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ROYAL HISTORICAL SOCIETY OF VICTORIA

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JOURNAL



ROYAL HISTORICAL SOCIETY OF VICTORIA

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Front cover: Open-air classrooms at Fintona, ca 1915. (Courtesy of Fintona Archives.)



**CREATIVE
VICTORIA**



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ARTICLES

- Introduction 225
Marilyn Bowler
- Vale: John D. Adams 229
- Victorians Abroad: The Ferguson Family's Sojourn in
Argentina 1904–1907 230
Damian Veltri
- Victoria's Yellow Stain: The Fleet of Floating Prisons 250
Roland Wettenhall
- British Migrant Settlers on a Failing Soldier Settlement Estate 277
Mary West
- William Hughston 1867–1930: His Life and Legacy 299
Elizabeth Roberts and Mary Lush
- Pop Goes the Rhino: Hotham and the Toorak House Furniture 321
Robert La Nauze
- 'Why can't I have my baby tomorrow?': A Legislative
Periodisation of Intercountry Adoption in Victoria and
Australia from the Early 1970s to the Present 336
Kay Dreyfus, Marian Quartly and Denise Cuthbert

HISTORICAL NOTE

- A Letter Home to Scotland from Warrenheip in April 1857: 363
Insights into Life in a Railway Survey Camp
Ian Clark and Beth Kicinski

REVIEWS

Australian Settler Colonialism and the Cumberagunja Aboriginal Station: Redrawing Boundaries. By Fiona Davis. <i>Richard Broome</i>	381
Australian Football: The People's Game 1958–2058. By Stephen Alomes. <i>Marie Clark</i>	383
Burke & Wills: The Scientific Legacy of the Victorian Exploring Expedition. Edited by EB Joyce & DA McCann. <i>Don Garden</i>	385
The Forgotten Rebels of Eureka. By Clare Wright. <i>Dorothy Wickham</i>	387
A Funny Course for a Woman. By Rosemary Balmford. <i>Kim Rubenstein, prepared with the assistance of Marina Loane</i>	390
The Audacious Adventures of Dr Louis Lawrence Smith 1830–1910. By John Poynter. <i>Graeme Davison</i>	393
David Syme: Man of the Age. By Elizabeth Morrison. <i>John Waugh</i>	395
Making Melbourne's Monuments: The Sculpture of Paul Montford. By Catherine Moriarty. <i>Kristin Otto</i>	397
The Surprise Rival: A History of the Education Faculty Monash University 1964–2014. By Alan Gregory. <i>Luke Savage</i>	401
Notes on Contributors	402
About the Royal Historical Society of Victoria	405
Guidelines for Contributors	406

Introduction

Marilyn Bowler

Since becoming editor of the *Victorian Historical Journal*, I have often wondered not just why people study history, but how and why historians choose the subjects that they research. Sometimes the answer is obvious: people living in a community, who are interested in history, become interested in their community's history. As editor, I believe that one of the roles of the journal is to publish articles and historical notes from community historians, as well as those from professional or academic researchers.

But what causes professional and academic historians to choose their areas of research? To find out, I emailed our Publications Committee members and asked them what prompted their research choices.

Sometimes it seems pure serendipity leads to a lifelong interest. After completing a mature age Honours degree at Monash University, Mimi Colligan was offered work as a research assistant in its English Department and as a research assistant with the Australian Dictionary of Biography: 'So, theatre and musical biography became topics for many articles, and two books'. For Carole Woods, it was a personal loss. The early death of her father caused her to move from European to local history. At the suggestion of Dr Geoffrey Serle at Monash University, she completed her honours thesis on village settlement in Victoria during the 1890s with a focus on the Dandenongs. Carole found consolation in the Dandenongs where her aunt had taken her horse-riding as a child. Since then, she has always been involved with community history.

Postgraduates beginning Masters degrees or doctorates are often advised by their supervisors that they need to choose a topic that interests them or they will not be able to keep pursuing their studies for the three plus years that it takes to complete their degree. Richard Broome, the convenor of the RHSV's Publications Committee, suggested that research questions almost inevitably come out of the researcher's own experience. 'I grew up in the last gasp of the sectarian era, hearing things from my elders and knowing that education, friendships and marriages were shaped by the sectarian divide. At undergraduate level, I read how

Catholicism shaped the ALP, and Protestants, the conservatives. But I had cousins who were Catholic from a “mixed marriage” as it was called and who I played with and loved. So at university I wanted to find what underpinned these feelings.’ Don Garden, the RHSV president, concurs with Broome that research interests develop from personal experience and personal concerns. Garden evolved into a historian of the environment and climate, because of his emerging environmental awareness and concern. ‘In the 1980s, my attention was drawn to such campaigns as the Little Desert, Lake Pedder, Gordon below Franklin, and Daintree. I began to look into the history of European influence on the Australian environment, and then discovered that, in the United States, and to a much lesser extent in Britain and Europe, there was a sub-discipline called environmental history. When I joined the University of Melbourne History Department in the early 1990s, I was able to start an undergraduate subject in Australian Environmental History.’

Research itself can lead to other research: While browsing the *Sydney Morning Herald*, Richard Broome read an earlier article full of clerical outrage against a ‘carnival of Savagery.’ This was about protests against the world heavyweight title fight in Sydney in 1908, between the white champion Tommy Burns and Jack Johnson, the African-American champion. The colour line in boxing was being broken. ‘It became my first post-thesis project—Johnson won—and led onto others. In short, the topics came out of my own experience and were driven by a buzzing in my head. What underpinned anti-Catholicism? What happened when sport and race mixed? You need that buzzing to get you going and to sustain the hard slog through the research.’ For Garden, too, one research area led into another. ‘A decade or so later, I transferred to History and Philosophy of Science where I expanded the range of environmental subjects I was teaching, including into Pacific environmental history. The interest in the Pacific stemmed from having been commissioned by a US publishing house to write an environmental history of Australia, New Zealand and the Pacific. Once that was completed, and as I was increasingly conscious of the importance of climate in history and the future, I undertook a study of 19th-century El Nino events in Australia, New Zealand and the Pacific.’ As a young history and geography teacher, Don Gibb continued to study additional history subjects at university. Eventually he returned to university to undertake a Master’s degree

based on the history of Sandringham, inspired by the publication of Weston Bate's *Brighton*. As a tertiary lecturer, his interest was captured not just by academic local history publications, but by the work of British and American demographic historians. His interest in local and community history continues through reviewing, judging and writing social histories of Canterbury focusing on 'home and household' and 'shops and shopping'.

Peter Yule wryly remarked that freelance historians 'go where the work takes you', with which Jill Barnard agreed, though adding the rider that 'as a freelance historian you do tend to accept work that interests you and that does not conflict too much with your worldview'.

My own historical research has been prompted by a combination of opportunities and interests. My first thesis examined the influence of the American War of Independence on the writings of the French revolutionary Brissot, simply because I was teaching 18th-century history at the time. Many years later, regretting that I had never completed the Master's thesis that I started on 18th-century French theatre, I happened to watch a news item on HECS debt. Turning to my husband, I commented that I would never have been able to go to university if I had had to repay HECS. The teaching studentship that I had received not only paid my university fees, but an annual salary that relieved my working-class parents of the financial burden of supporting me. And that was it, a Master's thesis topic: the effects of teaching studentships on the lives of those who received them. Having thoroughly enjoyed my return to academia, six months after I graduated, I applied for a scholarship to undertake my PhD into the history of parenting in rural Victoria, using as a starting point the district where my husband was born and where I have visited for over 35 years—a combination of personal interests, opportunities and pure serendipity influencing my research efforts.

Our contributors in this edition have researched a wide range of subjects that include: an investigation based on a letter (bought online) from a Scottish member of a survey team at Warrenheip; a study of a closer settlement project grounded in family history; an encounter with a family's papers that conveyed the experiences of an Australian selling agricultural machinery in Argentina, discovered while undertaking an archives workshop as an Honours student; a passionate interest in international adoption and the rights of the child; work undertaken for a school history; a study of the 'mendacious rumours' spread about

Governor Hotham's furniture; and an article on prison hulks in Port Phillip Bay originating in an Honours thesis.

However, while amazed by the breadth of subjects that our contributors, and community, academic and professional historians have explored, and the depth of their research, I am left with one concern: if what historians study has so much to do with their interests, their concerns, their experiences or what work they are offered, or even pure serendipity, are there areas of history that are being neglected?

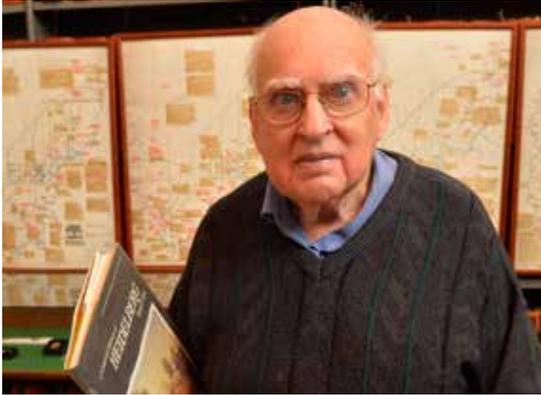
VALE

John D. Adams

9.9.1935 – 13.9.2015

Fellow Royal Historical Society of Victoria (1976)
and Councillor 1966–2005

Librarian and lecturer in Librarianship RMIT for 27 years, author of five local histories, editor of 285 editions of the *Heidelberg Historian* and indexer of the *Victorian Historical Journal* 1954–2015.



Courtesy: Martin Reddy *Newspix*

The RHSV extends its sympathies to the family and friends of John Adams, who served the Society with great dedication for over fifty years. He donated his collection of books, mostly local histories, to the Society for its successful 2015 book sale. John was also an inaugural member of the Heidelberg Historical Society. He was dedicated, kind and affable to the end.

Victorians Abroad: The Ferguson Family's Sojourn in Argentina 1904–1907

Damian Veltri

Abstract

In September 1904, David Buchan Ferguson was sent to Buenos Aires by the inventor and industrialist Hugh Victor McKay to market the Sunshine Harvester in South America. Ferguson's correspondence not only provides a record of the establishment of a remarkable manufacturing export venture in the early Commonwealth period, but his letters home are also a fascinating illumination of key aspects of the immigrant experience through Australian eyes.

Introduction

On 26 June 1906, David Buchan Ferguson sat down to write a reply to his sister Isabella's letter of 22 May. The bitter Buenos Aires winter was making itself felt in his room in the boarding house kept by a Scottish couple: 'There are no fires here and it is so cold (afternoon) that I can hardly keep writing'.¹ The physical discomfort was made more intense by the pain of his separation from his wife, Lydia, and their three sons. Lydia had not found her sojourn in the Argentine genial and wanted to return to Australia at the earliest available opportunity. In December 1905, however, his employer, HV McKay, indicated that he wanted DB (as Ferguson was known to his family, friends and colleagues) to remain in Buenos Aires for another year, on an increased salary.² On their furlough in England and Scotland, the couple decided that a sacrifice had to be made—Lydia and the boys would go on to Melbourne, but DB would return to Buenos Aires: 'the much needed chance to save a little money was the chief factor in deciding my dear little wife and I that we should separate for a time'.³ His 26 June letter, therefore, was the first written while completely alone, the first expression of every migrant's constant companion, terrible solitude: 'I cannot promise not to feel too lonely either here or in the camp'.⁴ His sense of being marooned in the midst of a big, uncomprehending and uncaring city, longing for home and loved ones is palpable: 'I read your letter in a cafe on the Avenida and if a few tears came to my eyes I do not suppose the waiter minded'.⁵



The family at their residence in Belgrano, Buenos Aires, 1905. (L to R) Lydia Ferguson, James (Pip) Ferguson, DB Ferguson, David Hamilton (Ham) Ferguson and Annie Raisbeck. (Courtesy of Margret Doring.)

From September 1904 to January 1907, DB Ferguson headed the South American branch of the agricultural implement manufacturer Hugh Victor McKay's business, marketing the Sunshine harvester in Argentina and Chile. The letters he wrote home to his siblings during this sojourn provide an intimate record of the individual migrant experience, which Baily and Rametta observe: 'All too frequently ... becomes a helpless victim of large, impersonal structural forces such as economic cycles and labour markets,' when historians seek to explain the individual migrant experience only or preponderantly in terms of larger issues.⁷ On the other hand, 'Letters,' as Fitzpatrick points out, 'bring us closer to the experience of migration than aggregate statistics ever can.'⁸ Migrant letters preserve the unmediated voice of the individual migrant. Described in his or her own words are the personal motivations and ambitions that spurred emigration, the impact of the migration experience and most importantly, as Templeton observes, the migrant's own interpretation of that experience.⁹ DB's Argentine letters are an excellent illustration of the historiographical potential of migrant letters as sources for immigration history. Although Australia and Argentina have long been the subject of comparative analyses,¹⁰

never before has a body of correspondence allowed us an insight into the experiences of the people who lived and worked between the two nations. In DB's letters, we see the Ferguson family's endeavours to build a business overseas, to create a home environment in a foreign land, to find a support network of friends and to learn a new language. The letters are, therefore, an invaluable contribution to our understanding of global commercial migration in the Second Industrial Revolution.

DB's letters home from Argentina also provide us with an intriguing window onto the complexities of Australian national identity at the turn of the 20th century. Australians of the Federation era thought of themselves as either transplanted Britons or their descendants.¹¹ They felt twin loyalties, to Australia, the country of adoption or birth, and equally, or perhaps more, strongly, to Britain, the 'Home' of memory, the wellspring of their cultural heritage, the mistress and protectress of the Empire, and the homeland of the race. In the census of 1901, 98 per cent of Australia's 3,773,801 people identified themselves as British.¹² That same year, the first act of the Commonwealth Parliament was to protect the British ethnic identity of the new nation by passing the *Immigration Restriction Act* to preserve Australia's racial homogeneity.¹³ The British Immigration League proclaimed triumphantly that Australia would be 'a new Britain', not a 'new cosmopolitan nation.'¹⁴ This was all well and good. Disconcertingly, however, those Australians who returned to visit or live in the Mother Country discovered that the British themselves could be unwelcoming, uncongenial and downright unattractive. Alfred Deakin, in London as a delegate to the Colonial Conference of 1887, remembered Lord Salisbury's tone of 'aristocratic condescension' as the Prime Minister addressed colonial fears of the French in New Caledonia and the New Hebrides.¹⁵ Australians returning to Britain had to contend with the prejudice that time in the antipodes had led to their racial degeneration.¹⁶ The Irish-Australian politician Sir Charles Gavan Duffy thought that: 'The respectable citizen who has had the enterprise and courage to stay at home secretly regards his neighbour who has wandered to the ends of the earth as a man who has somehow lost caste.'¹⁷ What of Australians who encountered Englishmen in non-Anglo-Saxon countries? Were they tempted to make common cause? In the melting pot of nationalities that was Argentina in the early 20th century, DB had to interact with a much more diverse ethnic mix than he was accustomed to in his native Melbourne. As we shall see, Argentina's

cosmopolitanism excited him. Nowhere in his correspondence is there the slightest hint of the casual racism which might be said to have characterised the world view and attitudes of a typical Australian of his time. DB's encounters with English expats, by contrast, left him cold, challenging his identity as an Australian Briton. The letters, therefore, present a fascinating opportunity to explore how a sojourn overseas caused a native and middle-class Australian of the early 20th century to reflect upon the assumptions underpinning his national identity.

Exports and Expats

McKay's export trade with Argentina had commenced in the depths of despair. A large number of machines had already been manufactured when severe drought and crop failure in 1902 made them unsellable within Australia. In a last ditch decision which smacked more of shrewd common sense than 'a burst of genius' as family legend would have it, Hugh Victor McKay sent his brother Sam to market 50 machines in Argentina, which, by the beginning of the 20th century, ranked only behind the United States and Russia as one of the world's largest exporters of wheat.¹⁸ The market proved more than viable: 200 more harvesters were sent to Argentina in that same year. This trade made McKay the largest manufacturing exporter in the Commonwealth, earning him £70,000 by mid-1904.¹⁹ Sam remained pioneering the South American market from 1902 to 1904. In 1904, he sought new markets for the harvester in France and its North African colonies, Algeria and Tunisia.²⁰ When DB was sent to Argentina to expand the sales of his predecessor (September 1904), he had only been with McKay's firm a little over a year. The same drought that had spurred McKay to sell his harvesters in South America in 1902 caused the collapse in July 1903 of McLean Bros and Rigg Ltd,²¹ where DB had been head of the agricultural machinery department. McKay had immediately recruited DB, recognising that his twenty years with McLean's made DB an experienced business manager and salesman,²² a valuable acquisition to entrust with the task of consolidating an emerging market for the Sunshine harvester. At the time of his overseas posting, DB had recently established a family, having married Lydia Raisbeck in 1900. She had given birth to their sons Ham (David Hamilton) and Pip (James

Raisbeck) in 1901 and 1902 respectively. With their young family, DB and Lydia went forward together into the unknown.

'There is no wilderness': An Australian Sketches the Argentine

Buenos Aires in 1904 dwarfed the Melbourne they knew. In 1908, the population of Melbourne stood a little above 500,000; in 1909, Buenos Aires was a metropolis of 1,244,000 people.²³ Immigrants thronged its streets. The census of 1914 showed that 30 per cent of the total population of 7,885,237 were foreigners.²⁴ Most immigrants to Argentina were Spaniards or Italians, but there were also 100,000 French, 25,000 English and 18,000 Germans by 1914.²⁵ The diversity of nationalities and languages was one of the first things that struck DB. He wrote to his brother Will: 'The new landlady is a French woman who speaks Spanish and the husband is a German who talks English and the servants are Italians who talk Argentine [*sic*]. So there is a score of languages for you. Next door is an Irish family named Smith (have heard the name before somewhere) and expect they talk Greek.'²⁶ These immigrants had been attracted to Buenos Aires by the booming prosperity of the 1870s and 1880s. The investment of British capital in railroads had transformed 'B. A.' into a thriving port from which tracks radiated outwards tapping the interior and bringing to the centre the produce of the land, mainly wheat, beef and mutton for export to Britain. By 1914, Argentina supplied a quarter of Britain's food.²⁷ Buenos Aires as DB knew it was a city growing as the centre for the processing and distribution of the country's agricultural and pastoral products; immigrants concentrated in the port where they saw opportunities for themselves in the construction of this huge new city and the servicing of its population.

By his business activity, DB, in a sense, straddled and united the developments occurring in city and countryside. Although he was based in Buenos Aires and so, in effect, took his place among that city's many migrants seeking the rewards of immigration and toil, the Sunshine harvester which he



DB Ferguson's business card, circa 1905. (Courtesy of Margret Doring.)



1906 cameo: DB Ferguson. (Courtesy of Margret Doring.)

represented contributed to the transformation of the *pampas* occurring at this time. The collapse of the British investment bank Baring Brothers in 1890 had created an economic depression similar to that of 1890s' Australia. Argentina, however, recovered more rapidly, thanks to increasing wheat production and export. Vast tracts of arable land were waiting to be put under wheat crop: the province of Santa Fe's wheat acreage tripled between 1887 and 1897, and wheat cultivation was extended into western and southern Buenos Aires province, eastern Cordoba and La Pampa. From an average annual wheat export of less than 250,000 tons throughout the 1880s, the figure rose to 1.6 million tons in 1894.²⁸ The total value of Argentina's international trade showed a consequent improvement: from 254 million gold pesos in 1889, the financial crisis had only clipped its value back to 241 million in 1898; by 1910, the figure had recovered to a healthy 724 million gold pesos.²⁹ At the turn of the century, therefore, the agricultural sector, in common with other major sectors of the Argentine economy, was beginning a new phase of expansion. The Sunshine harvester's introduction at this time put it, and DB, in an excellent position to fulfil demand. By 1905, he could report that business had expanded to three times that of the previous year.³⁰

DB's success with the harvester would also be encouraged by the determination of the Argentine elite to modernise the agriculture of the country. Estanislao Zeballos, president of the Rural Society, wrote to the national Treasurer, Wenceslao Pacheco, that the industries of the *pampas* 'require nothing less than a technological revolution.'³¹ Considering the primitive conditions of production on the land, one understands the eagerness of Argentine authorities to press forward with modernisation. A common form of threshing, for example, consisted of dumping the harvest in a corral and galloping horses over it until the grains were separated from the chaff. The wheat was winnowed by tossing it into the air on a windy day.³² Sam McKay had witnessed this method on a visit to Chile. One problem with this method, as buyers of Argentine wheat complained to the Department of Agriculture, was 'the bad odour of mare's urine persisting even in the flour made from our wheat.'³³ The Sunshine harvester, on the other hand, harvested the crop and delivered clean grain into sacks at the rear of the machine in one operation. The machine was also replacing outmoded and expensive mechanised harvesting technology. Previous to 1900, reaper-binders, headers and threshers were used in the fields.³⁴ DB noted that 'strippers are few and far between as yet.' Indeed, the presence of the Sunshine harvester in Argentina from 1902 was part of the general introduction of combines after 1900. So efficient was it that it significantly lowered the cost of harvesting: 'With binder and thresher the cost to harvest is about \$20 per hectare, with our machine it costs under \$4.'³⁵

A capital investment on the scale of a new Sunshine harvester was desirable but not, however, within every Argentine wheat-grower's reach. In his travels over the plains, DB gives us a portrait of the social geography of the *pampas* and a fair idea of the sort of people the buyers of his product were. At the top of the social scale were the big ranch owners (*estancieros*, from the Spanish word *estancia*, ranch). 'The big places I have visited so far have all been in the hands of English people as managers or owners', such as Barclay, an estancia owner. There were also 'magnificent native *estancias*.'³⁶ Properties of this size would not have been wheat farms, but cattle ranches. Their owners subdivided the land in lots of 500 acres and let them to sharecroppers or tenant-farmers, usually Spanish or Italian immigrants. DB came across an Irishman of this species and gives a picture of his conditions. 'They occupied a mud hovel with a peat fire and much smoke and fowls.'³⁷ Structures

of more permanence were not needed due to their temporary tenure of the land. Under the four-year contracts signed with the *estanciero*, they undertook to grow three crops of wheat, but were obliged to sow alfalfa in the last year. This was an arrangement that was not particularly concerned with encouraging wheat farming, but used the tenant farmer to improve the quality of pasturage for blooded cattle stock, for which refrigeration had created a hungry European market. As DB noted, 'The small people', the transient tenants who at the end of four years made way for cattle, 'rarely manage to become owners of the land'.³⁸ There was, therefore, no incentive to make permanent improvements to the land or buy agricultural machinery. When the harvest proved too large for the labour of his family, the tenant farmer hired more men to help him. The *estanciero*, on the other hand, could purchase a number of machines, hiring them out to his tenants and thus reaping profits from rent, a share of the crop and hire of equipment.

The third *pampas* inhabitant that DB saw, and who would also have purchased his machine, was the independent farmer or *chacarero* (from the Argentine word *chacra*, farm). They included a cross section of immigrants: 'Yesterday my calls included Italians, French, Germans, Irish and Danes'.³⁹ These were a minority of men who had prospered and managed to become owners of the land they farmed. They could afford to make improvements to their properties: 'Their houses are clean and well-furnished and they usually have a little garden'.⁴⁰ Modest profits allowed them to think about mechanising their farming methods,⁴¹ investing in agricultural implements and thus lowering their expenditure on labour, which due to its scarcity in the countryside was dear.

Selling the machine to these rural buyers was made physically arduous by the great distances to be covered within the wheat belt itself. A typical trip into the camp began by train on the lines radiating from Buenos Aires into the interior. Often DB would travel to the end of the line: many of his letters are sent from railhead towns, such as Santa Rosa, the grain ports of Necochea and Bahia Blanca.⁴² The wheat-growing province of Santa Fe was accessible by steamer up the Parana River.⁴³ From these centres, he would reach the outlying farms by horse and sulky, a considerable journey, depending on their distance from the railhead. The exhaustion from travelling long distances was compounded by the climate and the terrain. In the winter of 1905, for example, a jibbing horse 'had to be led most all the way and as the roads

carry 6 inches of mud that was a treat. We all took turns, but gave the *cochero* (coach master) his turn when the mud was deepest ... Crossing a river 12 feet deep the beggar stopped dead in the middle.⁴⁴ In summer, the same roads offered different torments: 'I was in the camp last Friday to Monday and it was burning hot—but there it is a drier heat than in B. A. Riding 12 leagues in a coach, breathing dust mostly, doesn't tend towards moisture'.⁴⁵

Worst of all in DB's mind, however, were his stays in the rural towns. The initial pastoral pattern of settlement, dividing the land into vast cattle, sheep and horse breeding estates, had dispersed population. The allotment of agricultural lands in 500-acre blocks had also not fostered the concentration of people in urban centres. As a result, Argentine rural towns were feeble, stagnant little holes. We may consider DB's experience of Trenque Lauquen as representative. 'This town, like most camp towns, stands on a dead flat. The streets run at right angles. The houses are one storied and of unplastered brick. It is just deadly monotonous and you would not know it from 40 other camp towns'.⁴⁶ How psychologically taxing even a few days in such a place was may be gauged from DB's writing to his brother Will that camping at Dunolly must be 'better than Trenque Lauquen—a place that would drive even a geologist to drink if he had to spend half a year in it'.⁴⁷ In this assessment, DB was not alone. A visitor to the town of Rafaela in 1891 had commented: 'if ever a man wishes to know what it is to have an inclination to commit suicide, let him spend a week in a camp town in the Argentine'.⁴⁸ It was in these moments, when the novelty of a foreign landscape had worn off, that a sense of the emptiness and solitude of the plains remained and impinged most forcefully upon DB. In November 1904, he had written enthusiastically from the same area: 'you would think I am in a wilderness, but there is no wilderness. There is certainly a terrible expanse of land, more or less flat, but it is all occupied and the people are very civilized', followed by an exuberant list of the various pampean fauna.⁴⁹ By September 1906, his description of the same landscape had changed radically: 'The Pampa stretches right away to the Cordilleras (Andes) and there is not a town of any importance between here and there—some hundreds of miles. Agriculture peters out some 50 miles west of this and thereafter comes cattle and sheep and desolation beyond'.⁵⁰



DB Ferguson with Chilean peasant family, Camp Imperial, Chile, 1905. (Courtesy of Margret Doring.)

‘God Made Lomas’: Home and Family

While DB was stranded in the moribund rural towns, lost in the vast expanses of the interior, Lydia was equally alone in the vast sprawl of Buenos Aires. What life must have been like for her is difficult to reconstruct, for we see only scattered glimpses of her in DB’s letters. That she was largely left to her own devices is certain. DB would not be home on an average working day before 7 pm;⁵¹ most of his Sundays were also taken up. With a home to run and children to look after, any network that offered help, companionship and understanding was a valuable support. Hence her reluctance in moving house in 1904: ‘Next week we are going to move from Mrs. Brown’s in B. A. out to one of the suburbs, viz. Flores. Lydia doesn’t like leaving the English people but it is necessary or she and the children will never pick up any Spanish.’⁵² DB perceptively rendered her condition in a brief comment to his sisters: ‘Imagine yourselves being cut off from your church association.’⁵³ This state of isolation was unrelieved until the arrival of Lydia’s sister Annie in June 1905. Those initial months of isolation, from September 1904 to June 1905, must have been quite painful for her, and led to an overall unhappy experience of living overseas: ‘Lydia has always set her teeth ... against any prolongation [of our stay]’.⁵⁴

Considering Lydia and DB's long periods of separation from each other and their consequent feelings of isolation, it is not surprising to find the family making a special effort to build moments of togetherness, to find time for each other. On a circuit of the camp in late 1904, the news that the machines were working well all over the country and the harvest proceeding smoothly encouraged DB to make 'a run to Buenos Aires to see the *senora* (wife) and *chicos* (children) instead of staying outside another week. Was away at Christmas but would like to spend New Year in the bosom of my family'.⁵⁵ It was these moments when family unity was achieved that were treasured in memory and form the warmest prose of the letters: 'I am now spending a Sunday at home—the first for about two months. Lydia now has a little nurse girl for the boys—a clean little Italian girl who speaks Spanish. This girl and the boys are playing in a sandy gutter outside under shady trees, so Lyd has 10 minutes of quiet'.⁵⁶ This scene of domestic bliss and moments like it sustained and replenished the relationships between family members, always important, but especially so when the pressures of migration strained normal family bonds, most often—as with DB—through work obligations. By these special 'reunions', the family's morale was reinforced, its sense of security and stability strengthened—a home was created.

For a migrant family living overseas, there would have been nothing more important in an emotional or psychological sense than the establishment of a safe, comfortable home atmosphere. The Fergusons moved house several times during their stay in Buenos Aires, renting houses or taking rooms in boarding-houses. The house that actually became home in DB's mind, however, was Frith Cottage in Lomas de Zamora, rented from the Johnsons for the latter half of 1905. Architecturally, the house delighted DB. 'You have received a view of our house', he wrote to his siblings, 'but that doesn't tell you what a charmingly picturesque little place it is'. Detailed and enthusiastic praise of the brickwork and garden followed.⁵⁷ As time went on, he thought of it as a haven, a refuge from arduous business trips. Writing of other travelling representatives, who 'wear check waistcoats and play golf and live at the Royal', he exclaims: 'They can have all those things so long as I don't have to spend another winter in country pubs and sulkies ... if I stay here another year I want more Lomas and less camp. Don't imagine I'm a martyr, but I think God made Lomas'.⁵⁸

It became, finally, the place where the family had most opportunity to create and enjoy an atmosphere of secure family domesticity. From Lomas, DB took sons Ham and Pip on walks to the golf course to see the comic grimaces of the English players, and, from Lomas, the family took buggy excursions to the nearby suburbs of Temperley and Banfield.⁵⁹ In memory, Frith Cottage became the ideal of the family's life together in Argentina: 'Already I begin to miss the comfortable home at Lomas.'⁶⁰

'We are not very fond of the average English here': Making Friends.

The corollary to establishing a home base overseas was finding a circle of friends as a network of support and companionship. The geniality of company complemented the creation of a space for the family when it moved into the Lomas house: 'We are able to entertain an odd visitor or two and will increase the quantity from now onwards.'⁶¹ Although it is natural to find the Fergusons seeking friendship among their fellow English speakers, we would be mistaken to assume this search ventured into the English community itself. 'We are not very fond of the average English here. They are too frilly and talk in that haw-haw English that sets my teeth on edge. I wonder if that English grows in any part of England naturally?'⁶² It was the pretension and snobbishness of the Anglo-Argentines that most irritated DB; his razor-sharp wit parodied their expatriate airs of superiority mercilessly: 'There are unmistakable Englishmen, but I don't make advances to them. They are dukes or earls. Most of the English aristocracy lives in South America I think. They got 30/- a week at 'ome, but 'ere they get \$500 a month and their pedigree goes up accordingly.'⁶³ Contact with many Englishmen of this sort seems to have begun in DB a reorientation in his national identification. Turn of the century Australians shared a pan-Britannic, imperial—but also national—patriotic ideal, or, as Sir Keith Hancock expressed it, the sense of being independent Australian Britons, a people 'nourished by a glorious literature and haunted by old memories, in love with two soils.'⁶⁴ It was DB's encounters with true Englishmen that dismantled one half of this equation:

I fear I have rather lost my impression of the Britisher in Britain ... The first class travellers and wealthy folk generally seemed to have that air of looking round for somebody to despise, which appears to be characteristic of the Englishman who is not engaged in the struggle for a crust. I settled to my own satisfaction that 'Haw' English does not grow anywhere; it has to be cultivated always.⁶⁵

Despite his antipathy towards the English, DB does seem to have made one close acquaintance among them, Barclay the *estancia* owner and amateur ethnologist mentioned in the letter labelled 'A'. A connection of some esteem must have formed between them, because Barclay began a correspondence with Will, sending him some geological samples.⁶⁶ By and large, however, the Fergusons' friendships were formed with other non-British English speakers. These included the Canadian Yager family, the 'Yankee acquaintance' Von Motz, and fellow Australians such as the Shephard family from Adelaide and the farmers Tom Dripps and Todd.⁶⁷ Among the correspondence of 1904–07, however, there is an intriguing letter dated 28 January 1947. It is in Spanish, signed 'Marguerite.' The correspondent writes of a recent trip to France and conditions in post-war Paris. From the name and the subject matter, it can be assumed that the correspondent was a French immigrant to Argentina. The only two French acquaintances DB mentions in his letters are the French wife of the German landlord Roepe, in whose boarding house the family stayed in 1904, and the French Basque proprietress of a boarding house, in which DB stayed alone in 1906.⁶⁸ If the correspondent was either of these two women, or some other unmentioned acquaintance, the continuation of a forty-odd year correspondence of which this letter is sole survival is an extraordinary testimony to the apparent strength and depth of the relationships the family formed outside what would have been its natural social circle, the English-speaking community. This letter provides a valuable illumination of the family's extended social network during its sojourn in Buenos Aires.

Language: "I am trying so hard to learn Spanish."

What is equally extraordinary is the fact that DB must have retained a reasonable command of Spanish over forty years in order to carry on this correspondence. Forming friendships and the learning of language intersect at this point. The acquisition of the language of the host country, and, through it, the formation of contacts and friendships among the native population can facilitate a successful immigrant experience rather than one which is incomplete, stunted or bitter for the immigrant. DB always stressed the importance of acquiring Spanish. Of course, in the business of selling, where success depends on fluency and persuasiveness of speech, a proper mastery of Spanish was crucial. His practice was constant: odd times of the day and evening were spent in reading or writing Spanish exercises; he read *La Prensa* (*The*

Press) newspaper; he regularly dropped a variety of Spanish words and phrases into his letters, most often *tambien* (also), *tampoco* (neither), *quien sabe* (who knows). ‘Excuse the incorrect sentences that crop in. I am trying so hard to learn Spanish.’⁶⁹ DB took great pains and pride in speaking Spanish well, but, as he acknowledged and other immigrants agree, one never speaks a foreign language nearly as well as one would like. Particular instances of misunderstanding may have been amusing, but he felt a real sense of frustration at not making himself properly understood even in the simplest things.

Had some trouble to explain to chamber maid that I wanted a bandage. My book learnt words are often too high flown for these people. First try she brought some coloured braid. I suppose I asked for a limited portion of woven cotton cloth when I should just have said a blooming piece of rag. It is not only to learn Spanish words but to find out which ones they are in the habit of using.⁷⁰

Comic as it seemed, it was on this level of nuance, subtle and discreet, that the sensation of being foreign, the outsider, played. ‘The people murmur “ingles” when I move round’; ‘The waiters still spot me for a new chum and say “orl right seer”’.⁷¹

Perhaps it was this fear of marginalisation that made DB so anxious that his sons and wife should also be proficient in Spanish. Their progress in the language is charted attentively throughout the letters. Picking it up was easier for the boys. In the Roepe boarding house of letter A, they had a nurse to practice with, and, in the Lomas house, Ham chatted away with Domingo the gardener. As a result, he appeared to be the more self-confident of the two boys: ‘Thinks he knows Spanish better than I and rather patronizes us in this direction.’⁷² But both boys seem to have become fluent in a very short time: ‘When I take [Ham and Pip] for walks we talk Spanish all the time and it is sweet to hear little Pip burbling that lingo.’⁷³ When they moved from Lomas at the end of 1905, lack of Spanish-speaking company and practice led to a deterioration in their vocabulary:

their actual knowledge of the lingo gets less as time goes on, for we have no Spanish nurse girl, nor any servant. They just butcher words to fill in, apparently in quite an original way. Tonight they puzzled me with ‘lightando,’ the nearest they could get to the Spanish for lighting (*encendiendo*).⁷⁴

Of Lydia's knowledge of Spanish, we can discern little. The move from Mrs. Brown's to Roepé's boarding house had been successful in forcing her to pick up some Spanish.⁷⁵ But falling pregnant with Donald William in late January/ early February 1905 (he was born in October), she needed care and domestic help, which was supplied most suitably in her sensitive condition by English speakers: her sister Annie arrived in June 1905, and an English nurse named Pearson was engaged in August for the period of her confinement.⁷⁶ Surrounded by English speakers and busy nursing young Don, there would have been little incentive or opportunity to persist in acquiring Spanish. This continuing linguistic isolation explains in some measure her unhappiness in Argentina and her eagerness to return to Australia.

Conclusion

On his return from Argentina in 1907, DB took up residence at Belgrano, a spacious weatherboard villa built for him by HV McKay on Talmage Street, Sunshine, the suburb to which the firm had relocated in 1906. A long and distinguished association with McKay's lay ahead. When Samuel McKay, who had assumed the positions of chairman and managing director on his brother Hugh Victor's death in 1926, died in his turn in November 1932, the decision was made to promote DB to leadership of the firm. He would act as mentor to Cecil Newton McKay⁷⁷, HV's son, who was made general manager. Although Cecil McKay succeeded to the managing directorship in 1936, DB remained as chairman, exercising a supervisory eye over the company until his death in 1947.⁷⁸ Lydia had predeceased him in August 1934. Of their sons, Ham, who remained a bachelor most of his life, studied mechanical engineering and would become works manager at Sunshine from 1951 to circa 1957; little Pip became a veterinarian, but predeceased his parents in January 1932; baby Don would take up farming in Yerong Creek, New South Wales. DB and Lydia would have one more child, a daughter, Joan Margaret, in 1911, who became an agricultural scientist and farmer. The export trade to Argentina that DB had helped pioneer would ultimately fail. Shipping problems brought on by the First World War effectively ended McKay's trade with Argentina. By 1919–20, Canada's Massey-Harris and the USA's International Harvester had established an iron grip on the agricultural machinery trade in South America, which McKay's would never break.⁷⁹

What of the impact of DB's residence overseas on his national identification? For three years, he had effectively run an international business, learnt a language, established a home and carved out a life for himself and his family in a strange land. In Argentina, he encountered a staggering breadth of racial and cultural diversity for the first time; in the streets of Buenos Aires and in the camp, he met Italians, Danes, Germans, French, Amerindians, Scots, Irish, Boers, Welsh, Basques, Canadians, Britons, Spaniards, Americans, Creole Latins: 'we have samples of all races.'⁸⁰ Among this confronting Babel of nationalities, DB identified himself simply and strongly as Australian. He was quite content to speak as one of Hancock's Australian Britons when reporting his visit to the United Kingdom: 'I was not a foreigner in any part of Britain.'⁸¹ But sometime later, when it came to registering the birth of his own son Donald William with the Argentine authorities, he would not accept this label: 'Sad to say that Australia is not recognised as anything yet. Donald William had to figure as the son of a *Britanico*, although I tried to get the man to put down *Australiano*'⁸² At a distance from his homeland and its familiar assumptions, DB's contact with people of different origins, experiences and attitudes challenged a previously unquestioned ethnic identity. If, on the one hand, his pan-Britannic sympathies were badly dented, on the other, he returned from his Argentine sojourn with an intensified feeling of himself as separately and quite distinctly Australian.

Acknowledgements: the author wishes to acknowledge the assistance of Prof. John Lack and of Ms Margret Doring in preparing this article.

Notes

- 1 Letter V, Buenos Aires, 26 June 1906, p. 2. DB Ferguson's letters home from Argentina are merely one item in an enormous archive of family papers accumulated from the late 19th century to the present and contributed to by successive generations of the Ferguson-Haughton-Doring families. The archive is presently in the possession of Ms Margret Doring of Whitlands, Victoria, granddaughter of DB Ferguson.
- 2 Letter R, Lomas de Zamora, 15 December 1905, p. 3.
- 3 Letter V, p. 1.
- 4 Letter V, p. 1.
- 5 Letter V, p. 1.
- 6 Elizabeth Ferguson (1854–1940), spinster; Isabella Jane Ferguson (1859–1926), spinster; and William Hamilton Ferguson (1861–1957), geologist,

surveyor and explorer. These three siblings remained unmarried and lived together in a house in Brinsley Road, Camberwell, where the surviving letters were collected and kept. Other letters might have been sent, or circulated by these three siblings, to DB's elder half-brother Daniel Ferguson (1847–1926), customs officer at Wodonga, later barrister and solicitor, elder half-sister Margret Stewart Ferguson (1849–1905), of Newcastle, and another full sister, Mary Ferguson Gilmour (1855–1926), but if these letters were written, they have not survived.

- 7 Samuel L. Baily and Franco Ramella (eds), *One Family, Two Worlds: An Italian Family's Correspondence across the Atlantic 1901–1922*, (trans.) John Lenaghan, New Brunswick, Rutgers University Press, 1988, p. 2.
- 8 David Fitzpatrick, *Oceans of Consolation: Personal Accounts of Irish Migration to Australia*, New York, Cornell University Press, 1994, pp. 3–5.
- 9 Jacqueline Templeton, 'Here, There or Nowhere? Italian Sojourners Write Home,' in Eric Richards and Jacqueline Templeton (eds), *The Australian Immigrant in the 20th Century: Searching Neglected Sources*, Visible Immigrants, vol. 5, Canberra, Division of Historical Studies, Research School of Social Sciences, The Australian National University, 1998, p. 67.
- 10 See, for example, Tim Duncan and John Fogarty, *Australia and Argentina: On Parallel Paths*, Melbourne, Melbourne University Press, 1984.
- 11 John Lack and Jacqueline Templeton (ed.), *Sources of Australian Immigration History*, vol. 1, 1901–1945, Melbourne, History Department, University of Melbourne, 1988, p. 1.
- 12 Richard White, *Inventing Australia*, Sydney, George Allen and Unwin, 1981, p. 112.
- 13 Lack and Templeton, p. 1.
- 14 Lack and Templeton, pp. 7–8.
- 15 KS Inglis, 'Going Home: Australians in England, 1870–1900,' in David Fitzpatrick (ed.), *Home or Away? Immigrants in Colonial Australia*, Visible Immigrants, vol. 3, Canberra, Division of Historical Studies and Centre for Immigration and Multicultural Studies, Research School of Social Sciences, Australian National University, 1992, p. 119.
- 16 White, p. 70.
- 17 Inglis, p. 124.
- 18 Dorothy McNeill, *The McKays of Drummartin and Sunshine: Their Personal History*, Melbourne, HV McKay Reunion, 1984, p. 32; James R. Scobie, *Revolution on the Pampas: A Social History of Argentine Wheat 1860–1910*, Latin American Monographs, no. 1, Austin, Institute of Latin American Studies, The University of Texas, The University of Texas Press, 1964, p. 87.
- 19 John Lack, 'Hugh Victor McKay (1865–1926), Manufacturer,' *The Australian Dictionary of Biography*, vol. 10, Melbourne, Melbourne University Press, 1986, p. 291.
- 20 McNeill, p. 63.

- 21 See Michael Cannon, *The Land Boomers*, Melbourne, Melbourne University Press, 1966, p. 81.
- 22 Letter of Recommendation of DB Ferguson by McLean Bros. and Rigg Ltd. 30 July 1903.
- 23 Frank Crowley (ed.), *A New History of Australia*, Melbourne, William Heinemann, 1974, p. 300; Jose Luis Romero, *A History of Argentine Political Thought*, (Introduction and Translation by Thomas F. McGann), Stanford, Stanford University Press, 1963, p. 170.
- 24 Romero, p. 169.
- 25 John Foster-Fraser, *The Amazing Argentine: A New Land of Enterprise*, London, Cassell and Company Ltd, 1914, p. 63.
- 26 Letter A, Necochea F. C. S. Argentina, 18 December 1904, p. 4.
- 27 Foster-Fraser, p. 63.
- 28 David Rock, *Argentina 1516–1987: From Spanish Colonization to Alfonsín*, Berkeley and Los Angeles, The University of California Press, 1987, p. 164–165.
- 29 Romero, p. 171.
- 30 Letter O, Calle Espana 257, Lomas de Zamora, 22 November 1905, pp. 3–4.
- 31 Duncan and Fogarty, p. 2.
- 32 Scobie, p. 82.
- 33 Scobie, p. 109.
- 34 Scobie, p. 82.
- 35 Letter B, Santa Rosa de Toay, Pampa Central, [1]8 November 1904, p. 4.
- 36 Letter A, p. 2.
- 37 Letter A, p. 1.
- 38 Letter A, p. 1.
- 39 Letter A, p. 1.
- 40 Letter A, p. 1.
- 41 Scobie, p. 82.
- 42 Letter B, Santa Rosa de Toay, Pampa Central, [1]8 November 1904. DB may have had an erroneous idea of his actual location. Santa Rosa is the capital of La Pampa province and is the terminus of its rail link to Buenos Aires. Toay is a small town to the south-west of it; Letter A; Letter B (continued), Bahia Blanca, 8 January 1905.
- 43 Letter H, Parana, Entre Rios, 6 May 1905.
- 44 Letter I, Tres Amigos, 7 June 1905, p. 1.
- 45 Letter Z, Buenos Aires, 14 January 1907, p. 6.
- 46 Letter Y (continued), Trenque Lauquen, 25 September 1906, p. 6.
- 47 Letter Y (continued), p. 6.

- 48 Quoted in Scobie, p. 64.
- 49 Letter B, Santa Rosa de Toay, Pampa Central, [1]8 November 1904, pp. 1–3.
- 50 Letter Y (continued), p. 6.
- 51 Letter R, p. 4.
- 52 Letter A, p. 4.
- 53 Letter K, p. 5.
- 54 Letter L, p. 8.
- 55 Letter B, p. 1.
- 56 Letter B, p. 7.
- 57 Letter K, Lomas de Zamora, 17 August (continued 21 August) 1905, p. 1.
- 58 Letter M, Hotel Globo, Montevideo (Uruguay), 19 October 1905, p. 4.
- 59 Letter K, p. 2.
- 60 Letter V, p. 2.
- 61 Letter L, Lomas de Zamora, 20 September 1905, p. 4.
- 62 Letter L, p. 4.
- 63 Letter M, p. 2.
- 64 William Keith Hancock, *Australia*, London, Ernest Benn, 1930, p. 68.
- 65 Letter Y, Buenos Aires, 12 September 1906, p. 7, describing the Atlantic crossing from Argentina to Britain on furlough March–June of that year.
- 66 Letter A, p. 3; Letter C, p. 5.
- 67 For the Yagers, see Letter D, p. 1, and Letter H, p. 7; for Von Motz, see Letter J, p. 5; for the Shephards, see Letter R, p. 4; for Dripps, see Letter K, p. 3; and for Todd, see Letter I, p. 3.
- 68 Letter A, p. 4; Letter Y, p. 8.
- 69 Letter G, Valparaiso (Chile), Sunday 19 March 1905, pp. 2–3.
- 70 Letter J, p. 3.
- 71 Letter J, p. 1; Letter C, p. 5.
- 72 Letter O, Calle Espana 257, Lomas de Zamora, 22 November 1905, p. 3.
- 73 Letter N, Buenos Aires, 22 October 1905, p. 1.
- 74 Letter P, Calle Espana 257, Lomas de Zamora, 24 November 1905, p. 1.
- 75 See Letter B, p. 8; Letter C, p. 3.
- 76 For Annie’s arrival, see Letter I, p. 2; for Ms Pearson, see Letter K, p. 4.
- 77 See John Lack and Dorothy McNeill, ‘Cecil Newton McKay (1899–1968)’, *Australian Dictionary of Biography*, vol. 15, Melbourne, Melbourne University Press, 2000.
- 78 In 1921, while retaining his position as the company’s sales manager, DB had been named one of its first directors when it was made a limited liability company. In 1929, he became the firm’s general manager. Personal communication of Ms Margret Doring.

- 79 Personal communication of Associate Professor Dr. John Lack. See also John Lack and Charles Fahey, 'Harvester Wars between HV McKay, Massey-Harris and International Harvester', *Ontario History*, vol. XCVI, no. 1, Spring 2004, pp. 23–24.
- 80 Letter B, p. 6.
- 81 Letter Y, p. 7.
- 82 Letter N, p. 8.

Victoria's Yellow Stain: The Fleet of Floating Prisons

Roland Wettenhall

Abstract

The 1850s population boom in Victoria contributed to rapidly rising crime rates. The prison system was strained to breaking point, and, although stockades were built to supplement the overcrowded Melbourne Gaol, these primitive penal facilities were insecure. Authorities saw empty ships as a solution. By 1 February 1852, the hulks President and Deborah had been declared as public prisons and, within two years, there were five prison hulks moored in Hobsons Bay. Despite damning parliamentary inquiries into the hulks and the murder of the inspector-general of penal establishments, the last of the yellow-painted prison hulks remained in service until 1878.

Victoria's Yellow Stain: The Fleet of Floating Prisons

Though the history of prison hulks in Britain has been well documented, the use of floating prisons in Victoria is less well known, though the yellow-painted vessels were an offshore feature of Williamstown from 1853 until 1878. In Britain, before transportation to the Australian colonies, prisoners were held in prison hulks in deplorable conditions. After agitation by Jeremy Bentham and other reformers, the government undertook penal reform. Despite this reform, the extensive reconstruction of Newgate prison caused more prisoners to be sent to the hulks, exacerbating the poor conditions. When the colony of New South Wales was established in 1788, the English hulks were feared by criminals and loathed by the communities that watched them from the English riverbanks. This paper describes the crisis in prison accommodation after the Victorian gold rushes commenced and the fortuitous availability of ships to be temporarily used as floating prisons. Like the English hulks, the Victorian vessels gained notoriety. Despite the damning evidence of two parliamentary inquiries and the violent murder of their primary advocate, they remained in use for over 20 years.

Unlike in Victoria, prison hulks were little used in the colonies of New South Wales and Van Diemen's Land. In 1825, when the overcrowded and dilapidated Sydney Gaol was full, and the new gaol not expected to be completed until 1830, Governor Sir Thomas Brisbane saw the use of a prison hulk as a temporary solution.¹ The *Phoenix*, having transported convicts to Van Diemen's Land in 1824, was damaged in Port Jackson, repaired and commissioned as a prison hulk in 1826. The *Phoenix* was usually moored at Hulk Bay on the north shore of Sydney Cove, but was moved to Goat Island when work parties were needed there. It eventually succumbed to storms and rot and was decommissioned on 31 December 1837.² The authorities in Van Diemen's Land also utilised the same temporary expedient. The *Duke of York*, like the *Phoenix*, was used to accommodate prisoners who worked onshore. It too became unfit for habitation and it was necessary to evacuate the prisoners.³ Another vessel, the *Anson*, was also converted in Hobart to house women prisoners. These women worked at the Hobart Female Factory, which had moved to 'new enlarged premises' at the Cascades in June 1828.⁴ The *Anson* held from 250 to 519 women at any one time and was in continuous use until 1853.⁵

Accounts of life on prison hulks are available, and most provide the author's subjective view of such an existence. Louis Garneray wrote of his time as a hulk prisoner during the Napoleonic wars in *The Floating Prison*.⁶ Thomas Dring's account of life as a British prisoner during the American War of Independence is titled *Recollections of Life on the Prison Ship 'Jersey'*.⁷ George Barrington, transported to New South Wales, wrote a number of memoirs best summarised in Sheila Box's *The Real George Barrington*.⁸ Victorian eyewitness accounts appeared in newspapers in the late 19th and early 20th centuries, the best of which is Owen Suffolk's *Days of Crime and Years of Suffering*,⁹ now in book form edited by David Dunstan. The manuscript of *The Demon* by Henry Beresford Garrett, a convicted bank robber, is transcribed in *The Life and Death of John Price* by John V Barry, published in 1964.¹⁰ Barry documented Garrett's description of conditions on the hulks. Garrett nicknamed John Price, the former commandant of Norfolk Island, and ultimately, of the Victorian prison hulks, the 'Demon'. His hatred of Price needs to be taken into consideration when reading his account.

The discovery of gold and the flood of speculative immigration put the new colony of Victoria under enormous pressure with a population

boom. Although Melbourne's biggest building in 1845 was the newly completed Melbourne Gaol, by 1851, crime rates were increasing and the prison system was substantially under resourced.¹¹ Melbourne was in a state of ferment; there were reports of riotous behaviour at all hours of the day and night, while publicans, shopkeepers and prostitutes benefitted from the new class of conspicuous consumers.¹² Crimes were being committed in the towns, on the roads and on the goldfields. The 1851 separation of the colony of Port Phillip from New South Wales created enormous pressure for the authorities. The handling of criminals required two types of incarceration facility: gaols and prisons. Prior to separation, the colony of Port Phillip had a number of goals that were available for short-time prisoners or those awaiting sentencing. There were no prisons for those convicted of serious crimes—long-term prisoners were sent to Cockatoo Island in Sydney.¹³ In August 1851, Melbourne Gaol held 153 men and 17 women; twelve months later, the overall numbers had doubled to 337 men and 22 women.¹⁴ The authorities undertook two major courses of action. The first was to create legislation to stem the influx of undesirables, although the *Convict Prevention Act 1853* failed to achieve this. The second was to commission a number of penal establishments to serve as prisons.

The new Colony of Port Phillip began receiving prisoners transferred from Sydney, and this required the building of wooden stockades.¹⁵ In December 1851, there were 29 prisoners; and, by December 1853, 955.¹⁶ Stockades were built at Pentridge, Richmond, Williamstown and Collingwood. This primitive penal system was insecure, and the authorities were forced to return dangerous prisoners to Cockatoo Island.¹⁷ A better solution was required and authorities saw the answer moored in Port Phillip Bay—empty ships lacking crews and cargo, unable to leave Victorian waters.

A report from the Penal Board recommended 'that recently purchased hulks should be used for the most desperate class of criminal'.¹⁸ An *Act for the Better Control and Disposal of Offenders* was proclaimed on 22 January 1852 and, by 1 February 1852, the hulks *President* and *Deborah* had been declared as public prisons. The government sought tenders in the *Victorian Government Gazette* of 14 April 1852:

G. W. RUSDEN.

Colonial Secretary's Office,
Melbourne, 14th April, 1852.

TO SHIP OWNERS AND OTHERS

TENDERS will be received until Eleven o'clock on Tuesday the 15th June next, from persons willing to sell a Vessel of from 600 to 1200 tons register, available for the purpose of being converted into a Prison Hulk.

The Vessel must have a Poop and Top-gallant Forecastle: the height between decks must be not less than Six feet Six inches: she must be well ventilated and sound in the hull, and her Copper must be in good condition. She must be deliverable within One month of the 15th June next, on approval, in Hobson's Bay.

Tenders to be endorsed "Tender for Prison Hulk," and to be deposited in the Tender Box at the Colonial Treasury: or sent by Post pre-paid, addressed to the Honorable the Colonial Treasurer.

The Government will not necessarily accept any or the lowest Tender.

By His Excellency's Command,
W. LONSDALE.

Subsequent declarations brought into service the *Success* (27 June 1853), the *Sacramento* and the *Lysander* (15 and 20 March 1854 respectively). The *Regulations and Instructions for Hulks, Victoria: Regulations for the Control of Prisoners on Board the Hulks 1853*¹⁹ set out the periods of time to be served on this vessel and then the ongoing periods of time in other penal institutions.

Term of Sentence	Period on Punishment Hulk (President)	Period on Probationary Hulk (Success)	Period at Stockade on Land	Years to Serve to Ticket of Leave	Proportion of Sentence Unexpired on Ticket of Leave
8 Years	1 Year	2 Years	3 Years	6 Years	One fourth
10 "	1 1/2 "	2 1/2 "	3 1/2 "	7 1/2 "	do.
12 "	2 "	3 "	4 "	9 "	do.
15 "	3 "	5 "	4 "	12 "	One fifth

Scale for time served on the hulks.

Prisoners were classified according to the severity of their sentences and their behaviour during sentence. A fifteen-year sentence required three years on the 'Punishment hulk' (*President*), and five years on the 'Probationary hulk' (*Success*).²⁰ The *Deborah* generally held refractory seamen and later became a reformatory school. The *Lysander* and the

Sacramento held prisoners with shorter sentences, the *Sacramento* also temporarily serving as a women's prison. Samuel Barrow, after being appointed superintendent of penal establishments, was not convinced that the government had found a permanent answer: 'These establishments I have always looked upon as temporary measures only ... I would therefore suggest that a large Central Penitentiary ... should be erected at once.'²¹ Before his vision was fulfilled, Barrow resigned in 1853, to be succeeded by John Price.



Unidentified prison hulk painted yellow, third from left, William's Town Lighthouse, Hobson's Bay, Edmund Thomas, 1853. (Courtesy of the National Library of Australia.)

The Vessels

President

The *President* was occupied on 15 December 1852, although it was not declared a public prison until 1 February 1853, having been purchased for £2,200.²² This was the hulk to which the long-term prisoners were sent:

This hulk is intended for the coercion of prisoners of the longest sentences and most desperate character, and is fitted with separate cells capable of containing eighty-four prisoners, who as it were, during the periods of servitude on board, entirely shut out from the world, being permitted to hold no communication whatever with each other or any of their friends or associates, either by letter, message or otherwise ... to act not only as a severe punishment to the convict himself but

as a wholesome check upon the commission of crime, by shewing indisputably that a commensurate punishment awaits the criminal, and that too without a hope of escape.²³

Officially known as the punishment hulk, by June 1857, the *President* held 80 men held in solitary confinement cells.²⁴ Prisoners were not allowed off the vessel and were only let out of their cells for one hour a day. This vessel was the most difficult to control. Despite all the men being in solitary confinement, Champ described the ‘unremitting conversation between the whole of the men, accompanied by offensive and obscene language to the officers, singing, shouting, yelling and noises of every description, (that) was kept up for many days.’²⁵ The vessel was decommissioned as a public prison in August 1860.²⁶

Success

The *Success* was an immigrant ship from Plymouth that arrived in Melbourne and then crossed to anchor in Corio Bay, Geelong. It was here that her crew deserted and headed for the goldfields, so she rode at anchor until purchased by the Victorian government, was converted into a prison hulk and declared a public prison on 27 June 1853.²⁷ *Success* was used to house shorter-term prisoners and prisoners who had served an allotted period of time on board the *President*. The prisoners were employed ‘at trades or other labor [*sic*], on board or at the public works at Williamstown, to facilitate which the vessel will be moored off the lighthouse at Gellibrand’s Point.’²⁸ The *Success* was configured to hold 142 prisoners, most of whom were held in wards each to hold two to four men; the solitary confinement cells held 42 prisoners.²⁹ In 1854, the vessel was towed and anchored off Limeburners Point for several months, while her 105 convicts laboured on construction of the Geelong railway and other works; she was eventually decommissioned as a public prison in 1869.³⁰



Convict hulk, *Success*, at Williamstown, Webb & Webb, n.d. (Courtesy of the State Library of Victoria, H2002.59.)



Convict hulk, *Success*, at Williamstown, n.d. (Courtesy of the State Library of Victoria, H4271.)

After decommissioning, the vessel lay idle until it was sold in September 1891; it was resold to a private company, the Convict Ship Success Company Limited, after which it was sailed from Williamstown to Kerosene Bay, Sydney, where it remained until 1892.³¹ These new entrepreneurs sailed the vessel to ports around Australia as an exhibition prison ship. The *Brisbane Courier* featured a whole page on ‘The Hulks in the Early Fifties’, when the *Success* was ‘now on exhibition in the Brisbane River.’³² The vessel subsequently had many owners. After a successful exhibition tour of the British Isles from 1895 to 1911, she sailed to Boston. For the next 30 years, *Success* toured both coasts of the United States, the inland rivers, and the Great Lakes. The exhibition contained many items of dubious origin, and perhaps the ‘convict stain’ was still causing embarrassment.

During this time official representatives for Australia quietly—and unsuccessfully—petitioned the U.S. to have the exhibit stopped. Meanwhile, many millions took advantage of the opportunity to see this unique attraction. By the time she met with her rather sad end by fire in 1946, near Port Clinton, Ohio, she had earned a reputation, somewhat unfairly, as a hoax. In truth, the world lost the chance to preserve a superb example of 19th century shipbuilding.³³



Cells on the *Success*, as seen by visitors as it travelled the world. The Iron Punishment Band, Prison Hulk *Success*, ca 1914 – ca 1941. (Courtesy of the State Library of Victoria, H22684.)



Convict hulk *Success* at Williamstown, ca 1900–1920. (Courtesy of the State Library of Victoria, H4270.)

Deborah

The *Deborah* was declared a public prison on 1 February 1853, although, by 31 December 1853, it held only five criminals—the other 161 inmates were classified as refractory seamen.³⁴ This latter category of inmate comprised those seamen who were charged under the Mercantile Marine and Police Acts with an on-board offence, for example refusal to do duty, and were put in gaol when the ship arrived in the port. The government, seeking to earn revenue from these otherwise able-bodied inmates, promulgated regulations on 4 May 1854 for their employment. The regulations only allowed them to work on seagoing vessels other than the vessel on which they had been sentenced, during Custom House hours and at a rate of 9 shillings per day for each prisoner employed.³⁵ This rate was for European sailors, whereas ‘Lascars’ only cost six shillings a day—both rates being for loading and unloading cargo off ships.³⁶

By 1855, the gold rushes had diminished in intensity, and seamen were not attempting to desert their ships as had occurred in the previous three years. Ship captains were not seeking to imprison disorderly

crewmen as often, and fewer ships were arriving in Melbourne. Price noted in his report to parliament in 1855 that the 'demand for the services of prisoner seamen ... gradually declined as free labour became more plentiful ... had it not been so I should not have been in a position to meet any such demands, the number of seamen in confinement having so rapidly diminished.'³⁷ This reduction in demand also coincided with the 'reduction of the estimates in 1855 ... I was obliged to ... throw the prisoners on the hulk *Deborah* into the hulk *Lysander*.'³⁸ By 1857, Champ, Price's successor, was reporting only 56 refractory seamen, who were acting as cooks and as boatmen on the various other hulks.³⁹

The *Deborah* fell into disuse until 1864, when it took on a new role after the government passed *The Neglected and Criminal Children's Act* establishing two 'Industrial Schools'. One school for females occupied 'The Immigrants Home' near Princes Bridge and the other for males was on the *Deborah*.⁴⁰ The *Deborah* was decommissioned as a public prison in 1869.⁴¹ In 1871, it was re-commissioned and moored off Sandridge, now Port Melbourne, but, in 1878, it was permanently decommissioned.⁴² Heritage Victoria records show the *Deborah* was later used as a torpedo (mine) store and ship at the Torpedo Depot before being moved to Greenwich Bay, where it was last shown inside land reclamation works being undertaken there in 1879.⁴³ Torpedoes were promulgated as being essential for the defence of the South Channel of Port Phillip Bay, and vessels were needed for both storage and transport of the iron-cased explosives. The *Deborah* was still in service under the control of the commander of HMVS *Cerberus* in 1881, when an inquest into the deaths of five *Cerberus* sailors heard of explosives being taken from the *Deborah* onto the *Cerberus*.⁴⁴

Sacramento

The *Sacramento* was proclaimed a public prison on 15 March 1854.⁴⁵ Writing in the annual return for the half-year to 31 December 1853 (but the attached report dated 24 November 1854), the inspector-general of penal establishments, John Price, records that the hulk *Sacramento* was opened during the previous six months and was 'capable of accommodating one hundred and twenty-eight prisoners ... the hulk is moored off Geelong, for the reception of prisoners convicted in that district, and where, it is intended, they should also be employed should public works offer.'⁴⁶ The vessel was located in 'All that portion of the

North Shore and Cowie's Creek in Corio Bay ... one hundred and thirty-five feet north of the Beach and that the place of landing and embarking Prisoners to and from the said Hulk shall be the north shore of Cowie's Creek.⁴⁷ Price's preoccupation with remunerative work for the prisoners was frustrated by the location. Despite providing labour for the Geelong and Melbourne Railway Company with between 90 and 100 men, he was soon advised that 'in consequence of the distance the works have receded from the landing place it will be impracticable to employ the prisoners after the conclusion of the present month (October 1854). I trust however that some advantageous means of disposing of their labour will in a short time be found'.⁴⁸

Price later noted that in consequence of the 'Ballarat riots' (Eureka), he was requested to provide additional space for 300 prisoners being sent to trial in Melbourne; as a consequence, the *Sacramento* was brought up from Geelong.⁴⁹ On 13 December 1854, a new location was proclaimed being 300 fathoms (1800 feet) from the lighthouse off Gellibrand's Point.⁵⁰ By June 1857, the *Sacramento* had accommodation for 133 prisoners in three wards of 35 men, plus 25 solitary confinement cells.⁵¹ John Price's successor as inspector-general, William Champ, noted in his first report that the vessel had 23 men confined on board with the balance employed daily on the harbour improvements.⁵² But, in 1859, Champ reported that by the end of 1857, the prisoners had been transferred to Pentridge and the *Sacramento* took on a new penal role: In consequence of the crowded state of the Melbourne gaols, and particularly of the indifferent accommodation at the Western Gaol where female offenders were confined, Champ proposed to remove the women to the hulk *Sacramento*; 'instead of passing their time in utter idleness, are now kept constantly at labour ... at washing and needlework, making their own clothes, and also shirts, waistcoats, &c., &c., for the male convicts'.⁵³

Incarceration of women prisoners on the *Sacramento* also led to children being kept on board. The Value of Labour Report for the week ending 10 April 1858 listed 77 prisoners plus 15 children.⁵⁴ Champ, a father of eight children, revealed his compassionate nature when reporting on the lives of the female prisoners' children and destitute children on the *Sacramento*. He was concerned with the 'evils attendant on such a system' and the 'contaminating influences' of the penal environment. Champ concluded that he had been compelled, as the

only alternative to turning them into the streets of Melbourne, penniless, houseless, and without protection of any kind, to retain several on board of the *Sacramento*, until, through the agency of some benevolent individual, the government had been relieved of their charge.⁵⁵

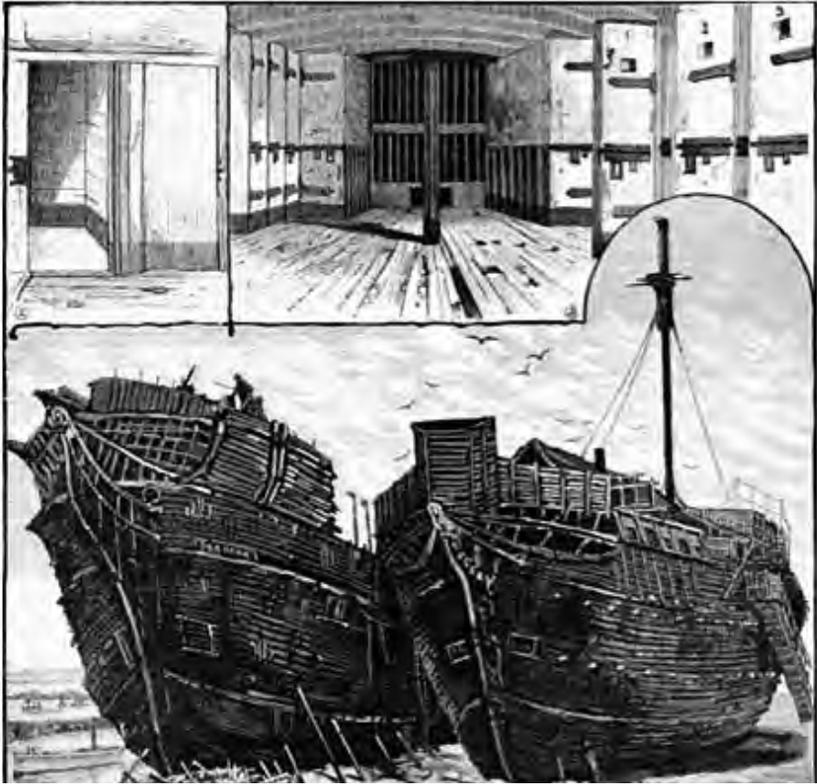
The *Sacramento* was the last hulk in use and appears to have reverted to use for male prisoners. It was relocated to the west bank of the Yarra in September 1864 for work purposes, it being 'expedient to employ the prisoners on board the said hulk in quarrying stone and other occupations on the land.'⁵⁶ In 1870, the Royal Commission on Penal and Prison Discipline visited the *Sacramento*. They noted, in response to an urgent request from the Chief Secretary's Office for labour to construct earth works, those men from the *Sacramento* 'might be advantageously employed on the national defence works.'⁵⁷

The number of prisoners held on the *Sacramento* gradually decreased from 112 at the end of 1872 to 69 in 1876,⁵⁸ during which time one of its more infamous prisoners walked the decks. Prisoner 10926, Edward (Ned) Kelly, having been arrested for riding a stolen horse and fighting with police in 1871, was sentenced to three years' jail. He initially served his sentence in Beechworth prison and, on 25 June 1873, was moved from Pentridge Prison to the *Sacramento* for three months. Not one to stay out of trouble, he had seven days added to his sentence on 21 August 1873 when he was caught passing tobacco to another prisoner. After three months, Kelly served out his sentence at the Battery in Williamstown.

In 1877, the inspector-general noted:

In consequence of the management of the port having been transferred to the Harbour Trust, the works on the River Yarra, on which the prisoners confined on board the *Sacramento* had for some years been employed, were discontinued, and that hulk was gradually vacated, only 25 prisoners remaining in it at the end of the year.⁵⁹

The *Sacramento* remained in service until 15 April 1878, at which time it was decommissioned as a public prison.⁶⁰ The hulk *Sacramento* was finally abandoned in March, and was transferred to the Torpedo Corps⁶¹ where, like the *Deborah*, it was moved to Greenwich Bay, where it too was last used in land reclamation works.



The old Hobson's Bay convict hulks [Vic.], *Deborah* and *Sacramento*, Alfred Martin Ebsworth, 1885. (Courtesy of the State Library of Victoria, A/S08/04/85/49.)

Lysander

The *Lysander* was an East Indiaman built in Scotland in 1835. Sailing the Far Eastern routes, she travelled to Adelaide and Port Phillip a number of times with emigrants from English ports. This vessel features uniquely in Victorian history by virtue of the number of unusual events in which it was involved. When the *Act for the Separation of the Colony of Port Phillip from New South Wales* was passed in the English parliament, the *Lysander* was serendipitously the vessel that bore the great news to the Port Phillip colonists. Arriving on 11 November 1850, the news was 'pealed' on the ship's bell, initiating great jubilation and celebrations in Melbourne, including a bonfire on Flagstaff Hill as a means of transmitting the news further into the countryside.⁶² By the time, the vessel made its final voyage, gold had been discovered in Victoria, and

the *Lysander*, after arriving on 13 March 1852, was purchased by the government for conversion into a hospital ship only to later become part of another Port Phillip event.

On 1 November 1852, the emigrant ship, the *Ticonderoga* arrived in Port Phillip waters disease-ridden and in great distress. Captain Boyle passed the news that 100 deaths had occurred during the voyage, and that there were another 300 sick persons on board. The *Lysander*, with the recently arrived 40th Regiment on board and in quarantine for suspected smallpox, was immediately despatched to the newly selected Point Nepean quarantine anchorage after the regiment was cleared of suspicion of disease. The *Ticonderoga* lay in quarantine for nearly two months, as did the *Lysander*.⁶³ The prisoners on the hulk *Deborah* are recorded as working to have the '*Lysander* dis-masted, gear stowed in hold, masts hauled ashore, 90 tons of ballast discharged, hold cleared out, water tank conveyed to marine stockade, junk discharged to *Deborah* 12 tons, hulk *Lysander* scraped, and moorings shifted, &c'.⁶⁴ The *Lysander* was proclaimed a public prison on 20 March 1854, although Noble states the *Lysander* became a floating penal establishment on 24 March 1855.⁶⁵

The *Lysander* remained as a hospital ship, as well as a prison for criminals who were classified suitable for onshore daily work party duties. The *Lysander* held a large number of prisoners sentenced to hard labour, who were employed as labourers (139), carpenters (2), masons (4), shoemakers (1) and tailors (4). Other prisoners had duties as barbers, cooks, servants (for officers) and writers.⁶⁶ Escapes from the hulks were rare, but the escape of prisoners from the *Lysander* on 9 September 1855 showed the perseverance required for such a feat. The escapees, including Dan Fagan, the alleged ringleader of the gang of thieves who stole 8,000 ounces of gold from the barque *Nelson* moored in Hobson's Bay on 1 April 1852, had to cut through three decks, escape through one of the bow-ports and swim ashore only to be recaptured next day in the sedges alongside the river.⁶⁷

The remake of the *Lysander* into a prison ship included the saloon being converted into officers' quarters and storerooms and an exercise area for prisoners, from which one descended to the upper deck that contained 16 wards with 13 prisoners each, two tanks in which prisoners washed and the surgery and hospital. Further below the waterline, and in semi-darkness, were smaller cells including those for solitary confinement.⁶⁸ In 1860, the *Lysander* was decommissioned as a public

prison.⁶⁹ *Lysander's* ship bell, which had pealed the news of separation from New South Wales, was later used at the newly constructed Pentridge Prison, then the Coburg Fire Station and, in 1921, gifted to the Melbourne Cricket Ground for use as a timekeeping bell, until a siren was installed in 1956 as part of the Olympic Games renovations. The bell, popularly known as 'Old Lysander', now resides in a corner of the Melbourne Cricket Club museum still showing its original cast inscription: 'Lysander 1835'.

The Decline to the End

The appointment of John Price as inspector-general of penal establishments in 1854 brought changes to the handling of prisoners on the hulks. Most importantly, he set the prisoners to work so that selling the labour of prisoners to private enterprise and using them on government works could solve financial difficulties. Other than the reports of the inspector-general, little attention was given to the hulks. They were prisons for criminals and as such did not merit the attention of the public or the legislature. Community reaction to the hulks moored off Point Gellibrand, near Williamstown, was muted; for the next two to three years, it seems that the criminals were 'out of sight and out of mind'.

In late 1856, this relative obscurity was cast aside and the hulks became a *cause célèbre*. The catalyst was the trial of Francis Melville. The *Australian Dictionary of Biography* entry for Melville lists six aliases of which Francis McNeiss McNeil McCallum was 'probably' his birth name.⁷¹ These aliases were to play a critical role in his last criminal trial. The revelations were voiced by Frank Melville, otherwise known as 'Captain Melville', an articulate murderer whose evidence in the Criminal Court in 1856 in front of Judge Robert Molesworth would disturb and divide the community. Melville's exposure of conditions on the hulks stimulated an intense public debate over the merits of the penal system: the living conditions on the hulks, the merits of religious instruction for prisoners, the inhumane discipline and the classification of criminals were extensively debated.

Melville was a transported convict who then turned to robbery and bushranging in Van Diemen's Land and Victoria. His colourful exploits as a *gentleman* bushranger came to an end in Geelong on 3 February 1853 with his conviction for crimes of robbery, horse stealing and assault and robbery. Melville had presented his own defence. The *Argus* stated 'his object in doing so was evidently to prove himself a man of great

character or Mr Ainsworth (the witness) and his companions arrogant cowards ... he proceeded to address the jury in his defence, which he did in a very ingenious manner.⁷² Sentencing Melville to 32 years hard labour, Judge Redmond Barry told Melville that his 'life was in the hands of your Creator,' to which Melville replied: 'I hope to die a young man, yet I would rather meet ten deaths than such a life as the one I have in prospect.'⁷³ Melville served time on the hulk *President* before being transferred to the *Success* from where he attempted escape by boat with a group of men from a work party. Warder Owen Owens was murdered and a seaman named Turner was thrown overboard and drowned when the escapees seized the boat.

Melville was tried for this crime and, within two days, Justice Molesworth had sentenced him to death. Of eight prisoners, two were sentenced to death and the remaining six were acquitted. But it was the evidence of Melville, given in his own defence, that attracted public interest all over Australia; 500 miles away, the *Bathurst Free Press and Mining Journal* advised its readers that 'the evidence was voluminous in the extreme'. Melville lucidly described the beatings, the horrors and the deaths that marked the regime on the hulks. He characterised Norfolk Island and Sydney as preferable places of incarceration, because, on the hulk, he would 'never see the sun rise or set'. Melville's evidence included his description of

torture ... (a prisoner) dragged out naked and thrown into a cell like a dog ... (another) they cut his head in three places. They gag him. He moans and makes a stifled sound. Mr Gardiner gives him blows again. They poured water into his mouth above the gag and over his nostrils. He is then tried and sentenced—months of heavier punishment ... he dies. (A thrill of horror testified by audible murmurs throughout the court).⁷⁴

Melville had been charged as Thomas Smith, alias Frank McCallum, alias Captain Melville. Melville argued that he had been charged as Thomas Smith, a name he had never used, that he was sentenced to work on the roads, not imprisonment in a hulk, and that a warrant for custody in a hulk did not extend to a quarry (where he laboured with the work party). Legal counsel intervened on Melville's behalf prior to sentencing, having noted that the prisoner was not in legal custody at the time of the murder. Justice Molesworth recommended that the matter

be referred to a Full Court of the Supreme Court and then sentenced Melville to death. On 4 December 1856, the Full Court concluded that the Crown had not produced a warrant for Melville's transfer from the *President* to the *Success* and thus failed to prove that he had tried to escape from legal custody. The Full Court reversed the death sentence and Melville remained in gaol.

JV Barry notes in his biography of John Price that 'It was the murder of Owen Owens on 22 October 1856 and the trial of the notorious "Captain Melville" for the crime that precipitated contemporaneous enquiries into the penal system by two Select Committees, one appointed by the Legislative Council and one by the Legislative Assembly'.⁷⁵ The community response on 24 December 1856 was to call for a public meeting. A petition to the mayor of Melbourne demanded 'an immediate and searching investigation'.⁷⁶ The parliamentarians responded next day. On Tuesday 25 November 1856, after 'The ceremony of formally opening the New Parliament of Victoria by his Excellency the Acting Governor of the colony',⁷⁷ the fourth notice of motion was worded:

For the appointment of a select committee of five gentlemen, to be chosen by ballot, to inquire into the working of the penal establishments of the colony, with power to examine witnesses and order the production of books and papers. Contingently on that motion being carried, it was also moved: That an address be presented to his Excellency the officer Administrating the Government, praying him to be pleased to respite the execution of Thomas Melville pending such enquiry.⁷⁸

The Melville case was now officially an item of parliamentary business, as were the conditions he described.

Contemporaneously with the parliamentary motions to establish the Select Committee inquiries, a Citizens' Committee inquiry was established at a public meeting on 1 December 1856. Describing the meeting as 'the natural protest of the common human heart against cruelty and outrage', the *Age* editorial told its readers that

Mr John Price and his system are now fully arraigned before the public bar; and certainly there is a damning weight of evidence against them ... This business must not be allowed to either flag or drop through until both Mr John Price and his system have been tried, condemned, and banished from Victoria ... the Committee of the People must vigilantly watch the proceedings of the Committee of the Legislature⁷⁹

The Citizens' Committee meeting passed resolutions to set up a separate inquiry. There were a number of speakers, including the newly elected members of the Legislative Assembly David Blair and Charles Read. Dr John Singleton spoke of his experiences of visiting the penal establishments. Stories of hardship and cruelty dominated the proceedings. However, the *Argus* was not convinced by all this sympathy for the prisoners and their stories. It reported that the speakers 'inveighed with great bitterness against the discipline employed in the hulks, and, we are compelled in candour to add, with more earnestness than was warranted by the very slender and unreliable character of the information on which they were proceeding'.⁸⁰

The witnesses who subsequently appeared before the Citizens' Committee singled out John Price and Visiting Justice Dr Richard Youl for particular criticism. Even the *Argus* conceded that 'After weighing the facts brought forward we can only come to the conclusion that enough has been alleged to put Mr Price and Dr Youl fairly upon their trial before the country, but certainly not enough to justify their public condemnation'.⁸¹

The Select Committee on the Subject of Penal Establishments (Penal Establishments Inquiry) was appointed on 26 November 1856 by the Legislative Council.⁸² Within three weeks, another Select Committee was appointed by the Legislative Assembly 'to inquire into and report upon the most advisable scheme of Penal Discipline' (Penal Discipline Inquiry).⁸³ The two Select Committees ran almost concurrently (the first from 27 November 1856 to 29 July 1857 and the second from 8 January 1857 to 11 September 1857). There were 22 witnesses to the Penal Establishments Inquiry, and the report filled less than one page. The report stated much of the evidence was 'evidently contradictory' and claimed it was 'impossible for the Committee to arrive, with any degree of certainty, at the truth in reference to facts and circumstances'. However, it did concede 'That the condition of the Penal Establishment [*sic*] is (to say the least of it) unsatisfactory'. It opined 'that a properly designed building, commensurate with the wants of the department, ought to be immediately commenced and completed as speedily as possible'.⁸⁴

In contrast, the Penal Discipline Inquiry heard only six witnesses, but its report filled seven pages. The overlap of the two inquiries appears to have shortened the Penal Establishments Inquiry report, whereas the

Penal Discipline Inquiry report contained many recommendations in respect of the penal establishments, including the hulks.

The concerns of the Citizens' Committee were in evidence as the witnesses came forward to the two parliamentary committees to espouse their views. Permeating the proceedings of both enquiries were the allegations of cruelty and inhumane conditions already well enunciated by Melville and the supporters of the *Age* newspaper. Price was a principal witness at both committees with the longest witness statement to each of the committees. Although Price agreed that hulks were an unsatisfactory substitute for the maximum-security prison being constructed at Pentridge, he defended his use of the hulks.⁸⁵ This defence was not acceptable to his detractors.

Just as had occurred before the Citizens' Committee, many witnesses spoke of the harsh and cruel attitude of Price and the system he oversaw. Crawford Pasco, who was a visiting justice of penal hulks and without the subjective viewpoint of a prisoner, was questioned about conditions on the *President*, the punishment hulk for long-term and difficult prisoners. In particular, the use of irons was examined. Pasco noted that there was no cause why the men were in irons, given that they were confined to separate cells; he was aware that 'many are in irons not upon the warrant of the judge who sentences them', and he acknowledged that he never received a reply to his questioning of this process.⁸⁶ John Duffy, who was a former warder and overseer, but had been dismissed from the service by Price, was direct in describing the harsh treatment. He was questioned about prisoners being discovered with tobacco (banned by Price). 'I have seen them take hold of the men by the neck and half choking them, or throttle them, and strip them naked ... outdoors ... I have seen Mr Price himself strike a prisoner with his fist ... he is very violent sometimes.'⁸⁷

John Berkley, formerly acting assistant superintendent at Pentridge stockade and previously clerk and storekeeper on the hulk *Lysander*, gave evidence that he had known tobacco to be brought in with Mr Price's own knowledge, although men were punished for having it.⁸⁸ Berkley described the treatment of a prisoner who was plunged into a seawater bath; 'he had syphilis *in ano*' and they washed him with a flannel and sand; the prisoner 'said it was worse than death ... they pushed a piece of flannel, with caustic on, up his anus.'⁸⁹ Not all witnesses spoke ill of Price. William Welsh, an acting warder at Pentridge, noted

how 'On many occasions I have seen him (Price) go to his own kitchen fire and make gruel and other nourishing things with his own hands and send to the sick prisoners.'⁹⁰

On 26 March 1857, during the course of both inquiries, prisoners on Williamstown Beach murdered John Price. He had gone down to the beach to hear grievances of the prisoners.



Murder of John Price on Williamstown Beach on 26 March 1857. Rising of the convicts in 1857, George Rossi Ashton, David Syme & Co., 25 June 1887. (Courtesy of the State Library of Victoria, IAN25/06/87/SUPP/14.)⁹¹

The irony is that Price had been trying to improve the conditions of the prisoners' food, although perhaps not for altruistic reasons, given the need to keep prisoners at work. In one of his last pieces of correspondence, Price had written to the Colonial Storekeeper on 23 March 1857:

Sir, I have the honour to bring under your notice that the contractor for provisions is performing his contract in a very unsatisfactory manner. Complaints have been made of the bread, meat, vegetables and particularly of the maize meal, and although on most occasions he has expressed a desire to give satisfaction, and has exchanged what remains of the inferior article, the supply has been attended with a vast amount of dissatisfaction among the prisoners, occasioning in many instances considerable loss to the Government in their labour, whole gangs of them having refused to work in consequence of the

inferior quality of the provisions ... It is impossible that this state of things can be allowed to continue ... the prisoners cannot starve; and I am bound to demand for them a ration equal to that paid for by the Government for their use.⁹²

The death of Price re-ignited the public debate between supporters of Price and the Citizens' Committee, but, ultimately, the court responded with its own verdict. Judge Redmond Barry, commonly known as 'the hanging judge', was in no doubt. He sentenced seven prisoners to death for the murder of Price, all of whom were hanged by 30 April 1857. The death of John Price had a sequel. His nemesis, Melville, was found dead in his prison cell five months later. Melville was found lying on his bunk in his cell strangled by his scarf. The verdict at the inquest was suicide, but it was whispered by knowing persons that it was impossible for Melville to have killed himself in such a fashion and that his death was the work of prison guards.⁹³

The Legislative Council's Inquiry recommended the building of a properly designed building to be commenced immediately. It made a veiled criticism of John Price's negative attitude to prisoner reform, considering that the reformation of criminals, or indeed their capability of being reformed, had not been taken into account in the management of the institution that its importance demanded. It did not make any recommendations about the hulks.

By contrast, the report of the Legislative Assembly's Inquiry had seven pages of recommendations, including that the establishment of the hulks should be abolished, as soon as suitable accommodation could be provided on land for the prisoners confined there. The recommendations further noted:

1. The system of hulks had been an entire failure; it had been destructive rather than preservative of discipline; it had been one of the chief causes of those dreadful outbreaks, which resulted in the murder of the late Inspector-General.
2. The absolute and immediate necessity of making provision for breaking up the establishment at the hulks, and transferring the prisoners to the central establishment at Pentridge.

Conclusion

The era of the hulks was drawing to a close. The last of the English hulks had been decommissioned by 1857 with a new prison at Chatham being

constructed.⁹⁴ It would not be until 1859 that a new prison in Victoria could start to relieve the pressure on the hulks. John Price's successor as inspector-general of the penal department, William Champ, oversaw the completion of new facilities at Pentridge, allowing the worst prisoners to be removed from the hulks.⁹⁵ The hulks had been expedient due to the population boom of the gold rushes, but the government had been slow to utilise the newly created wealth of the colony in the construction of appropriate facilities. The hulks had introduced an air of convictism from which the settlers of Victoria had considered themselves free. Convictism became a legacy of the hulks that some citizens of Victoria did not want to accept, with this denial becoming part of what James Boyce referred to as the 'founding fables' of Melbourne.⁹⁶ Although the formerly yellow-hulled vessels would still be visible for some years after having been put to other uses, their images were gradually erased with only intermittent reminders surfacing.

The story of John Price, the former commandant of Norfolk Island, would remain strong in the memory of the citizens as a result of the serialisation and then book publication of Marcus Clarke's book *His Natural Life*, later titled *For the Term of His Natural Life*. The story first appeared in February 1870 and was serialised over two and a half years.⁹⁷ The Hobart *Mercury* noted: 'It is an accepted fact that Clarke created Frere (the brutal convict superintendent) out of the life of John Price'. Perhaps seeking a balanced report, the article also stated: 'there was an outburst of public indignation, especially among Price's friends, when Clarke's terrible picture of the man came out in the story'.⁹⁸ Although the brutal legacy of the hulks would be perpetuated through the floating museum created on the *Success*, the notion of the hulks gradually turned from revulsion to curiosity. Later still, with the *Success* remaining half a world away, it was out of sight and out of mind and the hulks faded from memory.

Notes

- 1 Brad Williams, 'The Archaeological Potential of Colonial Prison Hulks: The Tasmanian Case Study', *Bulletin of the Australian Institute for Maritime Archaeology*, vol. 29, 2005, p. 77.
- 2 Beverley Earnshaw, *The Larrikins of Lavender Bay: The Story of the Phoenix Hulk*, Sydney, North Shore Historical Society, 1996, p. 39.
- 3 Williams, p. 79.
- 4 Jan Kociumbas, *The Oxford History of Australia, vol. 2, 1770–1860 Possessions*, Melbourne, Oxford University Press, 1992, p. 173.

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British Migrant Settlers on a Failing Soldier Settlement Estate

Mary West

Abstract

Mount Violet was a 1920s soldier settlement in the Dundonnell area of the Western District of Victoria. This article is taken from an unpublished narrative history based on the letters of a British couple, Alfred and Margery West, and on contemporary records and newspapers. More than half the Mount Violet farms were, like others on similar estates throughout Victoria, either forfeited or abandoned. Major causes for this failure were faulty advice by supposed experts and the intransigent attitude of the Closer Settlement Board in managing its estates.

Mount Violet, in the Western District of Victoria, is on the world's third largest basaltic plain, with volcanic outpourings spread over 15,000 square kilometres.¹ It is a terrain of deep volcanic ash heavily littered with lumps of lava and boulders and dotted with the cones of extinct volcanoes. In the nineteenth century, it could carry less than one sheep to the acre, though this was sufficient to give rich rewards to squatter pastoralists with many thousands of acres.

One was John Cumming, a Scot who had made his money from building and brewing in Melbourne and Geelong. He bought three sheep runs totalling 111,000 acres, and when he died in 1858, he left his huge estate to his four sons. One of them, George, took 21,000 acres between Mortlake and Darlington and built an elegant five-bedroomed house with stabling and outbuildings. He named his estate Mount Violet. George died in 1890 and, for the next thirty years, the estate was run by a manager and his family as a sheep station.²

Victoria had adopted Closer Settlement in the 1890s to create settlements of small farmers and associated agricultural businesses in rural areas, as well as to boost national output in the world market. The state provided land and infrastructure, funded by the Commonwealth, and management was by the Closer Settlement Board.³ The system was extended in 1917 to include servicemen returning from the 1914–1918

war, and, in 1921, the Board turned to the large pastoral estates of the Western District.

The Board bought 16,430 acres of Mount Violet for a reported £11 an acre, horrifying Mortlake Shire councillors, who had been asked to comment on the estate's suitability for soldier settlement and complained that their advice had been ignored.⁴ But the estate was quickly subdivided into 69 allotments of 100 to 734 acres each, priced from £1,811 to £3,866 with repayments half-yearly over 36.5 years for land, and over 20 years for advances for stock, buildings and equipment. It was advertised as 'Suitable for Grazing, Dairying and Mixed Farming'.⁵

However, there was no long queue of ex-servicemen eager to become farmers. By 18 October 1921, there were only fifteen applications and only ten blocks had been allocated. Two men came from nearby Camperdown and one from Penshurst, the others mostly from Melbourne suburbs.⁶ Early in 1922, they moved in, but some soon moved out, and Mount Violet was opened to Australian civilians and then Britons.

Through the Empire Settlement Act of 1922, the governments of Australia, Canada, New Zealand and South Africa wanted to attract more British migrants. In London, the Agent General for Western Australia, James Connolly, said that the north and north-west areas of Australia were 'unquestionably the most vulnerable part of the Empire, on account of the lack of population and proximity to the East'.⁷ The Australian High Commissioner, Mr ML Shepherd, wanted 'Whites' only.⁸

Britain had more than two million unemployed men and women, and more than one million working part-time, and the fall in purchasing power for food and basic goods was having a cumulative effect on primary producers throughout the Empire.⁹ Different governments advanced possible solutions to the complementary problems of underpopulation and unemployment, mainly through farming and forestry and ancillary trades, culminating in the Empire Exhibition in London in 1924. This was essentially a giant recruiting campaign, with dominions and states doing their utmost to attract emigrants and with the British Government offering financial support.¹⁰

The scheme proposed by Victoria was to settle 10,000 Britons on small farms over five years, starting with 2,000, for which the Governments of Australia, Britain and Victoria were drawing up formal

agreements.¹¹ The Commonwealth government would loan money to Victoria to find the land, allocate blocks, and would be responsible for training and supervising migrants through the Closer Settlement Board. Farms would be from 15 to 120 acres on irrigated land and up to 640 acres in dry districts. A fourth agreement, known as the £34,000,000 Agreement, applied to all the Australian states and all migrants settled between 1 July 1922 and 21 December 1926.¹²

Victoria's publicity at the Exhibition was controlled in London by Mr TE Wyatt, representing the state and commonwealth governments, with responsibility for finding men suitable for farming.¹³ He told would-be emigrants that they would first be trained either on farms or for up to eight weeks at the Elcho Training Centre at Lara. A pamphlet by John McWhae, an earlier agent general, assured migrants that there was 'no quicker or surer means of obtaining a profitable return than by dairying'.¹⁴ John McWhae was also a co-author of *Victoria the Speedway to Rural Prosperity, A Handbook for Intending Settlers*, sponsored by the Victoria government and distributed until 1927. The other co-authors were William McIver, director of land settlement and later director of the Closer Settlement Board, and William Cattanach, chairman of the State Rivers and Water Supply Commission. Would-be farmers were told that 'in no other country of the world do livestock thrive and multiply so freely, and, probably, are they so free of diseases as in Australia'. The climate was 'Victoria's most precious asset' and dry periods were 'the exception'. Regarding dairying, 'there need be no misgivings whatsoever, the markets of the whole wide world are within reach of the Victorian producers.'¹⁵

Among the millions of Britons touring the Exhibition were Alfred Wilton West, aged 24, and his fiancée, Margery Dorothy Lobb, 29, from Cornwall. Alfred had joined the army in 1916, and was discharged in 1922 after two years with the Black Watch in Upper Silesia.¹⁶ He had returned to his parents' home in Millbrook, a village facing Plymouth and the naval shipyards across the River Tamar, and had since worked in his father's butchery business, and on his Grandfather Wilton's nearby farm. He had met Margery Lobb when she was visiting her parents in Cawsand, a fishing village two miles from Millbrook. She had served with the Women's Land Army during the war¹⁷ and had then gone to South Africa as nanny and companion with an English family. Now unemployed, she divided her time between housekeeping for her five siblings in Essex and visiting her parents in Cornwall.

The Wests wanted a farm to rent, but could find nothing. They went to the Exhibition, watched demonstrations and films at different national stands and studied publicity material. They finally decided that Victoria sounded most like the farming they knew in Cornwall and Kent, and the chance to own a farm rather than renting was too good to miss. They applied and Alfred was accepted as an Assisted Overseas Settler.

That same August 1924, the Closer Settlement Board was telling a meeting of settlers at Mount Violet Soldiers Memorial Hall how to get the best out of their farms. In the audience were a few early British migrants, rubbing shoulders with Australian civilians and ex-soldiers, all listening to the Board's experts.¹⁸

James Harrison, a farm supervisor, said he had been over Mount Violet several times, and there was not one block that could not grow crops for winter feed—hay, peas, barley and an acre of oats for every cow. The best food for producing milk was natural pasture, and he advised every farmer to have a few acres of grass to cut for hay, 'all the better for a sprinkling of clover'. A barn with a good stock of peas or barley and a stack of hay gave a feeling of comfort, he said. But settlers should seek an inspector's advice first before buying cows. Inspector Gavin Johnstone's speciality was pig breeding. Sows needed shelter and an acre of paddock each, he said, and recommended the Berkshire breed as the most easily reared and fastest maturing. Their best food was mangolds, barley and peas, and barley also provided bedding. Inspector James Rouston's job was to meet prospective farmers as they left the Elcho Training Centre, show them available farms and help them select building timber and livestock.

Only one of the British listeners, James McCandlish from Yorkshire, had been at Elcho, but the local newspaper reported that several others had had farming experience before emigrating. James Johnstone from Dumfriesshire was already milking 22 cows; WH Barnes had farmed near Manchester; three Martin brothers had farmed in Kent and Cornwall and now had one block each, totalling about 600 acres.

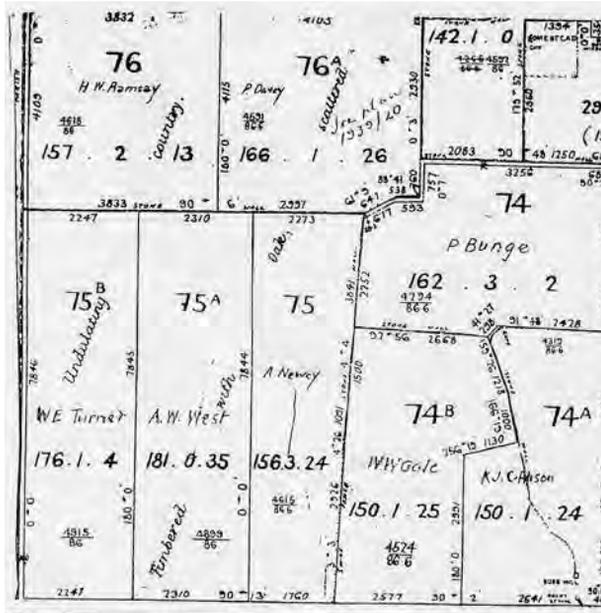
Alfred West and Margery Lobb had married in December and left Tilbury on the SS *Balranald* on 29 January 1925, landing at Melbourne on a Saturday morning in March. Margery, who wrote home regularly every week, told her mother that they had reported to the Immigration Office on Monday, but found there was no room at Elcho. Instead, Alfred was offered a job as a farm hand at £1 10s 0d a week plus board on Tom



A honeymoon photograph of Alfred and Margery West, 1924.
(Courtesy of the author.)

Foster's irrigation farm at Werribee outside Melbourne. Margery could housekeep there for board until the owner's wife returned with a toddler and newborn baby, after which she would get £1 a week and board.¹⁹ They were at Werribee for three months, Alfred cutting cauliflowers in wet weather for the Melbourne market, and complaining about poor working horses, and Margery suffering with chilblains in surprisingly cold weather. She reported spending occasional afternoons with the Bush Sister, based at the farm, and the employees' housekeeper, chatting over their ironing and mending.

And then, early in June 1925, Alfred was taken to see seven vacant allotments on the Mount Violet Soldier Settlement, high on the rolling plain, 23 miles beyond Camperdown. He chose Block 75A, despite



A corner of Mount Violet Estate, about one-tenth of the whole, showing the occupants and acreages in December 1925, before the re-subdivisions of 1926, 1928 and 1934. (Courtesy of Mortlake Shire Council.)

its only access being across Allan Newey's Block 75 (see map), and Margery wrote enthusiastically from Werribee: 'The ground is virgin soil, volcanic, no trees and (thank heavens!) no snakes ... There is a spring starting on our block and it goes on into the next farm, so we shan't ever be without water, but we shall have to plant trees for the cattle'. The nearest town was Derrinalum, but, even without transport, there would be no difficulty: 'all our shopping comes from the co-operative place, they take our cream and bring back any stores we order'.

Alfred paid £70 deposit, and, on 16 June, he and Margery left their belongings at Werribee Station, with a supply of tinned foods, to be forwarded to Pura Pura. They spent a few days with British friends in Melbourne buying second-hand furniture for 75A's three rooms. The house had a cooking stove, but no cupboards, so they bought a large kitchen dresser, wardrobe and sideboard, as well as a bed, tables and chairs and a big, seven-drawer cedarwood chest. They had brought bedding, kitchen utensils and a tent with them from England. The Board provided a house for each block, although delivery was sometimes



The house and buildings at Block 75A, Mount Violet Estate, 1925 to 1928. (Courtesy of the author.)

delayed for several months after the new settler's arrival. Houses were from two to five rooms, usually (though not necessarily) new, and were listed as 'Improvements' along with costs of fencing and water supply. The Wests' 75A house was valued at £349 12s 6d payable over 20 years. On Saturday 20 June, they left by train for Pura Pura Railway Station, where they hired a horse and cart to carry their luggage a further twelve miles through undulating grassland in search of Block 75A. They slept that first night on camp beds in a cold and draughty kitchen, thankful that at least they had not needed the tent.

Before leaving Werribee, Margery had written to her mother that she was expecting their first child in January and hastened to reassure her again that isolation at Mount Violet was not a problem: 'the Homestead people told us that there is no Bush Sister, but a motor is kept at the Homestead in readiness and the hospital at Mortlake is very nice.'

Creating a Farm

In the early weeks, before they had any livestock, Margery and Alfred rooted out tough native grasses and volcanic boulders from a large patch around the house, and planted pea and cabbage seeds, potatoes and rhubarb crowns. Once cleared, they found the soil friable and easily cultivated and, with watering and plenty of animal manure, they knew it could be very productive. They dug up some young blue gums and wattles and made a small plantation close to the house for future shade.



Margery West on the horse, Jet, 1925. (Courtesy of the author.)

The Board had promised them a horse and cart, but nothing came until October. By then, they had already bought a horse, Jet, from John 'Jack' Finn, who was leaving Mount Violet, and they used Jet as a pack animal. Their neighbours were sending cream to Derrinallum Butter Factory, and as they needed to start earning quickly, they also bought Jack Finn's eight in-calf heifers and Jersey bull. Soon afterwards, they bought fifteen lactating cows from another departing settler, a cream separator and dairy utensils from a third, and four breeding sows.

What they had done in their eagerness to start, however, had been done without waiting for advances and without Board permission. The horse, bull and four sows were bought with their own money, but not the heifers and cows, which the Board had claimed as 'assets' when settlers left and then 'sold' again through advances. They had also bought timber and galvanised iron sheets and built a dairy and milking shed. The Mount Violet inspector, Arthur Smith, was not pleased. He wrote to the chief inspector of land settlement that, on 13 August, he visited Block 75A where 'A W West' now had a milking shed and yard and was already milking 14 cows. He had bought 24 cows for him and would let him have more in four or five weeks. 'This settler,' he added, 'is inclined to go against my instructions as to working of his farm ... I will try to get hold of him every opportunity I can and put him on the right track.'²⁰

But ‘this settler’ was also displeased. He already had three grievances against the Board. His bore water failed after only three weeks, and, although the Board deepened the bore, Alfred had to pay for the mill to be re-erected. The promised horse and cart had also not yet arrived. And, thirdly, there had been an altercation over cream receipts. The Wests had not known that the Board imposed liens on settlers’ receipts as its method of ensuring payment for land and repayments of advances for house, stock and equipment. So when they were asked to sign an order for the Board to take 50 per cent from their cream receipts, they were furious. ‘Cheek!’ declared Margery on 28 August, ‘and we haven’t even seen the cheque’. But if they did not agree, they could not sell their cream. Alfred finally signed, but Margery wrote later that they had also joined a conspiracy with four other couples, sending some of their cream to a different factory that paid the full price and asked no questions. It was dishonest, but they were all desperate for money.

Margery was 31 in October and six months pregnant, but still pulling on heavy jumpers and her old Land Army breeches and boots, to help milk 23 cows by hand twice a day and cleanse dairy utensils in the open in all weathers. She was driven by Emily Newey from Block 75 to see Dr James Scott Paton at Derrinallum. She would go to the new Lismore Hospital for her confinement in January (when her daughter, Rosalind Mary, the author, was born). It was her first day off the estate in four months, and she and Emily revelled in Derrinallum’s tiny shops. She bought a much coveted loaf of Hovis bread and six oranges and lemons to make marmalade and returned the 22 miles to Block 75A very happy indeed. Both she and Alfred were elated. They had 23 dairy cows, several growing calves, two horses, a bull, four sows and 22 piglets and a few hens. They had built pigsties, a dairy and a milking shed. In only four months, they had created a working farm.

In November 1925, nine British settlers, led by James McCandlish as chairman and Alfred West, secretary, signed a petition to the minister of lands, asking him to visit Mount Violet and see for himself the ‘hopeless position’ of overseas men, adding: ‘We are of the opinion that the promises made by representatives of the Australian Government in Great Britain—as regards ourselves—have not been carried out.’²¹ The other signatories were James Johnstone, James Dods senior, Bill Turner, Kenneth Martin, John Buckle, Harold Martin and Leslie Eagles.

The minister declined a visit, but four Board officials came to Mount Violet in January 1926. They reported that the estate was not suitable for dairying. It should be re-subdivided, they said, so that each settler could carry 300 breeding ewes. Basing their calculations on one and a quarter sheep to the acre, a farm of 273 acres worth £3,500 should give a return of £462 in wool and lambs, which with expenditure of £288 on rent, repayments and rates, would leave about £170 a year for living. Contrary to all previous advice, they recommended that settlers sell all their beef cattle immediately, and their dairy cows gradually, and replace them with sheep.²²

A separate report, also in January 1926, said that trucking fat pigs to Ballarat was uneconomic, if there were not enough pigs to make a full load. A further handicap with pigs was the difficulty of growing feed on Mount Violet's stony land. Settlers had been exhorted in 1924 to keep pigs and grow their own feed. Now they were advised to sell off all store pigs by November, when milk supplies dropped and feed had to be bought, and to keep only the brood sows, until wet weather returned and skim milk was available for young pigs again.²³

Summer came, and with it, to Margery's horror, came snakes, basking on warm rocks or curled up in feeding troughs. Alfred and his neighbours killed several, including the lethal tiger snake, though many escaped into crevices or slithered under houses. Then came swarms of flies, feasting on dung and earth closets before crawling over dairy equipment and uncovered food. Finally, fleas hopped from earth to cows, cows to milkers and then into houses and bedding. Pipes which Alfred laid from the water mill to troughs and the kitchen delivered water so hot it had to be cooled overnight before he could water vegetables. Houses sweltered under iron roofs in daytime temperatures over 100 degrees Fahrenheit (38 °C). Food quickly became rancid. Alfred wrote home about the 'very trying climate, one day roasted, the next day frozen.' Once, there was snow. On another occasion, he said it was 'frozen drizzle.' Grass turned yellow and extra feed had to be bought. Margery wrote to her mother in March: 'You never saw a more desolate-looking place than this—all dried grass and rocks. They were covered with a green weed when we came and the grass was knee-deep and lovely, so we never saw half the rocks.'

The Board's January reports were followed in April by officers asking settlers what they wanted if offered enlarged holdings worth

between £2,921 and £3,413. Thirteen agreed to stay on Mount Violet with larger blocks, but fourteen wanted to be transferred to different estates.²⁴ This meant preparing a new estate map, so those who wanted to transfer, including Alfred West, began travelling to other Board estates all over Victoria. But the answers were always that either the blocks were even worse than Mount Violet's, or the better ones were not available. Several settlers looked at 1,000-acre farms at Kong Bool, between Coleraine and Hamilton. They attended interviews and waited for weeks, but they were all refused. After wasting a lot of money, they finally gave up and elected to remain at Mount Violet.

In July 1926, they were all called to an Inquiry Board at the Memorial Hall to sign agreements for extra land, and for advances to fence their new boundaries. Alfred West was to have 78 acres from the vacant adjacent Block 76A; Harold Ramsay on Block 76 would have an extra 70 acres, and Percy Bunge, also adjacent, 51 acres. The increased acreage was welcome, but they would have to pay more for land, as well as for advances for extra fencing materials and sheep. At over £14 per acre, the price of Alfred's holding went from £1,891 12s 0d to £3,028 12s 10d.²⁵

During the next months, they experienced the first of many dust storms, when a dark haze coated everything and crept into mouths and nostrils. There was a tornado in July. It broke over Mount Violet with hail and thunder and swept on in an erratic course to Geelong, bowling great water tanks like toy balloons for three or four miles across the plain.²⁶ The Mount Violet inspector reported fourteen houses and buildings damaged, and water mills blown down, leaving most of the farms without water and waiting until September for repairs.²⁷

Over to Sheep

Alfred worked on his new boundary fences helped by John Finn, who had recently moved into Block 75B after the departure of Bill Turner. They moved the Block 76B cowshed to Alfred's 75A and re-built it as a cart shed and covered yard. Then Alfred bought 100 merino ewes at Mortlake in December 1926, followed by another 200 early the following year. Everybody bought their first sheep, expecting Mount Violet would be re-valued and re-subdivided 'soon', following an assurance in March by the Closer Settlement Board director, William McIver.²⁸

But June in 1927 was recorded as the driest since 1904, and it was followed by the fourth successive July with lower than average rainfall.²⁹

Even worse, the weather was bitterly cold. Water troughs froze every night and an icy wind howled over the open plain. New grass was nipped off by frost just when it was most needed for ewes with lambs to feed, and cows were starving. Things were so bad that the Board allowed settlers to drive their stock into empty paddocks, charging them a weekly agistment for temporary grazing. Margery West wrote home that it was 'a rotten bad season, a winter drought is worse than a summer one because animals are that much hungrier'. What made the situation at Block 75A even more serious was that the bore water had failed again. In 1925, it had been re-started by deepening the bore, and when it failed in 1926, some timely thunder brought rain and it started again. But, in 1927, as the long summer and winter drought continued, the mill kept turning, but nothing came up. The large area moistened by springs also dried out, and the springs became a trickle.

Alfred sold nine cows in June, sending the money to the Board. He had also lost seven through impaction paralysis, and four had aborted, but he still had twelve, besides 300 breeding ewes and 250 growing lambs. He also had eleven heifers, five rams, two horses and a bull, all on 258 acres. They were listed on 10 October 1927 when another Inquiry Board asked each settler what stock he had, what liabilities, what repayment arrears, and again whether he wanted to stay on Mount Violet. Alfred's list was signed by Inspector Smith and himself. Crucially, it ended: 'I am prepared to give the Board all the wool and half the lambs and would like the balance of Sale of Lambs refunded to pay outside expenses.'³⁰

Still desperate for water, a week later, he asked for a transfer to a block with water, adding: 'If I don't shift something very soon cattle will begin to die, as the cows won't drink out of the spring after the sheep have stirred it up. This matter is pretty urgent.' When his plea remained unanswered, he tried again:

My water supply has given out and the only water I have got is from a spring at the bottom of my paddock. I have some 300 ewes and over 200 lambs and these have polluted the water so that my 12 cows won't drink it. Would it be possible for me to transfer to another block immediately?

He identified four vacant blocks and said his lambs were not fattening, and the milk yield had fallen back considerably. The answer came two days later, written over indecipherable initials, stating briefly: 'Inform

West that until the decision of the District Inquiry Board is known his request cannot be considered. In the meantime he must continue on his present holding.³¹

He and other settlers were allowed to continue using the empty paddocks for a few weeks until the first shearing was done and sheep returned to the enlarged blocks. But settlers still wondered what the Inquiry Board had decided. Revaluation and possible further enlargement of blocks had been promised in March 1927; there had been the Inquiry Board in October, but still no definite news.

Then, in the middle of December 1927, the Board dropped its bombshell. Through the post came Notices to Quit and cancellations of leases. After waiting nine months for revaluation 'soon', it was a cruel blow. Some families packed up and left at once, glad to get away; others hung on, hoping to lodge appeals. Young Cobden Martin moved his parents from Block 11 to a smallholding at Pirran Yallock. The Ramsays, with two daughters, and the Ramsay grandparents on the next block, were told to go; the Newey family of five at Block 75, and Leslie and Freda Eagles, with two young children and an elderly aunt, were all told to go.³²

The Wests were safe, although, wrote Margery, 'it might have been better if we had been turned out and started somewhere new'. They had received nothing from their first wool clip. It had gone with the Ramsays' and another settler's to Dennys Lascelles Ltd of Geelong, who sent a cheque for all three to the Board. After deducting £6 10s for Alfred's recent agistment, the Board put his remaining £123 13s 1d to his credit account.

The Derrinallum inspector, Mr H McGuinness, told the Board he had explained to Alfred that 'all proceeds from sales had to go to the Board. ... I shall interview Lessee later on sale of lambs.'³³

It had been agreed that Alfred would have half the lamb money. So when the lambs were sold in December, Margery wrote: 'We hustled into Camperdown to the buyer's office, got the cheque and banked it'. It was a cheque for £63. The brokers sent the remaining £75 17s 6d to the Board.³⁴ On 5 January 1928, still without water, Alfred asked to transfer to Block 12, empty for eight months. The reply was that it was 'not available'. Could he then use its water supply until his own was restored? And, thinking of large acreages promised 'soon', could he have an advance of £150 to buy 150 more ewes and £15 for two rams?³⁵ Inspector McGuinness told the Board he could not recommend any

advances: 'It does not appear that Lessee thought very much of a Stock Mortgage in the past. He would not sell his lambs unless he received the proceeds of sale himself'. The Board told Alfred that his application for an advance for sheep 'cannot be considered by the Board until he has actually been allotted a much larger area than he has at present'.³⁶

However, he still did not give up. He was now so desperate for water that he immediately wrote to the Board director, William McIver, reminding him that it was exactly a year since he had said Mount Violet would be re-valued and re-subdivided 'soon'. He recounted his losses through selling stock at low prices, loss of lambs through lack of feed, and having to buy crushed oats and chaff and pay for agistment. And he had had 'no bore water in any summer and the bore has been dry since December 1926'. He concluded:

Having no bore water, for me, is a serious thing. I have to buy vegetables instead of growing my own, I have bought and planted trees, shrubs, etc. Most have died. Also, if a dairy inspector were to visit my cowshed and dairy, my cream would certainly be condemned as I cannot keep the place fresh and clean without water.

I have applied to transfer to Allotment 12 vacated by W H Martin nearly a year ago. Could you give me permission to move over there? Failing this, would you order my water supply to be put right? I am sure it would be folly for me to try to carry on another year as I have during the last.³⁷

A week later, he was told: 'It is expected that a re-subdivision of blocks on this estate will be completed at an early date, and as soon as areas are made available for application you may then lodge your application for the block to which you wish to transfer'.³⁸

Fortunately for the Wests and Martins, they had something more important even than sheep to think about: on 20 March 1928, Alfred's son was born at Lismore, and, a few weeks later, Jessie Martin also produced a son. The two exultant fathers celebrated by singing the popular Cornish song 'Trelawney', and, in July, both families went to Camperdown to St Paul's Church for the joint christening of Alfred West and Douglas Kenneth Grainger Martin.

The New Squatters

On 19 July 1928, Mount Violet settlers were called to yet another Inquiry Board at the Hall, this time to say which blocks they would like on a new

plan. Their 1926 extra acreages were ignored; there would be 36 Lots (or Allotments), created by joining adjacent 1921 Blocks. A week later, the Board produced a list of eighteen settlers for eighteen of the new Lots, excluding AW West, who wanted Lot 25. This lot was Blocks 12 and 13, together giving 394 acres, but 'not yet available'.³⁹ He was furious. On 18 July, the day before the Inquiry Board, he loaded his farm cart with household belongings and moved into Block 12.

With the help of Ken Martin and Mr Loebecke and his lorry from Block 78, he dismantled his Block 75A buildings and carted them across to Lot 25. Then came all the livestock. The cows had started calving; the grass at Block 12 was good, and, as Alfred and Margery wanted to start milking as soon as possible, re-erecting the cowshed and dairy took priority. The fortnightly cream cheque was a lifeline and they intended keeping their best dozen or so dairy cows. Apart from occasional qualms about being squatters, Margery told her mother in August, 'We are very pleased with it all'. There were four rooms in a slight dip off the Darlington road, sheltered from some of the worst Mount Violet winds by a stony rise, with a good supply of water and a fertile garden. In November, their second shearing came, and Alfred began looking for more sheep. He had at last been allowed an advance of £150, but could not find what he wanted at Mortlake, so decided to try Ballarat, and make it a family Christmas outing. He found no sheep at Ballarat, but arranged to sell all his 159 fat lambs.

The repercussions soon began. The Ballarat brokers, Crawford Dowling Pty Ltd, sent a cheque for £154 16s 6d to Alfred, who sent somewhat more than half, £79 16s 0d, to the Board. He kept £75 for a shearing machine.⁴⁰ The Board promptly told him that he had 'no authority whatever to either handle the proceeds of sale of 159 lambs—£154 16s 6d or to retain any portion of such money yourself'. The Board also refused his request to keep £75, but would allow him £50 to pay his rates on Block 75A. He must send back the remaining £25 'forthwith'. By the same post, the Board wrote telling Crawford Dowling to explain why they had not sent the money 'direct to the Board'.⁴¹

Alfred replied that a shearing machine was 'indispensable to the proper working' of his block. It cost him £5 per 100 head for shearing 400 ewes and 300 lambs, so a machine would pay for itself in three years. He also pointed out that 'I am not the legal owner of any land at present. When a block is granted to me I shall pay my current rates

without demur'. The Board relented sufficiently to allow him to keep the £25, but repeated that the £50 must be used to pay rates, adding: 'An advance to purchase a shearing machine cannot be considered. You will be charged a rental for the period you were in occupation of Allotment 10, and as your lease for Allotment 75A has not been cancelled you are still liable for shire rates.'⁴²

Alfred West and John Finn had already solved their re-subdivision: Alfred by moving into Blocks 12 and 13, John Finn by adding Alfred's vacated 75A to his own 75B. Other settlers still waited, sending anguished letters to the Board asking what was intended for them. Finally, in March 1929, a deputation confronted William McIver in Melbourne. He told them the re-subdivision would 'proceed urgently'.⁴³

Alfred finally found the sheep he wanted at Lismore in February and walked 100 ewes back to Lot 25 with Allan Newey and their dogs. Alfred and Margery could at last settle down to the daily milking, with a few pigs and a lot of sheep, and they began to dream of enlarging their house, increasing the acreage, having large flocks of merinos, and eventually clearing their debts and going home to a farm in Cornwall.

That day came sooner than they had expected, for, on 1 March 1929, they received a cable from Alfred's father that his Grandfather Wilton's farm in Cornwall was to let. 'Shall I take it for you?'⁴⁴ A reply was swiftly passed across the Darlington Post Office counter: 'Yes. Try to get it. Cable result. Alfred'. And a fortnight later, they learnt that Alfred West senior had been granted the tenancy of Treninnow Farm on Alfred's behalf. They gave the Board notice of leaving on 13 April. To pay for their passage home, they sold all their furniture, implements, the horse Jet, and the bull, pigs, dogs and cats. After an all-night farewell party at the local hall, they left Mount Violet for ever.

Alfred spent the next week with Board officials in Melbourne and Geelong, going through lists of advances, assets, liabilities and valuations of houses and buildings on Block 75A and Lot 25. His second wool clip from Dennys Lascelles of Geelong for £181 4s 3d was sent direct to the Board, who put it to his credit account. Over four years, he had borrowed £1,567 11s 5d in advances for animals, water, fencing and equipment. He had paid £749 8s 0d to the Board, of which £303 1s 8d was principal and £446 6s 4d, interest.⁴⁵ The Board wanted Alfred to agree that its valuations of houses and buildings on both allotments, and his remaining sheep, were correct, and that he would repay his debt at

£20 a quarter. He did not agree with the valuations, especially for 360 sheep at only £326 10s 0d, and he refused to sign. So the Board ordered the Passport Office to embargo his passport, preventing the family from leaving. Caught in a cleft stick, unable to leave without the passport, unable to start again in Australia with debts and no capital, he signed.

But then the Passport Office refused to lift the embargo without instructions from higher up. The Board director, William McIver, was intercepted on a train to Kerang by the Telegraph Office, and back came his telegram: 'In circumstances no objection to release of passport. Legal undertaking to be drawn up by Crown Solicitor.'⁴⁶ After much rushing by Alfred between government departments, the precious document was at last released, and an exhausted family boarded the *SS Demosthenes* and sailed for England early on 20 April. But the Board did not give up easily. Reminders about the £20 came at three-monthly intervals, but Alfred could pay nothing. His father allowed him the produce of two cows and fruit and vegetables from the farm, but he had to manage the farm unpaid for three years, until he had repaid his father's £300 loan. When the first £20 demand arrived from London, Margery sent an angry reply: 'If you knew the true facts of the case you would be ashamed to keep asking for this money.'⁴⁷ A year later, Alfred's solicitor wrote putting Alfred's side of the story. It was filed with all the AW West correspondence, and nothing more was heard.

For, in 1930, the Board itself was under fire over finance. The Victorian government's Public Accounts Committee wanted to know why there was a deficit. Director William McIver said it was because the Board repaid government loans at 6 per cent interest, but charged settlers only 5 per cent, the deficit thus increasing every year. He was adamant that soldier settlers should not pay more, but:

In the case of a civilian we tell him we do not think he is going to make his farm pay, and he had better get out ... under his contract he has to take the farm, work it, and pay his way, and if he does not do that we do not feel under any obligation to nurse him.⁴⁸

In 1932, the Board was replaced by the Closer Settlement Commission with responsibility for dry areas, and by the State Rivers and Water Supply Commission for irrigation areas. Blocks were enlarged; all of a settler's liabilities were put into one debt; and repayments were adjusted.⁴⁹

By that time, a royal commission had been set up to decide if the complaints of British settlers were justified. The commission, headed by the Hon. George Dethridge, chief justice of the Commonwealth Court of Conciliation and Arbitration, held 346 sittings throughout Victoria, and a report was laid before the governments of Australia, Britain and Victoria in 1933. The commission heard the complaints of 128 settlers in dry areas and 183 from irrigable areas, and the replies of Board officials.⁵⁰ Of eight Mount Violet settlers heard at Camperdown, six said they had been induced to leave Britain as a result of publicity. Three said they had been told in London that they could expect to earn up to £400 and £500 a year, while two others said they had been led to expect to be independent after twelve years. Six had started with capital of between £300 and £750, and all had ended with no capital and heavy debts. Alfred West's evidence was given in writing.⁵¹

Apart from small acreages, the most common problems were disease and death of livestock, mainly through contagious abortion, impaction and paralysis among cows, but also lungworm among sheep and pneumonia with pigs. The underlying cause was inability to provide adequate feed. Three said that, for several months of the year, they had no grass at all; two were without water for long periods; and five said they had wanted to improve their blocks, but could not do so, because of all the stones and boulders.

Inspector Smith still thought Mount Violet was 'a good dairying proposition', but that settlers were inexperienced in dairying and sheep. 'If an overseer or inspector had spent three days a week with each of these men at the beginning,' he said, 'vast improvements might have been effected.' He did concede, however, that some blocks were too small, some were not suitable for dairying, and some were not cultivable.

The commissioners' report noted that under the agreements: the Government of Victoria was under an obligation to make readily available for each migrant settler land of such quality, quantity and price as would enable him, if he worked well, and if abnormally adverse conditions did not intervene, to maintain himself and family upon a standard of frugal comfort, and ultimately to acquire as his the land completely equipped and stocked as a farm.⁵²

But the commissioners, who visited individual estates and blocks, found that the deficiency in number, size and quality of many



Mount Violet's stony terrain, unsuitable for dairying and impossible to cultivate, 1926. (Courtesy of the author.)

blocks was 'not in accordance with the Agreements made between the Governments.' In the North Mallee, in particular, the soil was so poor that blocks could not even provide a living, and several other areas were considered unsuitable for migrant settlement. In some parts of the Western District, there was good soil, but 'the land at Mount Violet was not suitable for closer settlement. It is very stony country, and the blocks did not contain enough cultivable land for dairy farms.'⁵³

The degree and quality of training given by the state to migrant settlers were also 'not a fulfilment of its obligations according to the terms of the Agreements', and officers did not have enough time to give the supervision necessary.⁵⁴ The state was also responsible for the publicity material used at the Empire Exhibition, especially the government's *Speedway*, of which the commission report noted: 'Much of the *Speedway*' consists of such turgid panegyrics of farming conditions in Victoria ... that the expectations of intending settlers were almost certain to be unduly inflated.'⁵⁵

Two years later, in Cornwall, on 14 January 1935, Alfred West received a cheque for £500 compensation, and £518 11s 3d debt was wiped off.⁵⁶ He used half of the £500 to buy a Standard Fordson tractor, and Margery had the other half for a bathroom and indoor lavatory and hot water. After the first three years, Alfred had cleared his debt to his father.

Conclusion

In 1932, Alfred became sole tenant of Treninnow Farm in Cornwall, 154 acres and an ancient farmhouse and outbuildings. As long as he maintained the land in good heart and paid his rent annually, he could farm it as he chose and buy and sell what and when he wished. In fact, apart from growing cash crops of wheat and potatoes, he farmed Treninnow Farm much as Closer Settlement Board experts had advised Mount Violet settlers to do: mangolds, oats and barley for feed and bedding, and stacks of hay. He milked a dozen dual-purpose South Devon cows, raised Hereford Cross steers to fat-stock weight, fattened pigs and kept ewes for wool and lambs.

The big difference was that the husbandry, soil and climate in Cornwall were in balance. At Mount Violet, they were not. The land was too stony for cultivation; grass provided minimal feed for only seven or eight months each year; droughts were frequent; and there was often no water. Inadequate feed, lack of minerals and extremes of weather left animals vulnerable to disease.

The blame for this could be laid squarely with the Board. Expert advice in 1924 did not mention the stones and boulders, or that half the earliest arrivals, who could choose the best of the blocks, had already given up in despair. Then fifteen months later, the Board inspectors told the settlers to get rid of the cows they had told them to buy, to enlarge their blocks slightly and to buy sheep, thus saddling them with further debt for sheep, extra fencing and land at exorbitant cost.

Theoretically, blocks averaging 275 acres at £3,500, carrying 300 ewes and their lambs, would provide £170 a year for living after paying rates, land repayments and advances. Not in practice. The estimate of £132 from wool was roughly correct: Alfred's wool realised £123 13s 0d nett the first year from 300 ewes, and £181 4s 3d the second year from 400. But the lambs, supposed to yield £330 at 22s per head, fetched only £138 7s 6d the first year, selling at only 7s to 16s per head, because of poor condition after the long drought. The second year, the lambs fetched £154 16s 6d, still nowhere near the hypothetical £330. In any case, Alfred actually received only £63 from lambs the first year, £25 the second year, and nothing at all from wool—in all, £88 for two years work, not the Board's estimated £170 per year.

Board officials could not be blamed for market prices. Nor could they be blamed for the weather. But they were certainly culpable in leaving all the Mount Violet settlers without water for many weeks after

the water-mills were blown down in the tornado. They were also guilty of callous indifference in failing to mend Alfred's bore for two years and refusing him use of an empty block with water for his starving cattle.

When it became obvious that Mount Violet's enlarged blocks were still too small for sheep to be economic, especially if a few cows were kept for income from cream cheques, it was decided to combine blocks. But for more than two years, settlers did not know which blocks would be joined, who would have them, who would have to move out. They trusted the assurance given in March 1927 that decisions would be known soon, bought their sheep, and then became over-stocked.

Throughout these policy changes, the Board seemed neither to understand the basic need of farmers for stability to plan ahead, nor show concern for the welfare of animals on which livelihoods depended. What made the struggle to survive so hopeless was the Board's method of exacting repayments for land and advances. Mortgages must be paid, but surely taking half or more of a family's earnings at source would not be acceptable in any other industry. Unable to handle their own money, unable to buy or sell except through brokers approved by the Board, unable to make their own decisions, the settlers felt like prisoners. They could only move to another block or take extra land with Board approval; they could only transfer to a different estate if the Board agreed—or leave closer settlement altogether.

A table collated by Monica Keneley of 32 soldier settlement estates in the Western District shows that 51 per cent of Mount Violet blocks were either abandoned or forfeited.⁵⁷ Only two estates were worse: Wollaston, with 53 per cent forfeitures, and Mount Violet's near neighbour, Mount Elephant, 55 per cent. But at least at Mount Violet, the Board was even-handed in dealing with settlers—Notices to Quit went to Australians and Britons alike; they all had a choice of allotment and whether to take extra land or not; and everybody had liens on their produce.

Yet, despite all the anxieties, the drudgery and Spartan living conditions, life at Mount Violet had its brighter times. There were dances and social events at the hall, which was also the school. Margery's letters often mentioned services and weddings and harvest festivals at the little Presbyterian Church, and the joyful annual day out under the trees and beside the lake at Nerin Nerin. Neighbours helped each other again and again, and lifelong friendships developed. A rural community really was forged, even if not quite the cosy yeomanry that the closer settlement founders had hoped.

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William Hughston 1867–1930: His Life and Legacy

Elizabeth Roberts and Mary Lush

Abstract

Australian born of Irish Protestant parents, William Hughston was a teacher, historian and writer. His achievements include the founding of three schools, the introduction of innovative methods of education and a key role in the founding of the Royal Historical Society of Victoria (RHSV). An intellectual with an enquiring mind, he grasped and implemented new ideas enthusiastically. Tenacity, however, does not seem to have been one of his virtues. Despite his failure to sustain his projects, his contributions were significant, with the RHSV and Fintona Girls' School being his noteworthy legacies.

William Hughston and his sister Annie were the founders and first co-principals of Melbourne's Fintona Girls' School. They began the school in 1896, but, while something of Annie's life had been chronicled by Fintona, William's early role had completely disappeared from its recorded history. An oral history group (OHG) associated with the school was perplexed by the absence of information about him and his involvement in the early days of Fintona. The OHG began research to 'uncover' William—an investigation that has included the examination of newspapers, school and other archives and the recollections, letters and papers of the Hughston family.

One of the first surprises in this investigation was the discovery of William's involvement with the Historical Society of Victoria, now the Royal Historical Society of Victoria (RHSV).¹ Alfred Woolley Grieg, a past member of the RHSV, recognised him as one of the three men who, in 1909, was instrumental in the Society's formation. Grieg was another; Edward Petherick was the third. However, William's relationship with the Society was short-lived. Grieg wrote:

It has been a source of regret to me that Mr. Hughston did not retain his connexion with [the Society]. Other interests claimed him, and after the first two or three meetings he withdrew from the movement. It must not be forgotten, however, that the Society owes its existence to his first pregnant suggestions, and that its successful inauguration was largely due to his efforts.²



William Hughston, date unknown. (Courtesy of the Hughston Family Collection.)

Who was William Hughston, a man actively involved in the beginnings of the RHSV and the founding co-principal of a successful Melbourne girls' school, but whose involvement with both was short-lived? What were his pregnant suggestions and the other interests mentioned by Grieg? William lived through times of financial boom and bust, of world war, of dynamic social reforms and of important changes in education. How was he influenced by these?

Susan Priestley has briefly answered some of these questions in her article on the RHSV.³ This article considers William's life and the influence he had on those around him in greater depth, examining his background and his education, his teaching career and other aspects of his life, including his writing. William deserves to be remembered for his range of contributions to public life in early 20th-century Victoria.

The Hughston Family and William's Early Life

William John Hughston was born in Daylesford, Victoria, on 1 September 1867.⁴ His parents, Johnston (also spelled Johnstone) and Catherine were married in Brighton, Victoria, in 1858, and William

was their fourth child. Annie, his oldest sister, born in 1859, was eight years his senior. His other siblings were Jane (1861), Robert (1864) and Violet (1871).

Both Catherine and Johnston were born in Northern Ireland. Catherine's family, the Wilsons, immigrated to Victoria in 1841 and settled in Brighton. The family appears to have been financially secure. In 1854, Catherine's father bought 640 acres of land at Berwick for his sons to farm and nineteen-year-old Catherine moved to Berwick to help her brothers.⁵

Johnston's family left Ireland in 1833 and immigrated to Canada. Johnston was thirteen. His first wife, whom he married in Canada, died in America of tuberculosis. He arrived in Sydney in 1855 after spending some time in New Zealand. Two years later, he moved to Victoria. He was appointed first as a shire engineer-surveyor in Heathcote and then became a school teacher there. He met Catherine through a letter of introduction from mutual friends in Ireland.⁶ After they were married, Catherine joined him as a teacher in Heathcote and this was the beginning of a long teaching partnership. In 1863, they moved to Berwick, where Johnston was appointed the Head Teacher of the Common School (School No. 40). They moved to Daylesford in 1867, where Johnston was head teacher at the Wesleyan School (School No. 903) and Catherine was the assistant teacher.⁷ Johnston was not a particularly good teacher, but actively campaigned for the proposed general education act by which education became secular, free and compulsory.⁸ (This was to become the Victorian Education Act 1872.)

William grew up in Daylesford. His sister Annie, and brother, Robert, both matriculated in 1879.⁹ Robert continued on to university, graduating in medicine. Both Jane and Violet, William's other sisters, were well-educated and both taught for some time before their marriages. William matriculated in 1885 from Daylesford Grammar School and graduated Bachelor of Arts (BA) at the University of Melbourne in 1893.¹⁰ However, he does not appear to have been a very diligent student. Enrolling full-time in 1887, it was two years before he passed first year. His record shows that he had failed in, or been absent from, several subjects. He sat for his second-year exams in 1890 and passed all subjects. He enrolled in his third year in 1891, again with mixed examination results, and finally completed his BA in 1893. The subjects he passed included languages (Greek, Latin, French and

English language and literature), history, philology, logic, geology and political economy. While his results were poor, to be fair to William the publication of the results of first year Arts at the University in 1888 notes that of the 81 candidates who sat, only 35 passed.¹¹ However, his results may have suffered, because, at the same time, he was doing other things.

In 1894, William indicated that he had been a past resident master at Toorak College and a past matriculation master at Camberwell Grammar School.¹² These appointments must have been sometime between 1886 and the beginning of 1894—the years he was also a student. It is possible that William took a position as a ‘missionary’ in Western Victoria. In 1890, the *Camperdown Chronicle* reported that the Mortlake Presbytery had engaged a Mr Hughston as a missionary at the Heytesbury Forest Mission for the following year (1891).¹³ This position involved preaching and the pastoral care of five small Presbyterian congregations. No confirmation has been found that this was William, but three things suggest that it may have been. First, the appointment was for one year and such positions were sometimes used as a ‘try-out’ by young men who were not sure whether they would go into the ministry or become school teachers.¹⁴ Second, the Hughstons were Protestants and associated with the Presbyterian Church. Third, William opened a school in nearby Camperdown in 1894. The appointment as missionary at Heytesbury might have both been his introduction to the area and influenced his decision to become a teacher.

William’s parents hoped that he would, like his brother Robert, continue on to study medicine.¹⁵ William did attempt two medical subjects in 1898. He passed biology but failed chemistry and did not continue, establishing a pattern of starting, but not finishing, endeavours.¹⁶

William’s father, Johnston, had retired from teaching in 1883 and the family moved to Melbourne sometime afterwards. Heale, their granddaughter, recalls that ‘a double block of land was bought in Pleasant Road, Upper Hawthorn with a view from Macedon along the Plenty Ranges to the Dandenongs ... The house [was] big enough to hold them all.’¹⁷ Heale suggested that they owned investment properties in Camberwell in which they lived after leaving Hawthorn, but we can find no evidence for such ownership in the Camberwell rates books. It seems likely that any properties they did own had to be sold in the financial crisis of the late 1880s and early 1890s and that the Hughston

family was severely financially affected. Johnston returned to work at a small country school in 1889 when he was 68 or 69.¹⁸



William's Parents, Catherine and Johnston Hughston, date unknown. (Courtesy of the Hughston Family Collection.)

William's Teaching Career

William had a varied and somewhat interrupted teaching career. He was the founding principal of three schools in Victoria: first in Camperdown (Camperdown High School); then, together with his sister Annie, on the boundary of Hawthorn and Camberwell (Fintona Ladies' College, now Fintona Girls' School, Balwyn) and finally in Sandringham (Grange Hill Open-Air School). In his younger days, he was also a teacher for short periods at Toorak College, Camberwell College and Camberwell Grammar School. Later in life, he taught at a private school called University High School and then at two state-owned schools, Melbourne High School and Northcote High School.

He also ran private French classes. We have found no evidence that William ever completed a Diploma of Education, but he was awarded the Department of Education's Teacher Training College Certificate in 1908 after sitting the examination as a 'person other than student'.¹⁹ To understand William better, we need to consider these different positions in more detail.

William opened Camperdown High School in January 1894, assisted by his youngest sister Violet. It seems an ambitious undertaking for the two siblings, as it was a school for boys and girls, for day scholars and boarders and offered education for students from kindergarten to matriculation. According to the *Camperdown Chronicle*, the subjects to be taught were English, geography, history, Euclid, algebra, arithmetic, Latin, French, physiology and bookkeeping. Pianoforte, singing, harmony, painting and gymnastics were 'extras'. '[A]ll methods of teaching used in best modern schools [would] be adopted.'²⁰

The school must have been successful, because six months later it advertised that 'OWING to the Increasing Numbers ... the Teaching Staff has been further strengthened by the addition of MISS HUGHSTON, Who has been a Teacher for the last 13 years in the Presbyterian Ladies College, East Melbourne.'²¹ This 'Miss Hughston' was Annie, William's oldest sister and, later, with William, the co-principal of Fintona. The advertisement also notes that girls only were taken as boarders and that 'all arrangements are under Miss Hughston's Personal Supervision'. For boys, a class in carpentry was to be held twice a week, under an 'Able Instructor'. This instructor may have been William, as no mention of any other teachers at the school has been found.

Academically, the school seems to have been successful. In January 1895, for example, a Master E Thomson passed the matriculation examination of the University of Melbourne—the first pupil at the school to do so—having been prepared for the examination by William.²² In June 1895, Mr WE Thomson—presumably the same person—passed his first pharmacy examination, again prepared by William.²³

The *Camperdown Chronicle* continued to carry advertisements for Camperdown High School for two years, and several school functions are reported in detail. The 'annual breaking-up and distribution of prizes' evening was held in December 1894 and '[a] pleasant feature of the evening was a presentation by their pupils to Mr and the Misses

Hughston, which took the form of a beautiful silver hot-water kettle and spirit lamp, and two butter dishes.²⁴ However, in December 1895:

[m]ore than usual interest attached to the annual breaking-up of the Camperdown High School on Tuesday last, from the fact that Mr. and the Misses Hughston, the present principals, are about to give place to others ... [O]n behalf of her fellow pupils, Miss Queenie Thomson presented Mr. and the Misses Hughston with a beautiful clock suitably inscribed.²⁵

Mrs and Miss Picken purchased the goodwill of the school towards the end of 1895, but Camperdown High School does not seem to have survived for long.²⁶ We found no further records of the school.

William had been active in the Camperdown community. He was a member of the Camperdown Presbyterian Church's committee of management.²⁷ He provided the latest rainfall figures to the local paper.²⁸ One notable article about William reported that he had stopped a runaway horse and 'farmer's waggon', possibly saving the lady occupant, who had been 'thrown into the bottom of the vehicle', from injury.²⁹

On their return to Melbourne, William and Annie opened Fintona Ladies' College on 4 February 1896 in rented premises at Mayston Street, Camberwell. A classified advertisement appeared in the *Argus* in January 1896, announcing the school's opening and describing the principals' previous educational experience.³⁰

William was more than just a name in the prospectus. Subsequent advertisements for the school in January advised that Annie and William would be '[a]t home evenings, and afternoons after 4 p.m.'³¹ At first, William must have been involved in Fintona on a day-to-day basis, but the school archives give few clues about him. The one history of the school that has been published stated that on the first day of Fintona in 1896, 'fourteen girls gathered around a big dining-room table ... At one end of the table sat Miss Hughston and at the other her brother William.'³² William remained as co-principal through 1896 and 1897.

In 1898 and for the following two years, William was no longer a principal and does not seem to have been actively involved with the school. There are several possible explanations for his absence. Family recollections suggest that William resigned in 1898, because, although Fintona was beginning to expand and would soon move to a new site, the school could not support both him and Annie financially.³³ This seems

likely as only 33 girls were enrolled at the start of that year.³⁴ At this time, Melbourne was suffering from the effects of the severe financial crisis that followed the 1880s land boom crash. It is remarkable that Annie and William even started the school in 1896, let alone that Fintona survived through the next few years. However, it is also possible that there was some friction between the two siblings. William may have felt inhibited by his older, more experienced, sister who, their niece wrote later, had a ‘strong personality’, and William ‘had inherited his father’s hasty temper.’³⁵ Finally, William may not have been well. In her memoirs, Marion Wiseman, a teacher at the school between 1897 and 1901, wrote that, at the end of 1896, William asked her to take his place at the school for a time because his health was not good.³⁶ Whatever the reason for his absence from Fintona, for at least some of this time, William was teaching elsewhere. He was also writing and beginning to publish, and he was enrolled in two medical subjects at the University of Melbourne.

For the three years from 1901 to 1903, William was once again the co-principal at Fintona.³⁷ A handwritten document found in the school archives mentions that, in 1900, he taught Maths, English and French.³⁸ This date may be inaccurate as Wiseman writes that William returned to Fintona in 1901 and taught English literature.³⁹ A letter from a member of staff at this time mentions that ‘there were Staff Meetings every few weeks, at which we had to “give an account of our stewardship” to [William] and to Miss Hughston.’⁴⁰ He was certainly involved with the school by 1901, since, at the annual distribution of prizes in 1901, he presented gold watches to two teachers who were leaving.⁴¹

In 1898, Walter Murdoch opened Camberwell College in Fermanagh Road, Camberwell.⁴² Walter knew William as their families lived close by in Camberwell, and Walter had married Violet, William’s youngest sister, at the end of 1897. Camberwell College lasted for three years—the three years when William was ‘missing’ from Fintona. He was, in fact, assisting Murdoch at Camberwell College for at least a part of this time.⁴³ At the end of 1900, Camberwell College was taken over by Camberwell Grammar School.⁴⁴

Fintona was probably still in financial difficulties when William returned in 1900 or 1901, but we have not found any accounts or records of student numbers. The school was trying to increase enrolments and income through advertising. One advertisement announces a course in teacher training, perhaps indicating that the school was trying to widen

its teaching offerings.⁴⁵ It was a bold offer given that neither William nor Annie had high level teaching qualifications, but William at least held a degree and, according to the school prospectus, was ‘trained and certificated [in] History, Theory and Practice of Teaching—Education Department’.⁴⁶ Another advertisement, early in the same year, offers scholarships to girls wishing to join classes for May or November matriculation.⁴⁷

We have no evidence that William had any direct involvement in Fintona after 1903.

In 1908 and 1909, William was teaching at a privately run school called University High School.⁴⁸

In 1911, William founded the Sandringham Open-Air School on a property he had bought in Sandringham. The school was in Bay Road, later renamed Grange Road, Sandringham. The school became the Grange Hill Open-Air School (Grange Hill). Its prospectus of 1911 states that ‘an excellent site has been chosen on a fine ridge overlooking the sea and surrounded by wide stretches of open country, which ensures a pure, dustless air’.⁴⁹

Most importantly, the school was based on an ‘open-air’ philosophy, a philosophy to which William was deeply attached. The open-air school movement began in Europe in the early 1900s, the first school being opened in Germany in 1904. Similar schools were soon opened in other parts of Europe, in England and, by 1908, in North America. Exposure to fresh air, the critical factor, was thought to improve health. In particular, such exposure was considered to inhibit tuberculosis, which was spreading throughout the world in the first decades of the twentieth century. Physical fitness was also considered vital for successful learning.⁵⁰ William made his belief in this theory clear in the 1911 prospectus:

The Guiding Principles of the Work of an Open-air School are the following:—

1. That health and physical vigour are of first importance as the foundation of the whole future life and work of the boy.
2. That it is the duty of the school, while imparting a sound education, to provide the best possible conditions of bodily health, and to modify all its arrangements in accordance with the requirements of a vigorous physical development.

Grange Hill appears to have been one of the first two open-air schools in Victoria. The other was Warwick Ladies College run by a Miss Turner in Malvern. This college's open-air schoolrooms and their benefits are described in *The Australasian* in June of the same year that William opened his school.⁵¹ The advantages discussed in the article include 'perfection of illumination', less 'lassitude and fatigue' and better health. Most probably influenced by William, Annie also adopted open-air classrooms at Fintona soon after this. The earliest open-air classrooms in state-run schools were opened in Sandringham and Black Rock in 1912 or soon after.⁵² In 1914, open-air classrooms, or 'pavilions' were being built for government-owned schools by the Victorian Public Works Department (perhaps because they were cheap and quick to erect rather than that they improved children's health).⁵³ One of the first Victorian purpose-built open-air state schools was opened in Blackburn in 1915. This school was built specifically for children from the inner suburbs of Melbourne, who were 'smaller and weaker and more prone to infection, disease and bad teeth than children in residential suburbs'.⁵⁴ While both Grange Hill and Blackburn aimed to improve children's health, William's school was not directed towards any particular social or intellectual group of students.

The social values of open-air educators have been cast into doubt by some historians, who argue that open-air education derived from the eugenic beliefs of its supporters. This is misleading when applied to early 20th-century Victoria, but needs to be addressed in assessing William's character and contribution to education. The suggestion that open-air educationalists were eugenicists rests on the assertion that they believed the benefits of education were biologically heritable.⁵⁵ Any such belief should be seen in the light of the science of the era. In the early 20th-century, many people accepted the proposition that organisms evolve, but the mechanism of evolution was not clear. One hypothesis was Darwin's idea of random variation and natural selection. Another was that traits acquired by an organism during its lifetime were heritable (Lamarckianism). It was not until the modern era of genetics, usually dated as starting in the 1920s, that Darwin's theories were so convincingly supported that they became the foundation of biology. Even so, Lamarckian ideas were never totally eclipsed. We now know them to apply in restricted senses and situations.⁵⁶ If some open-air

educationalists were eugenicists in the sense of being Lamarckians, their position was not necessarily irrational or reprehensible.

In William's case, we can find no evidence in the Victorian newspapers of his day to link him with the Eugenics Education Society of Melbourne, formed in 1914 (but short lived as an active group).⁵⁷ The more prominent and longer lasting Eugenics Society of Victoria was founded in 1936,⁵⁸ after William's death. Nothing in his writing or in the language that he used suggests he was a eugenicist. In his school, he attempted to assist the delicate as well as the robust.

What was William's open-air school like? Fairlie Taylor, a housemistress and teacher employed later at the school, wrote that the school was:

surrounded by virgin bush. It was an 'open-air school' built around a central lawn. The focal point was a very large enclosed room used by day as a dining room and by night as a study ... To one side of the dining room were the classrooms, junior and senior, and a sloyd [craft] room. These consisted of floor, roof, and four posts to hold them together. There were no sides at all. The dual desks were out of the rain, but not of the biting cold winds in winter!⁵⁹



Open-air classrooms at Fintona, c. 1915. (Courtesy of Fintona Archives.)

The prospectus in 1911, while acknowledging the importance of the open-air system, notes that for 'exceptional weather a specially designed class-room is provided'. It also mentions that 'brain work' is undertaken in the mornings, while the afternoon provides time for practical work, gardening, excursions, and for 'sea and air-bathing'. The practical work presumably included the woodwork and other handicrafts that were part of the sloyd approach to education. Each boy's 'course of study [is] laid down in accordance with his individual needs'. Classes were small. The importance of posture was stressed and '[s]eparate seats and desks [are] provided for each pupil, suited to the individual limb and body measurements'. Boys were to be examined regularly by medical staff—one of the two doctors was William's brother, Robert, the other was his brother-in-law, Walter Craig, married to his sister Jane.⁶⁰ William made additional attempts to improve the health of the boarders. He was a believer in Fletcherism—the concept that food should be chewed many times before swallowing. William insisted that the boarders at Grange Hill chewed each mouthful thoroughly and, to train them to do so, each boy was given a small bowl of wheat before the main meal. The raw wheat 'had to be thoroughly masticated before the meal began'.⁶¹ William clearly understood the importance of good teeth for, in 1901, he applied for a patent for an 'improved toothbrush'.⁶²

A report of the first annual speech day states that 'Mr. Snowball, M.L.A. presided, and ... the principal read his report of the results of the open-air system on the physical and mental life of the boys'. Eleven boys received prizes from four forms (I, II, III and V).⁶³

By the end of the following year, the speech day was held in 'the presence of a large gathering of parents and friends'. This time, Mr McCutcheon, MLA, presided, but Mr Snowball, MLA, also spoke. Their presence suggests that William and the school were well-regarded in the Sandringham district. Two things are particularly interesting about this report. First, prizes were awarded to sixteen boys from six forms, including special prizes for 'physical and general progress', gardening, sloyd, and swimming. Second, 'the principal stated that during the year satisfactory progress had been made in the mental, moral, and physical development of the boys, and also in the equipment of the school'.⁶⁴ Both these comments indicate William's continuing emphasis on the importance of good health and physical fitness for successful learning.

Advertisements for the school appeared in papers as far away as Adelaide.⁶⁵ Grange Hill continued to grow. Twenty-five boys were successful in events at the school's annual sports day in 1914.⁶⁶ Sometime in the latter part of that year, Mr GH Carter joined William as co-principal. In January 1915, the *Brighton Southern Cross* commented that '[t]he very great advantages of open air teaching are readily admitted by those who have studied the subject, and the admirable position of the Grange Hill School, together with the exceptionally experienced teachers who manage it, should ensure for it a great future.'⁶⁷

In spite of this accolade from the local paper, little is known about the school after 1915. William married in March of that year, and Taylor noted that he gave up active involvement in the school after that.⁶⁸ However, he continued to live at Grange Hill until his death in 1930. The Sandringham rates book records that sixteen people lived at Grange Hill in 1917 (at least some of these would have been school boarders), but William is still listed in the Sands and McDougall directory as living at a 'school' in Grange Road in 1921.⁶⁹ This is the last entry for the school in the directory.

Taylor wrote that William was a 'fine teacher.'⁷⁰ Louisa Clarke, one of William's pupils at both Camperdown and at Fintona, said 'Miss Hughston was a singularly able teacher. She had only one equal in my experience—her brother—Mr. William Hughston.'⁷¹ William used his talent for writing in his teaching. 'One night [at Fintona] Mr. Hughston was so amused at a charade that we produced that he and Mr. Murdoch used the idea for a short play.'⁷² Later at Grange Hill: 'An interesting feature of the programme was the spirited acting by a German class of a little German comedy, specially written for the occasion by the principal.'⁷³

Not much is known about William's teaching career after 1915 and until his death in 1930, but he was still teaching at least part of this time. For example, in October 1920, he advertised that he was taking Saturday French classes in intermediate and leaving composition, dictation and conversation.⁷⁴ William registered for teaching in government schools in 1927, when he was 60. His registration shows that he was appointed at Melbourne High School in February 1928 as an assistant teacher.⁷⁵ He declined a permanent position and resigned in April of the same year. He then accepted an appointment at the correspondence section of that school. From January to April 1929, he was a temporary assistant

at Northcote High School. Interestingly, William's birth date on the registration form is given as 17 August 1872 (not 1867). This may have been a simple error or a deliberate attempt to reduce his age by five years. These positions are all quite junior ones for someone with his background. He may not have wanted a more responsible position, but it is also possible that he did not have the formal qualifications that were by then required for more senior appointments.

Through the years in which he taught, William witnessed significant changes in education in Victoria. The 'statutory age' that students could leave school was raised from thirteen to fifteen years in 1890 and then lowered to fourteen in 1905.⁷⁶ The official age for starting school remained at six, but children often started as young as three. Early in William's career, the Teachers College, adjacent to the University of Melbourne, was established. A number of education-related acts were implemented from 1905 onwards. These included the compulsory registration of all schools and teachers. In 1907, the first list of registered teachers was published. William was registered secondary teacher no. 3395.⁷⁷ In the following years, compulsory registration resulted in a 16 per cent drop in the number of teachers in Victoria and a 34 per cent drop in the number of private schools.⁷⁸ The first state high schools were established covering both 'continuation schools' (the first of which became Melbourne High School) and agricultural high schools. The Education Act 1872 (Vic.) set up the Department of Education, which, initially, had responsibility only for primary and technical schools. In 1910, the department was given the additional responsibility for secondary and continuation schools. These schools would eventually challenge the role of private and denominational schools as the only suppliers of the final years of secondary schooling to university entrance level. We have no record of William's opinion of this reform, but its implementation may well have contributed to his decision to close Grange Hill.

William's Writings and Other Interests

La Nauze observes that it was hard to make a good income as a teacher in the late 19th and early 20th centuries and that writing was one way of supplementing it. Walter Murdoch, William's brother-in-law, supplemented his teaching income this way.⁷⁹ William did the same, publishing articles, short stories and a small textbook. Many of the articles and short stories appeared in the *Argus*. For a time, and early

in his writing career, William used the pseudonym H Stone.⁸⁰ His short story, *The Widow Dare*, was first published in 1899 under this pen name.⁸¹ Other short stories, under the same name, appeared in 1899 (*Aunt Lucinda* and *A Family Affair*) and in 1900 (*The Station Ledger*).⁸² *The Widow Dare* has been published in at least two collections of short stories, once, in 1951, in *Australian Short Stories* and then in *Back o' Beyond: Three Stories from Early Australia* in 1984.⁸³

William travelled overseas twice. Together with his father, he travelled to England, leaving Australia in 1903 and returning in 1905.⁸⁴ Shipping records show that they arrived in Liverpool from Canada in 1904.⁸⁵ William must have visited the United States on this trip too as he wrote and published at least two articles about his visit to that country. These articles, published in the *Argus*, are *Camping out in California* and *Eucalypts in California*.⁸⁶ In 1910, William again travelled overseas and spent time in England and Europe, studying educational methods and open-air schools.⁸⁷

Vanishing Records was published in the *Argus* in 1909. In this influential article, William relates a conversation he had with a student in America about the importance of appreciating and recording Australia's early history. The student stressed how critical it is to collect history while the pioneers are still alive. He, William writes, encouraged him to '[f]orm a league. Give it some catchy name. Once the romance of the thing strikes the public, material will come in abundance'.⁸⁸ It was this article that had far-reaching effects for the RHSV and, as Grieg reported, shortly after it appeared in the *Argus*, the Historical Society of Victoria was formed.⁸⁹ Not only was the publication of *Vanishing Records* important in the beginnings of the RHSV, but William was given 'the credit for enlisting the support of many public figures in the fledgling movement. A visit to the speaker of the Legislative Assembly, Frank Madden, for instance, obtained his agreement to preside at the public meeting and thence to become the Society's first president'.⁹⁰

Later in his life, William's articles again appeared in the *Argus*. In 1921, in *Lecturers in Art Museums*, William argued the need for 'guide-lecturers' in our national art museums.⁹¹ In the same year, *Russell's Great Plan*, described the work of surveyor Russell in planning early Melbourne and explains the subsequent naming of the streets.⁹² William continued writing about early Australian figures. For example, *One of Our First*, about Sir Redmond Barry, appeared in 1921 and *Our Pioneer Bishop*, about Bishop Perry, in 1922.⁹³

Together with Th. Rouel, William published *French Examination Pictures: Being Reproductions of Pictures Set in the Junior Public and Intermediate Examinations of the Melbourne University: with Descriptions, Questions and Exercises* in 1921.

Throughout his life, family was important to William. Until his overseas trip with his father, William mostly lived with family members. Sometime after 1905, Johnston developed ‘loss of memory’ and thereafter lived in a nursing home until his death in 1910. William’s mother, Catherine, took up residence with her children. This included periods with William in Bayswater where he owned eleven acres with a small house, and again in the first days of Grange Hill where ‘[t]he comfort and home life of the boarders [was] in the care of Mrs. Hughston, senr.’⁹⁴ Catherine died in 1912. By 1914, when the Great War broke out, Annie was still at Fintona; Violet had moved to Perth; and Jane lived in Melbourne. Robert had a medical practice in western Victoria where he died in 1915. Robert’s son, Major Johnston Hughston RAMC, died in Salonika in 1918 of war wounds. We do not know what William’s attitude to the war was, but we cannot presume from Johnston Jnr’s participation that the family was of one mind about the conflict. William himself would have been too old to enlist.

On 27 March 1915, William married Annie Moore McGillivray⁹⁵ who was born in Daylesford in 1873.⁹⁶ After their marriage, Annie and William lived at Grange Hill. The inventory of assets relating to the probate jurisdiction of William’s will reveals that this property was ‘2 acres 2 roods 28½ perches.’ The land, ‘on which [was] erected a 12-roomed W.B. dwelling and fibro cement dwelling with usual conveniences and detached outbuildings’ had a frontage of almost 140 metres to Grange Road, Sandringham.⁹⁷ One picture shows a large, rambling home and garden, which for some years had included the open air school. A grandniece of William’s—or Willie as he was known in his family—recalled seeing a letter that mentioned that William and Annie had cows and hens at Grange Hill.⁹⁸ In his *History of Sandringham*, John Crofts remembered that ‘during the 1920’s Mr and Mrs Hughston were a familiar sight driving around [Sandringham] in their horse and jinker.’⁹⁹ William and Annie had no children.

William was 62, when he died at Grange Hill on 25 February 1930, predeceasing his wife by 30 years. He is buried at the Box Hill Cemetery.¹⁰⁰



William Hughston's grave, Box Hill Cemetery.
(Courtesy of Mary Lush.)

William left a complex will that is an interesting reflection of his ideas. On the death of his wife, his four nieces (but none of his nephews) were to receive amounts decided as follows:

My trustee shall ascertain as nearly as possible the net income of each of my said nieces and her husband (if any) as shown by their respective Income Tax Return for the financial year next preceding the death of my said wife ... and shall divide the said property between my said nieces in inverse proportion to the said incomes.¹⁰¹

This instruction was not followed, because it was too embarrassing for people to reveal their income.¹⁰² It is of interest, however, as it clearly indicates William's intention to leave more to those women who had less, and to the women in the family, rather than the men. William was probably influenced by his family. His mother, Catherine, sisters Annie and Jane, and sister-in-law, Grace, all signed the 1891 Women's Suffrage Petition.¹⁰³ James Buchanan, Catherine's brother-in-law and a member of the Victorian Legislative Council, was an active supporter of the Married Women's Property Act (1884). Family history relates that William's father had squandered his wife's personal fortune—a substantial property left to her by her father—and it may have been this that influenced Buchanan to support the Act. William may also have been influenced by his friend and brother-in-law, Walter Murdoch, who was interested in the 'social credit' philosophy that emphasised the importance of financial security to individuals.¹⁰⁴

William was never wealthy. What he had must have been adequate for a comfortable lifestyle and must have come from his own efforts. By the early 1900s, he was able to travel, to purchase property and to build a school. This, together with his family background and his various

careers, suggests that he was financially prudent. In May 1920, he offered a reward for a lost umbrella. Perhaps he was very fond of the umbrella, but perhaps it is an indication of this prudence.¹⁰⁵

When probate was granted in May 1930, William's estate was valued at £2,386 1s 2d. In current dollars, this would have purchasing power of over \$180,000 dollars.¹⁰⁶ However, William's assets were mainly in real estate. Together with his substantial property in Grange Road (valued at £1,850 in the inventory of assets), he owned vacant land in Singleton Road, Mt Dandenong (valued at £12), and over five acres of vacant land in the Parish of Gracedale (£18).¹⁰⁷

Conclusion

While this search has uncovered much about William, he remains something of an enigma. The probate documents for William's will refer to him as a retired teacher. Certainly, he deserves to be remembered for his contribution to teaching. He appears to have been a good teacher, developing well-rounded students through fresh air, exercise, handcrafts and intellectual stimulation. He was well regarded in the community. His teaching, such as his open-air philosophy and practice, showed him as a man interested in ideas and prepared to apply them. He expanded his knowledge of education by travelling and studying. He was courageous, starting new schools in hard times and with few, if any, financial backers and meagre financial resources of his own. But, although he adopted new ideas enthusiastically, he appears to have had difficulty maintaining interest in them. Perhaps he became bored by the routine management necessary for the long-term survival of his projects, or perhaps it was simply that he did not have enough staying power. Of the three schools he founded, only one, Fintona, survived and that seems to have been through the fortitude of his sister, Annie.

But William was far more than a teacher. He was a well-educated, intellectual man. Both his 'pregnant suggestions', and through them his connection with the RHSV, and his writings, demonstrate his concern for the past and the importance of the recording of history. Yet he was also forward looking. He was ahead of his time in some aspects of his teaching. He tried to improve the situation of the women in his family. He was creative. He wrote an eclectic collection of articles, letters and short stories. These publications sought both to educate people and to encourage new ideas. His short stories, one of which has lasted through time, show his literary ability and his sense of fun.

Although William was not one of the most prominent men of his time, he deserves to be remembered as an influential man. In his day, he was an innovative educator. He inspired through his teaching, his writing and his ideas.

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Notes

- 1 See, for example, Susan Priestley, 'Foundations and the Future', *Victorian Historical Journal*, vol. 70, no. 2, November 1999; and A.W. Grieg, 'The Origins of the Historical Society of Victoria', *Victorian Historical Magazine*, vol. X, no. 2, November 1924.
- 2 Grieg, p. 33.
- 3 Priestley.
- 4 Registry of Births, Deaths Marriages, Department of Justice, Victoria.
- 5 Prue Gill, 'Early Life of Annie Hughston, Founder of Fintona Girls' School', unpublished essay contributing to MA, The University of Melbourne, 1988, pages unnumbered.
- 6 Anne Heale, 'The Family Reminiscences of Anne (Craig) Heale', unpublished document in the Fintona Archives, p. 4.
- 7 Gill.
- 8 'The Education System, Conference of Teachers', *Argus*, 29 October 1866, p. 6.
- 9 'Melbourne University', *Argus*, 25 June 1879, p. 7.
- 10 'The University of Melbourne', *Argus*, 24 June 1885, p. 10; Student Record for William John Hughston, The University of Melbourne Archives.
- 11 'The University of Melbourne First Year Arts', *Argus*, 1 December 1888, p. 14.
- 12 See, classified advertisements for Camperdown High School in *Camperdown Chronicle*, for example, 18 January 1894, p. 3.
- 13 'Presbytery of Mortlake', *Camperdown Chronicle*, 25 December 1890, p. 4.
- 14 Correspondence between Roberts and the archivist for the Presbyterian Church of Victoria.
- 15 Heale, p. 10.
- 16 Student Record for William John Hughston.
- 17 Heale, p. 9.
- 18 Heale, p. 11.
- 19 Record of Teacher Training Details, Series 11460, Public Record Office Victoria (PROV).
- 20 *Camperdown Chronicle*, 18 January 1894, p. 3.
- 21 *Camperdown Chronicle*, 3 July 1894, p. 3.

- 22 *Camperdown Chronicle*, 5 January 1895, p. 2.
- 23 *Camperdown Chronicle*, 15 June 1895, p. 2.
- 24 'Camperdown High School, Annual Breaking Up and Distribution of Prizes', *Camperdown Chronicle*, 18 December 1894, p. 2.
- 25 'Camperdown High School. Annual Breaking Up', *Camperdown Chronicle*, 21 December 1895, p. 3.
- 26 'Classified Advertising', *Camperdown Chronicle*, 31 December 1895, p. 3.
- 27 'Camperdown Presbyterian Church, Annual Meeting of the Congregation', *Camperdown Chronicle*, 26 October 1895, p. 2.
- 28 See, for example, *Camperdown Chronicle*, 4 September 1894, p. 2.
- 29 *Camperdown Chronicle*, 16 August 1894, p. 2.
- 30 *Argus*, 22 January 1896, p. 8.
- 31 See, for example, *Argus*, 29 January 1896, p. 3.
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Pop Goes the Rhino: Hotham and the Toorak House Furniture

Robert La Nauze

Abstract

The authoritarian behaviour of Governor Charles Hotham engendered enemies and lost him the support of his Executive Council and government officials. In this milieu of distrust, mendacious rumours circulated about Hotham's actions. One such mistruth that has continued to reverberate to this day is that on arrival in 1854 Hotham, finding Toorak House full of gaudy furniture, ordered removal of the offending items and replaced them with plain furniture he had brought from England. This article shows that Hotham did quite the opposite; he auctioned most of his furniture and kept that which had been supplied by the Melbourne cabinetmaker, Geo. Thwaites & Son. A few of the auctioned items were purchased by Thwaites on behalf of the government, repaired and returned to Toorak House. Some of the original pieces that Thwaites supplied in 1854 are still used in Government House to this day.

A Literary Ragout

On a winter's day in June 1854, a large crowd gathered along the route between Sandridge and Melbourne to welcome Sir Charles and Lady Hotham. Crossing Prince's Bridge, the official party passed through a triumphal arch; on one side were the arms of the Hotham family and, on the other, the colonial arms. Overhead wooden models of a kangaroo, an emu and a sailor held sway below a gilt crown. The triumphant scene was completed by a banner proclaiming 'Victoria Welcomes Victoria's Choice'.¹ This banner, according to William Kelly, was the best of the 'gushing transports of composition': 'glorious in its conception, alterative in its alliteration, and, like many of the immortal Wordsworth's lines, almost mystical in its simplicity'.

However, the colonists understood it, if the reader don't, and the inconceivable ingenuity and versatility they evinced in applying it, and making all the beasts of the earth, the birds of the air peculiar to the happy land, appear to comprehend and appreciate the line, was enough in itself to stamp the Melbournites as "citizens of genius and renown".²

Sir Charles was then sworn into office and, after partaking of the refreshments, the cortege set out at about five o'clock in the afternoon for His Excellency's residence. Hotham's rented accommodation was Toorak House, built by James Jackson around 1850 on 148 acres of land that extended from Toorak Road to the Yarra River and westward to Orrong Road. The house—'a plain, capacious country residence'—had been refurbished 'with brash self-confidence' to demonstrate the colony's affluence to the new governor. Kelly continued thus to describe Toorak House as:

furnished with as great a degree of gorgeous magnificence as the upholstery trade of the city would warrant, with a view of practically showing his Excellency at a glance some of the resources of the colony, and, if truth be told, of propitiating him by a ministration of luxurious comforts, which he could use and enjoy without any personal cost. The furnishers, however, reckoned without their host; he was not in the habit of lolling on lounges or indulging in wanton waste, and before using any beyond indispensable articles, he demanded to see the bills, and after glancing at these elongated manuscripts, he peremptorily ordered all the gaudy, glittering ottomans, easy-chairs, chiffoniers *et hoc omne genus*, to be removed away, filling their places with plain substantial furniture of his own, which he transported from his home residence.³

Terence Lane and Jessie Serle, in their excellent book *Australians at Home*, repeat Kelly's verisimilitude. They give it further credence when, after describing the 'massive redecorations' of Toorak House for the visit of Prince Alfred in 1867, they hoped 'that the Duke found the arrangements more to his liking than did Governor Hotham'.⁴

Recently, this anecdote was been repeated by Clare Wright in *The Forgotten Rebels of Eureka*, though this time Lady Jane has been made responsible for removing the garish colonial furnishings:

After the goldfields tour, the Hothams returned to Toorak, where Lady Hotham tended her unchaperoned garden and sold off all the gaudy, glittering ottomans and easy chairs that came with the house, while Sir Charles got on with the business of firing public servants and answering his mail.⁵

Marguerite Hancock in her study of the wives of Victoria's governors, *Colonial Consorts*, outlines the dismay experienced by the Hothams

in finding Toorak House unprepared for their arrival and conjectures that, far from being delighted with the furniture provided, ‘Sir Charles and Lady Hotham were appalled by the vulgar pieces that had been supplied’ and ‘shocked to find that Sir Charles was liable to pay many of the bills himself’. However, Hancock’s endnotes acknowledge that the Hothams retained the furniture provided by the colonials for the reception rooms. This suggests the possibility of an altogether different interpretation of events.⁶

Examination of the primary documents reveals that Kelly relied too heavily on the recollections that he gleaned from fellow passengers on his homeward journey. ‘Interest’, he said, ‘is a condiment capable of being manufactured specially to flavour literary ragouts; but as such an article only amalgamates genially with apocryphal information’. However, Kelly, who had hoped to avoid this pitfall by telling his ‘story’ without any seasoning, had perhaps inadvertently added some spice of his own.⁷

George Thwaites & Son: Colonial Cabinet Makers

George Thwaites and his family had arrived in Melbourne in 1842. He had spent the previous two decades in London struggling to make a living from cabinet making. In colonial Melbourne throughout the 1840s, Geo. Thwaites & Son made furniture for speculative sales but their preference was to take specific orders. By the early 1850s, their reputation for quality meant that their furniture was singled out for mention in auction advertisements; such notices also named the seller to the advantage of the potential purchaser and the historian. From these sales, it is clear that the Thwaites were to fit out the homes of those who claimed to be gentry and the mansions of those who had made good as merchants and pastoralists. In the pre- and immediately post-gold rush period, George Russell, John Bear, James Cassell, James Jackson, Emund Westby, Lauchlan Mackinnon, Edward Grimes and many other men of influence owned Thwaites furniture.

In the aftermath of the gold rush, many institutions—government buildings, churches, the public library, banks, insurance offices—were built in grand style and scale. Geo. Thwaites & Son were engaged in supplying furniture and the fitting out of many such public buildings and private boardrooms.

Sir Redmond Barry, whose finger seems to have touched so much of the artistic and cultural scene of early Melbourne, was a champion

of Thwaites furniture. In 1861, the commissioners of the Intercolonial Exhibition, of which Barry was president, engaged Geo. Thwaites & Son to make a large gothic-style case for gold specimens. Barry took the magnificent ornate case to the 1862 London International Exhibition and also exhibited other Thwaites pieces there. In 1864, as university chancellor, Barry was instrumental in the purchase of a suite of gothic-revival oak furniture for the university's Council Chamber—these chairs were used for ceremonial occasions at the university until the Wilson Hall fire in 1952.⁸

In 1876, under the direction of George's son, Thomas Henry, the firm was again called upon to furnish the vice-regal residence when Government House moved to its present location on the Domain.

Furniture for Toorak House Supplied by Geo. Thwaites & Son

In 1854, George Thwaites and his three sons were contracted to fit out Toorak House. Given the social hierarchy of the times and the colony's determination to show it was no backwater of culture and taste, this was no ordinary contract. Neither the largest nor the most expensive of their commissions, the furnishing of the governor's residence was nonetheless of such immense symbolic significance that it established Geo. Thwaites & Son as Victoria's premier cabinet maker. Henceforth furniture from Thwaites would stand not only for quality but would also broadcast the superior standing of its owner.

Geo. Thwaites & Son delivered the furniture prior to the governor's arrival in June, though payment was not forthcoming until five months afterwards. In October 1854, Geo. Thwaites & Son received £3,629 5s 6d out of a total of £4,550 5s 6d for the furniture supplied, and the firm was later responsible for repairing some of Hotham's broken furniture, which was separately invoiced. We know the total amount invoiced, though not the items delivered, from a statement of the expenditure presented to parliament by the commissioner of public works in March 1856 (three months after Hotham's death) in response to a parliamentary question asked by Mr Goodman, MLC, a little over a year earlier.⁹

In 1984, a survey of Government House furniture listed 23 surviving items attributed to Thwaites that were transferred from Toorak House to the Domain in 1876.¹⁰ Amongst this furniture is a superb suite in Australian cedar consisting of a hall table, four hall chairs, a hall bench and sideboards richly carved with the Queen's cipher, VR, and a hall table with the royal coat of arms on the back. It is probable that

the carvings on these were undertaken by Angus McLean, a Scot who is known to have been engaged by Thwaites at this time. None of these pieces would be described as gaudy. Furthermore, the inspiration for the design of the hall chairs can be traced to Blackie's popular pattern book, *The Cabinet Maker's Assistant*, published in 1853. This indicates how quickly fashionable English designs were copied in Australia and, more importantly, that the furniture made by Thwaites was contemporary in style and taste to that purchased by the Hothams in London.

Hotham Buys and Ships His Own Furniture

The Hothams sailed for Melbourne on 4 April 1854 aboard the *Queen of the South*. A month earlier, 93 'packages' had been loaded aboard the *Childe Harold* by Devitt & Moore, shipping agents.¹¹ As will be discussed later, Hotham was to auction furniture contained in 25 of these packages. Thus, it is of some importance to establish just how many contained furniture since Hancock argued that, based on an assumption that the remaining 68 packages contained furniture, the 'Hothams seem to have retained quite a large amount of their own furniture' for their private apartments.¹²

Hotham's papers provide the answer. Invoices and handwritten notes by Hotham and his private secretary, Captain Joseph Kay, RN, indicate that there were altogether 40 packages of furniture measuring some 2,646 cubic feet. An itemised invoice of furniture purchased from Druce and Co. of Baker Street, London, accounts for 35 of the 40 cases (26 of the cases were made of deal, that is pine, and a further nine cases were deal with zinc lining). The other 53 packages consisted of one hogshead of wine, eight cases of wine, four casks of wine, fifteen cases of beer, three carriages and 22 unspecified packages and cases (probably containing chinaware, glassware, silverware etc., clothing and personal items).¹³

The Hothams, it would appear, were unable to clarify exactly what would be provided in their Melbourne residence and planned accordingly for the 'house to be empty', though their purchase of such items as stair carpet and stair carpet brass rods suggests some cognisance of what they were to expect. Perhaps Hotham became aware of the residential circumstances in Melbourne at a late stage, though by February he was aware that the government had voted £20,000 towards rented accommodation, a sum that included an estimated £6,000 for furniture.¹⁴

Sir Charles and Lady Hotham paid £963 4s to Druce and Co. for a wide range of furniture and furnishings (bedding, curtains and carpets). They acquired furniture in oak and walnut for the formal rooms, japanned furniture for their private apartments and deal furniture for their servants' quarters. The Druce & Co. invoice runs to well over 100 lines, many listing multiple pieces. The list, while of great interest to furniture historians, can be noted here only briefly by highlighting the more important suites so as to provide some idea of what was likewise supplied by Geo. Thwaites & Son in colonial timbers:

Dining Room

16ft x 5ft 6 set oak dining table
 Oak dining wagon
 18 stuffed-back chairs in morocco
 7 ft 6in quill sideboard plate glass

Hall

Oak hat and umbrella stand
 Oak hall bench
 2 oak chairs
 Oak hall table

Drawing Room

2 double-headed settees
 2 conversation sofas
 Gondola Ottoman
 2 walnut Bergère chairs
 2 stuffed-back (Elizabethan) chairs
 12 walnut chairs

Private Apartments

12 India Japanned chairs
 Japanned oak night commode
 Japanned oak writing table
 6 Japanned washstands
 2 Japanned tables
 Japanned wardrobe¹⁵

Apart from finding Toorak House furnished, the new governor saw much about the accommodation to displease him. In February 1855, when Hotham's popularity was waning and his political enemies were questioning the amounts spent on additions and improvements to Toorak House, he described the state of the residence on his arrival in a memorandum to the colonial secretary (J.F.V. Foster):

The expenses of Toorack [*sic*] having reached a point which will naturally attract criticism and attention I deem it right to record the share which I have had in the transaction.

I entirely concur in the opinion which the Board took of the utterly unprepared state in which the House was delivered over to me. There was neither Laundry, Wash House, Shoe hole, Wood Shed or many other of the requirements obtained in an English Country gentleman's house.

The kitchen was unfitted—the larder, dairy, wine cellar & beer cellar showed only brick walls—there was not a cupboard in the whole house.

The stable fit for Cart horses—the harness room entirely unfitted. The poultry house & out-buildings tumbling down. The Lodge Cottages disgraceful & the Guard house fitted but not completed.

The lease compels me to keep the garden in a good state, trifling alterations have been required there.

There was not accommodation for my servants in the house or sufficient [?store] room for domestick [*sic*] purposes.

The whole expense has been I suspect to me very considerable but as it was a matter which related to myself I deemed it indelicate to interfere and never knew on what ground the repairs and alterations were conducted.

It is the only expense to which I have not closely attended since I assumed the post and am of opinion that the work done is not in proportion to the sum of money paid.

C H

P.S. this Memo is only for the use of the Col. Sec & not to be shared: altho' the contents are to be used.

Feb 7/55

Nowhere in this note does Hotham complain about the state of the rooms in the house itself or the Thwaites furniture therein.

While Kay would much later state that the condition of Toorak House 'soured relations between Hotham and his Government from the outset',¹⁶ there was at the time a further annoying issue. A significant number of the cases had been damaged during transit. Many of the 27 damaged items were amongst the more valuable pieces: several tables, a sideboard, two chifioniers, one of the India Japanned chairs, an inlaid library table and a chess-top table. As a consequence, Hotham was in the unenviable position of having arrived with unnecessary furniture of which 22 per cent of the total value was damaged.¹⁷

The Hotham papers provide handwritten lists that detail the fate of the furniture. Furniture kept by the Hothams and transferred to Toorak House had a value of 15 per cent of the total furniture purchased in London and many of these items were for the domestic staff quarters (e.g. housekeeper's table, kitchen table, table for servants' hall, 2 x 10ft benches, two stools etc.). Some furniture would appear to have been destined for the governor's private quarters, in particular the distinctive

Japanned suite, including the commode but minus the twelve India Japanned chairs.

Hotham Sells His Furniture and Some Is Bought Back

A little over three weeks after his arrival, the *Argus* observed that Hotham was energetically investigating the various public departments of the colony. He was reportedly 'a little startled at the amount of debt already incurred, and with a declining revenue His Excellency appears to apprehend that financial embarrassment must ensue, unless some sweeping reforms be effected in the public service.'¹⁸ Despite the clear need for reform, Hotham's approach was not one of inclusiveness and he quickly alienated his Executive Council, government officials and others whose counsel he might well have enlisted. William Kelly, ever prone to the hyperbole, described the result of Hotham's reforms: 'the weeping and wailing and gnashing of teeth, the packing up and turning out was so general' as to cause even Hotham to slow down.¹⁹

The Hothams, having chosen a small proportion of their furniture to supplement and to complement that already provided, put the remainder up for auction. Hotham calculated that, including all charges, the items sent to auction had cost him £1,116. As early as 11 July, the *Argus* advertised a call by W.M. Tennent and Co. for 'the Gentry and Trade of Melbourne and its Vicinity' to attend an auction on 7 August 1854 of '25 packages' of elegant and superior furniture, manufactured expressly for the reception rooms of his residence, 'the property of His Excellency Sir Charles Hotham, K.C.B., who does not require it.'²⁰ A list of the surplus furniture purchased from Druce and Co., London, followed. The same edition of the *Argus* noted:

ELEGANT FURNITURE—We perceive by an advertisement in another column that Messrs. W.M. Tennent & Co., have been instructed by Sir Charles Hotham to sell His Excellency's furniture, Sir Charles having found the halls of Toorak so well provided to that respect that his own importations were not required. The opportunity is an excellent one for those who wish to obtain elegant furniture, as it was manufactured expressly for His Excellency's reception rooms at the vice-regal residence.²¹

The undamaged furniture realised a total of £510 3s 6d net of commission. An itemised account of the sales lists the names of the purchaser of each lot. Thwaites purchased the following items: '12

India Chairs 1 Broken' for £10 16s, '1 Music Chair' for £3 10s and '2 Elizabethian [*sic*] Chairs' for £10 10s. The account and cheque for the undamaged furniture was sent by the auctioneer to Kay, while the account and cheque for the sale of damaged furniture amounting to £118 4s 6d was sent on Kay's request to 'Mr Kent'. The auctioneer's itemised account of the damaged furniture is not included in the Hotham papers but can be surmised from Hotham's insurance claim. Importantly in the context of this article, the claim included two damaged chiffoniers.²²

It comes as a surprise but by no means a mere coincidence that the 1856 report by the commissioner of public works on the expenditure at Toorak House indicates that on the same day that Hotham sold his furniture, the government bought at auction: twelve India chairs (one broken) at 18s each, two damaged chiffoniers at £13, a music chair for £3 10s and two Elizabethan chairs at £5 5s each. These, together with the auctioneer's commission and portage to Toorak House, came to £40. It is clear that Thwaites had been acting on behalf of 'civil commissariat' when purchasing these items.²³

By the end of August 1854, the government had paid an additional £32 (presumably to Thwaites) to have the chiffoniers fitted with two pairs of doors with silk panels and, in December, further sums totalling £13 12s 6d were paid for 'repairing and polishing two chiffoniers,' supplying 'a new leg to japanned chair,' and brown Holland covers were made for the two Elizabethan chairs and the music chair.

Hotham Dies and His Estate Is Sold

Hotham's authoritarian and inflexible demeanour saw his authority evaporate. Finally, his military, rather than political, response to the uprising at Ballarat and his inability to accommodate the democratic aspirations of the colonists gave rise to unconcealed disdain and ridicule.

By November 1855 Hotham could stand the colonists' scorn no longer, and sent his resignation to London. A few weeks later he caught pneumonia after opening Melbourne's first gasworks. At "Toorak House", which only eighteen months earlier had resounded with the gaiety of welcoming citizens, Hotham tossed feverishly in bed, ignored by the whole of Melbourne. He declined into a coma and died, still in office, on 31 December 1855, aged only forty-nine.²⁴

Three weeks later at Government House, Toorak, the property of the late Sir Charles Hotham, KCB, was auctioned, comprising 'Carriages, Horses, Wines, Glass and China ware, Bedroom Furniture, Milch Cows,

Sheep, Poultry, &c. The auction advertisement lists comparatively little in the way of furniture: a buhl chiffonier, loo, toilet and side table, wardrobes, chest drawers, washstands and chairs. This emphasises that on arrival Hotham disposed of most of the furniture he had brought with him and lived quite comfortably in Toorak House using the furniture made by Thwaites and supplied by the people of Victoria.²⁵

The Aftermath

In February 1855, when the commissioner of public works finally tabled a detailed account of the expenditure on additions and improvements to Toorak House, the *Age* thought that the commissioner's list could usefully be republished as a small pamphlet 'entitled (like the upholsterer's price books in England) "Hints to persons about to marry"'. The paper singled out a few of the damaged 'odds and ends' bought at auction, bargains, it thought, for the edification of young people meditating matrimony. If, however, the sums paid for the various articles represented the actual worth, then 'the Governor of Victoria's country residence must have been furnished in a style of luxurious splendor worthy of a palace of Louis Quatorze.'²⁶

The expenditure on Toorak House, the associated tradesmen and Hotham were mercilessly satirised in the *Melbourne Punch* in a poem entitled *Pop Goes the Rhino*, or, in other words, there goes the cash. Two relevant verses are:

A "blackwood couch, with horsehair squab",
Cost forty-five precisely;
A Pembroke table (eighteen, ten),
Matched the sofa nicely;
Cheffoniers [*sic*] and India chairs,
Made the place look fine oh;
That's the way the money goes—
Pop goes the rhino.

Over such like small details,
Longer not to linger;
Three thousand and six hundred pounds,
G. Thwaites contrived to finger.
A thousand more for odds and ends,
That scarcely left a sign oh,
That's the way the money goes,
Pop goes the rhino.²⁷



Pop Goes the Rhino: a journeyman repairing furniture at Governor Hotham's residence, Toorak House. (*Melbourne Punch*, 20 March 1856, p. 56.)

The poem was accompanied by a cartoon of a cabinet maker from Thwaites's establishment repairing the furniture. The journeyman cabinet maker, with sleeves rolled up, is wearing the traditional carpenter's hat made of stout white paper folded into a box-like shape. Steam is coming off his dripping brush as the rabbit skin glue was worked hot. On the floor is a saw, a jack plane, a mallet, some hand-cut nails and a chisel with traditional octagonal beech handle.

Banker and historian H.G. Turner was later to write a more sober account of the Toorak House furniture saga than Kelly's colourful description:

Hotham in his insistence upon seemly order in dealing with the public funds, and his objection to revenue being recklessly anticipated, roused bitter hostility towards him amongst that section of the official and trading classes who had benefited ... The most spiteful stories and mendacious paragraphs were circulated about his "paltry retrenchments". He was accused of starving the development of the country; of parsimony he spared himself; ... and directly charged with the scandalous waste of some £43,000 which had been foolishly expended in altering and furnishing a leasehold house at Toorak for

his occupation. The fact that nearly all the outlay was incurred before his arrival, and that he innocently brought out his own furniture from England, was ignored in the venomous desire of his many enemies to have him in pillory.²⁸

Conclusion

The account of Governor Hotham, or for that matter his wife, in a fit of pique disposing of the gaudy and glittering furniture supplied by the colony and made by Geo. Thwaites & Son for Toorak House and replacing it with their own, plain and presumably more serviceable, furniture is a mischievous fabrication. In reality, Hotham did what one would expect in the circumstances; he arranged for the surplus furniture he had brought from England to be auctioned. At this auction, Thwaites, acting on behalf of the government, purchased several pieces of furniture, including some damaged items, which were then repaired and returned to Toorak House.

Some of the furniture used by Hotham in Toorak House and made by Geo. Thwaites & Son in 1854 remains in service in Government House on the Domain to this day.



Cedar hall bench by Geo. Thwaites & Son with crown and VR monogram, 1854, for Toorak House, 87.0 x 200.0cm. (Published with permission of the Office of the Governor.)



Toorak, the residence of the Lieut. Governor of Victoria, 1854, ST Gill. (Courtesy of the State Library of Victoria, H126050.)



Sir Charles Hotham (1806–1855), Cartes de visite, Batchelder's photographers. (Courtesy of the State Library of Victoria, H29538.)

Notes

- 1 *Argus*, 24 June 1854, p. 5. This is incorrectly quoted by Kelly (note 2) as 'Victoria Hails Victoria's Choice'.
- 2 William Kelly, *Life in Victoria or Victoria 1853, and Victoria 1858*, vol. II, London, Chapman and Hall; Melbourne, George Robertson, 1860, pp. 48–9.
- 3 Kelly, vol. II, pp. 51–2.
- 4 Terence Lane and Jessie Serle, *Australians at Home: A Documentary History of Australian Domestic Interiors from 1788 to 1914*, Melbourne, Oxford University Press, 1990, pp. 121–2.
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- 12 Hancock, endnote 34, pp. 244–5.
- 13 *DDHO 10/18*, Invoice addressed to Hotham for furniture bought from Druce & Co.
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‘Why can’t I have my baby tomorrow?’: A Legislative Periodisation of Intercountry Adoption in Victoria and Australia from the Early 1970s to the Present¹

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Abstract

Intercountry adoption involves relatively small and currently declining numbers. But it is a platform for Australia’s engagement with the wider world, and a highly contested field. Efforts to rationalise and regulate the field have to reconcile many competing interests, inside and outside Australia. This periodic overview focuses on government responses to the evolving practice of intercountry adoption from the end of the Vietnam War, charting the emergence of the current regulatory regime. It uses Victoria as a case study, to show the intricacies of a split state/federal jurisdiction, the challenge of transnational regulation in a globalised world, the flow-on effect of enabling legislation, and the impact of public scandals.

A few days before Christmas in 2013, then Prime Minister Tony Abbott announced the formation of an interdepartmental taskforce to review Australia’s adoption regulation regime, with a view to making it easier and quicker for Australians to adopt children permanently, both locally and from overseas.² Flanked by celebrity adoption advocate Deborahlee Furness, her husband Hugh Jackman, and cycling champion Cadell Evans—all of whom are adoptive parents of children born in other countries—the Prime Minister spoke with feeling of the ‘millions of children in orphanages around the world who would love to have parents,’ and of the possibility that ‘thousands of those, maybe even tens of thousands of those could come to Australia.’³ The procedures for intercountry adoptions are too complex, he said, and these complexities are ‘putting people off’. State authorities in charge of processing such adoptions have different eligibility requirements, while the federal government has responsibility for immigration, citizenship, and the overseeing of arrangements with so-called ‘sending countries’ (the

children's countries of origin). Overarching the whole system are those obligations Australia has incurred through its ratification of international conventions such as the United Nations Convention on the Rights of the Child (CRC, 1989) and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague, 1993).

Intercountry adoption (ICA) is not a simple matter, rhetorically, procedurally, ethically or philosophically. As an international child welfare option, ICA is trapped within strongly held, but opposing, views.⁴ Within Australia, as elsewhere, ICA has been subject to more than its fair share of outside and political interference, and is constantly under pressure from parent groups. Controversial issues have been fought out against considerable and uninformed media and public involvement.⁵ Australian public policy related to ICA—the movement of children across national boundaries for the purposes of adoption—has had to take account of, and attempt to accommodate, the needs and motivations of a number of groups involved in the adoption process: State and commonwealth government authorities, Australian and overseas government agencies and child welfare bodies, volunteer (parent) groups, parent advocates and social welfare professionals, concerned individuals and children (and their families within Australia and in the countries of origin). Neither is this accommodation straightforward, as ICA attracts profoundly oppositional points of view, often represented dichotomously as a choice between a humanitarian alternative for children in situations of extreme deprivation, or a relic of colonial imperialism verging on kidnap.⁶

From the time of the first government involvement in ICA at the end of the Vietnam War, Australian government policies and attitudes have been criticised for impeding the humanitarian intentions of adoption advocates. Counter arguments deplore the simplistic idealism of the humanitarian approach by evoking the ongoing risk of child trafficking.⁷ Scandals involving the purchase/sale of children have accompanied ICA in Australia from as early as the Vietnam War period. Historian Joshua Forkert documents a 1973 interview on ABC Radio by Australian journalist and cameraman Neil Davis, alleging that there was a flourishing market involving children from Cambodia and Vietnam, and that some of these children had certainly made their way to Australia.⁸ Within the parliamentary system, policy makers must

represent the interests of their (at times) vociferous constituents, while acknowledging Australia's obligations under relevant international treaties and agreements. Added to this already potentially explosive mix of pressures and counter-pressures is the media's willingness to sensationalise particular cases in order to influence politicians and officers to achieve an end that may be outside policy.

Australia presently enjoys a reputation for stringent regulation, though this has not always been the case. There are now high levels of control over domestic procedures in relation to ICA, and significant legislative emphasis is placed on ensuring compliance with international standards of practice. Adoption advocates have deplored the rigorous regulatory climate as an official 'anti-adoption' culture that is reflected in the relatively low number of children adopted and the time taken to process applications.⁹ One might characterise the periodisation of ICA proposed in this article as representing a movement from chaos to control, but it should not be viewed as a triumphalist evolution. The nature of ICA is such that there are, and always will be, some elements of the process which are outside Australia's control. Legislative reform and review has always had the double purpose of addressing domestic issues (across the state-federal divide) and international concerns (across much more complex and complicated country-to-country boundaries). The pendulum swings between periods of intense focus on domestic issues and periods of international preoccupation.

Using Victoria as a case study, this article offers an overview of the *legislative* history of ICA in Australia as leading to the present regulatory regime. In so doing, it explores the intricacies of social welfare in a federal state, of state-federal jurisdiction more broadly and of the challenge of transnational regulation in a global world. It is not the purpose of the article to write a *social* history of ICA, though its origins in the Second World War and even earlier should be noted.¹⁰ Nor do we intend to engage with the complex political, ideological or wider economic issues affecting the removal of children from one country to another for the purposes of adoption, except insofar as these aspects of the practice have impacted on the formation of policy.¹¹ Scholars have argued that the imbalance in social and economic conditions between sending and receiving countries, a prerequisite to ICA, is in itself an offence to notions of social justice and human rights.¹² Or, as implied in the so-called principle of subsidiarity, that intercountry adoption is

not the most desirable form of permanent care for children in deprived circumstances, a principle articulated as early as 1956 in the 'Leysin principles', which have underpinned all national instruments dealing with intercountry adoption.¹³ The present article starts from the position that ICA, although in decline, is a reality of the modern world. Though the effects of the present interdepartmental review have yet to be fully known, Australian legislators have generally preferred to regulate and attempt to control this reality ethically rather than to adopt the hands-off position proposed by some vocal adoption advocates.

Broadly speaking, the development of ICA in Australia mirrors global trends, but with significant local variations. These result in part from the constitutional delegation of responsibilities across the states and territories, functioning as independent legislative entities, and the Commonwealth functioning as the body representing Australia in the world. Since adoption is a state matter administratively, and since confrontations, scandals, inquiries and reforms acted out in Victoria serve as a prototype for the other states, this study references Victoria as a sample state within the broader context of Commonwealth and state legislation and practice.

Various chronologies have been framed internationally to classify the development of ICA, with a view to capturing changing values and attitudes. Some accounts focus on the motivations of parents; others consider historical and social circumstances globally and domestically, or some combination of these two interconnected aspects.¹⁴ Issues of immigration and nation-building in receiving countries are juxtaposed against the distinct social and political contexts of sending nations.¹⁵ Whereas public discourse domestically has been dominated by parent advocates and complainants, other voices are making themselves heard. Australian involvement in an Indian adoption scandal in 2009 gave the public a rare opportunity to understand the grief of two birth families who lost children to ICA,¹⁶ while adult adoptee community activism and research has drawn attention in recent years to the complex personal and social negotiations involved in transnational adoptions for the children themselves.¹⁷ The conceptual basis of Alexandra Young's interpretation, which traces the development of ICA from a humanitarian response to a market-driven policy, is particularly apposite to the periodisation offered here, which focuses on Australian government responses to the evolving practice of ICA.¹⁸

Phase 1: 1972–1984: Rescue

It is commonplace to begin the narrative of modern ICA in Australia with the adoption of children from Vietnam (from 1968), culminating in ‘Operation Babylift’ (April 1975), a Commonwealth diplomatic initiative designed in part at least to assuage public criticism of the war and feelings of outrage at its effect on the civilian population, especially children.¹⁹ ICA imploded into the legislative environment at a time when adoption had recently become fully regulated. The Commonwealth-backed ‘Model Act’ of 1965, passed first in the Australian Capital Territory and consequently in the states, saw the state become the principal provider of adoption services, with private agencies subject to licensing.²⁰ The early efforts of ICA entrepreneurs cut across existing adoption regulation, reverting to an earlier pre-legislative model in which adoption was a matter of private negotiation and transaction. It should also be noted that the attention directed to Vietnam as a source of children in need of adoption coincided directly with a dramatic decrease in the numbers of babies available for adoption in Australia.²¹

Australia’s military intervention in the Vietnam War provided the initial impetus for the large-scale adoption of children from overseas. Interest in adoption increased significantly as public opinion toward the war turned from largely supportive to oppositional. Australian volunteers in Vietnam promoted adoption as an appropriate way to assist the thousands of Vietnamese children orphaned and abandoned as a result of the war. This conception of adoption was not supported by international welfare authorities, nor by all governments in Australia, but it was immensely popular.²² Forkert sees events in May 1972 as pivotal: the day that Elaine Moir confronted a reluctant federal government with the reality of five Vietnamese babies she had ‘smuggled’ into the country for adoption: ‘Here they are; do something!’²³

Moir’s action is also a dramatic starting point for the present narrative. In 1972, Moir was a Glen Iris resident with two adopted children of her own. She was a divorcee who had lived in Thailand, from where, after the breakup of her marriage, she had accompanied a Scandinavian couple to Vietnam where they were adopting a child. Although motivated initially only by curiosity, Moir was profoundly affected by the plight of the children and babies she observed in Vietnam. She became a passionate advocate of ‘rescue’.

Between November 1971 and March 1972, Moir completed proxy adoptions for five children in Vietnam on behalf of prospective Australian families, four of whom were located in Victoria. The children were granted South Vietnamese exit permits, but were refused entry to Australia by the Commonwealth Department of Immigration and by the Victorian minister for social welfare, Ian Smith, a passionate opponent of ICA. Proxy adoptions, which allowed prospective parents to adopt in a foreign country in absentia, were of great concern to child welfare professionals, because of the lack of regulation. Existing legislation covering recognition of foreign adoption orders, even where parents had never been approved or even rejected as adoptive applicants, allowed the possibility that legal recognition would be given to practices that were socially undesirable or even potentially illegal.²⁴ Such adoptions were not valid under the adoption laws of the Australian states. Moir described herself as law-abiding and as having no wish to embarrass the government, but her arrival at Mascot was stage-managed to promote confrontation. She organised the press to be at the airport so that the children would be photographed on Australian soil. She wanted the whole world to know about her action and public opinion to be so strong that the Australian government would not be able to send the children back. Faced with her *fait accompli*, the Minister of Immigration allowed the children to remain in Australia while efforts were made to meet legal requirements. The parents adopted a suitably defiant militant stance. Immediately pressing issues were how ICA was to be managed and by whom?

Existing adoption agencies were ambivalent, or even antagonistic, to the concept of ICA, and most refused to cooperate with the processing of applications by Australians to adopt children from Vietnam. Moir's exploit and the media attention she commanded forced reluctant governments to take action and responsibility. Confronted with the reality that children were coming to Victorian families for adoption, the Victorian adoption agencies established an ICA sub-committee in November 1973. Steps were taken to establish a specialised agency which would have guardianship of the child, once it was released for adoption, and until an order was made legalising that adoption under Australian law.²⁵ In the interim, the Child Care Service of the Methodist and Presbyterian (later Uniting) Churches was appointed to this role, and its director, Graeme Gregory, visited Vietnam in 1974 and 1975.

At the same time, prospective parents began to organise themselves. The adoptive parent group, Australian Adoptive Families Association, formed in South Australia in 1973, was responsible for bringing in most children adopted between 1973 and the end of 1974.²⁶ These were private or 'residential' adoptions (i.e. arranged without agency involvement or approval). The Victorian chapter of the story begins in September 1975 with the formation of a breakaway parent group taking the name of Australian Society for Intercountry Aid (Children) (ASIAC). The organisation had a membership of some 300 families by the last days of the Vietnam War, a 'hard core of couples determined to make ICA accepted'.²⁷ The critical role that these and other parent groups played in the early consolidation of ICA as a legitimised activity must be acknowledged; ASIAC claimed that the ICA program would not have begun had parents not worked to change attitudes and regulations.²⁸

The so-called Vietnam Babylift, which saw some 280 babies and children evacuated from Saigon to Australia in two airlifts early in April 1975, encapsulates the administrative conundrum surrounding ICA in the formative years. Was it to be viewed as a humanitarian immigration program, shaped by, and responsive to, national policy objectives and, therefore, a federal responsibility? Was it a service to the prospective adoptive children, or to infertile couples, and, therefore, an issue for the state governments? Forkert argues convincingly that the handling of the Babylift smacked more of political opportunism than genuine humanitarian concern for the victims of war—its propaganda value was certainly fully exploited by the Commonwealth government.²⁹ Once they had arrived in Australia and been photographed with federal politicians, including the prime minister Gough Whitlam, the babies were despatched to the states where local adoption authorities attempted to deal with the chaos surrounding their allocation and distribution.³⁰

The mass influx of Vietnamese babies caught Australian authorities almost completely unprepared, legally and logistically. There was no legislation in place to support transnational adoptions, though there was a system for approving prospective adoptive parents and limited recognition of 'foreign' adoptions (i.e. adoptions completed in overseas countries by Australians residing abroad) within existing adoption legislation. South Australian welfare professional Peter Fopp and others like him have described the chaotic situation in state welfare departments in dealing with the mass of applications: 'I understood how



Margaret Whitlam, wife of the Federal Opposition Leader, holds a young Vietnamese child at the Don Chua orphanage in Saigon in January 1968. With her is Father Olivier, a Catholic Redemptionist priest who established the orphanage in 1964. Mrs Whitlam was travelling with her husband on his tour of ten Asian countries. Photographer: Richard William Crothers, 1968. (Courtesy of the Australian War Memorial, CRO/68/0051/VN.)



Vietnamese orphans arrive at Melbourne Airport, 1976. (Courtesy of the National Archives of Australia, A12111,2/1976/46A/33NAA 7501151.)



A three-year-old toddler on the tarmac of Saigon airport, before being evacuated to Australia on an RAAF transport plane, 1975. (Courtesy of photographer Ian Frame and the State Library of South Australia, PRG 1420/1/10.)

[people] felt—I was disappointed, frustrated that I couldn't help them and I was certainly disappointed if they couldn't see that ... the system had limitations: "Why can't I have a baby tomorrow?"³¹

In Victoria, volunteers from ASIAC helped man the phones; in one week, volunteers dealt with 1,000 enquiries about adoption.³² Including the airlift, 115 children entered Victoria from Vietnam in the period 1974 to 1975.³³

The Council of Social Welfare Ministers (CSWM) was a national body bringing together the welfare ministers of the states and territories and their administrative officers. When the dust settled on the Babylift distribution, the CSWM worked through the state agencies to achieve two simultaneous objectives: first, to set in place a uniform administrative procedure for managing ICA across the states and territories, including an unsuccessful proposal for a national co-ordinating agency for ICA; and, second, to formalise working agreements between Australia and prospective sending countries.³⁴ Legislative reform and policy initiatives at this stage were located at the state level, through the efforts of individuals employed by state welfare departments, though endorsed by the CSWM. In 1980, a system was set in place under which each state/territory undertook responsibility for negotiating with an allocated overseas country and distributing information on standards and requirements to all other states/territories through the Welfare Administrators National Secretariat. In an initial list of ten countries, Victoria was given responsibility for Thailand.³⁵ The system was abandoned by 1983, as it had been inefficient and ineffective, with each state/territory pursuing its own practices, a situation seen by the adoption reformers of the 1980s as embodying 'a great potential for abuse.'³⁶

Despite the failure of the contact state system and of earlier attempts to establish a national agency to coordinate and manage ICA, the first of these objectives saw ICA absorbed, at least in Victoria, by a general movement towards reform of domestic adoption legislation.³⁷ This ad hoc development had the advantage of pre-empting the requirement spelled out in the UN Declaration of the Rights of the Child and later enshrined in the Hague Convention, that children adopted internationally under ICA should enjoy the same safeguards and standards as children adopted nationally.³⁸ In 1984, Victoria became the first state to enshrine this principle in legislation when the parliament introduced reformed

adoption legislation that included, for the first time, legislative provisions for ICA.³⁹ Of tremendous symbolic importance in signalling a shift away from the 'rescue' trope in ICA, at least in the 1984 Victorian act, was the provision for the placement of Australian children in overseas countries, 'subject to adequate provisions incorporated in the legislation.'⁴⁰ From the parents' point of view, the integration of ICA regulation into adoption legislation meant recognition, validation and endorsement of ICA as an adoption practice. At the same time, proponents argued that the imposition of increasingly stringent domestic adoption requirements onto ICA was hampering the adoption of children in need.

In the absence of effective formal mechanisms domestically or internationally until the mid-1980s, the actual administration of ICA seems to have bifurcated. Assessment and approval of prospective parents and the forwarding of approved files to the sending country was carried out in Victoria by Community Services Victoria (CSV) (and its various mutations); location and allocation of children was in the hands of ASIAC, through the group's direct relationships with childcare institutions and orphanages—not government agencies—in various countries. By 1983, CSWM had produced a pamphlet designed to inform overseas adoption authorities of the procedures applicable in Australia.⁴¹ Though approval of the parents rested with the state authorities, responsibility for negotiating with a recognised child welfare agency in the nominated country for the placement of a child was vested in applicants, validating and empowering the (unaccredited) parent groups as vital intermediaries in the adoption process, and allowing a loophole for privately arranged adoptions to continue.

Establishing a new program in a new country, or expanding a program, involved developing a connection with a new institution or individual (generally one with some form of approval from the government welfare agencies of that country). Adoptions were carried out under the prevailing laws and regulations of the sending countries and then validated in Australia; children were either collected by their prospective parents in the country of origin, or were escorted to Australia. In Victoria, ASIAC seems to have enjoyed a harmonious relationship with the responsible government agency and also sent representatives to the peak committees advising the government on practice and policy. ASIAC's quest for 'new programs' seems to have proceeded in tandem with efforts by the Australian Council of

Social Welfare Ministers to establish formal working arrangements with prospective sending countries.⁴² This phase of ICA was quite competitive, with private international agencies courting around South-East Asia attempting to 'capture the market'. Sending countries were as equally ill-prepared as receiving countries for this escalation of ICA.

From its inception, ASIAC conducted its adoption programs as part of a suite of child support measures that included in-country sponsorship of individual children and aid programs, both often linked to the contact institution from which adoptions also took place (a linkage later viewed as highly problematic). The group's newsletters bear witness to good intentions and a commitment to high standards, but perhaps also to the somewhat naïve idealism of these early humanitarian ventures. The personal connection with administrators and carers in sending countries reinforced the notions of reciprocity that Young ascribes to the second phase of ICA.⁴³ ASIAC effectively functioned as an intermediary between the Australian government agency (CSV in Victoria) and an institution in the sending country from which a child was allocated, offering assistance, support and advice to parents as they moved through the process. At the same time, parents frustrated by delays in the official handling of applications took advantage of gaps and loopholes in the regulation to execute private (unapproved) adoptions. Complaints clustered around the delays, but private adoptions occasioned media eruptions around ICA issues.

Phase 2: 1984–1990: Reciprocity – Government to Government

The 1980s saw the evolution of ICA into a permanent feature of international child welfare and domestic family formation.⁴⁴ It was a period of expansion in ICA globally; in Victoria, the numbers of intercountry adoption placements that were legalised in the County Court of Victoria increased from 13 in 1982–83 to 105 in 1990–91.⁴⁵

This was a time when an increased demand for services placed pressure on local authorities. Reporting to the Victorian parliament in September 1987, Minister for Community Services Caroline Hogg summarised the activities of Community Services Victoria in relation to ICA in the nine months since December 1986:

the Intercountry Adoption Service has received in excess of 2000 inquiries; invited more than 200 couples to discuss intercountry adoption issues; received 160 firm applications from couples; assessed

60 couples and approved 40 of them as prospective adoptive parents; supervised 90 children in placements; prepared 35 cases for legislation of adoption through the Victorian courts; and placed 42 children with Victorian couples.

Hogg expressed herself as well satisfied with the volume of requests and the standard of service.⁴⁶ Reflecting what seems to be an historic polarity of opinion, however, media reports found CSV to be ideologically opposed to ICA, and to be expressing that opposition through a deliberately cumbersome and time-consuming delivery of services.⁴⁷ Periodic scandals underlined individual attempts to circumvent the system.

The 1980s was also a period of more resolute action by Australian governments to impose a national code of practice that progressively confined involvement of the parent groups to support, education and consultation.

The *Report to the Council of Social Welfare Ministers and the Minister for Immigration and Ethnic Affairs of the Joint Committee on Intercountry Adoption Together with the Ministerial Response to the Report* (Layton *et al.*, 1986) represents an important milestone in the unfolding legislative history of ICA. According to the chairman of the committee, Ron Layton, the report was commissioned in May 1985 in response to ongoing criticism, both within Australia and overseas, of the way in which ICA operated, and represented an attempt 'to determine strategies for the efficient management of services with a view to enhancing a co-ordinated Commonwealth, State and Territory approach to the service'.⁴⁸ This undertaking involved the development of a plan of concerted action on the part of state and federal authorities for the management of ICA, a clear allocation of responsibilities between the Commonwealth and states and territories, the enunciation of clear and specific national domestic guidelines, and a commitment to ensure some degree of compliance to specified standards of legitimacy on the part of overseas countries. In Victoria, the *Adoption (Amendment) Bill 1987* contained provisions for the implementation of the national guidelines under Victorian legislation, as part of a recommended move towards a uniform national approach.⁴⁹ Victoria also developed its own code of practice, the *Victorian Adoption Standards* (1986), to cover both local and intercountry adoption. Other policy documents dealt

with the relationship between CSV, the federal departments and their respective obligations.

Though the Joint Committee on Intercountry Adoption attempted to resolve issues arising from the split Commonwealth and state/territory jurisdictions and allocate responsibilities for ICA, the Commonwealth declined to accept overall responsibility for the program, and the existing division of roles remained in place. The guidelines did not preclude parent groups like ASIAC from involvement in the allocation and placement of a child for adoption overseas, but they did introduce a review process, prior to the issue of a visa, in part to minimise the danger of malpractice and exploitation potentially arising from private, independent negotiations.⁵⁰ ASIAC's submission to this inquiry endorsed the need for the establishment of clear criteria for acceptable overseas agencies.

If the *Report* arose out of perceived criticisms of ICA management, the members of the joint committee were equally critical of the philosophical position of some prospective parents, as reflected in public submissions. The Committee 'was not convinced that altruism and a child centred focus are reflected in current practice'.⁵¹ Indeed, it found prevailing attitudes to reflect more parent-centred motivations: an inherent right to a child; an idea that wealth and influence could obtain a child; that a child's best interests would be served by a life in Australia (an attitude characterised by one correspondent as 'cultural imperialism'). (Demonstrating the notable persistence of themes of public rhetoric around ICA, this last claim is echoed in Tony Abbott's remark: 'I've always said to be born in Australia is to win the lottery of life and we would like to see more children be given that opportunity'.)⁵² Often such philosophies were coupled with a preparedness of couples and individuals to bypass the system.

The trigger for local legislative review in Australia was the 'Baby Kajal' case in Victoria in 1989. Though privacy issues prevent detailed discussion of the Kajal case, the extensive media coverage may be freely viewed on contemporary databases. In summary, when the mother in the family originally approved to adopt the child was discovered to be pregnant, the baby was moved, and then moved back, between two sets of adoptive parents. Both couples appealed to the courts for remedy and the whole drama was played out, step by step, in the press.⁵³ At one stage, the federal minister asserted his rights of guardianship over the child

and intervened in state government arrangements, throwing into sharp relief the problems inherent in the prevailing Commonwealth/state and territory juridical provisions. ICA as an adoptive practice came under close, and not always sympathetic, public scrutiny.

The scandal was a local one, though Boss and Edwards claim that, through it, Australia came close to alienating the Indian government.⁵⁴ In Victoria, CSV suspended processing of new ICA applications in consequence. Government statistics show that Victorian numbers did fluctuate between 1989 and 1992: 50 (1989–90), 105 (1990–91) and 67 (1991–92), but the anomaly seems to be the peak of 105, rather than the lower figures. A significant dip occurred between 1992 and 1994.⁵⁵

In the wake of the Kajal scandal, Justice Francis John Fogarty of the Family Court was commissioned to head a review of the administrative, legal and human issues surrounding ICA in Victoria. In his report, Fogarty provided a summary of how the program could be viewed at the end of the 1980s: as an adoption program (which he insisted that it fundamentally was); a humanitarian program (which it had been at first, but, increasingly, no longer was, though humanitarian motives remained part of the mix); as part of Australia's overseas aid program; and as a solution for infertile couples (an idea which he strenuously opposed). He maintained that humanitarian and fertility issues were aspects of ICA, but not defining characteristics.⁵⁶ He noted that, at a practical level, ICA was enmeshed in legislation at both state and federal levels, and in an array of guidelines and standards. Administrative powers, responsibilities and accountabilities were divided between the federal and state governments. Increasingly, international elements were being added to this mix: not only the treaties, but the laws and requirements of the countries of origin.

Fogarty asserted that the sensitivities of ICA were such that the program had to be run by governments: to ensure that the best interests of the children were the first concern, that abuses of human rights were avoided, and that accountability was ensured. Parent groups could legitimately act as advocacy, support or pressure groups, but could not be involved in any way with the processing of adoptions. Moreover, if parent groups were to be an integral part of the program, they could not at the same time support open breaches of essential aspects of the program.⁵⁷ The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) would resolve

this question through its accreditation requirements, which effectively excluded the parent groups.

Fogarty attributed the ongoing difficulties of the program to an ‘unresolved controversy about its philosophic base.’⁵⁸ The notion that ICA is a humanitarian program, or that its purpose is to provide children for families (rather than families for children) leads to a conclusion that standards can be less regulated, that the children are ‘lucky’, and that well-intentioned applicants should be free to seek out children for themselves in overseas countries.⁵⁹ The result was a gap between community views about ICA and the views of government agencies as expressed in guidelines and procedures. Specifically, Fogarty saw confusion arising out of the imposition of a fee for service. ICA is an expensive program to administer, requiring as it does close on-the-ground liaison with agencies and individuals in countries of origin. Fees for service are necessary to help cover costs, but create ambiguity around the question of who is the client. ‘The fact that the prospective parents are paying out and they are in the state and the children are not gives rise to a view that the service is for them. It is not.’⁶⁰ Fees also create expectations as to the quality and speed of service, with parents at times making unrealistic demands of professional staff. Fogarty advocated (unsuccessfully) the abolition of fees for service. To a great extent, the discrepancies of perception noted by Fogarty persist to this day; again, we catch echoes in the current discussion.

The most immediate legislative consequence of the Kajal scandal and the Fogarty review was the *Adoption (Amendment) Bill (No. 2)* of April 1991, which transferred guardianship of non-citizen children entering Victoria for the purposes of adoption from the Commonwealth minister for immigration, local government and ethnic affairs—held under the *Commonwealth Immigration (Guardianship of Children) Act* of 1946—to the director-general of Community Services Victoria.⁶¹

The pathway to reform was not, however, a smooth one. Global anxieties ran high in the wake of the abduction of children from Romania following the fall of the Ceausescu regime in 1990, a scandal in which Australia was not implicated. In 1991, however, a Victorian family became embroiled with CSV in a case which seemed to encapsulate the failings of the system, despite Justice Fogarty’s optimistic conclusion, in his follow-up review of 1991, that things had improved.⁶² A couple had applied to adopt a child from overseas in 1984. They were approved in

1988 and, in January 1990, they were allocated a baby girl from India. Unfortunately, that baby died before departing for Australia. In June, CSV promised the couple the quick allocation of another baby; by September that promise had become 'by Christmas'. Meantime, with no more babies available from India, the couple transferred to the Sri Lankan program. CSV forwarded their file to an orphanage in Sri Lanka, via the Australian embassy there, thus completing the approval stage. In mid-July 1991, with no prospect of an approved allocation of a child, the couple went to Sri Lanka where they selected a baby and completed legal formalities for adoption within that country. However, CSV refused to allow them to keep the child. The couple was then faced with two options: to wait for ten months pending the placement of children with those families above them on CSV's list, or, live in Sri Lanka for a statutory twelve months, which would enable recognition of the adoption under the domicile provisions of some Australian legislation. CSV promised a review of the case in three months, but the urgent issue was what was to happen to the child.

With its evident appearance of departmental obstructionism, this was not a case to be lightly set aside by Victorian legislators currently debating the *Adoption (Amendment) Bill (No 2)* in September 1991.⁶³ Here were parents who, after attempting for more than seven years to work within the system, were driven by frustration and apparent bureaucratic stonewalling to go outside it, an action which could not be officially condoned. Debate centred on whether such delays were reasonable, efficient or humane.

Phase 3: 1990–2008—Cooperation and Compliance

Young maps her third phase across the years from 1991 to 2005, a mapping that could also be applied to Australia.⁶⁴ She discerns two contradictory tendencies globally. On one hand, there was increasing commercialisation of ICA: US internet sites advertising children; fees for services, travel and other costs; and a lack of transparency in 'fees' and 'donations'. On the other, international regulation increasingly reaffirmed a child-led approach in which ICA was a 'last resort'.

Before 2008, Australian legislative reform was on a seesaw between the need to review and revise delivery of services domestically at a state level, and the need to effect cooperation internationally—initially through working agreements between countries, then through the formal mechanisms and apparent safeguards afforded by ratification of

CRC and Hague. Tension between the two gave rise to criticisms that the application of the notion of ‘the best interests of the child’ was being used to conceal bureaucratic obstructionism and lack of support for ICA. At a practical level, pressures of compliance required a rethinking of the allocation of responsibilities between Commonwealth and states, and particularly a rationalising of the role of the Commonwealth.

Article 21(e) of the *Convention on the Rights of the Child* called for countries to establish multilateral and bilateral agreements to implement ICA safeguards, but failed to specify how this might be achieved or what form safeguards might take. Nonetheless, Australia’s ratification of CRC in December 1990 ushered in a new era in which compliance and the fulfilment of international reporting requirements dominated the national legislative agenda and, in consequence, management of ICA progressively shifted to the Commonwealth (though the administration and delivery of adoption services remained with the states). Ratification of CRC ‘obliged the Australian parliament to undertake to revise and amend laws where they contravene the provision of the Convention’.⁶⁵ Most fundamentally, this required the re-examination of the legislative applications of the paramountcy principle of the welfare and interests of the child (as consolidated in the ‘Model Bill’-based domestic adoption legislation of the 1960s).⁶⁶ Of the four core principles of the Convention—non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child—the notion of ‘the best interests of the child’ has proved most problematic juridically.⁶⁷

Internationally, CRC was seen to provide ICA with ‘a legitimate place among alternative care arrangements for children without families’.⁶⁸ Domestically, most discussion has focused on the application of the principle of ‘the best interests of the child’ in custody case law. The basic questions are: what exactly is meant, and who decides? Who speaks for the child? Boss and Edwards note that while the principle is asserted unequivocally, it is blurred and not always uniform in application.⁶⁹ In practice, all sides co-opt the ‘best-interests-of-the-child’ argument to bolster their positions. Dubinsky writes wryly of ICA, ‘The protagonists are children, but the social and political dramas they express are always created by and about adults’.⁷⁰ Boss and Edwards endorse her reading in the Australian context: negotiations and arrangements are made *about* the child, *because of* the child and *for* the child, but not *with* the child.⁷¹

Equally, one might argue that the families of origin are misty, undefined entities rendered invisible by the rhetorical emphasis on ‘orphans’, a descriptive category no longer sanctioned by UNICEF.⁷²

The Romanian scandals drew attention to the escalating problem of baby-trafficking and the need for uniform global standards. The *Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993) was an instrument created to address this problem by specifying uniform procedures to be followed by participating countries.⁷³ In 1998, the Commonwealth government moved to implement the Convention, international legislation designed to ‘refine, reinforce and augment the broad principles and norms laid down in the CRC (specifically Article 21)’ and establish a global child protection mechanism for ICA.⁷⁴ These principles include ensuring that adoption is authorised only by competent authorities, that ICA enjoys the same protections and safeguards that apply in local adoptions, and that ICA does not result in improper financial gain for those involved in it. The enabling legislation required to achieve implementation included the Commonwealth Family Law amendments *Family Law (Hague Convention on ICA) Regulations* 1998, together with complementary legislation at state and territory level. In Victoria, enabling legislation was contained in the *Adoption (Amendment) Bill* (2000).⁷⁵ Changes in the composition of sending countries, and especially the emergence of China, a non-Hague signatory, as a main source for children required complementary federal legislation in the form of the Family Law amendments, *Family Law (Bilateral Arrangements—ICA) Regulations* 1998.

Clair points out that Hague does not establish a uniform adoption law; rather it sets minimum standards to be observed and proposes a system of cooperation aimed at preventing the abduction, sale or trafficking of children.⁷⁶ The provisions are meant, first and foremost, to protect children.⁷⁷ Smolin goes so far as to say that Hague was primarily an ‘anti-trafficking treaty’.⁷⁸ There is an extensive literature on the shortcomings of Hague, much of it written by scholars of international law. Major flaws have been identified: weak baby-selling guidelines, a lack of mechanisms for enforcement, and ambiguous terminology that leads to non-uniformity.⁷⁹ But Hague at least attempts to establish an international benchmark for ethical ICA practice and establishes cooperation as a means of responsibility-sharing between sending and receiving countries.

Domestically, one could frame this phase around the two Memorandums of Agreement between the Commonwealth and the states/territories that eventually came to mark the end of the Commonwealth government's historical reluctance to assume real responsibility for ICA. The first, the *Commonwealth-State Agreement for the Implementation of The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, 1998, came directly out of ratification of Hague and was established to appoint the Attorney-General's Department as Australia's central authority and confer legislative power from the states to the Commonwealth. The second, *Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program*, 2008, was a renegotiation in the light of the recommendations of the 2005 House of Representatives Standing Committee on Family and Human Services (HRSCFHS) Inquiry, *Overseas Adoption in Australia*, chaired by Senator Bronwyn Bishop.⁸⁰ The Committee conducted the inquiry after reviewing the 2003–04 report of the Australian Institute of Health and Welfare, which showed that while tens of thousands of Australian children were in foster care or other forms of out-of-home care, the number of domestic adoptions in Australia had massively declined, and intercountry adoptions were the dominant form of adoption. Though nominally investigating the equitable delivery of services and benefits domestically, the inquiry was concerned with the longstanding issue of the rationalisation of responsibilities between the states and territories and the Commonwealth. The year 2005 heralded a new phase of ICA in Australia with the recommendations of the Bishop inquiry.

Phase 4: 2009 to the Present—Towards Harmonisation

Although recommendations of the 2005 Bishop inquiry were broadly accepted in principle and in detail in a ministerial response as early as 2006, they were implemented very slowly. Movement towards reform began in 2008, but it was really only the revelation of Australia's complicity in three proven cases of child trafficking from India (2008–09) that initiated real movement towards this rationalisation.⁸¹ The *Attorney-General's Department Intercountry Adoption Strategic Plan* (2009) marked the end of historically ad hoc program development by states and territories, and identified the Commonwealth as owning primary responsibility for the establishment and management of

Australia's ICA programs with other countries. The states and territories retained responsibility for the operational aspects of ICA.

Several consultative groups have been created in response to identification of problems in the 2005 HRSCFHS Report, including the National Intercountry Adoption Advisory Group and an Alternative Models Working Group. The Intercountry Adoption Harmonisation Working Group is devoted to the task of greater harmonisation of legislation, fees and administration between the states and territories, which hitherto had developed arbitrary differences in procedure, eligibility requirements and legislation.⁸²

Paradoxically, this final stage of regulatory rationalisation was achieved at a time when the numbers of children available globally for transnational adoption is in decline. One could argue, however, that this is still a timely convergence of tendencies, as the declining availability of children has not been matched by declining demand in receiving countries. An imbalance between demand and supply has always created a fertile environment in which unsanctioned activity can take place. In this highly contentious field, bureaucratic solutions can assist, but do not guarantee resolution of the oppositional views that collect around ICA.

Conclusion

Deborra-lee Furness and other advocates of a deregulated free-market approach to ICA may capture the attention of the popular media, especially women's magazines and television morning talk shows, but until Tony Abbott announced the pending review, there was no sign that they were influencing domestic policy. Presently, ICA in Australia is firmly and comprehensively under the jurisdiction of the Attorney-General's Department, and adoption programs are subjected to rigorous scrutiny. Moreover, Australia is a member of the Hague Permanent Bureau's International Advisory Group, working together with the Hague ICA Technical Assistance Program to assist countries to implement ethical and viable ICA legislation and procedures.⁸³ Nonetheless, a core problem remains, namely that 'despite firm control of Australian authorities over the regulation of domestic procedure ... their inability to guarantee the legitimacy of overseas agents establishes the risk of future cases [of child trafficking]'.⁸⁴ Ongoing revelations of malpractice highlight the difficulties of detecting abuses of the system occurring overseas. Problems exist with informed consent, especially in countries where universal literacy is not a given fact, and with accidental

mishandlings of individual cases by well-intentioned agents as in the recent example of Saroo Brierley.⁸⁵ Indeed Consuelo do Campo has criticised the Australian system's reliance on the consent processes and compliance certificates of Convention origin countries solely on the basis of their ratification of Hague.⁸⁶

The rights of birth families and the problematic nature of 'informed consent' are issues pushed even further into the background by then Prime Minister Tony Abbott's recent announcement that Australia would automatically recognise full adoptions from South Korea and Taiwan (countries from which 40 per cent of intercountry adoptions occurred in 2012).⁸⁷ Australian law allows for the conversion of 'simple' adoptions—that is, adoptions that create a legal relationship between a child and its adoptive parents while maintaining a legal relationship with the birth family—into 'full' adoptions, which sever all legal ties with the birth family in favour of the adoptive parents. Simple adoption can be revocable; full adoption is not. In Australia, the conversion required its own court procedure, now presumably no longer necessary. While this apparent 'streamlining' has been welcomed by Furness, other experts in the field have found Australia to be 'seriously at risk of conducting perfectly legal illegal adoptions'.⁸⁸

According to Australian Institute of Health and Welfare statistics, 22 intercountry adoptions were finalised in Victoria in the year 2013–14 (compared to 24 in 2012–13, a steady decline from the highpoint of 132 in 2004–05) out of a national total of 114 (also a decline from 138 in 2012–13). But as Dubinsky and other scholars have pointed out, intercountry adoption is an area in which the significance and importance of the issues involved far outweighs a mere reckoning of numbers. In terms of engagement with issues, Victoria has been a lead state within the Australian federation in both initiating legislation and undertaking reform. The 2013 national apology to those affected by forced adoption has opened a new debate domestically as to whether ICA perpetuates practices no longer tolerated in local adoption in the first world, specifically in the three areas of relinquishment, rights to information and contact with birth families.⁸⁹ A 2010 Protocol from the Australian Attorney-General's Department would seem to be directly addressing these concerns.⁹⁰ Debates on these and other problematic aspects of ICA continue to dominate the local and international literature at a time when the practice itself appears to be in decline.

Notes

- 1 The opening quote is from Peter Fopp, interviewed by Joshua Forkert, Adelaide, 15 July 2009. We thank Joshua Forkert for access to the transcript.
- 2 The report, released 7 April 2014, may be found at <https://www.dpmc.gov.au/report-interdepartmental-committee-intercountry-adoption>, accessed 7 April 2015. On 17 June 2014, the Senate referred resulting legislation to its Legal and Constitutional Affairs Legislation Committee for inquiry and report. The purpose of the legislation was to amend the *Australian Citizenship Act 2007* to provide access to citizenship for children adopted by Australian citizens through bilateral arrangements made by Australia with specific countries that are not parties to the Hague Convention on Protection and Co-operation in respect of Intercountry Adoption. The *Australian Citizenship Amendment (Intercountry Adoption) Bill 2014* was passed by the Senate on 9 February 2015.
- 3 Jonathan Swain, 'PM Tony Abbott Pledges to Ease the Way for Overseas Adoption after Campaign by Actor Deborah-lee Furness and husband Hugh Jackman', *Sydney Morning Herald*, 19 December 2013, <http://www.smh.com.au/federal-politics/political-news/pm-tony-abbott-pledges-to-ease-the-way-for-overseas-adoption-after-campaign-by-actor-deborralee-furness-and-husband-hugh-jackman-20131219-2zmlw.html>, accessed 7 April 2015. Prompt action saw the passing of the *Family Law (Bilateral Arrangements—Intercountry Adoption) Amendment (2014 Measures No. 1) Regulation 2014*, which allowed immediate recognition of some then not-finalised adoptions from Ethiopia and Taiwan (non-Hague countries).
- 4 These features of ICA were noted in 1989 by Mr Justice JF Fogarty, K Sanders, and M Webster, *A Review of the Intercountry Adoption Service in Victoria*, Melbourne, Victorian Family and Children's Services Council, 1989, pp. 38f.
- 5 Fogarty *et al.*, p. 66.
- 6 Karen Dubinsky, *Babies without Borders: Adoption and Migration across the Americas*, New York, New York University Press, 2010.
- 7 Siobhan Clair, 'Child Trafficking and Australia's Intercountry Adoption System', Research Paper, Brisbane, University of Queensland Human Trafficking Working Group, 2012, www.law.uq.edu.au/humantrafficking, accessed 7 April 2015.
- 8 Joshua Forkert, 'Orphans of Vietnam: A History of Intercountry Adoption Policy and Practice in Australia, 1968–1975', PhD thesis, University of Adelaide, 2012, p. 136, n. 72.
- 9 Parliament of the Commonwealth of Australia, House of Representatives Standing Committee on Family and Human Services 2005, *Overseas Adoption in Australia: Report on the Inquiry into Adoption of Children from Overseas*, Canberra, Commonwealth of Australia, 2005, pp. 6–8.
- 10 For an historical summary of ICA practice in Australia, see Chapter 5, 'The Rise and Fall of Intercountry Adoption', in Marian Quartly, Shurlee Swain and Denise Cuthbert, *The Market in Babies: Stories of Australian Adoption*, Clayton, Monash University Publishing, 2013, pp. 102–27.
- 11 For an overview of the Australian and international scholarly discussion of sociological issues relating to ICA, see Indigo Willing, Patricia Fronck and Denise

- Cuthbert, 'Review of Sociological Literature on Intercountry Adoption', *Social Policy and Society*, vol. 11, no. 3, 2012, pp. 465–79.
- 12 For example, David M Smolin, 'Intercountry Adoption and Poverty: A Human Rights Analysis', *Capital University Law Review*, no. 36, 2007, pp. 413–53.
 - 13 United Nations, *Report of the European Seminar on Inter-Country Adoption*, Leysin, Switzerland, 22–31 May 1960. The 'Leysin principles' emerged from a seminar on ICA organised under the auspices of the European Office of the United Nations in Leysin, Switzerland. The Leysin principles were the first set of principles to be formulated in the ICA sphere. Revised several times since, they are the basis of all subsequent national instruments dealing with ICA. For a summary of key points as revised and presented to the UN in 1985, see Christopher Bagley, 'Adoption of Native Children in Canada: A Policy Analysis and a Research Report', in Howard Alstein and Rita J Simon (eds), *Intercountry Adoption: A Multinational Perspective*, New York, Praeger, 1991, p. 73.
 - 14 See, for example, RAC Hoksbergen and J ter Laak, 'Changing Attitudes of Adoptive Parents in Northern European Countries', in D Brodzinsky and J Palacios (eds), *Psychological Issues in Adoption: Research and Practice*, Westport, Praeger, 2005, pp. 27–46 (parent motivation); Alexandra Young, 'Developments in Intercountry Adoption: From Humanitarian Aid to Market-driven Policy and Beyond', *Adoption & Fostering*, vol. 36, no. 2, July 2012, pp. 67–78 (for historical and social circumstances).
 - 15 For immigration, see Kirsten Lovelock, 'Intercountry Adoption as a Migratory Practice: A Comparative Analysis of Intercountry Adoption and Immigration Policy and Practice in the United States, Canada and New Zealand in the Post W.W. II Period', *International Migration Review*, vol. 34, no. 3, Autumn 2000, pp. 907–49; for nation-building, see Kate Murphy, Sarah Pinto and Denise Cuthbert, "'These infants are future Australians": Making the Nation through Intercountry Adoption', *Journal of Australian Studies*, vol. 34, no. 2, 2012, pp. 141–61.
 - 16 'Australian Families Caught up in India', *ABC News*, 23 February 2009, <http://www.abc.net.au/news/2009-02-22/australian-families-caught-up-in-india-adoption/304668>, accessed 7 April 2015.
 - 17 For the voices of Australian adoptees, see Margaret Taft, Kay Dreyfus, Marian Quartly and Denise Cuthbert, "'I knew who I was not, but not who I was": Public Storytelling in the Lives of Australian Adoptees', *Oral History* (UK), vol. 41, no. 1, 2013, pp. 73–83; see also stories and articles collected on the Monash History of Adoption Project website, <http://artsonline.monash.edu.au/historyofadoption/adoption-stories/>, accessed 7 April 2015.
 - 18 Young, *passim*.
 - 19 Patricia Fronck, 'Operation Babylift: Advancing Intercountry Adoption into Australia', *Journal of Australian Studies*, vol. 36, no. 4, 2012, pp. 445–58; Forkert, 'Orphans of Vietnam', *passim*.
 - 20 See David Hambly, 'Adoption of Children: An Appraisal of the Uniform Acts', *Western Australia Law Review*, vol. 8, no. 3, June 1968, pp. 281–318.
 - 21 Quartly *et al.*, p. 3.
 - 22 Forkert, pp. 143–5.

- 23 Forkert, p. 120. This quote and information in the following paragraphs are from an interview with Moir and the recipient families. 'Out of the Storm', *Australian Women's Weekly*, 21 June 1972, pp. 4–5.
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- 26 Gregory *et al.*,, p. 2.
- 27 'President's report', *ASIAC Newsletter*, June 1979.
- 28 'President's report', *ASIAC Newsletter*, June 1979.
- 29 Forkert, p. 175, citing *Sydney Morning Herald*, 22 April 1995.
- 30 Dubinsky notes, 'Politicians kiss babies for a reason: children make great symbols for the nation's political aspirations', p. 17.
- 31 Peter Fopp interviewed by Joshua Forkert, 15 July 2009, see Quartly *et al.*,, p. 110.
- 32 'President's report', *ASIAC Newsletter*, June 1979.
- 33 *Report to the Council of Social Welfare Ministers and the Minister for Immigration and Ethnic Affairs of the Joint Committee on Intercountry Adoption together with the Ministerial Response to the Report* (Layton), September 1986, p. 97.
- 34 Gregory *et al.*, pp. 3–4; Peter A. Fopp, 'Outline of working arrangements between the State and Territory Adoption Authorities of Australia and the Director of Public Welfare of (country), to facilitate the adoption of (country) children by Australian applicants who have been approved for that purpose', in P. A Fopp, 'Working arrangements for inter-country adoptions: State and Commonwealth Officers Meeting, Adelaide, 10 March 1978' (Attachment 2, pp. 6–10) (national agency); [PA Fopp,], Report Australian delegation on inter-country adoption to certain Asian countries, December, 1978; PA Fopp, Report [to the Permanent Heads of the Australian States and Territories Social Welfare Departments] of the 1979 Australian Intercountry Adoption Delegation, December 1979 (working agreements).
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- 37 Gregory *et al.*, p. 2: The proposal was rejected by a meeting attended by State and Australian government representatives and the convener of the Victorian sub-committee in July 1974 (that is, before the Babylift); Davey *et al.*, pp. 207f.
- 38 Peter Boss and Sue Edwards, *Adoption Australia. A Comparative Study of Australian Adoption Legislation and Policy*, Notting Hill, The National Children's Bureau of Australia Inc., 1992, p. 58; Jennifer Degeling, 'A Discussion Paper on Accreditation Issues', Preliminary document No. 3 of August 2005 for the attention of the Special Commission of September 2005 on the practical operation of the Hague Convention

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- 41 Council of Social Welfare Ministers, *Intercountry Adoption: Australian Procedures Relating to the Placement of Children from Other Countries for Adoption*, April 1983.
- 42 Fopp, Reports, 1978 and [1979].
- 43 Young, p. 70.
- 44 Young, p. 72, citing Pilotti; Denise Cuthbert, Ceridwen Spark, and Kate Murphy, "'That was then, but this is now": Historical Perspectives on Intercountry Adoption and Domestic Child Adoption in Australian Public Policy', *Journal of Historical Sociology*, vol. 23, no. 3, 2010, pp. 427–52.
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- 52 Rick Morton, 'Tony Abbott Announces Adoption Taskforce, Backed by Furness, Jackman', *The Australian*, 19 December 2013, <http://www.theaustralian.com.au/national-affairs/tony-abbott-announces-adoption-taskforce-backed-by-furness-jackman/story-fn59niix-1226786541811>, accessed 7 April 2015.
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- 54 Boss & Edwards, p. 15.
- 55 For a national summary 1987–2005, see *Adoptions Australia 2010–2011*, Canberra, Australian Institute of Health and Welfare, 2011.
- 56 Fogarty *et al.*, p. 40.
- 57 Fogarty *et al.*, pp. 43, 86 & 88.
- 58 Fogarty *et al.*, p. 66.
- 59 Fogarty *et al.*, p. 41.

- 60 Fogarty *et al.*, pp. 41–2.
- 61 Kay Setches, Minister for Community Services, ‘Adoption (Amendment) Bill (No. 2), Second Reading’, Legislative Assembly, 7 May 1991, *Hansard*, p. 1840.
- 62 Justice JF Fogarty, *The Intercountry Adoption Service in Victoria: A Follow Up Review*, Melbourne, Victorian Family & Children’s Services Council, 1991. The name of the family is omitted for considerations of privacy, though the case was well publicised in the press.
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- 64 Young, pp. 73–4.
- 65 J Neville Turner, ‘Rights of the Child under UN Convention’, *Law Institute Journal*, no. 66, January 1992, p. 40.
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- 70 Dubinsky, p. 7.
- 71 Boss & Edwards, p. 43.
- 72 See, for example, <http://www.unicef.org/graca/alone.htm>, accessed 7 April 2015.
- 73 Chantel Ryan, ‘Intercountry Adoption: Past, Present and Future Concerns Regarding its Existence and Regulation’, Working Papers, *Australian Journal of Gender and Law*, no. 1, 2008, p. 133.
- 74 See Clair, p. 10; see also Jennifer Degeling, ‘Intercountry Adoption—a New Convention for Australia?’ *Australian Law Librarian*, vol. 1, no. 5, 1993, p. 214.
- 75 Legislative Council, 12 April 2000, *Hansard*, 705. A summary may be found in the Parliament of Victoria, *Alert Digest*, no. 5, 2 May 2000.
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- 77 UNICEF, May 2010, from the Australian A-G website, ‘Summary table, investigation into possible new programs, Attachment A’, accessed June 2013.
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- 80 *Overseas Adoption in Australia*, 2005, Appendix G (1998), <http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Documents/Program.pdf> (2008) <http://www.ag.gov.au/FamiliesAndMarriage/IntercountryAdoption/Pages/Australiasintercountryadoptionssystem.aspx>
- 81 Clair, pp. 4–5.
- 82 Clair, p. 19 & note 140.
- 83 In partnership with individuals and organisations on the ground, ICATAP develops solutions to address local needs. Assistance might involve providing advice on legislation, structural organisation and capacity building; identifying and overcoming bad practices, such as selling babies for adoption; and training people in the adoption procedure, and in the child protection system in general. Two major ICATAP projects, in Guatemala and Cambodia, have produced positive results. Australia was an active partner in the Cambodian project. http://www.hcch.net/index_en.php?act=text.display&tid=29.
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- 85 Saroo Brierley, *A Long Way Home*, Melbourne, Penguin Books, 2013.
- 86 Consuelo do Campo, 'Perfectly Legal Illegal Adoptions: A Critical Examination of Australia's Approach To Duly Informed Consent when Converting Adoptions under the Hague Convention on Intercountry Adoption', Honours Thesis, ANU College of Law, 2013, pp. 8–9. See also Office of the Prime Minister, 4 March 2014, 'Automatically Recognising Overseas Adoptions from Taiwan and South Korea', <http://www.pm.gov.au/media/2014-03-04/automatically-recognising-overseas-adoptions-taiwan-and-south-korea>, accessed 7 April 2015.
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- 88 See do Campo, p. 1 (citing Hervé Boéchat, ICA expert at International Social Service, Geneva) & p. 6 (simple and full adoptions explained).
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HISTORICAL NOTE

A Letter Home to Scotland from Warrenheip in April 1857: Insights into Life in a Railway Survey Camp

Ian Clark and Beth Kicinski

Abstract

This paper is concerned to publish a letter sent from a railway survey camp at Warrenheip in April 1857 by an assistant surveyor named John C Macdonald to his sister in Scotland. The letter was sent on an issue of the News Letter of Australasia. The letter provides insights into the living conditions of survey camps; the perils of travelling in the bush; nascent goldfields tourism, with its practice of taking visitors down into mines to see how they operated; and the difficulty of maintaining communication between families at home and their kin who had migrated to Australia. The letter was found in a suitcase of miscellaneous papers in an auction in Scotland in October 2012 and is published here for the first time.

A Letter Home to Scotland from Warrenheip in April 1857: Insights into Life in a Railway Survey Camp

This paper aims to publish a letter sent by a man named John C Macdonald, who worked for the Railways Department in Victoria. The letter was sent from a railway survey camp at Warrenheip, near Ballarat, in April 1857 to his sister Mary in Scotland. The letter was found in a suitcase of miscellaneous papers that were purchased as an auction lot in Scotland in October 2012. In the auction lot, amongst other family papers, there were also letters written by a Capt. Macdonald, 93rd Highlanders, from the Crimea (1854–56). These Crimean letters may help in the identification of John C Macdonald. Co-author Ian Clark purchased the letter through Ebay in December 2012.

As well as contextualising the letter's content, this paper also illustrates the process (and the difficulties) of utilising isolated documents, by illustrating the historical research undertaken to establish who the author of the letter may have been. Recent research such as that of Buelmann has shown the value of migrant letters,

which provide ‘unprecedented insights into the private world of migrants’.¹ Acknowledging that there is considerable debate about the utility of these personal testimonies, Bueltmann argues that the letters often record emotional and rational responses to life in the new world, as well as memories of the old, and as such provide a means of maintaining identity. As a literary form, engagement with emigrant letters requires ‘close scrutiny of letter writers and recipients alike.’² The difficulty in drawing general conclusions from personal testimonies is exacerbated by the fact that the focus of study is a single document. We scrutinised the letter as a record of personal experience and attempted to contextualise it within what Bueltmann calls ‘the migrant world’.

The Warrenheip Letter

The spelling in this letter is John Macdonald’s original spelling.

Railway Survey Camp
Waranheip nr. Ballarat³
April 7th 1857

My dearest Mary,

I hear the R.M.S.S. Columbia is posted at the office for the 14th so I will commence my letter to be ready.⁴ I write on a very good publication that has been got up lately. The only fault I see in it is that it is apt to give people too exaggerated notions of the scenery out here, but this number is very good, the blacks are very well done & are exactly like our old friends on the Campaspe.⁵

I got yr letters of Decr 5th wh[ich] I mentioned last letter but the Janry ones have not turned up yet. I also got one from Lord P on 14th Mar. dated Novr 4 enclosing me an introduction to Sir H. Barkly for which I am very much obliged to him & will write & thank him when I present it, but as we are likely to shift camp soon to another part of the country & Mr O’Shannassy (the leader of the (once opposition) new government) does not seem to intend to do much yet with Victoria’s railways I shall wait & go down to Melbourne having hinted to Mitchell previously that a bed at his house would not be by any means a bad arrangement.⁶ Lord P’s letter was sent out in the government’s bag and by some means or other was not delivered as soon as it ought to have been.

We have had the most lovely weather till today cloudless skies & coldish nights, regular autumn, but we have been beginning to provide against winter. Hitherto (during summer) we had no cooks house on

the camp. We contrived to make dampers & boil water at the back of a log but we have had a galley rigged with logs & brush so that at night if cold we squat before a blazing fire on logs & yarn &c. &c.

The other night we had an amusing fellow who came after lodgings, a Frenchman he could talk very intelligible English, we drove him out but he was sharp enough, he came from a small place close to Paris but had been a good while in this country and had gone up to a place called Dunolly (gold diggings) where there has been a great rush lately and had been unlucky & intimated to us that he had only “ten shillings” in the world & was going through the bush intending to make some station or farm to get work on & bushed himself & was glad to find our lights.⁷ A great number of people lose themselves for hours about this, & formerly days, it is so densely timbered. Out levelling 3 miles S of this Mr Hardie met 2 small station boys with an organ they were going to some diggings & had bushed themselves & had prepared a place with branches for the night.⁸ He had a team & shewed them their road to the nearest station where they would get grub.

We had a total eclipse of the sun here on the 26th March but it was so early in the morning that when he became visible above the timber he was only half observed.⁹

I went (when in Ballaarat the other day) down a quartz claim to see the workings. There was no sign of gold although the miners were at the time arriving and expecting to get some. The diggings about here are not doing so well now, some people who are lucky continue now & then to fall on fortunes—but the majority are what is commonly called hard up. On the 22nd I walked into church & went to the Church of England—they have a very small chapel but are building a larger [one]. A Mr Potter is the clergyman.¹⁰ Last Sunday I went to the Wesleyan, they have a very good chapel & preacher & the church was crammed.

We have just received the news of an old camp chum's death, by name Garnett, he had formerly been in the navy (was related to a Sir W. Cope Garnett Bash) married at home contrary to the wish of his friends a Roman Catholic & I fancy came out here in consequence, he was an Irishman & had some strange whims, but was a good meaning old fellow & used to give very good advice to the men (against drinking & spending money).¹¹ That journey we had last winter in the wet & cold (so the doctors seem to think) knocked him up although I think his illness must have commenced before. He has left his wife totally unprovided for & we are raising a subscription to send her home to Ireland where she wishes to reside with her friends. They have raised about 25£. We gave 9£ out of our camp & I think by the time it has gone the rounds of the several surveyors tents they will raise enough

at least for a 2nd cabin passage. Poor Garnett was not much of a hand & was discharged about 6 months ago. He made that small sketch of our tent & 2 or 3 Blacks, wh[ich] my mother was glad to have received.

We had a very pretty sight on Feb 29th, a kangaroo suddenly found himself right amongst the tents, alarm was given and all hands rushed out bareheaded from their habitations & seizing branches gave chase. It was pretty to see him with what ease he took the creek and immense dead trees, the dogs were too slow for him & before a gun was charged kangaroo, dogs & men were out of sight. It is seldom they come in so close.¹²

The government have just been taking the census of the colony and we had papers left here—it was amusing to notice the different places people were born in—Bengal, Stirling, Mauritius, New York—all mixed up together.¹³

One of our men discovered the other day that he had been advertised for by his friends for the last 4 years and only just caught sight of it. He is a son of the late Revnd D. Murray of Dysart, Fyfe, his father having died left some money and his sisters could not touch it unless he consented.¹⁴ He had not written home for 4–5 yrs and just by chance heard of his name being in the Gazette of missing friends.¹⁵ This was rather a curious instance.

With very best love to my father & mother & Dudley.¹⁶ Believe me your very affct brother

John C. Macdonald

The Letter Writer: John C Macdonald

The voice of John C Macdonald reaches out across the years through his Warrenheip Letter, suggesting to the reader that here was a relatively young man, of a loving family, well-educated, fun-loving, sometimes irreverent and apparently determined upon a successful career. His letter displays a wide vocabulary and diversity of interests. For example, from the letter, it is clear that Macdonald had an interest in the Indigenous people of Victoria, suggested by his positive reaction to the Aboriginal images on the letter paper that he used for his correspondence. He considered them well drawn and resembling his ‘old friends on the Campaspe’. He also refers to a small sketch his late colleague Garnett had drawn for him that included Aboriginal people which he had sent to his mother—‘small sketch of our tent & 2 or 3 Blacks, wh[ich] my mother

was glad to have received. From a 21st century perspective, it would be easy to interpret his wide vocabulary as an indication of higher learning and, consequently, search for the writer within a higher echelon of society. Yet, Scotland—home, we would presume, of a ‘Macdonald’—was a place unusually forward-thinking in its efforts to improve life for all by educating even the poorest to higher levels of literacy and numeracy than any other cultural group in the British Empire, effectively raising an entire section of their society to the middle class.¹⁷ And, if this letter-writer was not educated within that Scottish system, it may simply be that he was far more suited to learning than the average young man of his time. So, the cleverness of his writing is not an accurate means of identifying the man.

Eric Richards has argued that ‘Scots were ubiquitous in the invasion and Europeanization of the Australian continent’, and they were skilled at constructing immigrant networks that sustained a sense of affinity and held families together.¹⁸ On first reading, Macdonald’s letter, especially his ‘dearest Mary’ address and signing off ‘your very affct brother’, indicates a man who has travelled to the other side of the world, yet feels himself still firmly within the bosom of his family. He is, it would seem, a young man on a grand adventure. Although he names some of the people he has encountered, the only one identified as a more constant companion is the unfortunate, recently deceased, Garnett. It is not, however, Garnett’s status as ‘old camp chum’ that may help to understand who “John C” was, but the manner in which the letter concentrates on Garnett having ‘married at home contrary to the wish of his friends a Roman Catholic’. There is nothing concrete in this, but it may suggest that “John C” was not himself of that denomination as would be implied by his choice of congregations with which he worshipped when he visited Ballarat when he was based at Warrenheip—Church of England and Wesleyan.

With these clues, a search can be mounted for a ‘John C Macdonald’ who arrived in Australia no later than December 1856; who is not a Roman Catholic; has parents living at the time of writing; and a sister named Mary. It could be assumed that Dudley (or Headley) is a brother—but nothing in the letter actually confirms this—he could be Mary’s fiancé. ‘Macdonald’—which may be spelled several ways—is a common surname, and the rural hardships of Scotland, which had brought about massive clearances of tenant farmers, saw many people migrate to Canada and Australia. By 1856, many with that surname had arrived in Australia. In October 1838, for example, in one shipload of 332 passengers, some 146 carried the surname Macdonald.¹⁹ A search of immigrant records though

finds that John was not such a common forename in these groups—with a ‘John Macdonald’ arriving in 1855 on board the *William Miles* from Liverpool.²⁰ Ship records would indicate that here may be our letter writer: for he was a man of 22 years of age, a labourer from Inverness, of Presbyterian religion and able to read and write.²¹ Now, a search could go round and round in circles trying to identify this one young man through genealogical sites. Fortunately, the *Inverness Emigrant Index 1828–1866* compiled by Peter Madden includes an entry for this ‘John McDonald’ with the information that his father was deceased.²² Similarly, the genealogical search has been no help in finding a ‘John C Macdonald’ of appropriate age—with a sister Mary and possible brother Dudley (Headley)—born within or outside Scotland.

Buelmann suggests the preservation of correspondence in family papers often attests to a high socioeconomic standing.²³ This is indicated in the letter writer’s relationship with ‘Lord P’. Intriguingly, it is this relationship that may be the means to finding our letter writer. For John Macdonald to have expected that a letter of introduction from this man ‘ought to have’ arrived in a particularly timely manner suggests a familiarity between the two or at least between ‘Lord P’ and John’s parents and/or grandparents. It was not unusual for a lord’s letter to travel in the ‘government bag’ at that time—yet ‘Lord P’ was more than just a simple, local lord. This abbreviation is commonly found in writings at that time, and in previous decades, in reference to Henry John Temple, generally known as Lord Palmerston; a man who—at the time this letter was written—was prime minister of Great Britain.²⁴ For a young man to have expectations of such a prominent person may mean a close relationship between them or their families. But, again, the frequent occurrence of the name ‘Macdonald’ in relation to Lord Palmerston is no help in the search for ‘John C’. Might he have been related in some way to Lieutenant-Colonel Alexander MacDonald, a man whom Palmerston knew during his time as Home Secretary?²⁵ This is likely to be Sir Alexander Macdonald, the first Lord Macdonald.²⁶

Given the provenance of the Warrenheip letter in a case containing other letters, including some from a Capt. Macdonald, 93rd Highlanders, from the Crimea (1854–1856), a connection with that family is likely.²⁷ Using information in Alexander Mackenzie’s major work, *History of the Macdonalds and Lords of the Isles*, and with guidance from the purchaser of the auction lot, the Crimean letter writer is tentatively identified as Captain William Macdonald, who served in Crimea in the 93rd Highlanders.²⁸ His

father was Lieutenant-Colonel Donald Macdonald of Dalchosnie; and his grandfather, Sir John Macdonald of Dalchosnie. Captain William Macdonald died unmarried. However, while this identifies the Crimean letter writer, it does not shed any light on the Warrenheip Macdonald other than providing a possible family link by association.

A search for information about his later life may prove more fruitful. In his letter, he suggests a return to Melbourne and the home of someone named Mitchell. If 'John C' remained in Melbourne, it would not be unexpected for his name to turn up in the *Argus* or one of its contemporaries. And, although 'John C Macdonald' does not seem to occur, only fourteen months later, a 'Mr. Macdonald' was reported as one of the successful competitors in an examination in mathematics and practical surveying and was appointed to the position of land surveyor.²⁹ Given that 'John C' was involved in some way with Victoria's railways, it would not be a massive leap to suggest that this may be him—but it is an inference only and no further evidence has yet been found to support this.³⁰ There are other men named 'John Macdonald' scattered throughout the pages of various publications: in deaths, births, marriages, wills and petitions. Though this paints a picture of a complex landscape of Scottish settlement in Victoria and beyond, 'John C' remains stubbornly anonymous within the crowd.

King and Dooley, in their history of railways in Ballarat, stated that the recommendation that surveying and cost estimates be undertaken for rail lines from Geelong to Ballarat was first made in the report of the commission of the Victorian Legislative Council of September 1854.³¹ On 19 March 1856, a railway committee recommended the state government raise funds for the Geelong to Ballarat line. Accordingly, in September 1857, a loan of £8 million was raised for railway construction. Tenders for the construction of the line were called for on 8 December 1857, and, on 26 August 1858, Evans, Merry & Co. began construction. In early 1860, the construction contract was transferred to Williams, Little and Co, after Evans, Merry & Co experienced financial difficulties.³² Works were finally completed on 30 March 1862, and, on 10 April 1862, Governor Barkly officially declared the line open. Unfortunately, neither railway histories nor local histories of Ballarat discuss the surveying of the Ballarat–Geelong line.³³ The Geelong–Ballarat rail survey was directed by Robert Watson, resident engineer, under the control of the surveyor general, Captain Andrew Clarke and George C Darbyshire.³⁴ Work on the railway commenced in August 1858, with the Warrenheip–Ballarat section getting underway in January 1859.³⁵ The construction was also supervised by Watson.



A railway survey camp at Halls Gap. (Courtesy of State Library of Victoria.)

The State Library of Victoria in its photographic collection has a *carte de visite* of a railway survey camp taken at Halls Gap. The Warrenheip railway survey camp probably looked similar to the Halls Gap camp. On 24 February 1875, the *Illustrated Australian News for Home Readers* (Melbourne) ran a story, 'A Railway Survey Camp', about life in a railway survey camp on the La Trobe River in Gippsland. It provides some idea of how railway survey camps operated:

Our readers will gather from our engraving a good idea of a phase of bush life which has been the experience of a large section of the surveying profession in this colony throughout the past few years. Never before have the fertile plains and timbered valleys broken out into such irruption of survey tents. Spic and span they shine in the hot sun, without spot or blemish. Floored and carpeted, double-lined and with ample 'fly,' their occupants in their snug retreats bid defiance to wind and weather. They are the aristocrats of the wayside—as different from the weather-worn tent of the digger or the draughty 'mia-mia' of the navy as the trim frigate is from the grimy ill-conditioned collier. Our sketch represents an encampment in the cool recesses of a Gipps Land forest. On two sides timbered slopes hem in the camping ground. In front the La Trobe river wends its way lakewards. Along its banks the surveyor in charge, with his assistants and chainmen, theodolite in one hand, axe in the other, measure gradients, note curves, blaze, clear and peg out. With the fall of night the camp cooks are ready with the steaming meal. The evening hours are passed round the camp fire

yarning, or on some fallen log fishing for black fish or eels; or within the comfortable tent writing, reading, smoking, or sleeping. Such is life in the survey camp.³⁶

In terms of his role in the survey party, and his lack of visibility in historical records, it is likely that Macdonald filled one of two roles—survey chainman or cook, though he may have been an assistant surveyor:

A Survey Chainman performs the following duties to assist on a surveying crew: holds level rod or distance meter reflector at designated points to assist in determining elevation and laying out stakes for map making, construction, land and other surveys; calls out reading or writes station number and reading in notebook; marks points of measurement with elevation, station or other identifying mark; measures distance between survey points, using surveyors tapes or electronic distance measuring equipment; marks measuring points with keel (marking crayon), paint, sticks, scratches, tacks, stakes or monuments; places stakes at designated points and drives them into ground, sometimes at specific elevation, using sledge hammers; cuts and clears brush and trees from line of survey using brush hook, knife, axe or other cutting tools; obtains data pertaining to angles, elevations, control points and contours used for construction, map making, or other purposes; compiles notes, sketches and records of data obtained and work performed; directs work of subordinate members of survey crew; performs other duties relating to survey work as directed by the CHIEF OF PARTY. Tools used by Chainmen include: levels, transits, plane table, alidade, Theodolites, reflectors, rods, surveyors tapes, plumb bob, sledge hammers (up to 12 lbs.), hand hammers, hatchets, brush hooks, machetes, shovels, picks, band chisels, drills.³⁷

The News Letter of Australasia

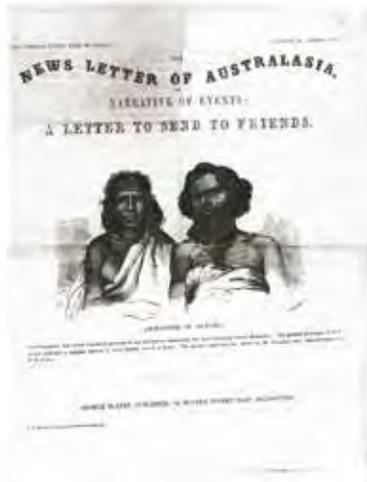
The *News Letter of Australasia* was published from 1856 until 1862 by George Slater, of 94 Bourke Street East, Melbourne. The *Argus* of 23 June 1856 ran the following advertisement for its first issue:

ON July 2nd will be Published, No. 1, price 6d. "THE NEWS LETTER OF AUSTRALASIA", an Impartial Summary. "The News Letter of Australasia," printed on superfine thin letter paper, with pages three and four blank for private correspondence. Price 6d. Sold by all booksellers and newsagents. Letters are not so liable to be lost as news-papers in transmission by post. Send to friends at home "The News Letter of Australasia," a monthly record and bird's eye view of the events and

state of these countries. “The News Letter of Australasia” will contain a narrative without comment, most emphatically indicating and marking the spirit of progress of the times, and the natural characteristics of these countries. “The Newsletter of Australasia,” printed on superfine thin letter paper. Sold by all booksellers. Price 6d. Published by GEORGE SLATER, 94 Burke-street east. Sold by booksellers and news agents.³⁸

On the front page of Issue 9, March 1857, was an illustration of two ‘Aborigines of Victoria,’ with the following text:

Our illustration this month consists of portraits of two well known Aborigines who have frequently visited Melbourne. The gradual declension of these people must give a singular interest to every faithful record of them. The present engraving was drawn by M. [sic] Chevalier, from daguerreotypes by H. Haselden.



The front page illustration of *The News Letter of Australasia*, 9, March 1857. (Courtesy of ID Clark’s private collection.)

This should be N Chevalier, a reference to Nicholas Chevalier (1828–1902), a Russian-born artist son of Swiss-born Louis Chevalier and his Russian wife, who joined his father and brother Louis in Victoria in early 1855.³⁹ His artistic talents were used by newly established Melbourne newspapers, such as the *Melbourne Punch* and the *News Letter of Australasia*, so he decided to stay in Victoria.⁴⁰ Hubert Haselden operated in Melbourne from 1857 to 1858 at the following locations: 107 Elizabeth

Street (1857–58); 57 Collins Street East (1857); 234 Bourke Street North (1858).⁴¹ Prussian-born Frederick Grosse engraved illustrations for the newspaper from August 1855. The wood engraving by Grosse is entitled ‘Portraits of an Aboriginal woman, an average type of the native woman of Victoria, and Simon, the son of Jagga Jagga, the celebrated Port Phillip chief and friend of Batman.’⁴² Jagga Jagga is a reference to Billibellary, the eminent Wurundjeri-willam ngurungaeta (clan head) (c.1799–1846), one of the signatories John Batman’s 1835 ‘treaty’ with the Melbourne Aborigines. Simon Wonga (b. c.1824) was his eldest son and rightful heir and was recognised as ngurungaeta until his death in 1874; he married a Wathawurrung woman.⁴³ Presumably the woman pictured beside Simon Wonga in this portrait is his wife, Maria.⁴⁴

Aboriginal people featured in at least nine editions of the *Newsletter*, as the following list from Dowling’s study of Aboriginal people in colonial illustrated newspapers reveals:⁴⁵

3/1857	‘Aborigines of Victoria’, a double portrait of man and woman. ⁴⁶
4/1857	‘Portrait of Thomas Bungeelene’, wood engraving published by George Slater.
6/1857	‘The Corroboree’, wood engraving by Frederick Grosse.
9/1857	‘Notabilities of Bendigo’, wood engraving by Frederick Grosse of a Ludwig Becker picture. ⁴⁷
12/1857	‘Australian native weapons and implements’, wood engraving by Frederick Grosse, artist Nicholas Chevalier, showing an assortment of weapons including a spear, liangle, and boomerangs.
6/1861	Aborigines fighting.
11/1861	‘Mt Buninyong, near Ballaarat’, wood engraving published by George Slater. ⁴⁸
3/1862	‘The Aborigines of Australia. “The Bottle”’, wood engraving by Samuel Calvert, showing a group of Aborigines fighting with weapons such as boomerangs, spears and pikes, and a woman and child taking cover in a lean-to shelter, with two bottles on the ground. ⁴⁹
10/1862	‘Bark Canoes on the Murray River: Overland Corner’, wood engraving by Samuel Calvert, showing a group of Aborigines, some in western attire, in long bark canoes near a sand bar on the Murray River. Figures standing in the canoes are holding fishing spears. ⁵⁰

Discussion of Key Themes from the Letter

The value of the letter and why it merits publication is that it provides insights into the letter writer's life and the world he finds himself in, in regional Victoria working in a railway survey camp. It also provides insights into the political situation regarding railway expansion in Victoria—from his perspective, working within the railways department, he did not believe that the new government under Premier O'Shanassy was 'going to do much yet with Victoria's railways'. His letter also discussed some of the frustrations with postal communication at that time. It provides insight into the living conditions of a railway survey camp. Life on the goldfields is also discussed, and the difficulty of travelling in the bush, and the frequency with which miners and other travellers were lost. Whilst he was based at Warrenheip, he took advantage of his proximity to Ballarat to go down a quartz mine, an early example of nascent goldfields tourism. He also recounts a chase after a kangaroo that found its way onto the Warrenheip camp site—fortunately for the kangaroo, it got away!

Macdonald also commented on the *News Letter of Australasia* and the accuracy of the scenery in Victoria it presented on its front pages, considering that it may give people 'too exaggerated notions of the scenery in Victoria'.

Macdonald raises local topical events: first, the death of a former colleague, Edward Cope Garnett, and the actions taken by railway staff to provide for his widow and raise funds for her return to her home in Ireland; second, the total eclipse of the sun on 26 March 1857; and third, the Victorian census of 29 March 1857. Finally, he discusses the gazette of missing friends, and how one of his surveying camp, a man named Murray, had been in the gazette for four years without knowing his family was seeking to contact him.

Conclusion

This paper has been concerned to publish a single letter from a Scottish migrant working in a railway survey camp on the Victorian goldfields in 1857. It is a unique document that reveals the inner world of the letter writer, especially the importance of kith and kin and the networks that contributed to expatriate adjustment in a new land. The letter also reveals insights into epistolary practices such as the use of newsletters for family correspondence. As well, the paper has illustrated the process of working

with isolated documents and revealed the difficulties of establishing who the author of the letter was. Though an attempt has been made to identify the letter writer, and although some connections can be drawn, it has not been possible to discover his identity. Nevertheless, a framework has been developed to contextualise the letter and move beyond the interior migrant-world of the writer.

Notes

- 1 Tanja Bueltmann, *Scottish Ethnicity and the Making of New Zealand Society, 1850–1930*, Edinburgh, Edinburgh University Press, 2011, p. 42.
- 2 Bueltmann p. 43.
- 3 Usually spelt Warrenheip, after Warrenyeep, a Wathawurrung place name (other variant spellings include WarrengEEP, Warraneep, Wore.en.eep, War.en.neep) believed to mean ‘emu feathers, from the appearance presented by the ferns and other forest growths there’, WB Withers, *History of Ballarat*, Ballarat, FW Niven & Co, p. 10; although recent analysis by Barry Blake suggests it may be derived from warran ‘tree root’ or warren ‘squirrel’. See Blake Papers 2000, in ID Clark & T Heydon, *Dictionary of Aboriginal Placenames of Victoria*, CD-ROM Database, Melbourne, Victorian Aboriginal Corporation for Languages, 2002.
Macdonald uses two spellings of Ballarat in this letter: Ballarat and Ballaarat. According to Withers, p. 10: ‘Ballarat, or more properly, Ballaarat, is a native name, signifying a camping or resting place, *balla* meaning elbow, or reclining on the elbow’. However, according to Barry Blake’s recent analysis, ‘the well-known etymology “reclining on elbow” is suspect. I think that the present name is a spelling for something resembling “bolertch” and just means “elbow” and that “resting on” is simply the background information regarding an ancestor’. See Blake 2000 in Clark & Heydon.
- 4 The 2,400 tons and 530 horse-power mail steamer, SS Columbia, belonged to the European and Australian Royal Mail Company—*Bell’s Life in Sydney and Sporting Reviewer*, 21 March 1857.
- 5 Presumably a reference to the Daungwurrung Aboriginal people of the upper Campaspe, or the Ngurai-illam wurrung of the lower Campaspe. See ID Clark,, *Aboriginal Languages and Clans: An Historical Atlas of Western and Central Victoria, 1800–1900*, Monash Publications in Geography, No. 37, Melbourne, Department of Geography and Environmental Science, Monash University, 1990.
- 6 Lord P is presumably Henry John Temple, 3rd Viscount Palmerston, popularly known as Lord Palmerston, then home secretary, and later prime minister of Great Britain. Sir Henry Barkly was appointed Victoria’s second governor of Victoria in November 1856. John O’Shanassy became premier of Victoria on 11 March 1857.
- 7 There were several ‘rushes’ at Dunolly in 1856, the largest being in September. See James Flett, *The History of Gold Discovery in Victoria*, Melbourne, Hawthorn Press, 1970, p. 280.

- 8 Presumably this is a reference to Peter Hardie, who was at Bolwarra on the Moorabool, 10 miles east of Ballarat. He is probably the same Mr Hardie who owned a quarry near Warrenheip.
- 9 There was a total eclipse of the sun visible in eastern Australia on 26 March 1857 (*Sydney Morning Herald*, 25 March 1857).
- 10 Reverend John Potter, the Anglican incumbent in Ballarat in 1857. See Weston Bate, *Lucky City: the First Generation at Ballarat: 1851–1901*, Melbourne, Melbourne University Press, 1978.
- 11 Edward Cope Garnett, RN, late Assistant Surveyor, died at his residence Queensberry Street, Carlton, on 1 April 1857 (*Argus* 4 April 1857). His name appeared in a list of unclaimed letters lying at the Ballarat Post Office (*Star*, 21 August 1856). With regard to Sir W. Cope Garnett Bash, this name is difficult to make sense of—a Sir William Henry Cope married Marianne Garnett in August 1834 in Ireland (see *Ancestry.com*).
- 12 William Kelly described a similar kangaroo chase in Ballarat in August 1853, though this chase resulted in a different ending for the unfortunate kangaroo. See William Kelly, *Life in Victoria or Victoria in 1853, and Victoria in 1858 Showing the March of Improvement made in the Colony within Those Periods, in Town And Country, Cities and Diggings*, in two volumes, London, Chapman and Hall, 1859, p. 285.
- 13 The Victorian census was taken on 29 March 1857.
- 14 Reverend David Murray was a minister in Dysart, Fife, Scotland, when, in 1823, he accepted an appointment in Dundee (*Glasgow Herald*, 8 September 1823); by 1845, he had returned to Dysart as minister of the first charge (*Dundee, Perth and Cupar Advertiser*, 22 July 1845).
- 15 Presumably this is a reference to the *Victoria Police Gazette*, which commenced in December 1853. It was published for the benefit of police officers and government officials. A section of the gazette was headed ‘Missing Friends.’ See Helen D Harris, *Missing Friends in Vic. Police Gazettes, 1880–1885* [Microform], compiled by Helen D Harris, Melbourne, Harriland Press, 1995.
- 16 Dudley, this could be Headley.
- 17 Russel Ward, *The Australian Legend*, Melbourne, Oxford University Press, 1974, p. 49.
- 18 Eric Richards, ‘Scottish Voices and Networks in Colonial Australia’ in Angela McCarthy (ed.), *A Global Clan: Scottish Migrant Networks and Identities since the Eighteenth Century*, London, LB Tauris, p. 150.
- 19 ‘Large Scale Emigration to Australia after 1832’, *ElectricScotland.com*. <http://www.electricscotland.com/history/australia/scotaus3.htm>, accessed 26 March 2013.
- 20 State Records New South Wales, ‘Assisted Immigrants’, [http://srwww.records.nsw.gov.au/indexes/searchhits.aspx?table=Assisted Immigrants&id=9&frm=1&query=Surname:macdonald;\[Year between\]: 1852:1857](http://srwww.records.nsw.gov.au/indexes/searchhits.aspx?table=Assisted%20Immigrants&id=9&frm=1&query=Surname:macdonald;[Year%20between]:1852:1857), accessed 26 March 2013.
- 21 State Records New South Wales, ‘William Miles 16 January 1855’, http://srwww.records.nsw.gov.au/ebook/list.asp?Page=NRS5316/4_4791/William%20Miles_16%20Jan%201855/4_479100454.jpg&No=9, accessed 26 March 2013.

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REVIEWS

Australian Settler Colonialism and the Cummeragunja Aboriginal Station: Redrawing Boundaries

By Fiona Davis. Sussex Academic Press, Brighton 2014. Pp. 224. \$89.95, hardback.

Fiona Davis has a great story to tell. Cummeragunja is an iconic settlement in Aboriginal history. It is on the Murray River and borders two jurisdictions, and thus enters two colonial stories. It is also the birthplace of much of the Aboriginal political action of the twentieth century in Victoria and the birthplace of William Cooper and one of his protégés, the only Aboriginal knight, Sir Doug Nicholls.

Fiona Davis tells her story in interesting ways. First of all, she shows how a close-grained analysis can illuminate settler colonialism, that is, the bigger story of Australian settlement. This is pertinent to her own stance, as her forebears were settlers in the local region and thus part of the power relations between black and white of the area. To relate this story, she draws on conceptual ideas of place, space and boundaries. Secondly, Davis researches her story in a traditional historical way out of the archive and works very closely with a diversity of records to weave a fascinating story. This is told with careful detail and analysis from the Protection Board and Education Department records, as well as newspapers, mission sources and other records, both manuscript and print. Thirdly, Davis has established intimate bonds with eight Aboriginal people from Cummeragunja and also several white local residents. The interviews with them give an intimacy to her story. Moreover, she goes to a fourth level and compares the story of the interviews with that found in the archive, and discusses the connections and disconnections that are revealed.

Despite being well known, Cummeragunja is not particularly deeply researched, save for some early work by Nancy Cato, Diane Barwick, and, more recently, Heather Goodall. We know about the 1939 walk-off but less about earlier periods. Davis has rectified this to a considerable degree. We have a strong account of the early creation and administration of the Cummeragunja mission, itself an offshoot of Daniel and Janet Matthews' Maloga Mission. This developed

into a struggle for control of Cummeragunja, between the private philanthropic organisation, the Aborigines Protection Association, and the later government agency, the Aborigines Protection Board of NSW. Other chapters analyse the connection of the Australian Inland Mission to Cummeragunja; the relationships of Cummeragunja to the wider region, by discussions of schooling and both domestic and farm work; local newspaper views of the reserve; visits from the anthropologists Norman Tindale and Joseph Birdsell; social and sexual relations in the district; efforts to shut the Barmah pub down; and finally, successfully to close the reserve itself. These things are examined with an eye to gender, which shaped relations. And throughout, Davis sets the oral history against the written record to observe the different timbres of meaning.

Davis has an excellent chapter on Thomas James, the Indian teacher from Mauritius who worked at Cummeragunja for forty years, and who instilled in his pupils a sense of self-help and self-respect. The Aborigines Protection Board felt that James, who had married into the community, was undermining its rule, and the Board tried hard to get rid of him. Davis shows how James trod a fine line with the utmost professionalism, defended at times by many of the white people of the District and the Department of Education. This chapter shows Davis at her best, telling a truthful story, to reveal that, as a school teacher, James could hold honest views of his Aboriginal pupils, many of them relatives by marriage, and, occasionally, views that reflected prevailing racial attitudes of their abilities.

The book concludes that Aboriginal people living at Cummeragunja found ways to express their own agency and exert some power, despite the structures over them. In her words, 'settler Colonialism was never an organised force, but rather a myriad of competing interests that had their own—loosely western—agendas' (p. 147). Those gaps in colonial power allowed the people of Cummeragunja to negotiate considerable control of their own and other spaces. The book is well written and structured and warrants a close reading because of the contribution it makes to Aboriginal and Victorian history.

Richard Broome

Australian Football: The People's Game 1958–2058

By Stephen Alomes. Walla Walla Press, Sydney 2012. Pp. viii + 160. \$34.95, paperback.

The Australian Game is deeply rooted in social democracy, and lacks the historical class tensions of rugby union and rugby league in Sydney. Can it still work as a social democracy of manners in the era of corporatized Australian Football? Can its traditions survive the rise of superbox division of the crowds and the emergence of the professional athlete as celebrity?

As a supporter, writer, broadcaster and artist, Stephen Alomes has had an abiding passion for Australian Football, writing articles on many aspects of the game ranging from grassroots suburban football to international games. And as a professor at the RMIT Global Research Centre, it is unsurprising that the pivotal question in *Australian Football, The People's Game 1958–2058* is: 'How can Australian Football, the world's most exciting form of football, prosper to 2058 and beyond?' The narrative of this ambitious study is driven by the author's deep passion for the 'doubly indigenous' Aboriginal and European Australian game first played on the open grounds of Melbourne's Yarra Park in the 1850s. The book documents Alomes' concerns and prognosis for Australian Football's integrity and identity in a globalising world, now and for the generations ahead. This fact-filled and multi-layered inquiry is a thought-provoking and provocative contribution to a study of the relationship between the games we play and the society in which we live. Between traditions and transformations, grassroots and big business. The quotation above pithily encapsulates the author's ambit and his book's political-cum-cultural contours.

In sharp contrast to almost all earlier books on Australian Football, Alomes' book is a complex, demanding and potentially penetrating psycho-cultural study of the sport conceptualised around the question of 'The People's Game?'. Whether Australian Football is an enduring or an endangered species is the question at the core of this study. Alomes states that:

This book looks at how the game has changed in the past half century and its future prospects ... It explores continuities of the tradition of footy . . . and the discontinuities: the rise of Indigenous footballers,

the role of women in the game and the increasingly dominant role of the media, money and football celebrities who rise and sometimes fall.

Drawing on detailed research covering all facets of Australian Football, including moving personal reminiscences and evocative images, Alomes plots the points of continuity as well as the loss of tradition and tribalism over time, objectively and as a football lover—‘I began this book about the age of six, playing and watching Australian Football.’ He has clearly spent a lifetime being interested in football, researching and writing about it as well as painting footy pictures and collecting photographic images across local, regional, national and international arenas. These illustrations enrich the study’s dense narrative, giving a sense of the game’s human reach from the sad and serious to the joyous and euphoric.

The chapter headings and subheadings provide thematic guidelines for the narrative’s complex and, at times, confusing framework, arising from the breadth of material and the intricate and projected conceptual paradigm. A strength of the study is that the title of each chapter points clearly to significant eras in fact and football fiction, situating the ‘doubly indigenous’ game’s within Australia’s wider cultural life and transformations. The inclusion of notes, an extensive bibliography and index complement the narrative and provide scholars and fanatics with an impressive compilation of source material for further research. The organisation of material could be honed: there is some repetition and the narrative needs to be thinned out to convey a stronger line of argument of what is a demanding, deep-seamed thesis. An inclusion of a timeline and/or a thematic index under players, teams, etc. would assist in finding or checking information. Also the index is somewhat haphazard. For example, Australian Football and Australian Football League, and VFL and Victorian Football League, are listed separately in the index. There are too many subheadings that break up the flow of the narrative. That said, the bibliography is excellent, covering books, articles, documentaries, newspapers and periodicals and websites. A delight for bibliography junkies.

Australian Football, The People’s Game is both a mapping exercise and nostalgic journey for the ardent footy follower. It focuses on the minutiae and major moments of the game’s history, while simultaneously weaving in a very close, if at times, cumbersome, analysis of the game’s evolution as inseparable from the wider social fabric. From this stance,

Alomes posits an imagined future drawn from the past for others to consider and critique. In this respect, this study is an invaluable contribution to the cultural history and psyche of Australian sport, arguing for the profound (if often unheralded) tradition born of our 'doubly indigenous' game. Alomes suggests we think about the possibility of Australian Football being given recognition by UNESCO for its intangible heritage, as a cultural expression and as a national institution, showing up an English commentator's appellation of the game as 'eccentric folklore.' A challenging, complex thesis overall.

Marie Clark

Burke & Wills: The Scientific Legacy of the Victorian Exploring Expedition

Edited by EB Joyce & DA McCann. CSIRO Publishing and State Library of Victoria, Melbourne 2011. Pp. xxiv + 343. \$59.95, hardback.

This book results from an impressive project to mark the 150th anniversary of the 1860–61 Burke and Wills expedition from Melbourne to the Gulf of Carpentaria. The expedition is one of those events, (like Eureka, the Kelly gang, and Gallipoli), in Australian, or at least Victorian, history that seems to resonate forever with public interest. One could note, only partly cynically, that none of these was a resounding success, and one could reflect upon what this says about our history and where our interests lie.

The examination of the Victorian Exploring Expedition has taken many forms, including semi-fiction, narrative and post-modern history, biography, drama, music, art and poetry. Indeed, a quick search of a library catalogue found ninety relevant pieces of work, and, doubtless, there are many more. However, not a great deal of that work has focussed on the scientific role and achievements and the heritage of the expedition. The foci have tended to be on the men in the expedition, on establishing the route that was taken and on the tragedy and 'romance' of the death of a number of the expeditioners, including leaders Robert O'Hara Burke and William Wills.

In some respects that is not surprising, as the scientific achievements of the expedition were not immediately apparent and were interpreted as meagre. This book goes some way to setting the record

straight. Nevertheless, I still question that the scientific achievements were as great as the publicity for the book would have us believe. In fact, in places, the editors and authors of this collection willingly admit the limitations. The first chapter, by Doug McCann and Bernie Joyce, is appropriately named 'Conflicting priorities: exploration, science, politics and personal ambition'. From the beginning in the planning for the expedition, there were rival aims, personal disagreements and conflict about its aims. To some advocates, the expedition was essentially about exploration to discover and open up new opportunities and to enhance Victoria's reputation. For others, the scientific potential to examine, discover and record inland Australia was to the fore, but in both the preparation and during the ill-fated expedition, their wishes tended to be marginalised by other priorities. Burke, the man in charge, limited the time and opportunities for the expedition's scientists. The scientific achievements of the expedition were mainly from its early stages, before survival became the main concern. By contrast, a substantial amount of investigation was undertaken by those involved in the rescue and follow-up expeditions, and this has been counted as part of the scientific legacy.

The expedition included individuals with valuable expertise, notably William Wills (surveyor, astronomer and meteorological observer), Ludwig Becker (artist, geologist, mineralogist and natural history observer), and Hermann Beckler (botanist). Both Wills and Becker died during the expedition, their work incomplete. In Melbourne, assisting in the preparation of the expedition and attendant upon the results were other scientists, including botanist Ferdinand von Mueller and astronomer/meteorologist Georg Neumayer (who briefly joined the expedition as it moved from Victoria into NSW). The six or so pages of scientific instructions are included as an appendix. However, quite early in their travels, Burke made it clear that science was not a priority, and Becker and Beckler were forced to abandon some of their scientific equipment.

From those who set forth from Melbourne, arguably the most valuable scientific achievements were Beckler's botanical specimens and Becker's landscape illustrations. As Linden Gilbank shows, Beckler was both skilled and conscientious in his collection of thousands of specimens that were sent back to Mueller in Melbourne and are a fundamental part of the collection of the Herbarium. In the early part of the expedition, Becker was equally conscientious and produced

numerous valuable landscape depictions of the country through which they passed, as well as some geological observations. However, his opportunities for science were limited by Burke's dismissive attitude and then by encroaching illness and death.

Frank Leahy provides a strong defence of Wills' capacity as a surveyor, refuting a long-held belief that he had significantly miscalculated the path and destination of the party. CR Lawrence shows that (not surprisingly), there were extensive observations of surface water systems and the hydrology, although, without knowing it, they traversed the Great Artesian Basin. As in most aspects of the expedition, Becker's landscape depictions are invaluable.

Meteorological, anthropological and zoological work was disappointing. Wills did his best to maintain a meteorological record, but instruments and hardship imposed limitations. As has been commented before, insufficient recognition was given to Aboriginal knowledge and culture, so expeditioners died of privation in a land where Aborigines had survived for thousands of years. Aboriginal guides were considered useful and their material culture recorded, but any curiosity was superficial.

From a zoological perspective, the expedition was a sadly lost opportunity to record Australian fauna in its 'pristine' state before the depredations of introduced species. Birds and reptiles were given some attention, and Becker made some wonderful drawings, but most of the specimens came later, collected by the relief parties.

This is an excellent publication that will be of great value for anyone interested in the history of Australian science. However, despite its best efforts, it is not a complete antidote to the Burke and Wills expedition's reputation for tragedy and lost opportunity.

Don Garden

The Forgotten Rebels of Eureka

By Clare Wright. Text Publishing, Melbourne 2013. Pp. 560. \$34.99, paperback.

The Forgotten Rebels of Eureka is an attractive book with an easy narrative style that readers will generally enjoy. The book comprises twelve chapters in three parts, with an introductory preface, conclusion

and epilogue. Part One, 'Transitions', provides firsthand descriptions of travelling to the goldfields and concludes with a portrayal of goldfields life in December 1853, one year before Eureka. Part Two, 'Transformations', begins with Martha Clendinning who came to Ballarat in 1853, and whose journals have previously been used extensively. It tells of life on the Ballarat diggings and gives a vivid account of the birthing experience of one woman, Sarah Skinner. Part Three, 'Transgressions', continues the Eureka story, describing the murder of James Scobie, the subsequent burning of Bentley's hotel and the Eureka battle itself. The Conclusion, titled 'A Day at the Races', suggests that 'things go on regardless' and gives an account of the aftermath from 1855 to 1858.

The strength of this book lies in the stories of women it brings to the fore, showing women's capacity for political action and illustrating their agency in an overwhelmingly patriarchal society. By using diaries and letters, Wright gives her characters a contemporary voice and the book, a genuine feeling of the period.

While acknowledging the strengths of this work, there are grounds for criticism. Wright claims she has provided a 'fresh body of scholarship for future dissection' and states that 'I've tried, within narrative reason, to exclude from this book what you can readily locate in any bookshop or library. I have included, sometimes in great detail, that which you won't find anywhere else'. The novelty of this data could be questioned. The birthing story of Sarah Skinner can be found in my PhD thesis, 'Women in 'Ballarat' 1851–1871: A Case Study in Agency', where pregnancy and childbirth on the Ballarat diggings are discussed extensively (pp. 119–133) as well as in my book, *Women of the Diggings, Ballarat 1854*. (pp. 57–58, 262). Wright's own excellent bibliography also acknowledges previously available scholarship.

Although William Bramwell Withers can be accused, as Wright states, of perpetuating the myth of the goldfields being an exclusive masculine domain, a careful reading of his detailed *History of Ballarat* provides evidence of women, living in goldfields tents with their children, being attacked and searched by troopers, promenading in their best frocks or becoming involved in schools and theatrical performances. Remarkably, Withers' *History of Ballarat* written in the fiercely patriarchal times of 1870, when the goldfields were a male-

dominated experience, *included* women. He reported women were present at Eureka (pp. 82–83). ‘Poor women [were] crying for absent husbands, and children [were] frightened into quietness’.

Readily available census data also confirms that, in 1851, females constituted almost 43 per cent of the population, but, by 1854, according to Louise Asher in *Women on the Ballarat Goldfields*, females constituted around 24 per cent of the population of the Ballarat goldfields and 23 per cent of the population of Ballarat township. The difficulty in gauging exact numbers due to the itinerant nature of the population, and in taking a census in the conditions of the goldfields, has been widely acknowledged.

The statistics on ex-nuptial births are, I believe, also given with more conviction than is warranted. The stated one-fifth of births being ex-nuptial appears unlikely, given other evidence from census records suggesting that most adult women in 1854 on the Ballarat goldfields were married. Owing to the gender imbalance in the early 1850s, women could choose husbands as they pleased. Grimshaw and Fahey (‘Family and Community in Nineteenth Century Castlemaine’, *Australia 1888*) write that, in Castlemaine: ‘In the earlier colonial period only a minority of the adult male population took part in the formation of their own family unit, while nearly all adult women did so’. The editor of the Ballarat *Star* newspaper in 1867 observed that in the ‘early times of the gold-fields, many men roughed it, made money quickly, and hankered after the comforts of domesticity, and so rushed into matrimony as they rushed to a new gold-field, taking up a claim without much regard to anything else than that it was worth trying’.¹

Finally, the rebellious nature of some women at the time of Eureka could be questioned. Women such as Anastasia Hayes and Sarah Hanmer undoubtedly supported the miners, but others did not. Clearly Martha Clendinning objected strongly to having her guns taken by insurgents at Eureka. Her daughter later married government official Robert Rede. Another woman, Bridget Hynes, early on the morning of the battle, hid her husband’s pike and pants, so he couldn’t join the fighting. Catherine Bentley of the Eureka Hotel was accused of murder and involved heavily with government officials accused of corruption before Eureka. One may well ask why, then, are these women labelled ‘rebels’?

The Eureka story has all the ingredients of a bestseller: graft, grievances, corruption, murder, political intrigue and rebellion. For all its weaknesses in research, *The Forgotten Rebels of Eureka's* racy style will appeal to the general reader. Its main strengths are its portrayal of the exciting times of the early goldfields of Victoria and the way it highlights, through contemporary records, the capacity for women's agency at the time of Eureka.

Dorothy Wickham

A Funny Course for a Woman

By Rosemary Balmford. Australian Scholarly Publishing, North Melbourne 2013. Pp. x + 337. \$39.95, hardback.

In 1996, Rosemary Balmford became the first woman to be appointed as a judge of the Supreme Court of Victoria. *A Funny Course for a Woman* is Justice Balmford's account of her life in Melbourne and the changes that occurred to make the once unthinkable possible, including the elevation of a woman to the highest court in the state. The title derives from the response Balmford received as a law student in the 1950s, when she answered the question: 'What course are you doing?' While she did not consider the reply derogatory, perhaps other woman law students would have. Balmford may say that this question labours under a misapprehension upon which she has remarked in John Waugh's *First Principles: The Melbourne Law School 1857–2007*, namely that 'That whole woman thing was really not the big deal it is these days ... inside the university it didn't make any difference'. Or might it be that a different consciousness abounds 'these days', because more girls with a range of backgrounds, different from that of Balmford's, have now begun to enter the academy in larger numbers?

Balmford's background and life experience no doubt influenced the way in which she engaged with and saw the world around her. Born Rosemary Anne Norris on 15 September 1933 in Melbourne, to a Melbourne University-educated couple Ada Bickford and John Norris, barrister, she started at Presbyterian Ladies' College (PLC), a school identified for producing the most women in *Who's Who*. However, PLC cannot lay claim to Balmford for it was at Melbourne Church of England Girls' Grammar that Balmford flourished, under legendary headmistress Miss Dorothy Ross. Miss Ross put trust in the girls and

gave them responsibility, including recommending that Balmford be a member of a school panel advising the *Herald* on content for its pages directed at young girls. This was an experience Balmford felt contributed to her passage to the Supreme Court. Not an obvious choice as potential judiciary material at that stage of her life, she recalls being told that ‘The considered opinion of the whole school is that Balmford is untidy and careless’.

Nonetheless, Balmford was an able student (or as she put it: ‘I was good at exams’), winning the Supreme Court Prize at the University of Melbourne. Noting that she did not ‘want to be an ice-breaker’, the term she uses for entering fields where no women were in practice, she expected to see out her working life as a solicitor. Yet fate, and the suggestions of women lawyer friends at critical junctures (important women friends feature strongly in Balmford’s life), had other ideas.

Balmford’s legal career spanned 53 years. She was a solicitor, academic, administrator, tribunal member, and judge. Concurrently, and at different points, she was also a daughter, sister, wife, step-parent, working mother, grandmother, widow, student, traveller, birdwatcher, writer, author, publisher, involved with bird organisations and organisations concerned with breastfeeding and better parenting, and an inhabitant of East Ivanhoe for over 45 years. She had a happy family life with her husband, fellow lawyer Peter Balmford, and their son, Christopher.

Justice Balmford became the first woman to run a murder trial in Victoria. Other ‘firsts’ included being the first woman with legal qualifications on the staff of Whiting & Byrne (now Corrs Chambers Westgarth); the first woman to lecture at the University of Melbourne Law School; and the inaugural executive director of the Leo Cussen Institute for Continuing Legal Education (the name ‘Leo Cussen’ was proposed by her).

The book is divided into five parts: Beginnings, Growing Up, Happy Ever After, Law, and Everything Else (which includes a checklist: ‘Accumulated Wisdom?’). It contains a few typos and the index unfortunately did not receive the same level of attention that Balmford suggested for the index to the Nursing Mothers’ Association’s 1975 recipe book. A list of illustrations would have been useful.

Her father John, later the popular Judge Norris of the County Court of Victoria, was one of the three people, together with Ada and Miss

Ross, whose influence saw to it that Balmford's future would never lie in domesticity. In 'The Closest Ancestors', the most moving and personal chapter of the book, Balmford writes poignantly of her beloved father's decline in old age.

Ada, on the other hand, is criticised for being an undemonstrative and impatient parent; 'enraged', 'furious' or 'horrified' tend to be used to describe her reaction to various incidents. Balmford's younger sister Jane has described their mother as 'a strongly driven creature ... propelled by an unresolvable mix—a kind of radical feminism versus a terror of losing social status'. One aspect of this 'radical feminism' was her appointment as the Australian representative on the United Nations Commission on the Status of Women for 1961–1963, which Balmford records as one of her mother's 'greatest triumphs'. Ada had been offered more direct Australian political involvement through the offer of pre-selection for the safe Liberal seat of Burwood in the Victorian Legislative Assembly. Ada saw it as an avenue for doing good, but John was concerned about its impact on his career at the bar, and Balmford was relieved at the time that it was not pursued as she 'never had any desire to be identified with either side of politics.'

There are constant references throughout the book to change, many encapsulated in a fascinating chapter entitled: 'Technological Improvements?' A few of the many changes mentioned include the growth of planning law; the birth of freedom of information; the broadening of the role of the academic lawyer; and the dispensing with euphemisms ('breastfeeding' could now be used instead of 'mothering'). Employment ceased to be easy to come by; a six-year-old girl could make believe she was a judge; and the country could finally have a female prime minister. There are invaluable descriptions of the attitudes of the middle class towards matters of propriety. These were included because the change surrounding them has been so great that Balmford rightly considered they may be difficult for future generations to understand.

The book is written in a conversational style—it is as though the author is sitting in a chair, speaking matter-of-factly to the reader. We get a strong sense of her no-nonsense approach to life and her personal perspective provides a valuable addition to Victoria's social and legal history.

Compiled for grandchildren, William and Grace Balmford, and potential descendants, Rosemary Balmford's memoir is peppered

with insights, reflections and anecdotes about the legal profession and education, the world, and ‘careers for girls’, making its interest and value likely to extend well beyond the family’s immediate circle.

Kim Rubenstein, prepared with the assistance of Marina Loane.

The Audacious Adventures of Dr Louis Lawrence Smith 1830–1910

By John Poynter. Australian Scholarly Publishing, Melbourne 2014. 2 vols, pp. xx + 694. \$69.95, hardback.

‘It is perhaps as difficult to write a good life as to live one,’ Lytton Strachey observed in his *Eminent Victorians*. ‘Those two fat volumes, with which it is our custom to commemorate the dead—who does not know them, with their ill-digested masses of material, their slipshod style, their tone of tedious panegyric, their lamentable lack of selection, of detachment, of design?’ Strachey was a man on a mission from Bloomsbury to puncture the hypocrisy of Victorian forebears. His deadly caricatures of General Gordon and Florence Nightingale almost killed off the double-decker biography, at least until Michael Holroyd’s biography of Strachey himself miraculously revived it.

Louis Lawrence Smith, a Victorian at least in the geographical sense, was more notorious than eminent. John Poynter’s two-volume biography, inspired in part by family loyalty—his wife is a descendant of the subject—is anything but slipshod, tedious or pious. From the opening chapter, a hilarious account of Smith’s ill-starred plan to celebrate the 1867 visit of the Duke of Edinburgh with a free lunch (it put the miracle at Cana in the shade, one observer declared), the tone is more parody than panegyric. Published in two case-bound volumes, running to 694 pages (the same as La Nauze’s *Alfred Deakin*), the work may look like a Victorian ‘Life and Letters’, but it reads more like a picaresque novel in which ‘our hero’, the audacious LL, pits his wits against all-comers. Poynter apparently pondered the possibility of issuing the book serially in short parts, like *The Fortunes of Tristram Shandy*, and, even in its present form, it retains some of the episodic character one associates with the novels of Sterne and Smollett.

Poynter aptly characterises Smith as an ‘adventurer’, employing the word in the old-fashioned sense of a person ‘who sailed close to

the wind'. The son of a London theatrical entrepreneur ET Smith, he inherited a talent for showmanship, apparent throughout his diverse careers as advertising doctor, inveterate speculator, maverick politician, exhibition promoter, ostentatious philanthropist and public controversialist. 'It's all an advertisement,' he airily declared after one escapade. After the Freemasons thrice blackballed him, he exposed the mysteries of the craft in a series of public lectures. 'Well, I have about 20,000 enemies created at one swoop,' he exulted.

After training as an apothecary in London, he migrated to Victoria in 1852 and began practice in Bourke Street, offering consultations by mail and in person and selling a range of patent cures. 'I am putting Holloway completely in the shade,' he boasted. His advertising put him at odds with other doctors, drawing accusations of quackery, although Poynter argues that he was no worse credentialled than many of his competitors. More damaging in the eyes of his enemies, though perhaps not among his working-class clients, was his reputation as an abortionist, a charge twice tested in the courts without a conviction, although the opprobrium persisted. 'The thing has greatly unsettled me,' he admitted to 'Ma', his mother.

'I know everyone here and am looked up to as a popular man,' he claimed. It was his popularity, especially among farmers and working people, and a healthy measure of self-interest, which drew him into colonial politics. 'My first duty is to myself and then to my country,' he vowed, though not publicly. By temperament a radical, he supported divorce, penal reform, vaccination and land tax, while opposing capital punishment, discrimination against the Chinese and the political influence of trade unions. On principle, he declared, he was an independent, yet as Poynter acknowledges, 'he did not always live up to the ideals he proclaimed'. Like many politicians, then and since, he found it hard to resist an opportunity to do his friends (and sometimes himself) a favour. In 1872, he was accused of influencing the payment of £7,000 of government advertising money to the proprietors of a newspaper, *Times and Mines*, which he had helped to establish but, in which, he said, he had no financial interest. Once again, he escaped by the skin of his teeth.

His long correspondence with his mother, still apparently in family hands, reveals something of the private self behind the flamboyant public man. Or was it just the self he chose to reveal to his ever-supportive

'Ma'? Candid, funny, conceited, occasionally vulnerable, these letters are biographer's gold and Poynter quotes them extensively, perhaps too extensively for some readers. They offer tantalising hints of the psychological wellsprings of LL's apparently inexhaustible energy, improvidence and relentless self-promotion. Poynter suggests he was a manic-depressive, although, in his letters, as in his public activity, the manic is more evident than the depressive.

What light do the 'audacious adventures' of LL Smith throw on the history of nineteenth century Victoria? Are they a diverting sideshow, or do they illuminate the main game? In Geoffrey Serle's *The Golden Age* and *The Rush to be Rich*, Smith scarcely rates a footnote. His career peaked in the 1860s and '70s, a period often overlooked by historians following the march of democracy from Eureka to the birth of the Labor Party. Yet these were decades when many of the big questions that would determine the future of the colony were still unsettled. 'Only a society as much in flux could easily accommodate a citizen with so many big ideas and such abundant energy,' Poynter suggests. Because he sailed so close to the wind, LL's passage through the choppy seas of colonial life helps us gauge the strength and direction of the winds. Whether in medicine, business, private or political life, he sometimes came close to shipwreck, yet like the roguish hero of a novel, he seemed unsinkable. By his death in 1910, memories of these near-disasters had faded and 'the little doctor' had won the reputation of 'a good all-round colonist'. A generation on, his son Harold Gengoult Smith, would become a lord mayor of Melbourne, and his daughter, Louise, founder of the music publishing company, L'Oiseau Lyre, was an internationally celebrated patron of the arts.

Graeme Davison

David Syme: Man of the Age

By Elizabeth Morrison. Monash University Publishing in association with the State Library of Victoria, Melbourne 2014. Pp. xiv + 433. \$39.95, paperback.

As the plunging circulation of printed newspapers forces their publishers online in search of profits, the old-style newspaper baron looks increasingly like a figure from a distant past. The *Age*, once the money-factory on which David Syme's newspaper fortune depended,

now sells something over 100,000 print copies each weekday, around the same number as it did in 1900. If the *Age* was bought today by the same proportion of Melbourne's population as in 1900, sales would approach a million copies a day. Things have changed.

Previous biographers of Syme could take the commercial potential of the newspaper business more or less for granted. After all, it saw off challenges from radio and television. When CE Sayers published his biography of Syme in 1965, both the *Age* and Australian public policy still reflected much of Syme's work. The *Age* was still independent and family-controlled, though now a public company. Protection still ruled Australian tariff policy. Arbitration and centralised wage-fixing were heirs to Syme's advocacy for better working conditions, although the rise of political labour received little sympathy from him.

Now Sayers' world looks more like Syme's than Sayers would have thought. For him, Syme could still be seen as an architect of the present, rather than a figure from a lost world, as he became in Stuart Macintyre's 1991 study of Syme's life and work in the context of colonial liberalism.

Elizabeth Morrison's biography of Syme is the first to be written since the internet kicked the legs out from under newspaper print circulation. The book is consciously framed by the end of the business model that Syme used so successfully, channelling advertising revenue into a stable of titles that combined commercial success with political power. Morrison does her best to keep the tradition alive, paying tribute to the *Age* as 'a great metropolitan daily with a tradition of investigative journalism and breadth of coverage unparalleled in Australia.'

Morrison brings a new attention to Syme as a manager and entrepreneur, whose strategic and technical grasp was rewarded with a remarkable record of growth and profitability. When Sayers wrote his book, many details of the complicated ownership structure of the *Age* were obscure. Morrison traces the partnerships that brought successive generations of Syme's family into the business with him as managers or co-owners. She also tracks down his highly profitable investments elsewhere, particularly in land. For her (unlike Syme's first biographer, Ambrose Pratt), Syme is not necessarily to be equated with the *Age*, or the newspaper with him.

Syme's entwining, or entangling, of business and family adds significance to Morrison's investigation of his relationships with his relatives. She details the troubled history of his partnership with his

sister-in-law Jane, for eighteen years co-owner of the *Age*, and her secret relationship with the man who became her second husband. Syme's many quarrels displayed an obsessiveness that fits his frequent characterisation as a grim recluse. His friendship with the young Alfred Deakin seemed all the more remarkable for being a rare spot of colour in a bleak emotional landscape. Like Sayers, Morrison is at pains to show other sides to Syme's personality that emerge in surviving letters to his wife and business friends.

Deakin described the *Age* office in Syme's time as 'the mainspring of Victorian politics.' Sayers' interest in Syme's fabled political influence, the effects of which were still visible when he wrote, made his book a political history of Victoria. Politics, however, is not Morrison's focus. It may be that this choice comes at a cost in the depiction of Syme's character. Deakin saw how much politics meant to him: 'a political plot was a delight,' he said of Syme, 'and a crisis the climax of his joys.'

The networks Morrison traces are familial and commercial. Syme had little interest in publishing outside Victoria, but his news-gathering partnerships reached around Australia and far beyond. So did his searches for the latest printing technologies. His ambitions as an author, too, were international. Morrison documents the mixed reception of his books on government, economics, evolution and philosophy.

Morrison compares Syme to the press barons of England. He dominated his Victorian setting and accumulated striking wealth (he left an estate of nearly £1 million in 1908), but lacked the geographical reach of later media moguls. Unlike Lord Northcliffe, the self-styled Napoleon of Fleet Street, Syme was not a journalist by training, and, in later years, he wrote little for the *Age*. Others produced most of the copy, but he had an unsurpassed ability to turn newspapers into engines of profit and influence.

John Waugh

Making Melbourne's Monuments: The Sculpture of Paul Montford

By Catherine Moriarty. Australian Scholarly Publishing, Melbourne 2013. Pp. xv + 307. \$ 49.95, paperback.

From our first sight of Paul Montford on the book's cover, we see the artist working, thinking, hands on, engaged with the power and dynamism of public sculpture. It is a most apt image—though in a

contradictory sense—for the sculpture shown is that of his rival, Charles Web Gilbert, winner of the competition that was the putative reason for his emigration to Australia. Montford's own entry in the Desert Mounted Corps Memorial competition, illustrated by a plaster model, seems the greater sculpture, and the story behind its failure illustrates the author Catherine Moriarty's point that, 'whether his sculpture appeals or not ... it plays a significant role in the processes of making history'.

Born in 1868, Paul Montford arrived in Melbourne from England in 1923 and stayed until his death in 1938. His father, Horace, had taught at the Royal Academy in London, and had had as his student the eminent Australian sculptor, Charles Douglas Richardson. Montford junior's work adorned the Victoria & Albert Museum and Westminster Abbey. He was a lifelong opponent of modernism.

Montford and his wife, Marian, also an artist, with their two children, rented the ground floor of Ystrad, the large, old Kent Hughes home at 20 Bruce Street, Toorak, using the ballroom as a studio. Their landlord, Wilfred Kent Hughes, surgeon and head of the City of Melbourne's Parks & Gardens Committee, lived upstairs. (Observations of other neighbourhood cultural figures such as Arthur Streeton and Studley Miller may be found in Joan Lindsay's memoir *Time without Clocks*. Lindsay and her husband, artist and later gallery director, Daryl Lindsay, lived at 16 Bruce Street.)

Preceded by chapters detailing the sculptor's life and works, a large part of the book consists of firsthand accounts via Montford's letters, mostly to his stone-carver brother in London through the 1920s. The letters—transcribed as written—are annotated, and followed by a cross-referenced catalogue of the artworks and a comprehensive index. The letters are readable enough, with a wide range of engaging observations diverting into various byways of local history. Montford's descriptions of a sculptor's travails in terms of contracts, commissions, materials and rewards are notably similar to those today.

Though neither Australian nor a returned soldier—both issues at the time—Montford was the sculptor chosen for the 'Great National War Memorial' (the Shrine of Remembrance) by its architect Philip Hudson. Moriarty does include a few lines of contemporaneous criticism in her catalogue, such as those by Ernest Fysh in 1929: 'foreign to its object, its country and its date ... Of what interest to us are those stilted academic figures in pseudo-classical robes'. For a direct comparison, one simply

has to walk into Sydney's much more modest Anzac Memorial in Hyde Park and encounter Rayner Hoff's sculpture of a fallen soldier, *Sacrifice*, to know that great art and sacred spaces have nothing necessarily to do with size or budget.

From the start, Moriarty locates Montford's work as a specific element of Melbourne's identity. She notes how 'Montford alone was undoubtedly responsible for more commemorative sculpture than any other artist working in Australia in these years'. A hundred or so beautifully reproduced illustrations attest to Montford's prolific output, with almost seventy works executed in Australia over a period of fifteen years, when he was in his fifties and sixties.

His work is part of the furniture of the city, a spatial and sculptural element of Melbourne. The Adam Lindsay Gordon ('Two things stand like stone'¹) Memorial is so familiar that it can be identified under drapery, and was reproduced as such with its meaning removed in a suite of works by leading Melbourne artist, Callum Morton, in 2014 at Anna Schwartz Gallery. All pieces were public sculptures, 'part of the narratives of the nineteenth-century city [that] no-one really looks at ... or remembers', so hidden by solid 'drapery'. The series developed further into a new set of public sculptures of Morton's own later that year in Docklands' Monument Park.

Yet Montford's statue of Adam Lindsay Gordon repays closer viewing. Criticised in its time, as Moriarty reminds us, for disparate halves of weak chest and stronger lower body, Montford's depiction is physically suggestive of Gordon's contradictory life: reflective poet and fearless horseman, suicide. Pencil and notebook are in his hands, saddle and hat at his feet. The memorial won the Royal Society of British Sculptors Silver Medal in 1934.

Catherine Moriarty is Professor of Art and Design History at the University of Brighton, UK, and this book was published with the support of Yale University's Paul Mellon Centre for Studies in British Art.

Kristin Otto

1 'Kindness in another's trouble/ Courage in your own.'

The Surprise Rival: A History of the Education Faculty Monash University 1964–2014

By Alan Gregory, Monash University Publishing, Melbourne, 2014. Pp. xvii + 462. \$39.95, paperback.

The surprise about the Surprise Rival is that the rival for Monash was not Melbourne University, but rather Stanford and Harvard. In 1987, *The Times Educational Supplement* reported results of a UK-wide survey of faculties of education, and in a section dealing with faculties in the rest of the world, it reported that ‘Monash University in Australia was the surprise rival to Stanford and Harvard.’

In just over twenty years, the Monash Education Faculty had come to international attention, yet it was never meant to be. Originally, the second university in Victoria was to have been a technical university, to complement Melbourne, and teacher training was the domain of the state teachers’ colleges. But open it did, and under Richard Selby Smith, former Principal of Scotch College, it quickly developed into a multi-professorial single department faculty. These two aspects allowed it to develop a research programme that twenty years later resulted in international recognition. The lack of a formal structure meant cross-fertilisation between disparate fields, and staff involvement (both academic and administrative) in decision-making. This was before the challenges of the 1970s. When Malcolm Fraser, in his first year as Prime Minister, opened the new Special Education Centre (the Krongold Centre), the opening was held in a different building, as the new centre was being occupied by protesters.

The author, Alan Gregory, knows all this well—for 25 years, he was a member of the faculty, having previously been a secondary teacher. Selby Smith recruited staff from the various secondary school systems on the basis of potential, which resulted in a faculty that was strongly practical in its teaching, but also had major postgraduate and research programmes. Among the professorial appointments were people like Peter Fensham, who brought science education to international prominence; Peter Musgrave, who was not only prolific in his writing, but a world name in the sociology of education; and Dick Selleck, one of the top names in educational history. An anecdote in the book indicates that some in Britain could not believe Selleck was not an Englishman, such was the respect for books like *The New Education* and his work on James Kay Shuttleworth.

This golden age did not last long though, as the federal government increasingly regulated the universities. Academics had to compete for grants, and the former Frankston Teachers College and the Gippsland College of Advanced Education merged. The result was a faculty focused more on outside work and grant funding, with new staff needing a doctorate and publications, whereas previously, staff had usually gained their doctorate while working at Monash. The mergers and increasing formal decision-making alienated a number of staff, with reviews (of almost everything) becoming yearly affairs, and with new quality frameworks replacing those yet to be implemented. One positive, however, was that Monash continued to rank highly in assessments of research, equal to the University of Queensland.

Alan Gregory has written his history primarily for past and present staff and students, so at times it feels like the ‘begatting’ section of the Bible as the various people are listed. But the narrative is strong enough to reward the general reader, as they delve into the surprising history of Monash University’s Faculty of Education.

Luke Savage

1 *Ballarat Star*, 7 March 1867.

Notes on Contributors

Richard Broome is emeritus professor of history at La Trobe University and chair of the RHSV's Publications Committee. His most recent book is *Fighting Hard: The Victorian Aborigines Advancement League* (2015).

Ian D Clark is a professor of tourism in the Business School at the University of Ballarat. He has a doctorate in aboriginal historical geography from Monash University. His areas of interest include Victorian Aboriginal history, Indigenous tourism, the history of tourism, and Victorian toponyms.

Marie Clark is a former editor of this journal. Her research projects relate to women's writings and identities and the Great War. She also has a keen interest in the history of Victorian Rules football.

Denise Cuthbert is dean of the School of Graduate Research, RMIT University, Melbourne. She has a long-standing interest in adoption and family formation and has published on the experiences of non-Aboriginal women who adopted and fostered Aboriginal children. In her recent work on the ARC-funded Monash History of Adoption project, she published widely on the politics and philosophy of adoption. Together with Marian Quartly and Shurlee Swain, she co-authored *The Market in Babies: Stories of Australian Adoption* (2013).

Graeme Davison is emeritus professor of history at Monash University. He is author of *Lost Relations: Fortunes of my Family in Australia's Golden Age* (2015) and co-author of *Trendyville: The Battle for Australia's Inner Cities* (2014).

Kay Dreyfus is currently dean's research fellow in the School of Graduate Research, RMIT University, Melbourne. With a background in musicology and history, she is particularly interested in everyday musical experiences in Australia and she has written about musician immigrants, women musicians and music in country towns. Her most recent book is a co-edited collection of essays on the music of Percy Grainger, *Grainger the Modernist* (2015). Her work on intercountry adoption arose from her participation in the Monash History of Adoption project.

Don Garden taught history at the University of Melbourne where he is now an honorary fellow. His books include a history of Victoria, a number of local histories, an environmental history of Australia and the Pacific and a study of 19th-century El Nino events in Australia, New Zealand and the South Pacific.

He is president of the RHSV, president of the Federation of Australian Historical Societies, and a member of the Australian Heritage Council.

Beth D Kicinski has a Bachelor of Arts (Honours) and a Diploma of Fire Technology (Fire and Explosions Investigations) from Federation University (Ballarat). She is currently undertaking doctoral studies examining methodological approaches to interpreting events such as the Myall Creek massacre and the Faithfull massacre.

Mary Lush has a PhD in science from the ANU. She was a senior lecturer at the University of Melbourne and has also held appointments at Monash University and the CSIRO. She has a range of interests, including aspects of the history of science and of education, and is also a member of the Fintona Oral History Group.

Kristin Otto is the author of two books on Melbourne, and is a former curator of the Art and Historical Collection, City of Melbourne.

Marian Quartly is professor emerita in the School of Philosophical, Historical and International Studies (SOPHIS) at Monash University. She has published extensively in the area of Australian history, with special reference to the history of the family and gender relations. She recently completed work with a team of scholars on a four-year ARC-funded project investigating the history of adoption in Australia, producing a number of articles and co-authoring *The Market in Babies: Stories of Australian Adoption* (2013). Her book *Respectable Radicals: A History of the National Council of Women of Australia, 1896–2006*, co-authored with Adjunct Professor Judith Smart, was launched in October 2015.

Kim Rubenstein is director of the Centre for International and Public Law at the ANU. She is a co-editor of *Diversity in Leadership: Australian Women, Past and Present* (2014).

Elizabeth Roberts has a PhD in social sciences from the University of Melbourne and is a former senior research fellow in the (then) Department of Accounting and Finance at that university. She is an Old Fintonian, past chair of Fintona Girls' School and is a member of the school's Oral History Group.

Mary Royle (née West) was born in Lismore, Victoria, in 1926, and lived for three years on the Mount Violet Estate, Dundonnell, near Camperdown, before moving to the United Kingdom. Royle worked as journalist on weekly newspapers in Kent, Buckinghamshire, Devon and Cornwall. While married

with three children, she helped run a livestock smallholding in Devon. Mary undertook a BA (Hons) in History and Literature at the Open University. She has visited Dundonnell several times and met many descendants of the original British and Australian settlers at Mount Violet.

Luke Savage is a former Council member of the RHSV. He was archivist of Melbourne High School and Balwyn High School and is now a Commonwealth Public Servant.

Damian Veltri first encountered the Ferguson-Haughton-Doring family's extraordinary collection of papers while undertaking Associate Professor John Lack's Archives Workshop seminar as an honours student in the History Department at the University of Melbourne in 1998. The present article is largely based on work completed then. Damian went on to complete a research master's thesis, 'The Evolution of an Outer Suburb: a Study of the Shire of Braybrook, 1888–1951,' in 2002 and is now a secondary school history teacher.

John Waugh is a senior fellow in the Melbourne Law School at the University of Melbourne. His publications on Australian legal and constitutional history include *First Principles: The Melbourne Law School 1857–2007* (2007).

Roland Wettenhall is a PhD candidate at the University of Melbourne, writing on the history of Friendly Societies in Victoria, 1835–1920. The prison hulks of Victoria were the subject of a postgraduate thesis supervised by Professor Stuart Macintyre.

Dorothy Wickham is a founder of Ballarat Heritage Services and a co-author of its *Eureka Encyclopedia*.

About the Royal Historical Society of Victoria

The Royal Historical Society of Victoria is a community organisation comprising people from many fields committed to collecting, researching and sharing an understanding of the history of Victoria. Founded in 1909, the Society continues the founders' vision that knowing the individual stories of past inhabitants gives present and future generations, links with local place and local community, bolstering a sense of identity and belonging, and enriching our cultural heritage.

The RHSV is located in the heritage-listed Drill Hall at 239 A'Beckett Street Melbourne built in 1939 on a site devoted to defence installations since the construction of the West Melbourne Orderly Room in 1866 for the Victorian Volunteer Corps. The 1939 building was designed to be used by the Army Medical Corps as a training and research facility. It passed into the hands of the Victorian Government, which has leased it to the Society since 1999.

The RHSV conducts lectures, exhibitions, excursions and workshops for the benefit of members and the general public. It publishes the bi-annual *Victorian Historical Journal*, a bi-monthly newsletter, *History News*, and monographs. It is committed to collecting and making accessible the history of Melbourne and Victoria. It holds a significant collection of the history of Victoria including books, manuscripts, photographs, prints and drawings, ephemera and maps. The Society's library is considered one of Australia's richest in its focus on Victorian history. Catalogues are accessible online.

The RHSV acts as the umbrella body for over 320 historical societies and actively promotes their collections throughout Victoria, which are accessible via the Victorian Local History Database identified on the RHSV website. The Society also sponsors the History Victoria Support Group, which runs quarterly meetings throughout the state to increase the skills and knowledge of historical societies. The RHSV also has an active online presence and runs the History Victoria bookshop—online and on-site.

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