as part of depression-era civic works. In the yard, the initials of each executed inmate and the date of his or her execution were carved into the wall adjacent to the burial plot. As a result, at three known places along the sea wall it is possible today to see clusters of bluestone blocks with carved initials and dates (Image 2). In all cases the initials and dates correlate with the name of an inmate and the date of execution. The April 1929 image also portrays the ‘scramble’ so vividly reported in the Argus. Open grave sites can be seen, and coffins and coffin lids lie strewn across the site. On the left-hand side of the image a pile of square wooden boxes is visible. In 2008, what are probably the very same boxes were discovered in a mass grave at Pentridge, containing prisoner remains.

The exhumations that took place in the former yard of the Old Melbourne Gaol in 1929 were undertaken to allow extensions to the Working Men's College. In 1937 it was decided that the four burials located in the grounds of the gaol hospital should also be exhumed and transferred to Pentridge. The hospital grounds had been used for burials from approximately 1912 until 1924. We now know that there were five, rather than four, coffins buried in the grounds of the hospital in the early twentieth century and that one of these was not found by the team engaged to relocate the burials in 1937. It was this one remaining burial which was unearthed by the La Trobe University archaeology team, sixty-five years later in March 2002, as they were monitoring landscaping works being conducted by RMIT.

Excavations at Pentridge

Following the work by the La Trobe University team, and the developing understanding of the sequence of exhumations at the Old Melbourne Gaol, Heritage Victoria's attention turned to the former Pentridge prison site, which had recently been sold by the government to private developers. Historical evidence suggested that Pentridge was the location for approximately forty-four burials: thirty sets of remains transferred from the Old Melbourne Gaol in 1929, an additional four burials relocated in 1937, and ten burials of inmates executed and buried at Pentridge between 1932 and 1967.

As part of the research into the history of the single burial unearthed at the Old Melbourne Gaol site in 2002, the La Trobe team obtained copies of a couple of different versions of a plan that seemed to show the layout of a burial ground at Pentridge. One version of the plan was obtained from a Department of Corrections file. A similar plan, reproduced here (Image 3), was obtained from a National Trust staff member and shows a rectangular area (with marked dimensions of 80 feet x 24 feet) located within an iron fence and with a gate in one corner. Two things are immediately interesting about this plan. The first is that the burial location of Ronald Ryan (executed in 1967) is not shown; the second is that the burial area is of a very different size and shape from the triangular-shaped area adjacent to the end of D Division, which had long been regarded as the Pentridge cemetery site, and which was known to contain Ryan's remains. What the plan does show are three large mass grave sites containing individuals from the 1929 relocation, a smaller mass grave possibly relating to the 1937 re-interments, and individual plots of the nine inmates who were executed and buried at Pentridge between 1932 and 1951.
So in 2006, based on the evidence of this plan and suggestions from former prison staff that there may have been an earlier burial site separate from that of Ryan's, Heritage Victoria determined that archaeological testing of the Pentridge cemetery site was warranted.

[13] The aim of the testing was to confirm that all of the former Old Melbourne Gaol and Pentridge burials could be accounted for, and to define the precise location and extent of the burial area. In September 2006, consultant archaeologists Terra Culture, led by senior archaeologist Catherine Tucker, conducted detailed testing across the cemetery site. They demonstrated conclusively that this area contained only one burial, believed to be that of Ronald Ryan.[14] It was then apparent that the burial locations of as many as forty-four individuals, including some of the most significant figures in Australia’s criminal and general history, were not known.

What followed was a detailed program of historical research, through a range of prison and other records, to try and establish the location of the Pentridge burial ground. The most important breakthrough came from an examination of a series of aerial images from the 1955 ‘Airspy’ series (Image 4). One image covered the Pentridge prison site which, when magnified, showed a rectangular yard, unused and overgrown with weeds, enclosed by a corrugated iron fence (Image 5). The dimensions of the yard matched the size and shape of the burial ground shown in the old prison records plan.

Terra Culture were again engaged to conduct archaeological investigations in the area identified in the aerial image. Over the course of a few weeks they located the grave sites of the nine prisoners executed and buried at Pentridge between 1932 and 1951 and a single mass grave, believed to contain the remains of the four individuals relocated from the Old Melbourne Gaol in 1937.

At this time no actual disturbance to the graves or exhumations took place, as the archaeologists’ brief was only to establish the location of the burial ground. The burials relocated from the Old Melbourne Gaol in 1929 were not identified as part of this phase of testing, and it was noted that the area at the western end of the site (the area indicated on the burial plan as being the location of the three large mass graves) had been extensively disturbed by mid-twentieth-century sewerage and drainage services.
The satisfaction that the burial ground had been successfully located was tempered by the likelihood that the earliest burials containing significant figures such as Kelly and Deeming had been disturbed and removed during building works in the grounds of Pentridge in the 1960s (Image 7).

In March 2008, following discussions with the Department of Human Services[15] and the Office of the State Coroner,[16] it was determined that the burials located by the Terra Culture team should be exhumed.[17] The archaeologists’ brief was to establish whether the individuals interred in the burial ground at Pentridge could be identified, and to record all significant features of the burials. Any remains that could not be positively identified were to be delivered to the coroner’s office. It was also determined that any remains that could be identified were to be exhumed from the burial ground and re-interred in the area at the end of the D Division building (where Ryan had been buried until his remains were exhumed and handed to his family in early 2008). The site owners, Pentridge Village, made a large area of land available in this part of the site for the reburial of all recovered remains, and for the development of an appropriately designated, managed and interpreted cemetery area.

During March 2008 the Terra Culture archaeologists conducted detailed investigations and exhumation work across the former burial ground.[18] The remains of the nine inmates executed at Pentridge between 1932 and 1951 were identified. These remains were found in individual burial plots and in separate coffins with metal name plates.[19] As all of these burials were clearly identifiable there was no requirement for the remains to be forwarded to the coroner, and they were re-interred in the designated burial area adjacent to the D Division building.

As they continued their investigations, the archaeologists also located and exhumed remains believed to be those transferred from the Old Melbourne Gaol in 1929 and 1937. The first of these to be uncovered was a small plot containing four coffins. It was likely these were the remains moved from the grounds of the gaol hospital in 1937. The prison records plan lists Ross, Murray, Oldring and one ‘Unknown’ as being re-interred in this small mass grave. However, as there were no name plates attached to any of the coffins it was not possible to identify any of the individuals at the time of exhumation, so these remains were delivered to the coroner’s office.[20]

At the western end of the burial area, in the part of the site shown on the plan as the location of the three mass graves containing the prisoner remains relocated from the gaol in 1929, the archaeologists found only two mass graves. These graves had not been identified during their earlier testing phase because they were located at a greater depth than the other burials.


One of the mass graves contained twelve wooden coffins and was designated by the archaeologists as Pit A. The condition of the coffins and their contents varied greatly, but in many cases was good. A few metres to the west of Pit A, the second mass grave was found and was designated as Pit B. Pit B was slightly smaller than Pit A and contained only five coffins. Generally, the condition of the Pit B coffins and remains was comparable with the material found in Pit A, suggesting that they were associated with the same process of relocation. Large amounts of lime had been packed into the coffins in both of the mass graves, presumably to accelerate the deterioration of the remains. However, inside the coffins the lime had set as a solid mass or cast and had instead preserved the bones. No name plates or identifying features were located on or within any of the coffins in either of these mass graves. Accordingly, the remains from both Pit A and Pit B were exhumed and delivered to the coroner.

Despite conducting extensive investigations within the area of the historic burial ground, and particularly in the direct vicinity of the two large graves, the third mass grave (as shown on the burial plan) could not be located. By the end of March 2008, a large rectangular area measuring more than 30 m x 10 m had been excavated down to the undisturbed subsoil, to prove that there were no more burials in the area designated on the historic records plan.

In general, the positions of the graves accorded well, if not exactly, with the details shown on the historic plan: the graves were located in two lines running on an east-west orientation, and the three burials of Clayton, Lee and Andrews were found directly adjacent to each other. However, the burials of almost all of the other twentieth-century prisoners were not shown in their correct relative locations; only Sodemann's burial was correct. Other features shown on the plan, such as the iron perimeter fence, were also demonstrated as being correct by the archaeologists, who found evidence of the fence-line structure. The main discrepancy between the plan and the archaeological findings was the absence of the third mass grave, although there remained the possibility that this feature had once existed, as shown on the plan, but had been disturbed or relocated in the mid-to-late twentieth century.

It is significant to look in detail at the numbers of burials discovered in the two large mass graves. Pit A contained twelve burials, and Pit B contained five. These numbers accord exactly with the details shown for two of the mass graves on the burial plan. The mass grave shown on the plan as the middle of the three plots is listed as containing twelve burials.[21] The plot at the end of the burial ground lists five names.[22] The twelve burials in Pit A seem generally to consist of inmates executed at the Old Melbourne Gaol in the period 1889 to 1904, while the five burials in Pit B are more likely to be from the period 1912 to 1916. There were no executions in Melbourne between 1905 and 1911. In some cases it is possible to speculate on the identities of those listed as ‘Unknowns’, based on the list of Victorian executions. For example, the names of William Colston (executed at the Old Melbourne Gaol in 1891) and George Syme (executed 1888) do not appear on the burial plan, although it is likely that their remains were included with the material exhumed and relocated in 1929.

As a result of the Terra Culture fieldwork it was considered likely that the large mass grave that remained unaccounted for was the largest plot, and would have contained approximately fifteen burials, including the oldest sets of remains dating back to 1880, but that the other two mass graves from 1929 had been found.

**Ned Kelly's Skull**

Throughout 2008 there was considerable media interest in the investigations at Pentridge. Unsurprisingly, much of this attention focused on the search for Ned Kelly's bones. The media coverage resulted in many enquiries to Heritage Victoria, with some unexpected results. In mid-2008 Mr Tom Baxter contacted Heritage Victoria, claiming that he knew the location of the skull that was stolen from the Old Melbourne Gaol in 1978. The skull, which was on display at the gaol at the time of the theft, was one of four that had been given to the National Trust (the managers of the gaol) in 1971 by the Institute of Anatomy in Canberra. It is believed that the ‘Baxter skull’ and three others were given to Colin McKenzie, the founder of the Australian Institute of Anatomy, soon after the 1929 exhumations took place. One theory suggests that Mr H Lee, whose firm of Lee and Dunn, building contractors, worked in the gaol yard in April 1929, collected the skulls – thought to be those of Kelly, Deeming, Knorr and Needle – when their coffins were first exposed (see excerpt from the *Argus*, 13 April 1929, quoted earlier).

When he contacted Heritage Victoria, Mr Baxter asked whether Ned Kelly’s remains had been discovered, and what plans there were for the reburial of any identified remains. Although it was not possible for these questions to be answered at that time, Mr Baxter was encouraged to contact Heritage Victoria again in the future to discuss the progress and results of the project.
It was also suggested to him that he should consider handing the skull in to the coroner, as it was potentially a significant item in its own right and might assist with the identification of other remains recovered from Pentridge.

In November 2008 Heritage Victoria invited Mr Baxter to visit the site of the Ann Jones Inn, Glenrowan, which was undergoing archaeological investigation. He was again encouraged to consider releasing the skull to the appropriate authorities. A year later, Mr Baxter contacted Heritage Victoria and stated that he had decided to deliver the skull to the coroner, and he subsequently did so on 11 November 2009.[23] The Victorian Institute of Forensic Medicine was able to establish that the skull was that of a robust adult male and commenced DNA analysis.

Colin Ross

Another significant outcome from the project concerns Colin Campbell Ross, who was convicted of the notorious ‘Gun Alley Murder’ on 25 February 1922 and executed two months later. On 27 May 2008, following forensic investigations which discredited key police evidence, Colin Ross received a posthumous pardon from the Governor of Victoria. On hearing of the discovery of the burial ground at Pentridge, the descendants of Colin Ross asked whether his remains could be identified and whether they could be returned to the family.

Colin Ross was the second-last inmate executed at the Old Melbourne Gaol, and historical evidence suggests that he was one of the five individuals originally buried in the grounds of the gaol hospital. It was likely, as the burial plan suggests, that his remains were located in the small mass grave at Pentridge that contained four burials relocated from the gaol in 1937, and so the chances of making a definitive identification were strong.

On 1 September 2010, the coroner issued a determination stating that the remains of Colin Campbell Ross had been successfully identified, and directing that his remains be released to the senior next of kin.[24] The cremated remains of Colin Ross were handed to his family at a ceremony at the Old Melbourne Gaol in October 2010.

The Missing Mass Grave

While the recovery of the Baxter skull and the identification of Ross's remains were proceeding, a final discovery was unfolding. On 23 February 2009, Heritage Victoria was contacted by the Pentridge site owners to inform them of the unearthing of additional burial boxes located not far from the historic cemetery area. The boxes had been uncovered during site trenching work, although the burials had not been disturbed. After inspecting the site it was clear that the exposed feature consisted of more than just one or two coffins and was in fact another mass grave. Following consultation with the coroner’s office and the Victorian Institute of Forensic Medicine, Heritage Victoria’s historical archaeology unit agreed it would investigate the discovery and manage any burials and human remains in accordance with the protocols previously established for the Terra Culture work.[25]

The archaeologists worked throughout March 2009 to exhume and record the burials from what proved to be the largest of the mass graves at Pentridge. The plot (designated Pit C) contained two layers of burials, totalling twenty-four burial boxes. In some cases the remains of one individual were found to be spread across more than one box, with bones from the upper body located in one box and bones from the lower part in another. It is likely that the partial or nearly complete remains of approximately fifteen individuals were contained within these twenty-four burial boxes. The top layer of Pit C consisted of eleven wooden boxes, three medium-sized coffins and one small coffin (Image 8). The bottom layer contained six wooden boxes and three coffins (Image 9). It is almost certain that this was the missing plot that had not been found during the archaeological investigations a year earlier. Intriguingly, the mass grave was not located in the area shown on the historic burial plan, but was discovered approximately thirty metres away from its recorded position. It is possible that this mass grave was originally located within the burial ground, as shown on the plan, but was disturbed and relocated, perhaps during the 1960s when drainage pipelines were installed across this part of the site.


Pit C is likely to have been the first mass grave established at Pentridge, containing the remains of inmates executed from 1880 to the mid-1890s, and it probably represents the initial phase of exhumation and relocation work undertaken in chaotic circumstances by the building contractors prior to the appointment of the undertaker Holdsworth. The Argus reports the initial discovery of the ‘Kelly’ grave site taking place on Friday 12 April 1929, and Holdsworth is in charge on site by the following Friday 19 April, so it is almost certain that the reburial of the oldest set of remains in the first mass grave took place at Pentridge between 15 and 18 April 1929.

The conditions of reburial noted in Pit C differ markedly from those observed in Pits A and B, further suggesting that Pit C contained the first burials relocated to Pentridge prior to Holdsworth’s appointment. Significantly, Pit C was found to contain a large number of wooden boxes, which had been used for the reburial of human remains. It is likely that the contractors picked surviving bones from the remains of deteriorated wooden coffins and placed them in the boxes for relocation and reburial at Pentridge. Holdsworth, as a professional undertaker, may have insisted on the use of new coffins, as seen in Pits A and B.

Research on the boxes found in Pit C has shown that they were originally used for a range of industrial purposes. Four of the boxes were made for axe handles, imported from the American Mann Edge Tool Company (Image 10). Two others were manufactured in Australia for bottles of lamp kerosene by the Commonwealth Oil Refineries (Image 11). An annotation which reads ‘Boxes: 17 Small Coffins:’ appears on the historic burial plan, directly beneath the names listed in the largest of the mass graves (see Image 3 above). Exactly seventeen boxes and seven coffins were identified by Heritage Victoria in Pit C (Images 10 and 11). This further supports the identification of this feature as the mass grave of the first inmates exhumed at the Old Melbourne Gaol and relocated to Pentridge, probably at the start of the week of 15 April 1929, as does the discovery in one of the boxes of paper fragments of the Argus dating from 3 April 1929 and 12 April 1929.
During post-fieldwork analysis in Heritage Victoria’s Conservation and Research Centre, very fine lead-pencil markings were noted on the lids of a small number of the Pit C burial boxes. The details written on the three lids were: John Thomas Phelan; William Colston 91; and John Conder 28-8 94. Phelan’s name is shown on the historic burial plan, and his execution date in Melbourne in 1891 places him within the chronological range expected for the earliest of the mass graves. Neither Colston’s nor Conder’s name is listed anywhere on the burial plan, but their dates of execution (Colston in 1891 and Conder in 1893) place them in the middle of the range of dates noted for the other burials in the mass grave. It is possible that Colston or Conder could be the ‘Unknown’ listed on the plan between the names of Phelan and Wilson. The name ‘Coulter’ does appear on the burial plan, even though no-one of that name was ever executed in Victoria. Interestingly the date of Conder’s execution is written on the lid as 28-8 94, but Conder was actually executed on 28 August 1893.

Final Steps

On 2 September 2010, the State Coroner announced that she was satisfied that the human remains recovered from the mass graves at the former Pentridge prison site were the remains of judicially executed prisoners, originally interred at the Old Melbourne Gaol, and that no formal inquest was required.[26]

In October 2010, the (then) Attorney General, Robert Hulls, announced funding for the forensic profiling and testing of all of the former Old Melbourne Gaol remains that were relocated to Pentridge in 1929 and 1937.[27] Forensic investigations are currently underway but it is not yet known whether it will be possible to obtain viable DNA samples from the remains, which in many cases are highly deteriorated. If DNA can be obtained from the Pentridge remains, and if family descendants choose to come forward and submit samples for cross-referencing, definitive identification of some or all of the remains may be possible. In the next few months, following the completion of the forensic work, it is likely that the remains will be reburied, in individual plots. This will probably take place at the former Pentridge site in the area set aside by Pentridge Village, where the remains of the nine other inmates executed and buried at Pentridge between 1932 and 1951 (whose identities are known) have already been re-interred. This space will not celebrate the lives of those who are buried there, but they are, by any reckoning, significant historical figures and a site interpretation scheme will present the stories of the Old Melbourne Gaol and Pentridge burials.

Although the final project outcomes are still to come, much has already been achieved. The remains of Ronald Ryan and Colin Ross have been formally identified by the coroner, and returned to their families for private burial. The skull that was stolen from the Old Melbourne Gaol in 1978, and believed by some to be that of Ned Kelly, has been handed in and is now undergoing analysis. At the former Pentridge prison site in Coburg all burials are now accounted for and the burial ground that was last used in 1951, and seemingly faded from general memory soon after, has finally been rediscovered.

Postscript

On 1 September 2011, the Attorney General Robert Clark announced the results of the Victorian Institute of Forensic Medicine’s investigations into the Pentridge remains. The team had made remarkable findings relating, firstly, to the skull handed to the coroner by Tom Baxter and, secondly, to the remains of Ned Kelly.

The forensic team obtained DNA from more than thirty sets of the Pentridge remains. Samples of DNA were also taken from the ‘Baxter’ skull, and from the great-grandson of Ned Kelly’s sister.
The most significant findings were:

The ‘Baxter’ skull is not that of Ned Kelly, but its DNA matches another of the Pentridge burials. Odontological analysis (which assesses teeth and facial bone structures) and comparisons with death masks suggests that the skull is that of Frederick Deeming.

The DNA of the Kelly relative matched with the remains from one of the axe boxes in Pit C (see Image 10 above). These are the remains of Ned Kelly. Surprisingly, the skeleton was found to be almost complete, missing only the majority of the skull, a few vertebrae and some smaller bones. The discovery of part of Kelly's skull in the burial proves that a single intact skull no longer exists.

The bones of Ned Kelly showed clear evidence of the injuries he received at the Glenrowan siege in June 1880. A round hole caused by a gunshot wound was visible in the top of his right tibia and two metal gunshot pellets were lodged inside the bone. There was clear evidence also of gunshot wounds to the left arm and right foot, consistent with the injuries reported by Dr Andrew Shields, who tended Kelly after his capture.

The results of the forensic analysis confirm some of the theories associated with the Melbourne Gaol and Pentridge burials, but throw others into question. For example, the Argus stories from April 1929 that report the ransacking of Kelly’s grave are belied by the largely intact condition of his burial, which is among the most complete of all the Pentridge remains. It seems that the ‘crowd of boys’ who ‘rushed forward and seized the bones’ targeted the wrong burial. However, the theory that Pit C was likely to contain the remains of the first burials exhumed from the gaol (including Kelly’s) has been shown to be correct.

Now that Ned Kelly’s remains have been identified, Heritage Victoria has begun discussions with relevant parties, principally the family, regarding their appropriate reburial.

Endnotes


[2] The burial grounds contained the remains of all inmates executed in Melbourne between 1880 and 1951, except for Edward Leonski, an American serviceman who was executed at Pentridge in 1942. His remains were returned to the American military and he was buried on the island of O’ahu, Hawaii.

[3] It is likely that the first burials within the Old Melbourne Gaol took place in 1865, following the enacting of the *Criminal Law and Practice Statute 1864*. This statute required the burial of executed inmates within the grounds of the prison in which they were last incarcerated. Eighteen executions and presumably burials took place at the gaol from 1865 to 1879 inclusive. The locations of these burials are not known, but it is possible that they were interred in a large square labour yard in the south-west corner of the gaol precinct (see *The Argus*, 17 April 1929, p. 7). See also MMBW Detail Base Plan 1022, 1895, and MMBW Detail Plan 1022, c. 1910, Maps Collection, State Library of Victoria (821.09E). The passing of the *Crimes (Capital Offences) Act 1975* (Victoria), which abolished capital punishment, means that the provisions of the 1864 Act no longer apply.

[4] Frederick Bailey Deeming was executed in 1892 for the murder of Emily Mather in Windsor. It is likely that he was also responsible for other murders in England and South Africa, where bodies were discovered in houses he had occupied. See R Weaver, *The criminal of the century*, Arcadia/Australian Scholarly Publishing, North Melbourne, 2006, and PROV online exhibition *Bigamy, theft and murder: the extraordinary tale of Frederick Bailey Deeming*.


[6] It is likely that the authorities did not expect to find the burials largely intact, owing to the practice of adding quicklime in order to hasten decomposition. Ironically, the lime may have had the opposite effect, contributing to the preservation of coffins and remains. See PROV, VA 475 Chief Secretary’s Department, VPRS 3992/P0 Inward Registered Correspondence III, Unit 1858, File W4499.


[10] See advice from Joseph Akeroyd, Inspector General of Penal Establishments, to Chief Commissioner of Police regarding location of five burials in hospital grounds, PROV, VPRS 3992/P0, Unit 1858, File W4499. Initially there were difficulties locating the burials in the hospital grounds and a retired former chief warden was asked to provide advice. See also *The Argus*, 17 April 1929, p. 7.

[11] See Hewitt and Wright, ‘Identification and historical truth’. The remains exhumed by the La Trobe team were re-interred at Fawkner Cemetery on 26 April 2002.

[12] One version of the plan was obtained from the Department of Corrections, see K Zygmontowicz, ‘Old Melbourne Gaol Hospital and Warders’ Yards’, appendix D.


[14] Following a request from his family, Ronald Ryan’s remains were exhumed in December 2007. After confirmation of his identity, the remains were given to his family in early 2008.

[15] In Victoria, the Department of Human Services administers the Cemeteries and Crematoria Act 2003.

[16] In Victoria, the Office of the State Coroner and the Coroner’s Court administer the Coroners Act 1985. On 1 November 2009, the Coroners Act 2008 came into operation.

[17] The Coroners Act 1985 requires that all unidentified human remains must be made available to the coroner, who will determine whether the death(s) is ‘reportable’ and whether an inquest(s) is needed.

[18] The Terra Culture work was conducted under the terms of Department of Human Services Exhumation Licence No. 65/2007. The field team was assisted by Dr Soren Blau, forensic anthropologist, from the Victorian Institute of Forensic Medicine (VIFM). In collaboration with VIFM and Heritage Victoria, the team developed and followed detailed protocols to ensure the careful and thorough exhumation of all burials, the avoidance of commingling of remains, and detailed recording of site evidence.

[19] Remains were those of David Bennett (executed 26 September 1932), Arnold Sodemann (1 June 1936), Edward Cornelius (22 June 1936), Thomas Johnson (23 January 1939), George Green (17 April 1939), Alfred Bye (22 December 1941), Robert Clayton (19 February 1951), Norman Andrews (19 February 1951) and Jean Lee (19 February 1951).


[21] Spelling of Landells on the burial plan is incorrect. Robert Ladells was executed on 16 October 1889.

[22] Spelling of Pfefer on the burial plan is incorrect. Joseph Pfeiffer was executed on 29 February 1912.

[23] The circumstances of Tom Baxter’s acquisition of the skull were never discussed with Heritage Victoria, and he never requested or received any indemnity from prosecution.


[25] The investigations of the mass grave (Pit C) were undertaken by Heritage Victoria archaeologists Jeremy Smith, Brandi Bugh, Anne-Louise Muir, Rhonda Steel and Hanna Steyne with assistance from Catherine Tucker and Richard Marshall (Terra Culture). Background historical research was undertaken for Heritage Victoria by Helen Harris OAM and Carlotta Kellaway.


[27] *Sunday Herald Sun*, 24 October 2010, p. 42. These were the only government funds that were allocated to this project. All other research, fieldwork and analysis were carried out as part of the core operations of Heritage Victoria, the coroner’s office and VIFM.
In Pursuit of the Kelly Reward

An examination of applicants to join the hunt for the Kelly gang in 1879

Brett Wright

Abstract

The offer of an £8000 reward in 1879 for the capture or destruction of the Kelly gang drew numerous applications to join the hunt from ex-police and others, many of whom were seeking employment, and a surfeit of schemes to effect a capture. Letters to the police during that year are examined in some detail. The reward, although eventually paid, failed in its primary objective and it is contended that it may have been detrimental to police efforts to apprehend the gang through the use of informers.

The year 1879 heralded a crisis for the Victoria Police. The bushranger Ned Kelly and his gang were at large following the murder of three policemen the previous year at Stringybark Creek, near Mansfield. They had evaded a massive police hunt launched immediately after the murders and gone into hiding at various locations in rural Victoria and New South Wales, emerging to commit spectacular bank robberies at Euroa and Jerilderie. The gang were ably supported in their activities by a rural network of sympathisers – a ‘bush telegraph’ that helped to keep them ahead of their pursuers. By early 1879, the Victoria Police, hardly a highly regarded institution in its early years, now lay exposed as an inefficient and bumbling force seemingly incapable of catching violent offenders, particularly in the bush.

Almost as worrying for the police, the popular impression of the Kellys as Australian anti-heroes, supported by extensive press coverage of their daring exploits, had crystallised public resentment towards colonial authorities seen to be privileged by ancestry and out of touch with the emerging ethos of an increasingly native-born population.[1] For whatever reason, native-born Victorians avoided joining the Victoria Police in the 1870s. The Census of Victoria, 1871 recorded that 45 per cent of Victoria's population was native to Victoria, yet, according to Robert Haldane, there were just ‘thirty native-born constables in a force of 1060’ in 1874.[2] Irish-born men, who comprised less than 14 per cent of the Victorian population in 1871, made up an astonishing 82 per cent of the force's numbers in 1874. At the head of the police force, however, stood a figure of authority whose career was to suffer in the wake of the Kelly outbreak. Captain Frederick Charles Standish, the Chief Commissioner of Police, was a member of an English upper-class family, appointed in 1858 with little military and no police experience. Living the convivial life of a gentleman in Melbourne society, Standish was known for his political manoeuvrings, haughty manner and destabilising favouritism in police promotions.[3] Such an image, matched with an inability to capture bushrangers, made the Victoria Police and, by association, the government that supported the police leadership, an easy target for criticism during the Kelly outbreak.
The government’s reaction to the Stringybark Creek murders was swift and severe. Within ten days of the murders, the Berry Government had enacted the Felons’ Apprehension Act 1878 and called on Ned Kelly and his brother Dan to surrender or be declared outlaws under the Act’s draconian provisions, which authorised any citizen to shoot a declared outlaw on sight. The Victorian Government also committed a major outlay in public funds to the Kelly hunt and, after the Jerilderie raid in February 1879, combined with New South Wales to increase the reward for the gang’s capture to £8000, the fourth increase in the reward in the space of just four months.

By early 1879, press coverage of the gang’s exploits and proposed methods for their capture was lengthy, lively and no doubt profitable for the newspaper proprietors. The journalists were aided by an extensive telegraph network in rural Victoria, which enabled them to file several stories a day from townships close to the Kellys’ area of activity. Fairly or unfairly, the press coverage highlighted the inadequacies of the police effort. After the Jerilderie raid, the Argus reported that:

The outrage was of the most daring character, for, after crossing the Murray, the gang had to travel through level country, and had the Victorian police been aware of the movement it would have been easy to cut the gang off from their old retreats, and to have brought them to bay. The Victorian police have little information on the subject, but Captain Standish has telegraphed to the Acting Chief Secretary...

The negative press coverage was exacerbated by ignorance among journalists and their city readers as to the practical difficulties in tracking and surrounding a group of four outlaws in the wide tracts of ‘Kelly country’, much of which was inaccessible. But ignorance was no barrier to the many reports and speculations on the Kelly outbreak, and suggested plans to capture the outlaws appear in the pages of the Melbourne press throughout much of 1879. ‘The police have shown themselves to be completely out-generalled’, railed a bank manager in the Argus two days after the Jerilderie raid. Another letter the same day urged a loosening of ‘ridiculous’ police regulations to allow police troopers to hunt the Kellys without a requirement to report to their superiors, while a third advocated the use of bloodhounds which had proven successful in catching fugitive slaves in the United States. One letter writer recommended a reward of £10,000 plus a free pardon and conveyance from the colony for any accomplice or informer not implicated in the murders. ‘The capture of the Kellys should be regarded as a matter of money’, the writer advised.

The Kelly outbreak and government responses to it, in particular the reward, enlivened the public’s imagination. The press coverage gave ample voice to public opinion but the strength of sentiment went beyond the ambitions of a mere newspaper campaign. One begins to think of the impact of a declaration of war on a body of citizens. I can think of no better way to illustrate the mood of the colony at this time than through the recollections of Constable Thomas McIntyre, the sole police survivor of the Stringybark murders. Several weeks after the murders, McIntyre was re-assigned to a desk job – that of an orderly to the Chief Secretary, a billet he recalled as ‘very disagreeable’. The Chief Secretary was apparently annoyed by the numerous callers... as I did not know who to announce or who not to announce... To add to my discomfort a number of those seeking an audience were offering their services to catch the Kellys, and it was a subject constantly talked about...

[A] gentleman called several times and I understood him to be a representative of several public servants who were anxious to catch the Kellys, and who were applying for leave and equipment for that purpose. I think his proposal was not favourably received, but judging by the persistent and energetic manner in which he returned again and again, he was quite capable of catching the Kellys, if he could have found them... I do not know whether these gentlemen had any special qualifications for finding the bushrangers, indeed it was quite possible they had not even the most rudimentary knowledge of the difficulties surrounding the work they were so anxious to undertake, but it did not require much discrimination to see that their representative was fairly bubbling over with pluck, and no doubt his associates were in an equally effervescent state.

In the midst of a vigorous public debate, a few members of the community wrote directly to the police on the quiet, offering their assistance to catch the gang. The focus of my research has been on these letters and some associated documents, which have come down to us in about fifty police correspondence files relating exclusively to the Kelly hunt, dated 1878-79. The files, which mainly comprise letters to the chief commissioner and some internal memoranda, first came to light in two bundles found in the archives of Public Record Office Victoria (PROV) by the police historian Helen Harris. They had been misfiled in police correspondence for a later period, 1894-1908. Harris has described the 1870s Kelly hunt correspondence as part of her discussion of a much larger body of police correspondence related to applications for admission to the Victoria Police.
However, it would be misleading to categorise the 1878-79 Kelly correspondence as applications for admission; overwhelmingly they are applications for employment as volunteers, police informers or special constables for the purpose of catching the Kelly gang. Recently the letters were re-catalogued by PROV and joined with hundreds of items of inward and internal correspondence relating to the Kelly hunt, including telegrams and confidential reports.[10]

It is difficult to summarise the nature and intent of the authors of the 1878-79 Kelly correspondence, but the term ‘would-be bounty hunter’ comes to mind. Looking first at former police, the files reveal that at least eleven ex-policemen applied to take part in the Kelly hunt during this period. These included two former New South Wales police officers: JC Mitchell, who was ‘desirous of joining the Victorian police force’ (although there is no record of him joining later);[11] and Charles Drake, who offered to assist in the hunt but would require arms and ammunition, as well as money for the journey from Newcastle. In his letter to the chief commissioner on 2 February 1879, Mitchell did not mention the Kelly gang but said he had a good knowledge of the locality. It is possible he had referred to the Kelly gang in a letter written four weeks before, but which has not survived. Drake's letter asked if the reward offered was secure ‘in the case of the capture being effected’. [12] John McMahon, a 40-year-old in South Australia, with experience in ‘the English army’ and an unnamed police force, offered to catch Ned Kelly ‘within two months dead or alive’. [13] In seeking to volunteer for the hunt, ex-constable John Flynn of Williamstown emphasised his loyalty to his fellow police, ‘I will not take a wombat hole and leave my comrades in action’, he wrote, apparently in reference to the behaviour of Constable McIntyre at Stringybark Creek.[14] Flynn does not state the police force to which he belonged; there is no record of a ‘John Flynn’ in the Index to members of Victoria Police, 1853-1953.

The correspondence shows that several former Victorian policemen sought re-admission. They were: ex-constable Hugh Bracken, who had been a warden at Beechworth Lunatic Asylum and a volunteer in the search for the Kelly gang; ex-constable Daniel Lanigan, a warden at Sandhurst Gaol; and ex-constable S Bennett.[15] The remaining five former police variously offered plans for the gang’s capture or sought appointment as special constables for the hunt. Ex-constable Denis Boyle had been dismissed from the Victoria Police ‘on a very trifling charge’ and since then ‘had been temperate and supported my family respectable’. [16] Ex-senior constable George Buckmaster had resigned in 1870 after punishments for drunkenness and offensive behaviour but now sought to return from Brisbane to become a special constable ‘with the pay of a 1st class sergeant’, permission to act independently and the assistance of four constables. His offer was declined. Chief Commissioner Standish noted in the correspondence that Buckmaster had written several offensive letters about the Victorian police to the Queensland newspapers.[17] Ex-constable Phillip Deniher of North Melbourne offered his assistance but a local police inspector remembered him to be fond of drink and talking, and so his offer was declined.[18] Robert Shanahan, writing from Avenel, claimed to ‘have been in the mounted police’ but there is no mention of him in Victoria Police records. His plan to catch the Kelly gang involved gaining the assistance of a man called Hanney who was in custody and ‘a particular favourite with the Kellys’. [19] Ralph Johnson in Ballarat sent a telegram on 31 January 1879: ‘Will my services be accepted please reply I am anxious’. [20] This was a reminder about his letter, dated 27 December 1878, saying he would have offered earlier to assist in the Kelly hunt if not for being ‘laid up all through the harvest with a broken hand’. In his letter, Johnson also claimed to have been in the mounted police, ‘stationed some time in Benalla’. [21] In their letters, the ex-policemen tended to emphasise their bushcraft, knowledge of the area and its people, and their skills with guns and horses. As a group they give an impression of being down on their luck and hoping to gain some much-needed employment.

The remaining correspondence from persons without police experience is more varied but it is reasonable to assume that their primary motive was financial. Certainly it is evident that many were short of funds. WC Creed from Dairy Dartmoor in south-west Victoria wrote three letters to police between February and July 1879 offering to capture the Kelly gang ‘alive and single-handed’ – but first he would require a railway pass and £2. Creed wrote to Captain Standish in March: ‘In reply to my letter of the 15th of February you told me that I could try my plan to capture the Kelly gang privately but... I have not the means... and I shall need the cooperation of the police.’[22]
Unusual schemes to catch the Kelly gang, often ill-considered and occasionally bizarre, were a feature. James Gloster of Woodend had devised a plan that was ‘better than forty men’ and, if the police sent him the money to buy a fare to Melbourne, he would reveal it. Subsequently, Gloster, who was apparently a hawker, came under police suspicion for supplying goods to the Kelly gang.[23] The engineer Benjamin Dodds, of Flinders Lane, Melbourne, laboured over a plan to establish a network of tethered hot-air balloons in four country towns. Each balloon would act as a look-out and – equipped with an officer, telegraphic operator, arms and telescopes – it would be able to rise to a height of two miles. Standish declared Dodds’s scheme ‘simply absurd’.[24] Perhaps the most detailed plan was offered by William Wattie of Templestowe, who worked for the Education Department. Wattie’s plan involved an elaborate sham creation of a bank manager gone wrong. The seemingly desperate manager would approach the Kellys seeking their assistance to rob his bank and destroy evidence of his fraudulent dealings. A frustrated Standish annotated Wattie’s letter with: ‘I wish the numerous wiseacres who are convinced that they can capture the outlaws would try their hands at it!’[25] In a different vein, James H Mason from Campbell’s Creek, near Castlemaine, wrote about his suspicions concerning a man, John Bruce, who was trying to sell a horse in Kyneton and whom he believed may have been connected with the Kelly gang:

I think that if a cute man whos to try to buy the horse and make him drunk or watch him that you would soon find out. Should this lead to there apprehension you will not forget my portion of the reward.

The Assistant Commissioner of Police, Charles Hope Nicolson, while suggesting that Kyneton police visit Mr Bruce, doubted if much of the reward ‘would find its way into [Mason’s] pockets’. Superintendent Palmer replied to Nicolson that, although Bruce had a conviction for cattle stealing, ‘I should not consider him a likely person to be connected with the Kelly gang’. [26] James Edwin Sawtell wrote from Bowna in New South Wales offering a plan involving police pretending to rob a business:

I suggest this plan to your notice, not only for the sake of sharing in the reward but I feel it is a duty to try and rid my own country of such a notorious tribe.[27]

JG Shelley of Carlton wrote on behalf of two unnamed diggers in Gippsland who were willing to hunt the Kellys for £3 a week:

As regards the reward for apprehension of the outlaws, they will be satisfied with whatever portion might be allotted to them if successful in pointing out to the police their whereabouts... If they could afford to go without assistance they would gladly do so.[28]

J Wilkinson wrote from Tatura, outlining his experience in the Royal Irish Constabulary and the London Police and his terms for joining the hunt:

It is true the Government has £8000 for the Safe capture of the three Kellys, well known as terrible bushrangers in Victoria. If this be so, should the Commissioner of Police favourably consider my application by recommending me to the Government as that of a Special Constable – or in otherwise Detective for which I will have to be supplied with arms and all other necessary Equipment attending it.[29]

‘... Constables and troopers have indeed utterly failed ...’, reports J Wilkinson in this four-page letter, dated 21 November 1879, to the Chief Commissioner of Police, seeking appointment as a special constable for the capture of the Kelly gang. PROV, VPRS 4965/P2 Kelly Historical Collection – Part 1 Police Branch, Unit 5, Item 277.
‘Is there still a reward?’ The first page of JP Andersen’s three-page letter, dated 1 July 1879, to the Chief Commissioner of Police, offering to help capture the Kellys. PROV, VPRS 4965/P2 Kelly Historical Collection – Part 1 Police Branch, Unit 4, Item 220.

The Kelly reward is a recurring theme in the correspondence, which is no surprise. In 1879 the amount of £8000 was comparable in purchasing power with over $1 million today, and it would have appeared a huge sum of money to any Victorian, not least the struggling selectors, ex-gold diggers and constables, drovers and rural poor of the 1870s. Hence, an out-of-work hotel manager in Horsham, JP Andersen, asked ‘Is there still a reward offered for the capture of the Kelly gang?’ and Robert Bell of Fitzroy reminded the chief commissioner of what Bell had understood to be a previous offer of a liberal share in the Kelly reward.[30]

However, it should not be assumed that, in identifying a financial motive for joining the Kelly hunt, the applicants lacked a sense of public duty or concern about crime. The American anthropologist Stuart H Traub has argued that rewards were a characteristic of criminal justice and policing in England and the US in the 1800s, especially during the frontier era of the American West when government authorities lacked a coherent response to crime. The reward system was in keeping with public reservations about the police as a ‘standing army’ and it appealed to the sense of individualism among frontier communities. While modern-day critics of rewards have dismissed the practice as little more than public relations, Traub’s historical view is that rewards provided frustrated citizens with an opportunity to ‘channel their moral outrage in directions that had a positive effect on law enforcement’.[31]

Yet the Kelly reward raises questions about the effectiveness of police tactics. If the reward had played a significant role in motivating members of the community to come forward, what effect did its offer have on the police effort to capture the outlaws? Did the reward aid the police pursuit or actually hinder the police? The 1880-81 Longmore Royal Commission into the Victoria Police, which was prompted by the Kelly outbreak, and which was scathing in its criticism of police management and training, concluded that:

As indicating the condition of the [North Eastern] district and the influences at work to shield and assist the gang, it may be mentioned that not even the offer of £8,000 for their capture, to any appreciable degree, facilitated the operations of the police.[32]

The implication here is that the North Eastern Police District was rife with members of the criminal classes, including a network of Kelly sympathisers that effectively nullified any incentive created by the reward. Senior Constable John Kelly, stationed at Woodspoint, near Mansfield, during the Kelly outbreak, later recalled that police had compiled ‘a list... of nearly one hundred families who would render every aid possible to the outlaws, most of these were connected with the bushrangers by ties of blood or marriage’. To be working as a policeman in Kelly country, Senior Constable Kelly wrote, was ‘to imagine we were foreign troops in a hostile country’.[33] Accordingly, when the Kelly reward was apportioned in 1880, it was largely distributed among the police involved in the hunt and the shoot-out at Glenrowan, with only a small number of payments to members of the public.[34]
JJ Kenneally has argued that the reward had a demoralising effect on senior police because it increased their jealousy over what share each might receive. This in turn led to quarrels among the senior officers that somehow ‘increased the public's contempt’ for the police.[35] But Kenneally's argument is offered without evidence of the reward's effect on police or of the public being sufficiently aware of internal rivalry in senior ranks.

Assessing the reward's impact on police effectiveness depends on understanding the various tactics used by police during the outbreak. These were examined in some detail by the Royal Commission, which concluded that two principal tactics had been employed: a mix of police patrols and search parties, a method favoured by Superintendent Francis Augustus Hare; and secret agents or informers, which were preferred by Assistant Commissioner Nicolson. Effective patrolling of a large rural police district required many men and guns and, although these were quickly procured, the costs were unsustainably high. According to evidence collected by the Royal Commission, the strength of the North Eastern District rose from 74 police officers in July 1878 to 213 officers in February 1879 while the district's monthly expenditure rose from about £538 to over £3000 during this period. In addition, a 75-man contingent of the Victorian Artillery Corps was deployed in the North Eastern District, at a total cost of £5736.[36] Moreover, the police murders at Stringybark Creek, which resulted from a poorly conceived patrol, had given the Victoria Police cause to re-think their approach. Over time, Nicolson's use of police informers bore some fruit but the results, especially early on, were modest at best. According to McIntyre, the police received 109 reports of the outlaws' whereabouts between the murders in October 1878 and the gang's destruction at Glenrowan:

Of this number upon investigation in 57 instances the reports were found to be untrue, unfounded or cases of mistaken identity. In 38 other distinct reports the information was not received until it was from 7 days to 2 months old [and] in one instance 4 months old; these cases were considered too stale to investigate and possibly many of them were also untrue.[37]

The Royal Commission's assessment was less pessimistic than McIntyre's, noting 127 sightings of the Kellys between November 1878 and June 1880, of which 25 were deemed unfounded, untrue or unreliable and 17 too stale to be of value. Several others were deemed indefinite or a case of mistaken identity.[38] Intelligence-gathering by police informers or 'fiz-gigs' forms only a small fraction of the 1878-79 Kelly correspondence. The files note payments of £17 each to Edwin Dine and C West for 'special services' but give no details.[39] Several others were paid for scouting. A better-known police spy, Lawrence Kirwan or Kirwan (alias 'Renwick') of Carboor is mentioned in a memorandum, dated 3 January 1879, by Detective Michael Ward, recording his unsuccessful attempt to recruit Kirwin to assist in the hunt. Kirwin did eventually take part and later sought a share of the Kelly reward,[40] as did the spy BC Williams, believed to be 'Diseased Stock', the police's most-valued informer in the North East. Both were refused a share of the reward[41] – perhaps because they had been paid well enough already. According to his affidavit for the Royal Commission, Lawrence Kirwan was paid £1 a day, more than double the pay of a police constable.[42] Finally, an unusual inclusion in the correspondence is a letter from Mrs E Byrne of Kent Street, Sydney, who offered to help catch the Kelly gang by assuming the character of a Ladies' nurse or Teacher of music. Mrs Byrne, who is the only female applicant recorded in these files, had worked for a lawyer in Melbourne and had experience in obtaining evidence.[43]

However, the unlikely tenor of Mrs Byrne's offer is not a consequence of her sex. What she shared with many other applicants who were willing to join the hunt was her 'lack of cover', an absence of opportunity for infiltrating a close-knit Irish Catholic family clan in rural Victoria without being detected or viewed with deep reservation. Herein lies the challenge to all would-be police informers: how to get close enough to obtain information of value without arousing suspicion. Haldane notes that informer networks served the Victoria Police well in the seedy parts of Melbourne during the force's earlier years, but he says the method failed in the North East during the Kelly outbreak because the police were unable to induce enough people to inform on the outlaws. He attributes the failure to a mixture of rural sympathy for the Kellys and fear of them.[44] Haldane's view is undoubtedly part of the story but there is more to this than public sympathy and fear. The Kelly hunt correspondence shows that some, and perhaps many more, viewed the Kellys unsympathetically and with little fear.
The problem lay in the fact that, in order to do their work well, police informers needed to be able to come and go in an atmosphere of normality, one in which their criminal targets would trust the people around them. Yet trust in others is precisely what criminals at large lose when they see the authorities post a large reward, a reward that fires the public's imagination, combined with shoot-on-sight laws and a show of police numbers and soldiery. In a spirited but fatally confused defence of his use of police informers, written in a confidential report in February 1880, Assistant Commissioner Nicolson claimed that:

> The preparations made to resist them [the outlaws] at every township... have reached the ears of the offenders... and also the fact that the outlaws are afraid to trust even their best friends beyond a limited extent, and are mere skulkers among the mountains, has restored the feeling of security to a great extent, which was so rudely shaken among the citizens.[45]

What Nicolson vividly described was an environment in which his beloved informers could not operate as they should. In such an environment, unable to gain genuine information about their criminal targets, who are ‘skulking among the mountains’, an informer is likely to resort to what Constable McIntyre described twenty years later as Machiavellian behaviour, ‘alternately giving information to the police about the outlaws, and to the outlaws about the police; this information being generally imaginary’. Rewards may well be effective in law enforcement but they carry the risk of increasing the criminal’s efforts to avoid detection, as well as a flood of time-consuming false leads. An example of this very problem is evident in the 1878–79 Kelly correspondence. Henry ‘Black’ Franklyn or Franklin (variously described in the correspondence as an American black or an Aboriginal) had sought to take part in the Kelly hunt, but he was rebuffed by Captain Standish, who recalled later that Franklyn had intended to ‘go on his own account and do his best to earn the Govt. reward’. According to police memoranda, Franklyn’s interpretation of ‘doing his best’ was to approach various police stations with fictitious sightings of the Kellys or claim to be a government official in search of information about the outlaws’ movements.[47]

In handling the responses to an offer of a reward, distractions such as these are normally manageable risks and had the Victoria Police not been so reliant on its use of informers many of the dubious leads and unreliable sources probably would have been ignored. However, until the police found other ways to ascertain the whereabouts of the Kelly gang – for example, their belated use of native trackers – they had little choice but to pursue all lines of enquiry.

Acknowledgements

My sincere thanks to Daniel Wilksch, coordinator of digital projects at PROV; Ralph Stavely, president, Victoria Police Historical Society; and the librarians of the State Library of Victoria and Baillieu Library, University of Melbourne.

Endnotes

[10] Formerly catalogued by PROV under VPRS 807/P0, Unit 41, most of the 1878–79 Kelly hunt correspondence now falls within the series VPRS 4965 Kelly Historical Collection – Part 1 Police Branch, which covers the period from 1878 to 1881. Specifically, the correspondence examined here is contained within VPRS 4965/P2, Units 1-5. However, some 1879 correspondence listed in Harris’s index (see note 9) does not appear in VPRS 4965/P2, Units 1-5.
[11] Index to members of Victoria Police, 1853–1953 [microform], Victoria Police Historical Society, Melbourne, [200?].
[12] PROV, VA 938 Police Branch Chief Secretary’s Office, VPRS 4965/P2, Unit 1, Item 55 [Mitchell] and Unit 5, Item 260 [Drake].
[15] ibid., Unit 3, Item 150 [Bracken]; Unit 1, Item 3 [Lanigan] and Item 68 [Bennett].
[16] ibid., Unit 1, Item 53.
[18] ibid., Unit 1, Item 37.
[19] ibid., Unit 2, Item 74.
[20] ibid., Unit 1, Item 54.
[21] PROV, VPRS 4965/P0, Unit 1, Item 43.
[22] PROV, VPRS 4965/P2, Unit 3, Item 135.
[23] ibid., Unit 2, Item 112 and VPRS 4965/P0, Unit 4, Item 256.
[24] PROV, VPRS 4965/P2, Unit 1, Item 59.
[27] ibid., Unit 1, Item 10.
[28] ibid., Unit 5, Item 252.
[29] ibid., Unit 5, Item 277.
[30] ibid., Unit 4, Item 220 [Andersen] and Unit 1, Item 24 [Bell].
[33] Quoted in McIntyre, 'A true narrative of the Kelly gang', section 6, p. 89.
[34] Kelly Reward Board, 'Report of the Board appointed to enquire into and report upon the proper mode of distributing the rewards offered for the capture of the Kelly Gang', Victorian parliamentary papers, Session 1, 1880-81, vol. 4, no. 85, Schedule A.
[37] McIntyre, 'A true narrative of the Kelly gang', section 5, p. 69.
[38] Police Commission, 'Minutes of evidence', Appendix 5, pp. 690ff.
[39] PROV, VPRS 4965/P2, Unit 4, Item 171.
Forum articles
Exhibiting PROV at the Old Treasury Building

Kimberley Meagher and Jill Barnard

Abstract

In the first few months of 2010, a team of PROV staff members worked to prepare a permanent exhibition of PROV records at the Old Treasury Building in Spring Street, Melbourne. Victorian Archival Treasures opened on 6 June 2010 and has since been complemented by temporary displays using additional records from PROV's collections. Kimberley Meagher and Jill Barnard, members of the exhibition team, reflect on the exhibition process and explore some of the personal highlights and challenges involved in using PROV records in an exhibition.

Promoting and showcasing government records to the public might be considered, by some, to be a bit boring and dry. The archival material is often two-dimensional and consists mostly of paper documents, posing challenges for those who seek to exhibit it in a meaningful way. It could be said that other cultural institutions have an easier job of it, as they have a more diverse range of cultural objects to choose from. But historians know it is the stories that lie within these documents that make them such fascinating and important relics of our past. With imagination and interpretive context, not to mention eye-catching graphics, these documents and the stories they tell can be brought to life.

The Victorian Archival Treasures exhibition at the iconic Old Treasury Building is a wonderful opportunity for PROV to reach out to new audiences, to have a presence in the Melbourne CBD and to make these hidden archival treasures more widely known. The exhibition opened on 6 June 2010, and the initial response by the public suggests it has been well received. There have been over ten thousand visitors to date,[1] and Old Treasury was one of the top ten buildings visited as part of the 2010 Melbourne Open House weekend event which occurred not long after the opening of the exhibition.[2]

Thirteen thematic areas form the backbone of the exhibition. Some provide a context for showcasing PROV's rich store of photographs, illustrations and building plans. Others highlight the splendour of the Old Treasury Building, built in the late 1850s. The thematic areas focus on significant strands of Victoria's history – Indigenous Victorians, Early Melbourne, Victorian Democracy and the part played by 1850s gold miners in bringing this about. Themes such as Ned Kelly, Crimes and Criminals, and Family History Research demonstrate the range of records held by PROV.
As one of the central aims of the exhibition is to showcase PROV holdings, Victorian Archival Treasures differs from many museum exhibitions in that very few objects or records are borrowed from other cultural institutions. Aside from some illustrative material incorporated into exhibition panels, and a significant field book kindly loaned by the Victorian Surveyor-General, all items on display and most of the illustrative material are derived from PROV’s collections. PROV records were also the source of a significant amount of the information that was used in the interpretive panels, so that research for the exhibition became a sort of archaeological dig.

The layout of Old Treasury to some extent provided the parameters for the exhibition’s content or, more importantly, its themes. The corridors have been utilised for explaining PROV, the Old Treasury Building and its architect, JJ Clark, as well as for displaying large pictorial banners which describe and capture the themes of Victoria’s Buildings, Victorians on Holidays and Victorians at Work. The rooms to the southern end of the building on the ground floor are used to explore five themes: Indigenous Victorians, Early Melbourne, Ned Kelly, Criminals, and Victorian Democracy.

It is fascinating to see just what is captured in the archives. You’ll find snippets of stories about the Pepper family, William Barak, the Native Police Corps and early government policy towards Aboriginal people in Port Phillip in the first room. Next up in the Early Melbourne room are Hoddle’s maps and plans, the story of Burke and Wills, and records about the Yarra River. Having covered the 1830s, the gold rush and the Burke and Wills expedition, step into Kelly time during the 1870s and 80s. Watch rare footage of a film from 1905 depicting Ned’s story and see the confiscated film poster found in the police files. Crime in the 1920s is intriguing; just two case studies, Colin Ross and Squizzy Taylor, offer a glimpse into Melbourne City and the nearby suburbs of Fitzroy and Carlton with twists and turns that you thought only happened in the movies. Victorian Democracy charts the democratic innovations of our forefathers (and mothers). Taking the time to understand the past, and how it shapes our present and future, provides context and respect. The exhibition at Old Treasury is an opportunity for all to delve into the archives, and it has revealed much about the Victorian character.

So what were some of the archival treasures? And what were the highlights and challenges?

You may have been on a tour through the PROV repository, and if you are reading this it is very likely you are interested in history. Chances are, you wish you could rummage through the PROV archives and spend hours opening boxes, looking at pictures, plans, books, discovering random gems hidden in all sorts of nooks and crannies – or rather, boxes, drawers, plan presses, cold storage.
Digging in the Repository: Kimberley Meagher’s Perspective

I started at PROV as an Access Services Officer, a staff member who retrieves your record and puts it away, as well as providing guidance about records in the reading room. This role is part of a very busy service area at PROV and there is simply no time for exploring the repository in search of random gems, even though I often dreamed of doing just that.

Sometimes you get your wish ... and I got mine when I was seconded to the Victorian Archival Treasures project. The only problem was that we had an extremely tight deadline. We did not have the normal development timeframe for producing an exhibition of this scale, which usually requires up to two years of preparation, research, conservation, design, manufacture and installation. The task was to produce a full-scale exhibition showcasing PROV’s holdings essentially within three months. Looking back I am not completely sure how we managed to achieve this and still find time to identify some remarkable records as we explored the archive’s diverse collections.

One visual highlight, and certainly one of the impressive features of the exhibition, is the enormous banner of architectural plans situated in the corridor of Old Treasury. My task was to identify aesthetically pleasing plans of iconic buildings in Victoria, a project that was a pleasure for me as my personal and professional interest is in architectural history.

There were two approaches:

A. Research a list of pre-determined iconic Victorian buildings using traditional PROV methods;

B. Rummage (carefully!) through plan drawers, and visually select plans of buildings/structures that were reasonably iconic.

Approach A was time-consuming, as all researchers know and understand, and limited by what records were available for individual places. Seeking attractive plans and elevations of the Manchester Unity Building? Quite elusive, in the end. There were specification plans for various aspects of the site, including the shops on the ground level, but no final presentation drawings. Perhaps this was not so surprising, as the incomplete plans were found in a series containing building applications to the City of Melbourne.[3]

While I was looking in tubes for specific building plans I did find an interesting (and colourful) vernacular bus depot plan, which indicated to me I should change my approach. I had better luck with the Forum Theatre, but no luck with the City Baths, Princess Theatre, cathedrals, or the General Post Office – the list goes on. The series investigated were VPRS 11202 (Building Application Index 1916-1933), 11201 (Building Application Files 1916-1960), 11200 (Building Application Plans 1916-1946) and 16127 (Fitzroy Building Plans 1920-1990).

Approach B (manually looking through plan press drawers) enabled the discovery of a water-coloured elevation on canvas of Pentridge Prison; competition drawings for the Shrine of Remembrance; technical plans for Sidney Myer Music Bowl; and beautiful early drawings of school buildings (Queensberry Street and Upper Maffra schools were selected), the teahouse in Fitzroy Gardens, Government House gates, Harbour Master’s office building, Melbourne Observatory telescope room, a judges’ canopy at the Supreme Court, and Princes Bridge, just to name a few. The series accessed was VPRS 3686 (Pre-Metric Building Plans of the Public Works Department).[4]
It is quite clear to me which approach was the successful one. Being able to sift through plans manually was most effective, particularly considering my brief, which required colourful and eye-catching drawings. Black and white drawings were generally not considered, despite the quality of line work and draughtsmanship, the exception being the Split Point Lighthouse whose spiral staircase frames the architectural banner. Essentially the banner succeeds in demonstrating the potential of the archives.

Interpreting the Discoveries: Jill Barnard

While the stunning visual appeal of the architectural drawings made them easy to display and required very little interpretation, it was not always so easy with other aspects of the exhibition. An important aim of the project was to demonstrate that documents capture key moments in Victoria’s history and are valuable artefacts in their own right. The exhibition was also planned to encourage visitors to make greater use of PROV’s many resources.

Not all of the iconic documents relating to Victoria’s past are visually exciting. A substantial portion of the exhibition was devoted to the Eureka Stockade and its effect on the development of Victorian democracy. Happily, many of the records about this event are evocative. The poster calling for a meeting of miners on Bakery Hill, Ballarat on 29 November 1854 is an iconic document and visually attractive at the same time.[5] A map of the route taken by troops towards the Eureka Stockade that was used in the 1855 treason trial of some of the stockaders is similarly evocative.[6] But what of records that, to the historian, are highly significant, but betray very little of their significance to the exhibition visitor? The minutes of a meeting between Lieutenant-Governor Hotham and three Ballarat miners found in VPRS 1095/P0 is one such example.[7] This document records the meeting at which the representatives of the Ballarat Reform League presented the Lieutenant-Governor with the League’s Charter. It sets out the Ballarat miners’ many grievances and concerns, as explained by the League’s delegates George Black, John Humffray and Thomas Kennedy, and details Hotham’s responses. It is a pivotal document in the story of Eureka. Yet it is an unprepossessing document of at least fifty handwritten pages, with a simple covering page that betrays none of its significance. It is impossible to read it in any detail in an exhibition context. Bringing to life such a dramatic event from a not overtly engaging record was one challenge we faced as we mounted the exhibition and it was necessary to provide more detailed interpretation of the item displayed in order to explain its significance.

This poster called for a meeting of Ballarat miners on 29 November 1854 on Bakery Hill, where the following day about 1000 miners began constructing what became known as the Eureka Stockade. PROV, VPRS 5527/P0 Eureka Stockade – Historical Collection, Unit 4, Item 1.

A positive aspect of the preparation of the exhibition was the opportunity it provided to search across a number of PROV series for records relating to a particular theme and to use material not only for background research and as potential exhibits but also to demonstrate the wealth of material that lies within the repository. This approach was particularly rewarding when it came to the Burke and Wills Exploring Expedition, which was included in the exhibition to commemorate the centenary of the ill-fated 1860-61 venture. Although the expedition had been mounted by the Royal Society of Victoria, a significant proportion of the funding came from the Victorian Government and correspondence is contained in PROV series 1189, the inward registered correspondence of the Chief Secretary’s department. Unit 757 of this series contains a wealth of material spanning the years 1858-65 and tells the story of the expedition from the initial request for funds and a statement of aims through to the purchase of camels in India, the employment of Robert O’Hara Burke as leader of the exploration party, the hiring of search parties and finally the erection of a monument to the lost explorers in Melbourne.
The Historic Plan Collection (VPRS 8168) also yielded treasures relating to Burke and Wills. Here, a tracing of Wills's map from Coopers Creek to the Gulf of Carpentaria was discovered, along with several other versions of the explorers' route, demonstrating, as an additional point of interest, stages in the printing processes of the nineteenth century.[8] The tracing includes the campsites used by the explorers, notes about terrain and, sometimes, even alternative names for campsites. Finally, VPRS 14515 yielded a photograph of Charles Summers's statue of the explorers.[9]

William John Wills's map: Cooper Creek to the Gulf of Carpentaria (in full right), and a detail showing the path of their expedition in outback Queensland (below). This is a reproduction of a tracing of Wills's maps made at the Victorian Department of Lands and Survey on 5 November 1861. PROV, VPRS 8168/P2 Historic Plan Collection, Unit 871.

The Historic Plan Collection in which Wills's maps are located is normally closed to researchers, with access to the original plans only available with the permission of Victoria's Surveyor-General. Researchers must make do with microfiche copies of these plans located in VPRS 15889. It was a joy, therefore, to find the original tracing of Wills's map, pasted in sections on an immense cardboard sheet that, in itself, represented the enormous scale of the journey the explorers had undertaken. Unfortunately, however, conservation issues prevented us from using this in the exhibition. The solution was digitisation: a digitised version of the map – though not quite as big as the original – was carefully prepared for display. It is true that the digitised version lacks the romance of the original. But one advantage of digitisation is that it captures many features of the original map that cannot be seen with the naked eye.
Digitisation made other significant records accessible for the purpose of the Victorian Archival Treasures exhibition. One thematic area was devoted to the earliest days of Melbourne – focusing on the first settlement by independent settlers John Pascoe Fawkner and John Batman and on early government interventions in the settlement in the form of plans of Melbourne by surveyors Robert Russell and Robert Hoddle. A search of VPRS 2/P0 (Confidential Despatches to Governor Bourke) revealed early letters from Police Magistrate William Lonsdale to the governor. Like the Historic Plan Collection, VPRS 2/P0 is closed to researchers owing to the fragile nature of the records and the alternative is a barely readable photocopied version of the despatches (VPRS2/P1). But access to the original records showed that, in one of his first despatches to the governor, Lonsdale was able to report that the early settlers in the Port Phillip District were thankful that the governor had established an outpost of government in the fledgling settlement ‘as many of the lower order of people, who had come over on adventure, were taking advantage of the absence of power to behave in a lawless and intimidating manner’, adding another textural layer to the story of Melbourne’s infancy.[10] Digitisation of this record enabled an excerpt to be displayed within an exhibition panel in a readable form.

Robert Hoddle’s grid plan for the town of Melbourne (shown within the surrounding terrain of the Port Phillip District), 1837. PROV, VPRS 8168/P2 Historic Plan Collection, Unit 6166, Sydney M8, Town of Melbourne.

Digitisation clearly helps to overcome conservation issues and improves accessibility to records. However, within the context of an exhibition named Victorian Archival Treasures it also poses some conundrums for, as noted above, many of the records showcased in the exhibition are iconic documents from PROV’s collections. Viewing a remarkably good replica is not quite the same experience as having a tangible link to key moments in the past that viewing the original record can provide. Assistant Protector of Aborigines, William Thomas’s 1841 map of Westernport – showing Indigenous routes and place names – and his census of Boon-wurrung and Woi-wurrung people in 1839 are two such iconic documents.[11] They vividly illustrate aspects of relations between the colonial government and Indigenous Victorians during the earliest years of contact and were selected for inclusion in the exhibition space devoted to Indigenous Victorians. Because of conservation concerns, however, these records could only be displayed for a limited time; the exhibition, therefore, had to be planned to allow for the rotation of the records on display, thus limiting public access to some treasures.

Despite the limited public access to iconic records on display, the exhibition does offer all Victorians and visitors increased access to the riches held in PROV’s collections. It provides a glimpse into the kinds of records PROV holds and an insight into how these records tell the story of Victoria. It has the potential to increase public use of PROV’s search rooms as well as PROV’s online catalogues and digitised records. For those PROV staff who worked to prepare the exhibition, there were opportunities to explore the collection and to make links between series. The constraints of a strictly limited time period in which to prepare the exhibition were frustrating. This was evident to us on the few occasions when we had the opportunity to search out obscure records, as we often reaped wonderful rewards. The exhibition team often had to rely on research that had been conducted for previous PROV exhibitions, adding value where we could. This was in contrast to the methods used by many researchers at PROV, who have the time to painstakingly search out records that might be of interest or use in their research and can build up a historical case from their discoveries over an extended period of time.

The Victorian Archival Treasures exhibition includes temporary exhibits, which means there are always new items to view, not to mention those documents and records on rotation that offer a new perspective on the themes. So despite the challenge of producing an exhibition in just three months, the versatility of the records and the breadth of stories contained within them offset the difficulties faced, and continue to inspire the potential discovery of knowledge, gems and treasures yet to be uncovered.
Endnotes


[3] Refer to PROVguide 64, ‘Land, places and local history – City of Melbourne’ for details on accessing these records.

[4] An online index to the Public Works Department (Building Services Agency) plans is available; see also PROVguide 28 for further information.

[5] PROV, VPRS 5527/P0 Eureka Stockade – Historical Collection, Unit 4, Item 1.


[7] PROV, VA 466 Lieutenant-Governor, VPRS 1095/P0 Special Files, Unit 3, Bundle 1, no. 16.


[9] PROV, VA 714 Education Department, VPRS 14515/P1 File Prints of Photographs [Publications Branch], Unit 36, Item P342.

[10] PROV, VA 472 Police Magistrate Port Phillip District, VPRS 2/P0 Confidential Despatches to Governor Bourke, Unit 1, Item M5182.

[11] PROV, VA 538 Department of Crown Lands and Survey, VPRS 6760/P0 Aboriginal Estrays, Unit 1, Item 1; PROV, VA 473 Superintendent, Port Phillip District, VPRS 10/P0 Inward Registered Correspondence relating to Aboriginal Affairs, Unit 1, Item 1839/242.
Abstract

Thomas Joshua Jackson was the lesser known of the Irish cousins (the other being Henry Figsby Young) who managed Melbourne's Princes Bridge Hotel, on the corner of Swanston Street across from Flinders Street station, from 1875. The hotel became known as 'Young and Jackson's', and has since been frequented by hundreds of thousands of Melburnians and visitors alike. A somewhat enigmatic figure, about ten years older than his better-known cousin HF Young, Jackson did not seek public office or become an especially prominent businessman. He left no letters, diaries or public speeches on record. He married late and had no children. Upon his death in 1901, his most public mark was as a partner of Young; his most visible legacy is his Jolimont Road terrace house in East Melbourne, called Eblana. Much of what we do know of Jackson's life is found in the files of Public Record Office Victoria (PROV).

Thomas Joshua Jackson was born in Dublin, Ireland in 1834, and emigrated to Victoria around 1852, but not much is known of these early years of his life. Research in Ireland has revealed little, other than that he was probably an only son. His life from 1852 was inextricably linked with those of his aunt's families. Jackson's aunt, Sarah Connell, née Heaton, married in Ireland for the second time at the age of forty, to Henry Young, a law clerk. The Youngs had one child, Henry Figsby Young, in 1845, and emigrated to Victoria in 1849 with three children. These were five-year-old Henry and the two youngest children from Sarah's first marriage – thirteen-year-old John Connell and nine-year-old and only daughter Sarah Isabella Connell. Sarah Young's eldest son, William Henry Connell, appears to have arrived separately in Victoria about 1851.[1] By 1859, Henry Young senior had become the landlord of the Elsternwick Hotel, one of the earliest 'suburban' hotels in Melbourne.[2]

Between 1852 and 1861 nothing concrete is recorded about Jackson. HF Young later said that in 1861 he had 'chummed together' with Jackson, and set forth for New Zealand, where for some considerable time they successfully engaged in mining.[3] This might imply that Jackson had some previous experience of mining, perhaps on the Victorian goldfields; it is Thomas Jackson's name which appears as a preferred claim holder at Gabriel's Gully in Otago province in early 1862.[4] The third Maori War of 1863 and declining gold returns by 1864 probably acted as catalysts for a return to Melbourne. The next clear public reference to Jackson occurs in December 1867, when he appears in a high profile and somewhat amusing court case involving Young senior.
The town clerk of Melbourne, Edmund Gerald FitzGibbon,[5] had stopped at the Elsternwick Hotel on his way to Melbourne from Mt Eliza, and, remaining on his horse outside, called for a beer. Finding himself ignored, he then rode his horse into the bar to claim a drink first-hand. Young senior, the landlord, ‘assisted by a man named Thomas Jackson’, promptly evicted him from the bar. Cross-summons ensued. Young initially claimed FitzGibbon was drunk, while FitzGibbon claimed that his horse had a fondness for Colonial ale and rode him into the bar. The judge decided for the horse and Young had to pay £50 and costs. Other charges, brought by FitzGibbon against Jackson, and against FitzGibbon by Young, were dismissed.[6]

Soon after this court case, Jackson went into business with HF Young when they took up a licence for Sparrow’s Hotel at St Kilda junction, first recorded in 1868.[7] By then Melbourne was on the cusp of a decade-long financial, industrial and property boom. Jackson and Young positioned themselves perfectly for it when in 1875 they made their move across the Yarra River to the Princes Bridge Hotel.[8] With licence and lease in hand, they promptly made their mark with extensive renovations. The Young and Jackson names and management of the hotel became so well known that it began to be referred to as ‘Young and Jackson’s’. [9] Young, who continued to be associated with the hotel until 1914, ensured the fame of the hotel through astute marketing, including the purchase of the then controversial Chloe oil painting by Jules Joseph Lefebvre in 1909.

In August 1878, Jackson finally married, at the age of 44. His bride was a widow, well known to Jackson; in fact, she was his first cousin, Sarah.[10] Sarah’s late husband, Michael Cavanagh, protégé of Henry Young senior and former landlord of the Prince of Wales Hotel in Prahran, had died in 1877. He apparently left no will or property. Sarah Cavanagh brought into the marriage with Jackson her sixteen-year-old son, James. Until the time of his marriage, Jackson most likely had lived at the Elsternwick, Sparrow’s and Princes Bridge hotels in turn. Once married, there was an imperative to find a place of his own and by 1879 he had taken up land in Jolimont Road, Jolimont, ‘a most attractive proposition for the investor’. [11]

In 1880, the year that Irish-Australian bushranger Ned Kelly went to the gallows, the Young and Jackson partnership was extended once again with a renewed lease on the Princes Bridge Hotel, this time for fourteen years at an annual rent of £1,000, which included the adjoining building in Flinders Street.[12] New connections to Flinders Street station in 1879 had quickly boosted confidence in rail travel and the station grew in popularity with train riders from country and city alike. The hotel was in the right place at the right time. It seemed that the incredible decade of growth in Melbourne from 1880 to 1890 would never end; the crash and recession which followed were of equally monumental proportions. The crash had its effect even on popular and profitable hotels and may have precipitated the end of the partnership of Young and Jackson. After all, by 1894 Jackson had turned sixty, with plenty of business to engage him and property development as well.

Jackson’s name first appears in connection with Jolimont Road in Sands & McDougall’s Melbourne and suburban directory and in the Melbourne City Council Rate Books in 1879.[13] He also appears in Albert Ward in the 1878-79 List of Citizens, a Melbourne City Council record. In August 1879 he applied to bring some vacant land on Jolimont Road under the Transfer of Land Statute, and acquired other property on the street. By 1881 he was living in one of three six-bedroom brick houses that he then owned. Over the years to his death in 1901, Jackson appears to have owned between two and five blocks, with a double block making up his eventual home on the street, at Number 42.[14]

Jackson was there in August 1881 when the level crossing not far from his home became the scene of one of Melbourne’s great rail disasters. Loaded with some of the business élite of Brighton and Elsternwick, as well as ordinary passengers including a coach especially for schoolgirls, the 9 am Brighton Express, three minutes from Flinders Street, went over an embankment and smashed to pieces. Three passengers were killed outright, a fourth died later, and dozens were injured. The Argus tells the story:

At this stage – it was but a very few minutes after the accident – the people around began to realise how matters stood, and the cry was for pickaxes, axes, and levers. Speedily the already roused inhabitants of Jolimont were requisitioned for the necessary implements, and a dozen or so of axes appeared upon the scene. They were mostly obtained through the personal exertions of Mr. T. J. Jackson, who also thoughtfully sent a supply of brandy with jugs of water to revive the fainting.[15]
In December 1882, Jackson’s architect, James Gall, placed an advertisement in the newspapers calling for tenders to erect a ‘villa residence’ for Jackson. A Notice to Build was lodged in January 1883.[16] Jackson called the house Eblana, believed at that time to be the Latin spelling for Dublin. It became a comfortable two-storey home, complete with tiled balcony and hall, vaulted timber ceilings, leadlight windows, and horse stables in the rear giving access to Jolimont Lane. Jackson later added a single-storey extension in which he installed a billiard table. Years afterwards it was described by unknowing but ever optimistic real estate agents as a ‘ballroom’. Across the street between Jolimont Road and the city lay the East Melbourne Cricket Ground (later an early home of the Essendon Football Club) which saw many famous sporting events including in March 1887, a match between Australia and England when the two elevens were shuffled and divided into teams of smokers and non-smokers. Five years later, Dr. Grace led an English team against the East Melbourne Cricket Club on this ground.[17]

Jackson’s probate records in 1901 give a fascinating insight into life at Eblana and reveal the extent of labour-intensive consumerism at the turn of the twentieth century. The list of personal liabilities includes bills from the doctor, chemist, bell repairer, pork butcher (the area had a large Jewish community at the time and so pork was sold separately), butcher, baker, buttermaker, wood carter, dairy milkman, Chinese greengrocer, servant, gardener, washerwoman, fruiterer, fishmonger, nurse and bootmaker, and bills for wine and brandy supplies (from HF Young), house repairs and eggs.[18] Most of these businesses provided personalised service to Jackson’s home at Jolimont Road. He also paid separately for street lighting and sewerage services, in addition to his rates. Most home owners in Melbourne today would be envious of the fact that, in 1900, Jackson only paid £29 3s 4d in income tax. That he and Sarah Jackson lived such a comfortable life was evidence of the financial security he had achieved from his hotel businesses and business investments.[19]

Exactly when Jackson began making business investments is not known with certainty. The opening of the Melbourne Stock Exchange in 1884 may have provided an early incentive. Both Jackson and HF Young invested in a diverse range of businesses – banks, a brewery, brickworks, gold mines and government stocks – as well as property and in speculative new technology opportunities. Young was an astute businessman who went on to develop a business portfolio and art collection valued at over £120,000 by the time of his death in 1925.[20]

Jackson, although not as successful as Young in business, still retired from the hotel with a comfortable income from his portfolio of interests. Most of his investments did well, even during the major recession of 1891-95. But in common with today’s investors, not all the tips he received worked out for him. In the attendant bank crashes of the recession, Jackson also lost money. The Metropolitan Bank failed in 1892; Jackson and two of his wife’s relatives were listed as depositors when a meeting at the Athenaeum upper hall was called ‘to arrange for their representation in the liquidation of the bank’. [21] The fact that only a handful of depositors were named in the public notice suggests that they had considerable sums on deposit. The Montgomeries Brewing Company was another investment which turned sour.
Both Jackson and HF Young invested their reputations and perhaps some capital when Montgomeries Brewing Company was formed in 1888. The new limited liability company floated on 1 March 1888 with capital of £240,000.[22] The directors included Jackson, and HF Young at a later date, while stockholders’ meetings were often held at the Young and Jackson Hotel. But the company was not a success; in 1897 Montgomeries finally failed, and went under owing the Bank of Australasia £73,302. Disgruntled investors sued the directors, including Jackson – but not Young, who by this time had astutely managed to divest himself of his shares.

The case came to the Victorian Supreme Court in 1899 and sittings began in late 1900. The judgement of the court was in favour of Montgomeries’ shareholders. Jackson had to pay £975 for the 1500 shares at 13s each that he was issued in the initial float; the payment was to be made within one month of 15 February 1901. [23] Montgomeries was Jackson's Waterloo. It didn’t destroy him financially, but he must have felt that his reputation at least was damaged, perhaps permanently. The pressure on him may have contributed to his death less than three months later, at Eblana on 9 May.

Jackson left assets of £17,483. The sum of £3515 was paid to the Montgomeries Brewing Company to settle the Supreme Court case. His probate papers show that at the time of his death Jackson held a range of stocks and shares, most notably in government bonds and debentures, in the Port Fairy Corporation (a land developer), in a number of gold mines including one in Queensland and another in Tasmania, in Dan White (the well-known coach-building company), the Modern Permanent Building Society, the Herald and Weekly times newspapers, the Hoffman Patent Steam Brickworks, and the Buchanan Gordon Diving Dress company.[24]

Somewhat oddly, Jackson had few investments in beer. At the time of his death he only held shares in the leading malting business of Samuel Burston & Company; he had, of course, also invested in Montgomeries. He kept a phaeton and horses at the Hotel & Livery in Collins Street, the business of James Garton, a long established hotelier (Garton was also a director in Dan White's coach-making company). One of Jackson’s last investments was in Buchanan Gordon Diving Dress Limited, floated on the Melbourne Stock Exchange in 1899. The product driving the float was an underwater diving suit which allowed the diver to safely reach 30 fathoms (about 50 metres), remain underwater for lengthy periods and even talk by telephone to the surface.

Overall, Jackson’s share investments, despite the stressful debacle of Montgomeries Brewery (and even that paid well for many years), must have provided a reasonable income stream. However, by the time of his death many of his shares had little value, bringing in only around £1800 at probate. Even Jackson’s interest in ‘new technology’ stocks, as they would be called today, did not pay off for him: Montgomeries Brewery, Hoffman's Brickworks, some of the mine technology and even the Buchanan Gordon Diving Dress were highly innovative firms and products for their time. His most valuable shares were the 661 he held in the Herald Standard [newspaper] Company – worth £1090 at probate, followed by the 1041 shares he held in the Great Extended Hustler Gold Company, worth £780.[25]

Jackson was made secure financially, more than anything else, by his modest but wholly respectable investment properties and of course his own home (altogether worth over £9000), backed up by government stocks, debentures, the holding of two mortgages on Hawthorn properties, and cash in the bank (worth over £7500). It was this ‘balanced portfolio’ which allowed Jackson to overcome his debts and provide handsomely for his widow. His property folio included seven other houses he rented out in Fitzroy, Carlton, Collingwood, South Yarra, East Melbourne and South Melbourne, plus some land in Moonee Ponds.[26]

Following the death of her husband in 1901, Sarah Jackson remained at Eblana. In 1907, her son James Cavanagh also died, at the age of forty-five, leaving a widow, Ellen. James had apparently been a heavy drinker, contributing no doubt to the liver disease which killed him; he was also virtually ‘broke’. At his death his only assets consisted of 650 shares in the Northcote Brickworks worth £455, a £2 share in the Morwell Tennis Club (from his days in Gippsland), and £78 of assorted jewellery.[27] Listed among his liabilities at probate was £16 advanced to him in 1907 by his mother – bleak testimony to his circumstances at the time. Ellen Cavanagh continued to live at Eblana with Sarah Jackson until Sarah's death on Christmas Day, 1924, aged 84. Sarah Jackson was buried with Thomas Jackson and her son James in Kew Cemetery.

What of Sarah Jackson’s assets, including Eblana? In her will, assets included an oil painting of Melbourne Cup winner Carbine (very possibly the Frederick Woodhouse Jr oil on canvas painted in 1889 and now in the State Library of Victoria's collection); several thousand pounds in cash bequeathed to relatives, friends and a housemaid; and donations to the Organ Fund of the vestry of Holy Trinity Church in Clarendon Street, East Melbourne, the Queen Victoria Hospital, and the City Newsboys Society.[28]
Sarah Jackson, photograph taken in the studio of Johnstone O’Shannessy & Co. Ltd, 234-236 Collins Street East, c. 1901. Reproduced with permission of the Peter & Nancy Fielding Collection.

The balance of her estate was divided into shares to be dispersed among the wider circle of Young and Connell relatives. Altogether, at probate Sarah Jackson’s assets, consisting of personal effects, cash, debentures and shares, realised £25,918. Sarah held Commonwealth Government Treasury bonds, and debentures of the State Savings Bank, the Melbourne and Metropolitan Board of Works, the Metropolitan Gas Company and the Victorian Government. She had a few shares in the Northcote Brick Company Limited and the Commercial Bank of Australia but the bulk were in the Herald and Weekly Times Ltd (these last realised £7126 alone). In addition she held a similar mix of property to her late husband, which brought in £11,000.[29]

Less than a year later, in October 1925, *Eblana* was sold (described as a ‘magnificent brick residence’ in the auctioneer’s flyer) to the Commonwealth of Australia, after which it was used as the head office of the Post Master General; various owners followed.[30] These included, by 1983, a subsidiary of Telecom Australia.

Later that year, a National Trust survey described *Eblana* as a ‘boom period render Italianate style terrace dwelling with a two storey colonnade and parapet over. The grand entry is approached by a flight of substantial bluestone steps...[31]

In 1983, just over 100 years since it was first occupied by Thomas Jackson and his family, *Eblana* came up for auction once again. A real estate reporter wrote: ‘The agents suggest the building would be ideal for offices or professional use, but also suggest, rather wistfully, that someone might want to live there.’[32] In 1997, the neglected house was bought by entrepreneurs Peter and Nancy Fielding. The couple got to work to restore Jackson’s house extensively, inside and out. *Eblana* today is a ‘beautifully restored Victorian gem, in which antiques, reproduction pieces and classic elegance blend effortlessly’, thanks to their generous and sensitive restoration.[33]

Jackson lived through one of the most exciting periods of Melbourne’s history. When he arrived just fourteen years after the Colony was proclaimed, Melbourne was a very raw town. Bushrangers still held up travellers near the house signed as the Elsternwick Hotel after it had been built in 1854. Albert Lake as it is now known was a swamp and in 1856 the future Young and Jackson’s Hotel was a butcher’s shop. From such beginnings, and with luck at the New Zealand goldfields, Jackson and Young slowly but surely created a highly successful hotel business together.

This brought Jackson opportunities to build his wealth, which he was able to do (Montgomeries notwithstanding). And it brought Jackson to Jolimont, where for twenty years his house both reflected his success in ‘Marvellous Melbourne’ and provided him and his family with a haven during the recession and unhappy failure of the brewing company. It was a long way from his arrival in Victoria in 1852 as a young man with perhaps uncertain prospects. It is the story of *Eblana* which fittingly ends the narrative of Thomas Joshua Jackson. Despite the disinterest and neglect of some of its many occupants over its 130 years, it stands beautifully restored today as Jackson’s main legacy.
Endnotes

[1] The Youngs sailed on the John Mitchell from London to Melbourne via Adelaide where the passenger lists were recorded in the local press (South Australian register, 25 April 1849, p. 3; 23 May 1849, p. 3). William Henry Connell was baptised in Dublin on 26 July 1825 (see Irish Genealogy database online), though as this does not tie in with the ages given on his marriage or death certificate it is assumed he was not baptised at birth. On the Youngs see also LA Schumer, Prince’s Bridge Hotel – Young and Jackson’s, the author, East Malvern, 1981, p. 5.


[8] The Princes Bridge Hotel was established there in July 1861. See Schumer, Prince’s Bridge Hotel – Young and Jackson’s, p. 4.

[9] The words ‘Young and Jackson’ did not appear on the hotel façade until many years after they first won the licence; it would have been more convenient to retain the licence under the old name. The partnership seems to have been based on a ‘gentleman’s agreement’.

[10] Jackson’s aunt, Sarah Young, died in February 1883. Her death certificate lists six children from her first marriage, four of them predeceasing her, presumably in Ireland. However this cannot be correct, as it is does not account for her eldest son William Connell who is known to have arrived in Victoria a couple of years after the rest of the family.


[13] PROV, VA 511 Melbourne City, VPRS 5708/P2 Rate Books (Microfiche).

[14] Now 140 Jolimont Road, East Melbourne. Much of the research on Jackson’s land and house interests on Jolimont Road was completed by Etta Pullman in July 2000 in a report dated 5 October 2000 to her then client Peter Fielding, which is now held in his private collection. For the List of Citizens, see PROV, VA 511 Melbourne City, VPRS 4029/P3 Citizen Lists and/or Citizen Rolls (Microfiche). For the 1879 notice, see The Argus, 26 August 1879, p. 8.


[16] The Argus, 1 December 1882, p. 3 and PROV, VA 511 Melbourne City, VPRS 9463/P3 Burchett Index: Notices of Intention to Build (Microfiche), No. 134.


[18] PROV, VPRS 28/P0 Probate and Administration Files, Unit 1016, File 79/618, and VPRS 28/P2, Unit 584, File 79/618, Thomas Joshua Jackson, 1901.


[20] PROV, VPRS 7591/P2, Unit 725, File 205/707 and VPRS 28/P3, Unit 1604, File 205/707, Will and Probate Henry Figsby Young,


[23] PROV, VA 2549 Supreme Court of Victoria, VPRS 267/P0 Civil Case Files, Unit 1361, Montgomeries Brewery vs. Jackson and others, Case 1040/1898.

[24] PROV, VPRS 28/P0, Unit 1016, File 79/618, Probate Thomas Joshua Jackson (executors’ account), and PROV, VPRS 28/P2, Unit 584, File 79/618 (probate jurisdiction).


[26] ibid.

[27] PROV, VPRS 28/P0, Unit 1374, File 106/363 and VPRS 28/P2, Unit 834, File 106/363, Probate James Henry Albert Cavanagh.


[29] PROV, VPRS 28/P3, Unit 1514, File 200/267, Probate Sarah Isabella Jackson.


[31] ‘National Trust survey’, dated 26 July 1983, held by the Peter & Nancy Fielding Collection.


[33] Cawthorne, ‘The house that beer built’.
Little Latrobe Street and the Historical Significance of Melbourne’s Laneways

Fiona Poulton

Abstract

The narrow laneways that wind their way throughout Melbourne's CBD have become icons of the city's rich culture and history. But how did laneways appear in the city in the first place and what can they tell us about its past? Using PROV's extensive collection of rate books, Sands and McDougall directories and building applications, this article examines the history and heritage of Melbourne's 'little' streets through an in-depth study of one particular inner-city laneway. Little Latrobe Street was not included in the original city grid, but appeared in 1851 during the Victorian gold rush population boom. The article examines what remains of Little Latrobe Street's history today and argues that Melbourne's laneways are a unique feature of the city and deserving of heritage protection.

European pastoralists in search of good farming land began a settlement on the banks of the Yarra River in 1835. However, the city of Melbourne only really began to take shape in 1837, when a rectangular grid designed by surveyor Robert Hoddle was laid out alongside the Yarra. Hoddle designed the streets to be 99 feet (30.2 m) wide, rather than the usual 66 feet (1 chain, or 20.1 m), though Governor Bourke insisted that smaller streets be situated in between the main thoroughfares to allow for entrances to buildings from the rear.[1]

With some sort of order established upon the settlement by the grid, the first sales of Crown land, authorised by Governor Bourke, also began in 1837. As the city developed, allotments of land originally purchased from the Crown were subdivided and re-

subdivided many times. With these subdivisions came the need for an increasing number of smaller streets, or laneways, providing access to the back of properties fronting the larger streets. The sense of order that had been imposed on the land by Hoddle's grid soon disappeared, with lanes and alleys winding in every direction through the city blocks. During its early years, Melbourne was occupied mostly by dwellings and small businesses, with laneways providing rear service access for servants and carts carrying goods.

Little Latrobe Street is one such laneway, running east to west between Swanston and Elizabeth streets and located in the centre of the block bordered by Latrobe and A’Beckett streets at the northern end of the CBD. It is situated within what was originally known as Section 37 of the Parish of Melbourne North (see directly below), County of Bourke, which comprised the entire block bordered by Elizabeth, Swanston, Latrobe and A’Beckett streets. Of Melbourne's multitude of laneways, Little Latrobe Street makes a particularly interesting case study. Curiously, it traverses the length of just one city block, rather than running the length of the CBD like the main thoroughfares and other 'little' streets laid out by Hoddle in the 1830s – Little Lonsdale, Little Bourke, Little Collins and Flinders Lane. Moreover, while Section 37 with its twenty Crown allotments clearly appears on the original parish map, Little Latrobe Street itself is not shown. The street does appear on the Melbourne Metropolitan Board of Works (MMBW) detailed base plan for Melbourne North (see below next paragraph), which is undated.


Fiona Poulton completed a Bachelor of Arts (Honours) at the University of Melbourne in 2007. She is currently in the final year of a Master of Public History at Monash University, and is working part-time as a consulting historian. Through her work in heritage, she has become familiar with the land records held at Public Record Office Victoria (PROV). Fiona is currently working on her first commissioned history and completing a work placement at the Melbourne Museum. She is an accredited member of the Professional Historians Association (Victoria), serving on the Committee of Management as editor of the newsletter Pharos.
As the settlement of Melbourne grew, so too did the need for a system to regulate its residents, and on 22 October 1841 an Act of Parliament divided the settlement into four wards – Bourke, Latrobe, Gipps and Lonsdale. For rate-paying purposes, Little Latrobe Street fell within the north-east section of Melbourne in the Ward of Gipps, though it is not recorded in the rate books for that ward until 1851. It appears, therefore, that the street did not exist when the original parish map, which is undated, was drawn up. Rather, it was added some time between 1850 and 1851, through the centre of Section 37. This means that Little Latrobe Street was not included in the original 1837 layout of the city’s grid with the other ‘little’ streets, but developed much later. It is significant that Little Latrobe Street was constructed around 1850, as there was a huge influx of immigrants into Melbourne at that time following the discovery of gold in Victoria and, clearly, more space was needed to cope with the rising population. Little Latrobe Street thus came to exist in a much more ‘natural’ way than the streets of the grid, developing as the city itself was growing, out of a need rather than a structured plan.

While Little Latrobe Street did not exist until 1850-51, it is still possible to discern information about the allotments within which it was situated from the undated map of the Parish of Melbourne North. According to this pre-1851 record, almost all of the land in Section 37 – indeed, eighteen of the twenty Crown allotments – were purchased by Albert Thoume Ozanne and Thomas Budds Payne on 8 November 1849. In addition, the MMBW plan shows that many properties clearly backed onto alleyways, which were situated on both the north and south sides of the street, providing access to the rear of properties not only in Little Latrobe Street, but also the surrounding larger thoroughfares of Latrobe Street and A’Beckett Street.
Case Study: 22–32 Little Latrobe Street

The rate books for the Ward of Gipps provide further insight into the built structures and their occupants on Little Latrobe Street as well as the history of land use over time. The Sands and McDougall street directories give similar insight into how land was being used in areas of Melbourne, listing residents and their occupations.[3] An examination of the rate books for the Ward of Gipps and the Sands and McDougall directories for Little Latrobe Street was undertaken, beginning with the appearance of the street in the rate books of 1851. It is important to note that street numbers were only recorded in rate books in an ad hoc manner until the late 1860s. In addition, owners were sometimes listed rather than occupants. The information that could be gathered from these sources is therefore incomplete and contains some gaps.

The Table overleaf presents the history of built structures and occupation at one particular site – 22–32 Little Latrobe Street – at five-yearly intervals and reflects the general pattern of development in the street as indicated by the rate books and the Sands and McDougall directories. The Table begins in 1865 as this was the first year that street numbers were listed with some consistency. Where there is no information listed in the Table, there was no entry in the rate book or directory.

Table notes:

i. There is a discrepancy here between the rate books and the Sands and McDougall directories, which list Terence Flood as the occupant.

ii. This hotel is not listed again at this address, but is often listed as number 50 or 52 Little Latrobe Street.

iii. This information is from the rate books, although Sands and McDougall list number 30 as vacant in 1895.

iv. This occupant is from the rate books; William Todd is listed as the occupant in Sands and McDougall.

The Table indicates that from the time Little Latrobe Street was constructed, some time in 1850, it was occupied mostly by small businesses, such as James McNamara the collar maker, and was made up predominantly of small brick buildings. The sources reveal that McNamara ran his business for more than thirty years out of five- and six-room brick houses. He is listed at number 18 in 1865 and subsequently at number 22, and then from 1890 at number 46 until he disappears from the records in 1900. Sands and McDougall list the Devon and Cornwall Hotel in the street from 1870 and in 1885 it is listed at number 24. However this is likely to be either a mistake or an issue with street numbering, as the hotel appears thereafter at number 50–52 until its closure between 1905 and 1910. The Devon and Cornwall Hotel was thus a major presence in Little Latrobe Street for over thirty-five years, occupying a fourteen-room brick building. Perhaps the hard-working inhabitants of the small businesses surrounding the hotel would drop in for a beer after work.

By the early twentieth century the area was becoming more industrial, with cabinet makers and hawkers occupying several properties. The Table clearly demonstrates how the earlier small subdivisions were being combined into larger blocks for bigger industrial developments. The different occupants and small brick buildings at 22, 24, 26, 28, 30 and 32 Little Latrobe Street had by 1936 become just the one address (22–32) with the one occupant. Although very little information was found regarding the use of 22–32 Little Latrobe Street between 1926 and 1934, this industrial development continued into the 1920s, as in 1925 there were auto welders and engineers installed at number 22 Little Latrobe Street, motor radiator works and repairs at number 28 and die sinkers and engravers S Reading & Son at number 32.
<table>
<thead>
<tr>
<th>YEAR</th>
<th>Occupant</th>
<th>Address</th>
<th>Owner</th>
<th>Built Structures</th>
<th>Year</th>
<th>Occupant</th>
<th>Address</th>
<th>Owner</th>
<th>Built Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1865</td>
<td>James McNamara, saddler</td>
<td>22</td>
<td>Charles Long</td>
<td>5-roomed brick house</td>
<td>1865</td>
<td>James McNamara, saddler</td>
<td>22</td>
<td>Charles Long</td>
<td>5-roomed brick house</td>
</tr>
<tr>
<td></td>
<td>James Flanagan</td>
<td>24</td>
<td>Louis Kolling</td>
<td>3-roomed brick house</td>
<td>1865</td>
<td>James Flanagan</td>
<td>24</td>
<td>Louis Kolling</td>
<td>3-roomed brick house</td>
</tr>
<tr>
<td></td>
<td>John Wheelhouse</td>
<td>26</td>
<td>Mr Ledgeworth</td>
<td>3-roomed brick house</td>
<td>1865</td>
<td>John Wheelhouse</td>
<td>26</td>
<td>Mr Ledgeworth</td>
<td>3-roomed brick house</td>
</tr>
<tr>
<td>1870</td>
<td>Charles Merrick, boot factory (i)</td>
<td>28</td>
<td>Jennings &amp; Coote</td>
<td>Shop &amp; five rooms, brick</td>
<td>1870</td>
<td>Charles Merrick, boot factory (i)</td>
<td>28</td>
<td>Jennings &amp; Coote</td>
<td>Shop &amp; five rooms, brick</td>
</tr>
<tr>
<td>1875</td>
<td>James McNamara, collar maker</td>
<td>30</td>
<td>Agent</td>
<td>3-roomed brick house</td>
<td>1875</td>
<td>James McNamara, collar maker</td>
<td>30</td>
<td>Agent</td>
<td>3-roomed brick house</td>
</tr>
<tr>
<td></td>
<td>Agent</td>
<td>32</td>
<td>Mr Ledgeworth</td>
<td>3-roomed brick house</td>
<td>1875</td>
<td>Agent</td>
<td>32</td>
<td>Mr Ledgeworth</td>
<td>3-roomed brick house</td>
</tr>
<tr>
<td>1880</td>
<td>James McNamara, collar maker</td>
<td>35</td>
<td>Owner</td>
<td>5-roomed brick house</td>
<td>1880</td>
<td>James McNamara, collar maker</td>
<td>35</td>
<td>Owner</td>
<td>5-roomed brick house</td>
</tr>
<tr>
<td>1885</td>
<td>James McNamara, collar maker</td>
<td>40</td>
<td>Devon &amp; Cornwall Hotel (ii)</td>
<td>6-roomed brick house</td>
<td>1885</td>
<td>James McNamara, collar maker</td>
<td>40</td>
<td>Devon &amp; Cornwall Hotel (ii)</td>
<td>6-roomed brick house</td>
</tr>
<tr>
<td>1890</td>
<td>Mrs Lilly Walker</td>
<td>45</td>
<td>Mrs Mary Ann Williams</td>
<td>Vacant</td>
<td>1890</td>
<td>Mrs Lilly Walker</td>
<td>45</td>
<td>Mrs Mary Ann Williams</td>
<td>Vacant</td>
</tr>
<tr>
<td></td>
<td>Thomas Fitzpatrick</td>
<td>50</td>
<td>Mrs Elizabeth Musgrove</td>
<td>Vacant</td>
<td>1890</td>
<td>Thomas Fitzpatrick</td>
<td>50</td>
<td>Mrs Elizabeth Musgrove</td>
<td>Vacant</td>
</tr>
<tr>
<td>1895</td>
<td>Mrs Rose Johnson</td>
<td>55</td>
<td>Vacant</td>
<td>Vacant</td>
<td>1895</td>
<td>Mrs Rose Johnson</td>
<td>55</td>
<td>Vacant</td>
<td>Vacant</td>
</tr>
<tr>
<td></td>
<td>Ah Hay, cabinet maker</td>
<td>60</td>
<td>John and Annie Morris</td>
<td>Ah Hay, cabinet maker</td>
<td>1895</td>
<td>Ah Hay, cabinet maker</td>
<td>60</td>
<td>John and Annie Morris</td>
<td>Ah Hay, cabinet maker</td>
</tr>
<tr>
<td>1900</td>
<td>Arthur Nicoli</td>
<td>65</td>
<td>John Lawson (iv)</td>
<td>4-roomed brick house</td>
<td>1900</td>
<td>Arthur Nicoli</td>
<td>65</td>
<td>John Lawson (iv)</td>
<td>4-roomed brick house</td>
</tr>
<tr>
<td></td>
<td>Low Shee</td>
<td>70</td>
<td>James and Florence Lee</td>
<td>4-roomed brick house</td>
<td>1900</td>
<td>Low Shee</td>
<td>70</td>
<td>James and Florence Lee</td>
<td>4-roomed brick house</td>
</tr>
<tr>
<td>1905</td>
<td>Fan Gee</td>
<td>75</td>
<td>Wah Kee, cabinet maker</td>
<td>5-roomed brick house</td>
<td>1905</td>
<td>Fan Gee</td>
<td>75</td>
<td>Wah Kee, cabinet maker</td>
<td>5-roomed brick house</td>
</tr>
<tr>
<td></td>
<td>‘Occupied by Chinese’</td>
<td>80</td>
<td>Ah Young, cabinet maker</td>
<td>5-roomed brick house</td>
<td>1905</td>
<td>‘Occupied by Chinese’</td>
<td>80</td>
<td>Ah Young, cabinet maker</td>
<td>5-roomed brick house</td>
</tr>
<tr>
<td>1910</td>
<td>Fung Kee, cabinet maker</td>
<td>85</td>
<td>Sam Hing</td>
<td>‘Occupied by Italian hawkers’</td>
<td>1910</td>
<td>Fung Kee, cabinet maker</td>
<td>85</td>
<td>Sam Hing</td>
<td>‘Occupied by Italian hawkers’</td>
</tr>
<tr>
<td></td>
<td>Mung Hue</td>
<td>90</td>
<td>Mrs Maude Gay</td>
<td>‘Occupied by Italian hawkers’</td>
<td>1910</td>
<td>Mung Hue</td>
<td>90</td>
<td>Mrs Maude Gay</td>
<td>‘Occupied by Italian hawkers’</td>
</tr>
<tr>
<td>1915</td>
<td>Fung Kee, cabinet maker</td>
<td>95</td>
<td>Kee Dick</td>
<td>‘Occupied by Italian hawkers’</td>
<td>1915</td>
<td>Fung Kee, cabinet maker</td>
<td>95</td>
<td>Kee Dick</td>
<td>‘Occupied by Italian hawkers’</td>
</tr>
<tr>
<td>1920</td>
<td>Yee Ack, cabinet maker</td>
<td>100</td>
<td>‘Chinese’</td>
<td>‘Chinese’</td>
<td>1920</td>
<td>Yee Ack, cabinet maker</td>
<td>100</td>
<td>‘Chinese’</td>
<td>‘Chinese’</td>
</tr>
<tr>
<td></td>
<td>‘Occupied by Italian hawkers’</td>
<td>105</td>
<td>‘Chinese’</td>
<td>‘Occupied by Italian hawkers’</td>
<td>1920</td>
<td>‘Chinese’</td>
<td>105</td>
<td>‘Occupied by Italian hawkers’</td>
<td>‘Chinese’</td>
</tr>
<tr>
<td>1925</td>
<td>Auto welders and engineers (18–22)</td>
<td>110</td>
<td>Walter Saunders, motor radiator works, repairs</td>
<td>4-roomed brick house</td>
<td>1925</td>
<td>Auto welders and engineers (18–22)</td>
<td>110</td>
<td>Walter Saunders, motor radiator works, repairs</td>
<td>4-roomed brick house</td>
</tr>
<tr>
<td></td>
<td>S. Reading &amp; Son, die sinkers and engravers</td>
<td>120</td>
<td>‘Chinese’</td>
<td>‘Chinese’</td>
<td>1925</td>
<td>S. Reading &amp; Son, die sinkers and engravers</td>
<td>120</td>
<td>‘Chinese’</td>
<td>‘Chinese’</td>
</tr>
</tbody>
</table>
Occupation and Land Use of Little Latrobe Street

The case study above is highly representative of the historical development of Little Latrobe Street as a whole. In the earliest street directory, compiled by Sands and Kenny in 1857, Little Latrobe Street was filled with small businesses, including blacksmiths, plumbers, clothing manufacturers and food merchants. Women were also running businesses, with a laundress at number 21 and a dressmaker at number 9. The rate books reveal that these businesses were almost all housed in brick buildings of two or three rooms, though in 1855 four wooden houses were listed and from 1860 the records begin to include sheds and stables on many properties.[4]

What the case study does not show is that in the booming economic and social environment of ‘Marvellous Melbourne’ in the 1880s, larger industries began to develop in Little Latrobe Street, with Corris, Craig & Co. boot factory and The Pearl Cold Water Soap Manufacturing Co. appearing amongst the small-scale basket manufacturers and blacksmiths. Then, throughout the 1890s there is an increase in the number of vacant properties in Little Latrobe Street, with seventeen properties listed as vacant in the street directory of 1895. This increase supports Robyn Annear’s description of the many buildings in the inner city abandoned during the terrible economic depression of that time. Many of those buildings ended up as jobs for Whelan the Wrecker, who, conversely, enjoyed a decade of strong economic growth with so many abandoned buildings around for the wrecking business.[5]

Historian Weston Bate has described the laneways of the north-eastern quarter of Melbourne’s CBD in the decades following the 1890s economic depression as ‘havens for small manufacturers, builders and craftsmen’. Little Latrobe Street was certainly one such laneway, filled with a wide variety of businesses including carpenters, plumbers, engineers, and manufacturers’ agents. Interestingly, the names of Chinese occupants begin to appear in the street from around 1900, many listed as cabinet makers. About the same time, the names of European immigrants also start to appear, such as Greek newspaper proprietor Efstratius Venlis, who occupied 54-56 Little Latrobe Street in 1915. A Chinese cabinet maker is listed at number 30 Little Latrobe Street from 1895, and the street directory reveals that by 1915 there were seventeen properties clearly occupied by immigrants, twelve of them Chinese and the remaining Greek and Italian. This appearance of Chinese cabinet makers in Little Latrobe Street reflects the expansion of Melbourne’s Chinatown a few blocks away in Little Bourke Street during the 1880s, as Chinese gold diggers who had first arrived during the 1850s gold rushes relocated to the city to find work and set up businesses. According to Morag Loh, the population of Chinese people in Melbourne more than doubled between 1881 and 1901.[7] The increase in immigration was clearly a difficult adjustment for some; foreign immigrants are often listed in Sands and McDougall simply as ‘Italian hawkers’, ‘Greek hawkers’ or ‘Chinese’.

Despite the fact that much of Melbourne’s industry had started to move out of the CBD to inner suburbs like Collingwood and Footscray, by the early twentieth century Little Latrobe Street was increasingly dominated by larger industries, with William Unsworth’s Gas Apparatus Works at number 58 and Coghlan and Tulloch’s Ballarat Brewing Co. at number 41. Some of the smaller businesses survived the development of bigger industries in the area and even began to expand themselves. Henry Triplett’s basket manufacturing business, for instance, is listed in the street directories continuously at number 2A and then 19 Little Latrobe Street from 1875 to 1955. The building occupied by Triplett is listed as a three-room brick house in the rate books of 1875, which by 1880 had become four rooms. At the same time as the street directory indicates Triplett’s business expanding to 19-27 Little Latrobe Street in the 1890s, the rate books reveal that he then owned four properties, each with three- or four-room brick buildings erected on them. By 1900, Triplett’s property had become a ‘brick factory and store yard’ which was inherited by his three sons upon his death in 1909. It seems the basket manufacturing business continued to be run by the Triplett family until its disappearance from the records in 1955.[8]

The early twentieth century also saw the appearance of philanthropic organisations in Little Latrobe Street, reflecting the changing attitudes towards the poor and disadvantaged people of Melbourne. The city’s laneways had developed a reputation for being home to Melbourne’s slums – dark, dirty and unsavoury places filled with crime, homelessness and prostitution, particularly in Little Bourke and Little Lonsdale streets. Poverty and overcrowding in such areas created unsanitary living conditions, which led to disease and general misery, turning the laneways into areas where respectable citizens dared not tread.
Fergus Hume described the laneways in his 1880s novel *The mystery of a hansom cab*:

Kilsip and the barrister kept for safety in the middle of the alley, so that no one could spring upon them unaware, and they could see sometimes on the one side, a man cowering back into the black shadow, or on the other, a woman with disordered hair and bare bosom, leaning out of a window trying to get a breath of fresh air.[10]

Little Latrobe Street was certainly not such a dangerous, unpleasant place, as throughout its history it seems to have been occupied by respectable, albeit working-class, businesses and industries.[11] However, the history of Melbourne's low-life in the city's laneways is still a part of the area's heritage. The Helping Hand Mission Society was the first of the philanthropic organisations in Little Latrobe Street, listed at number 29 in the rate books for 1905. The Salvation Army then took over the premises, listed in the rate books of 1910 as 'Salvation Army Elevator'. An Elevator, according to Salvation Army founder William Booth, was 'a combination of workshop, home and religious retreat'.[12] The unemployed, homeless, and those who had fallen on hard times through drink or crime would be given work at an Elevator in various trades such as carpentry, rag-sorting or baking. It is unclear what exact services were offered by the Elevator in Little Latrobe Street, though it certainly provided people with shelter as it was specifically referred to as a 'lodginghouse' in the rate books from 1920 onwards. By 1935, number 29 had fallen vacant after the Salvation Army had served the community from there for over twenty-five years.

As is evident in the Table above, by the 1930s businesses related to motor vehicles had come to dominate Little Latrobe Street, with motor engineers and accessory merchants lining the street. The first of these businesses appeared in 1905: The Acme Motor and Engineering Co. Pty Ltd, managed by Frank Bennett. By 1935 there were twelve businesses in the street to do with motor cars, including Nason and Pollard motor engineers at number 34 and WT Greenwell's motor accessories store at number 51. These replaced declining businesses such as Hubert S McCausland's, a coachbuilder at number 60, and shoeing forge Winccliffe and Co. at number 68. Such businesses had by 1935 disappeared from the records completely. There was even a school for teaching motor driving, which occupied number 65-69 for at least five years from 1925: Austin Motor School. The increasing use of the motor car had an enormous effect on the inner city, with cars lining the streets and laneways by the 1950s.

### Little Latrobe Street Today

The Sands and McDougall street directories indicate that, with smaller businesses expanding and larger industries moving into Little Latrobe Street from the turn of the century, many of the small brick buildings that originally dominated the street were probably demolished at that time to make way for larger factories and warehouses. According to the Building Application Index held by PROV, factories were erected at number 12-14 Little Latrobe Street in 1928, number 16 in 1924, number 31-33 in 1919, number 35-39 in 1929, number 43-47 in 1924, and number 49, also in 1924.[13]

The Building Application Index also confirms that many of the buildings seen in the street today date from more recent times. It reveals, for example, that a two-storey brick building occupied by James McNamara, the collar maker in the 1890s at number 46 Little Latrobe Street, was demolished in 1986 and a three-storey 'shop/office' built in its place.[14] Today the building is an apartment block, surrounded by several other modern buildings that also appear to be apartments. Though many of Little Latrobe Street's original buildings are now gone, signs of its history do remain. The alleyways running off the laneway on both sides are still being used, servicing both the buildings fronting Little Latrobe Street and buildings fronting Latrobe and A'Beckett streets. The sign on an RMIT University building in Little Latrobe Street demonstrates this continuing use. What is more, these cobblestoned alleys continue to provide out-of-the-way areas to store rubbish, just as they would have done 150 years ago.

![RMIT University sign in service alleyway off Little Latrobe Street.](image-url)

Private collection.
Some buildings dating from the 1920s do still exist in Little Latrobe Street. One, which according to the Building Application Index was erected in 1928 and converted to a factory in 1938, then to a café in 1992, now houses a popular artists’ supplies store. Mark Thompson manufactured scientific instruments for over thirty years from the 1930s to the 1960s out of his 1924 factory at number 16. In the 1970s during the women’s liberation movement, this building housed the first Women’s Liberation Office where women gathered to discuss ideas and plan campaigns to fight for equal rights. Today it is occupied by a café popular with RMIT University students. Another old brick building is the premises of a used motorcycles store, indicating that traces do remain of Little Latrobe Street’s history as a centre for engineering and auto mechanics. Perhaps most importantly, despite the new modern buildings that now dominate the laneway, developments have at least been kept at a reasonable height and no more than four or five storeys high. Though Little Latrobe Street is today dwarfed by surrounding skyscrapers and large developments, it has so far retained its laneway feel.
Little Latrobe Street today, looking towards Elizabeth Street. Private collection.

Heritage Significance of Little Latrobe Street

The story of Little Latrobe Street is in many ways the story of Melbourne in microcosm. The laneway owes its very existence to the population boom during the 1850s gold rush. It tells of the inner workings of the early settlement and the lives of the often-forgotten working classes running small businesses from simple brick buildings hidden in the backstreets. The remains of the larger scale factories and industries that developed from the turn of the century speak of their importance to the growth of Melbourne as a global commercial city. Little Latrobe Street contains the stories of Chinese and European immigrants, whose influence on life in Melbourne transformed the cultural landscape of the city, and the stories of Melbourne’s philanthropic organisations, who recognised the plight of the poor and needy and worked to support them. The laneway has enormous historical and social significance and meets the requirements of the Australia ICOMOS Burra Charter for the conservation and management of cultural heritage sites in at least these two categories. [15]

While Melbourne’s laneways were originally built simply for practicality, in more recent times concerted efforts have been made to revitalise them, and laneways have become a valued and even celebrated feature of the city. The City of Melbourne’s Laneway Commissions scheme, launched in 2001, has encouraged the use of laneways for temporary public art displays. [16] The laneways have thus become vessels for expressing the city’s twenty-first-century culture and identity, as well as its history. The smaller, hidden alleyways winding through the depths of the city blocks have become particularly popular amongst Melbourne’s artists and young people, inspiring the creation of the Laneway Music Festival in 2004. Laneways, including Little Latrobe Street, are also favourite sites amongst graffiti artists to create their constantly changing artworks.

Graffiti art in Little Latrobe Street. Private collection.

There has been some thought as to how laneways can be developed in a way that is sensitive to their history. Landscape architect Fiona Harrisson has written about her design for the redevelopment of Little Latrobe Street in the late 1990s. By that time, Little Latrobe Street was made up of ‘an eclectic mix of industrial, commercial, and residential development’ and Harrisson’s aim was to emphasise the industrial heritage features still visible in the laneway. She did this by widening the footpath on one side only, so that pedestrians ‘walking on the widened side have an open view that takes in the old facades’ of the old brick factories and warehouses on the other side of the street. [17]

However, despite the burgeoning laneway culture and the renewed interest in Melbourne’s heritage sites, there is still a tendency to focus on the city’s impressive landmark heritage buildings, and to neglect those areas that perhaps are not as impressive but are still an important part of our history. Fortunately, the Melbourne Heritage Action Group, formed in July 2010, is increasingly advocating for the preservation of little-known and under-appreciated heritage buildings and locations in Melbourne’s CBD, including laneways and ‘hidden’ building interiors. [18]
A debate over whether developers should be kept away from the city's laneways is currently underway. However, this debate focuses on the financial benefit to Melbourne City Council of selling laneways to developers rather than on the heritage and cultural values of the lanes themselves.[19]

Weston Bate has described the phenomenon of laneways disappearing under large-scale developments once developers began to consolidate titles in the 1970s. The Melbourne Central shopping complex and Collins Place office and retail development each led to the destruction of four laneways.[20] These developments signified a major loss of the city's heritage, but also a loss of pedestrian and service access systems, and of Melbourne's rich diversity and character. As it is inevitable that Melbourne's laneways will undergo further development in the future, it is crucial that the heritage values of those that remain are properly assessed and that appropriate regulations are put in place to ensure that such a loss does not continue to occur. A search of local planning schemes has found no heritage overlays on Little Latrobe Street. Fifteen properties in the laneway are listed on the Victorian Heritage Register, though no statement of significance is provided for any of these sites. Hopefully their very inclusion on the register means that any plans for development will be examined with great care.[21]

It is difficult to safeguard these heritage sites in the ever-changing and constantly evolving modern metropolis that is Melbourne today. While public awareness of heritage issues and interest in the potential uses of Melbourne's laneways have grown in recent years and significantly lessened the chances of icons like Little Latrobe Street disappearing under large developments, it is still important that those charged with developing the city's laneways are persuaded to make heritage issues a major consideration. Melbourne's lanes and alleyways tell a unique story. As representations not only of our past, but also of our ever-evolving present, they deserve our protection.

Endnotes

[1] W Bate, *Essential but unplanned: the story of Melbourne's lanes*, State Library of Victoria in conjunction with City of Melbourne, Melbourne, 1994, p. 11. There is some discrepancy over the spelling of ‘Latrobe’ or ‘La Trobe’. I have used ‘Latrobe’ in this article as it is the spelling most often used in the primary sources that I consulted. However, ‘La Trobe’ is most commonly used today.


[3] Sands & Kenny’s commercial and general Melbourne directory first appeared in 1857 and was published annually. In 1862 it continued as Sands & McDougall’s commercial and general Melbourne directory, and was published annually, with various name changes, until well into the twentieth century.


[8] PROV, VPRS 7591/P2, Unit 442, File 114/486, will and probate records of Henry Triplett.


[11] Little Latrobe Street did not, in fact, escape scandal completely. The Devon and Cornwall Hotel, at number 50, gained some notoriety in 1886 when it was the scene of a brutal murder, witnessed by George William Buttrey, the proprietor of the hotel. This was reported in both local and inter-colonial newspapers at the time, for example: ‘Death by violence’, *The Argus*, 25 February 1886, p. 4h; ‘Murder of a woman in Victoria’, *Maitland mercury & Hunter River general advertiser*, 27 February 1886, p. 7a.


[20] Bate, Essential but unplanned, p. 16.

Campbell and Woolley’s Store

Joan Hunt


Joan Hunt is a Fellow of the Royal Historical Society of Victoria, where she served several terms on Council, partly as vice-president and partly as convenor of the History Victoria Support Group. Her work in community history spans thirty-seven years, from Dandenong Historical Society committee membership in 1974 to involvement in the Ballarat region since 1980. Joan is a past president of the Ballarat Historical Society, a founder and past president of the Woady Yaloak Historical Society, has served two terms chairing the Ballarat & District Genealogical Society, and is an active member of other local historical societies. She is a co-founder and inaugural secretary of the Central Highlands Historical Association. In 1988 Joan was awarded a Churchill Fellowship to study how local and family history societies in the UK organise and administer themselves. Joan has published a history of Ross Creek, a centenary history of Scarsdale Old Boys Reunion, and many articles and papers. She is currently working on a history of the Springdallah goldfields. She recently retired from her position as an Access Services Officer at the Ballarat Archives Centre, Public Record Office Victoria.

Abstract

Evan Jenkins in The golden chain: a history of Sebastopol claims that the first store in inland Victoria was built at the Round Water Holes near Sebastopol, now a suburb of Ballarat. This statement is a repetition of an 1870 claim by historian William Withers. However, when researching the area for my history of Ross Creek, I realised that some confusion had arisen between the 1840 business of Campbell and Woolley and the 1860s store of Isaac Pike, which was definitely at the Round Water Holes site. Correspondence in PROV series VPRS 19/P0 confirms that the historic 1840 store was not established at the Round Water Holes, but was built at a junction on the Buninyong road. The story of the store provides an interesting insight into the district near Buninyong in the pre-gold era.

The gently curving slopes of Mt Buninyong rise up from the plains across which the Yarrowee Creek and its tributaries have meandered since time immemorial. In August 1837 the arrival of a party of British-born explorers heralded an avalanche of change to this sylvan scene.[1] The lifestyle and culture of the Wathaurong people who had dwelt within sight of the ‘big hill like a knee’ for tens of thousands of years were very suddenly disrupted by the new society that emerged with the coming of European settlers. Young, mainly Scottish land-seekers wasted no time in capitalising upon the open forests and lush pasturelands carpeting the plains in every direction.

Nineteen-year-old Henry Anderson was one of David Fisher’s party which travelled north from Corio Bay in August 1837, exploring the country around Mt Buninyong and Lake Burrumbeet.[2] Within five months Anderson had returned and settled on the Yarrowee Creek, also known as the upper Leigh River, on 13,000 acres which he called Waverly Park.[3]

William Cross Yuille, also aged nineteen, travelled with Anderson and took up his 10,000 acre Ballarat station three miles to the north, on the swamp we now call Lake Wendouree. By this time the brothers Thomas Learmonth and Somerville Learmonth, twenty and nineteen years of age respectively, had established themselves on their 12,838 acre ‘Boninyong’ run south of the mountain after which their station was named.[4]
Plan showing the boundaries of the Boninyong, Ballarat and Waverly Park runs in 1840-41, for which the occupants paid £10 per year. Reproduced in PM Griffiths, *Three times blest: a history of Buninyong and district 1837-1901*, Buninyong & District Historical Society, 1988, p. 37.

Henry’s father was Alexander Anderson senior, from Fifeshire where he had been a farmer and miller. Anderson senior had emigrated to the Swan River settlement in Western Australia in 1831 in charge of a party of soldiers on a convict vessel, accompanied by his sons Henry, William and Alexander.[5] Their mother is not mentioned, although presumably she was with them as they would have been quite young boys at the time.[6]

In 1836 the family travelled to Van Diemen’s Land and the following year Henry and William, now in their late teens, came across to the Port Phillip District. Henry held his station in partnership with George Russell, manager of the Clyde Company made up of wealthy Scots, mostly capital-rich merchants.[7]

Henry Anderson is mentioned in the diary of Katherine Kirkland, the wife of squatter Kenneth Kirkland. Mrs Kirkland tells us that she and a large number of relatives, servants and friends landed at Point Henry in January 1839.[8] These included Agnes, the infant daughter of thirty-year-old Katherine. They had five drays with bullocks, and a spring cart on which were packed the family, along with four little dogs, three cats, some cocks and hens, a pair of rabbits, three pigs, some geese and ducks. The party set off in the general direction that would eventually bring them to their new home at their chosen Trawalla squatting run, some five miles (8 km) before the location of present-day Beaufort.

One night they slept at Henry Anderson’s hut. Katherine Kirkland said he had an old woman as hut-keeper, who made them as comfortable as she could; but it was a cold night, and the wind ‘whistled very keenly through a door made of rushes’. Mrs Kirkland remarked on the unusual neatness and cleanliness of both Henry Anderson and his hut, rare among the young landholders.

Henry Anderson’s hut site overlooked the flat (now known locally as Winter’s Flat) through which the Yarrowee Creek flows south from Ballarat and Sebastopol, and across the marshy areas where his cattle would graze. Anderson married Julia Lyall on 9 January 1841 at Geelong in a Presbyterian ceremony. [9] Like many of the early European squatters (including the Kirklands, Charles Henry Ross and the Learmonth), the Andersons and their six children returned to Scotland where Henry died on 10 October 1878, aged seventy years at Chapel House, his farm in the village of Chapel near Kirkcaldy on the north side of the Firth of Forth.[10]

On 4 April 1838 a shepherd and hutkeeper named Terence McMannis, who was employed by the Learmonth brothers, was killed by ‘the blacks’. [11] The outstation where this occurred was almost certainly at the Round Water Holes, which was for many years known as Murdering Valley.
Evidence given by local shepherds in the murder case confirms that both Henry Anderson and his brother William lived in huts in the vicinity, and that the third brother Alexander Anderson was the chief overseer of Thomas Learmonth.[12]

Squatters and their families and workers were penetrating further inland from the settled districts near Melbourne and Geelong from the late 1830s, often accompanied by large flocks of sheep and herds of cattle. They were attracted to the country in the Western District that Major Mitchell had described in his overland journeys.

By the end of 1839 the rough trail that blazed through the bush, via the little settlement of Buninyong in the shadow of the mountain from which it took its name, opened the way to the west for those intrepid settlers. From Buninyong the road branched after it forded the Yarrowee Creek, and led to two major destinations. One track headed to the Pyrenees in the west of Victoria, after passing Lake Wendouree, where William Cross Yuille’s hut marked his Ballarat run. It then travelled to Burrumbeet and Maiden Hills where the Learmonth brothers later built their Ercildoune homestead. The brothers and their workers used this road almost daily as they travelled between their Boninyong and Ercildoune properties in the late 1830s and 1840s.

The Learmonth brothers, stationed with their workers on the Yarrowee Creek south of Mt Buninyong, commenced writing a station journal in January 1839. They recorded weather, movement of their flocks, journeys to and from Geelong and between their Boninyong run and the leased property they had called Ercildoune, the behaviour of many of their workers, and progress on various buildings being constructed at Boninyong.[15]
Ballarat historian William Bramwell Withers wrote in 1870 that ‘the first store in the neighbourhood was opened at the Round Water Holes, near Bonshaw, by Messrs D.S. Campbell and Woolley, of Melbourne, who almost immediately afterwards removed to a site next Gab’s [sic], at Buninyong, whose place they took for a kitchen’.[16] When a history of Sebastopol was published in 1980, that claim was repeated,[17] but subsequent research has shown that the site of that historic store was not where the shepherd was killed, but near Henry Anderson’s hut on Waverly Park.[18]

In October 1840, Daniel Stodhart Campbell and Alfred Woolley, merchants who had stores at both Melbourne and Geelong, sought permission to establish a store further inland, on a route where the traffic was becoming more dense by the month, a potentially lucrative site.

Daniel Stodhart Campbell married Catherine Morris Smith in 1839 at St James Church in Melbourne, as a 26-year-old wine and spirit merchant.[19] His marriage was witnessed by Alfred Woolley. The couple had no children. When Campbell died on 28 April 1875 at Vaucluse Road, Richmond he left an estate valued at £3050.[20]

Alfred Woolley, born 1818 in Peckham, London, had arrived in the colony with his brother Thomas, who apparently had no connection with Alfred’s business. [21] Alfred lived in Stephen Street (now known as Exhibition Street) with his wife Jane Christian (née Kirby) whom he married in 1840. They had nine children, some of whom died in infancy. Alfred Woolley died on 13 May 1890, leaving an estate valued in excess of £30,000.[22]

The earliest record of the store is a letter sent by the Commissioner of Crown Lands, Captain Foster Fyans,[23] to Mr Irvine at Buninyong, who was acting as agent for Campbell and Woolley. The letter is dated 22 October 1840, and in it Fyans states:

I can see no difficulty in your selecting a place for the store Mr Campbell proposes to have at Bunenyong [sic] on the ground occupied by Mr Anderson & Mr Yuille, but not within one and one half miles of their home station...[24]

The following day Fyans wrote to Superintendent Charles La Trobe in Melbourne, informing him

that I have granted permission for a General Store to be built near Buninyong, which will be of material good to the Country in that part, and on the High Road from Melbourne to Portland Bay, the applicants Messrs Wolly [sic] & Campbell, 10£ Licence...[25]

Just eight days later confirmation was again sent to Mr Irvine:

...regarding the store which Mr Campbell intends building at Buninyong... As I before mentioned a good situation for such a purpose is near Mr Yuille’s or Mr Anderson’s or on the River Lee [sic] where a Township likely may be formed I think about the junction of the Two Roads...[26]

Within just a few months of the store opening for business, however, trouble had arisen. Thomas and Somerville Learmonth’s letter of complaint to Commissioner Fyans dated 2 March 1841 pointed to the drunkenness and rioting resulting from the presence of the store, which they called ‘an intolerable nuisance to the settlers in the neighbourhood’. They claimed that their men procured spirits at the store with the result that ‘sometimes they have been unfit for work for two or three days in succession’, that they had ‘attacked, beat and robbed a man who was passing’, and that ‘in one instance one of our men, while drunk, came into our dwelling house and discharged a pistol through the windows’.[27]

On 24 April 1841, Henry Anderson also complained that he had

been much annoyed even till near midnight by the noise of men fighting and swearing, etc., at the store, which (from its proximity to my dwelling house) I can hear as well as if I were on the spot.[28]
Anderson stressed how close the store was to his own residence:

... the store lately erected by Messrs Campbell & Wooley [sic] upon my run & within a few hundred yards of my dwelling house has been a great source of annoyance to me ever since its establishment...

and went on to enumerate the problems:

• his servants were able to procure spirits directly from the store, resulting in drunk and riotous behaviour and being unfit for their duty, in consequence of which his cattle and other property were being neglected;

• his dairy cows were much harassed by the bullocks belonging to Messrs Campbell and Woolley mixing with them and by their men hunting their bullocks out from amongst them with dogs;

• his cows were driven from their usual grazing places in the marsh as a result of the store being placed too close to his stock yard.

He closes with the information that 'nearly all the settlers within thirty miles of the store have declared it to be a great annoyance and in no way of any advantage to them and are all anxious for its removal'.

Campbell and Woolley were soon notified by Fyans that their application to renew the licence for their store had been refused. They then wrote to La Trobe claiming their own serious loss and providing evidence of Fyans's previous support for its establishment. They argued in their letter of 15 June 1841 that they had 'expended a large sum upon the erection of a convenient store and commodious stock yard'.[29] Their request for reconsideration of the decision was, however, not upheld.

Upon a guarantee given to the local squatters – the Learmonth brothers, Archibald Buchanan Yuille, Henry Anderson (for Russell & Anderson) and Andrew Scott of Mt Buninyong – that no wines, spirits or femented liquors of any kind would be in the store,[30] permission was given by all concerned for Campbell and Woolley to remove their store from Anderson’s run and re-erect it as an eating house and store 'on the creek about four miles on the Geelong side of the present situation'.[31] That particular site happened to be the fledgling settlement of Buninyong township. The store was established there by September 1841, and peace again descended on Anderson’s run. George Gabb, who had been in the employ of the Learmonth brothers, opened a hut near the store as an hotel. [32] His obvious purpose was to supply the liquid refreshment denied to Campbell and Woolley.

By 1842, John 'Jock' Winter had taken over Henry Anderson’s squatting run Waverly and renamed it Bonshaw after his wife’s home in Dumfries, Scotland. Winter achieved fame as Ballarat’s supposed first millionaire when gold leads were discovered right through the property and he sold to two gold mining companies for vast sums in the 1850s.

In the intervening years, mining has changed the appearance of Winter’s Flat considerably, but it remains open countryside with its main features of waterways, swampy ground, and rising ground above the floodplain, and the two major roads still provide evidence of the area’s early European settlement history. By establishing the approximate position of Henry Anderson’s hut from the VPRS 19 correspondence the true site of Campbell & Woolley’s store at the junction of the two roads is now known.

Endnotes


[12] Ibid., p. 308. There was no inquest, as inquests in the Port Phillip District only began in 1840.


[14] The plan can be obtained electronically or in hard copy from the Department of Primary Industries’ Earth Resources Online Store.


[18] I made this discovery when researching the area for my history of Ross Creek (JE Hunt, Forest and field: a history of Ross Creek 1840-1990, Jim Crow Press, Daylesford, 1990).


[20] PROV, VPRS 7591/P2, Unit 19, File 13/132, probate papers of DS Campbell.


[22] PROV, VPRS 7591/P2, Unit 163, File 42/539, probate papers of Alfred Woolley.

[23] Captain Foster Fyans was Police Magistrate of Geelong 1837-40.

[24] PROV, VA 473 Superintendent, Port Phillip District, VPRS 19/P0 Inward Registered Correspondence, Unit 16, File 41/977.


[26] ibid.

[27] ibid.

[28] PROV, VPRS 19/P0, Unit 15, File 41/873.

[29] PROV, VPRS 19/P0, Unit 23, File 41/870.

[30] PROV, VPRS 19/P0, Unit 15, File 41/153.

[31] PROV, VPRS 19/P0, Unit 15, File 41/873.

Local History from 8000 Miles Away
Early Colac Court Records in the United States of America

Arthur Mitchell Fraas

Abstract

This article examines a volume of Colac court records from the mid-nineteenth century now held in the United States. It details the contents of the volume with an eye towards the nature of local justice in early Victoria and the ways in which legal records can provide a window into the past. In addition, the article calls attention to the increasingly global nature of local history studies. In sharing the story of this trans-oceanic ‘discovery’ and its subsequent digitisation, it provides a possible model for future directions in archival research.

Public Record Office Victoria (PROV) has long served as the first stop for genealogists, local historians and others researching Victoria’s past. However, no history is purely local. The state’s history is closely intertwined with countless others, whether of Australia as a whole, the wider British world, or greater south-east Asia. Accordingly, it is no surprise that records relating to the history of Victoria and its inhabitants are spread out across the world. Yet, while one might expect to find important documents on the state’s history in archives and libraries in London, Sydney, Dublin or Edinburgh, they also exist in much more unlikely places. This article tells the story of one of these far-flung historical records and also shows how archives, libraries, historians and interested citizens are taking advantage of new technology to bring these documents and their stories home.

Unlike other Provenance authors, I have never been to PROV, nor have I set foot in Australia. For much of the past decade I have lived and worked as a historian in Durham, North Carolina in the southern part of the United States. My engagement with Victoria’s history and PROV began in the summer of 2010 during my time as an intern in the Rare Book, Manuscript, and Special Collections Library (RBMSCL) at Duke University in Durham. While working there one July morning I received an email from Dawn Peel, a historian of the Colac district and Victoria generally.[1] She wrote to enquire about an item she had stumbled across in Duke’s online catalogue. The catalogue entry for the item had piqued her curiosity as it mentioned Colac and seemed to be a book of court records from the period about which she had written extensively. What exactly was in this book and how had it come to be at Duke, she asked?

My academic specialty is the legal history of the British Empire, so I was immediately intrigued by her question and the mention of court records. I rushed into the stacks to retrieve the volume from a pile of various ledgers, American Civil War letterbooks, and other assorted bound manuscripts, brought it to the reading room and began to examine it. The document was in the form of a bound ledger with a leather spine and marbled boards, bearing the Duke shelfmark ‘F[olio]-759’. It measured 40 cm tall by 25 cm wide with the word ‘JOURNAL’ crudely cut into its spine. Though the volume contained 310 numbered pages, only pages 1-240 had been used for writing. Opening the cover I saw an old index card pasted into the volume labelling it as the original minutes of the Court of Petty Sessions at Colac from 1849 to 1865.
The Colac Court of Petty Sessions first opened in 1849 and, as such, the Duke volume contains the earliest legal records from Colac.[2] There is something intrinsically exciting to a historian about court records. Besides serving as a goldmine of genealogical information, court documents reveal the everyday lives of countless people otherwise ignored in the historical record. The Colac petty sessions records do not disappoint, providing a window on life in early Victoria. The Duke volume takes up the story of early Colac from the morning of 9 April 1849 when the court appears to have met in front of the public for the first time.[3]

Like most local courts throughout the British Empire, the petty sessions at Colac depended on local notables and elites to oversee law and order and execute justice. [4] The court’s first magistrates included Hugh Murray, the founder of Colac, and other landowners who provided speedy resolution to the mundane problems encountered by the town’s mid-nineteenth-century residents. Judging from the minutes of the court, the magistrates appear to have called the sessions to order as frequently as twice a week or as infrequently as once a month - there are, for instance, no entries at all for July 1849.

The Colac magistrates spent most of their time meting out punishment for petty crimes and settling small financial disputes between residents. Most of the criminal offences mentioned in the minutes are of a decidedly more minor nature, as in April 1850, when the aptly named William Fox was brought up on the charge of ‘stealing a duck’. For these smaller criminal offences or other robberies the convicted could expect to be fined, sent to work on the roads, or transported to gaol in either Geelong or Melbourne.[6] Serious felonies like rape and murder are rarer in the court’s proceedings and it appears the magistrates usually sent those accused to Geelong or Melbourne for trial after an initial hearing as there were no regular jury trials at Colac.[7]

The minutes of the court are also full of cases relying on the infamous masters and servants Acts which provided strict penalties for labourers and servants who absconded or proved troublesome.[8] In 1849, for example, the court sentenced a sheep shearer to two months in the Melbourne gaol for absenteeism.[9] There are also numerous references in the minutes to the rather inebriated tendencies of many of the residents. In January 1850, for example, two scofflaws were brought before the court by a resident for ‘violently assaulting him and demanding spirits’. In a similar vein, the court minutes detail ‘sly grog selling’, ‘walking onto the public road in a state of nakedness’, and the sad case of a man found dead, ‘presumed to have drowned while in a partial state of intoxication’, near an establishment called the Crook and Plaid. Early Colac watering holes such as the Crook and Plaid seem to have been a particular menace in the eyes of the magistrates and citizenry. For example, Colac businessman Michael Lyons registered his pub, The True Briton, with the court in 1849, only to appear at court countless times in subsequent years for various transgressions and assaults arising from his establishment.

Proceedings of Colac Petty Sessions for 25 August 1852 illustrating the day-to-day conflicts of early Colac residents. In this case a woman is charged with using ‘obscene language’ and her husband appears in court to plead guilty on her behalf. F-759, Rare Book, Manuscript, and Special Collections Library, Duke University.

The proceedings in the Duke volume are dominated by a small cadre of the first European settlers and contain only the faintest glimpses of non-European Australians living in the area. For example, in 1852 we find ‘Andrew Murray Esq.’, the younger brother of Hugh Murray, asking the court for a warrant to seize a Chinese washerman named Loopooh [sic] who had run away from his employer.[11] More tragically, in November 1850 the court minutes show the chief constable of Colac accusing ‘John and Jerry, two aboriginals’ of assaulting John Buckley, one of Hugh Murray’s servants.[12] When Buckley died as a result of this so-called ‘affray with the blacks’, the magistrates committed the two unfortunate accused for trial, the proceedings of which are not recorded in the Duke volume.[13]

The magistrates decided these cases based on what little legal knowledge they had, occasionally citing English statutes and those Australian law books they had on hand.[14] In other instances the judges looked to local custom. In 1857, for example, two residents brought a complaint over a stone wall to the court. The court eventually decided that not enough evidence about local custom existed to adjudicate the dispute and the plaintiff dropped his complaint. More often than not, the magistrates simply applied their own judgement of witnesses’ and defendants’ characters to render verdicts, a process common to local systems of justice throughout the British world.
Never having heard of Colac prior to her email, I knew Dawn would probably find even more of interest in the volume than I had and I immediately sent her reproductions of a few representative pages from the text. She replied enthusiastically that many of the names in the volume were familiar to her and asked with some incredulity how such a document could have ended up in North Carolina. Indeed, it appears that all other records of the Colac court of petty sessions are located at PROV in VPRS 301. The answer most probably lies in the nature of local justice and authority in nineteenth-century Australia. There was no regularised system of government archives at the time and perhaps one of the magistrates or clerks of the court simply kept the volume amongst his own possessions. The descendants of that official may then have sold or given away the document and it ended up in the inventory of the antiquarian book dealer Berkelouw in Sydney around 1961. The Duke University library bought the volume that year to add to its extensive holdings of British Imperial history and no notice seems to have been taken of it until Dawn’s email in 2010.

After Dawn and I established that the Colac volume was of significant local historical interest, we contacted the staff at PROV as well as Tim Pyatt, the then interim director of RBMSCL at Duke. In earlier decades, all parties would have had to work out some way for Australian researchers to use the volume, either by encouraging travel to Durham or through some sort of physical reproduction, either on paper or microfilm. Now, given the technological resources at our disposal, the staff at RBMSCL decided to make the volume available in a digitised format to allow the broadest possible access to its content. Fortunately, over the spring of 2010 the Digital Production Center of Duke University Libraries had begun to work with the Internet Archive to digitise some of the library’s collections. It seemed natural then to use this free and universally available web platform to display a digital copy of the Colac records. Over the next few months the digital productions staff took up the project with gusto and were able to deliver the entire manuscript in digitised form suitable for the Internet Archive. The volume is now available in its entirety through Duke University’s digital collections. 

Cover (below right) and first page (below) of the first volume of the Colac Court of Petty Sessions held by Public Record Office Victoria. PROV, VPRS 301/P0 Court Of Petty Sessions Cause List Books; Court Of Petty Sessions Registers, Unit 25.
The proceedings of the Colac court as viewed on the Duke University/Internet Archive digital collections site.

However, the work of making this valuable historical record more accessible has not stopped with the digitisation on Duke’s part. In the weeks after Duke put the document online, Dawn reached out to a team of dedicated researchers and genealogical specialists to inform them of the find. Under the leadership of Susie Zada, these volunteers from various societies and family history groups managed to create a complete index to all proper names in the volume as well as a 351-page searchable PDF containing a transcription of the text.[16] Susie and her team also created a PROV Wiki guide to the digitised volume complete with brief biographies, background information and links to relevant PROV resources, all within the space of a few months.[17]

An entry about magistrate Hugh Murray on the PROV wiki.

Now when historians of Colac, colonial law, or Victoria generally utilise PROV archives they have access not only to manuscript records held locally but to a complete searchable version of Colac’s earliest court from the other side of the world – facilitating ‘local’ history from anywhere in the world.[18]

Endnotes


[2] As the area around Colac attracted more and more immigrants, the Colonial Secretary in Sydney officially established a court there for resolving local criminal and civil disputes as of New Year’s Day 1849. See The Argus, 12 January 1849, p. 1 for this announcement. For the best account of early Colac see Peel’s Year of hope.

[3] The volume begins with a page listing the appointments of various court officers, starting with the clerk of the petty sessions appointed on 1 January 1849. The minutes of the court itself begin on page 3. Beginning in 1860 (page 189) the nature of the volume changes: it ceases to be a minute book and instead consists of transcribed depositions, licenses, and brief references to court sittings. The complete digitised volume can be viewed here.


[5] See p. 24 in F-759, Rare Book, Manuscript, and Special Collections Library, Duke University. All subsequent references are to this volume unless otherwise noted.

[6] For two men convicted of robbery being sentenced to labour on the roads see pp. 148-9 (25 March 1857). There are many instances of prisoners being sent to the Geelong or Melbourne prisons: see for example pp. 11, 40, 58.

[7] See p. 27 (24 April 1850) and p. 29 (17 May 1850) for just two examples of prisoners remanded to Melbourne for trial.

[8] As part of New South Wales until 1851, the Colac court depended initially on that colony’s statute of 9 George IV no. 9 (1828) and later on Victorian statutes such as 16 Victoria no. 2 (1852), 18 Victoria no. 16 (1855), and 27 Victoria no. 198 (1864). For the best scholarly treatment of these laws see M Quinlan, ‘Australia 1788-1902, a working man’s paradise?’, in D Hay and P Craven (eds), Masters, servants, and magistrates in Britain & the Empire, 1562-1955, University of North Carolina Press, Chapel Hill, 2004, pp. 219-50.

[9] Case of Mr Mogg as superintendent for Mr Harding against the shearer Frederick Castles, pp. 10-11 (9 October 1849).


[16] The index to the register has been added to the Geelong and District Database, while the full text transcription is available on the PROV website. This work was done by Joan Davis and Di Russell from the Winchelsea Historical Society, Pam Jennings and Susie Zada from the Bellarine Historical Society & Geelong Family History Group, and Dorothy Moore from the Bellbrae Family History Group. This monumental effort earned the Colac and District Historical Society a 2011 Sir Rupert Hamer Records Management Award.

[17] PROV Wiki, *Colac Court records: on the other side of the world*.

[18] This project would not have been possible without Dawn Peel, Tim Pyatt, Naomi Nelson, Mike Adamo, Seth Shaw, Noah Huffman, Josh Larkin-Rowley, Elizabeth Dunn, Susie Zada, Jill Vermillion, and many others.