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ROYAL HISTORICAL SOCIETY OF VICTORIA

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ROYAL HISTORICAL SOCIETY OF VICTORIA

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Front cover: South Melbourne showing the Robur Tea Building, c. 1927.
Courtesy State Library of Victoria.



**CREATIVE
VICTORIA**



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Introduction

The creation of the *Victorian Historical Journal* is a collective effort but this particular volume has also crossed the desks of several editors on the path to publication. I am particularly grateful to the assistance and advice from Marilyn Bowler, Richard Broome and Judith Smart who, at different times, contributed their editorial and organizing skills to gift me an eminently smooth transition to the editorial chair at the beginning of this year. To them I say, thank you.

The articles in this edition of the journal move from post-war Bonegilla to the swamps of Melbourne via a nineteenth-century legal landscape marked by the trial of the Eureka rebels. At the same time we see the faintly visible shadows cast by ex-convicts across respectable colonial society, either through their deliberate neglect in the historical record or their desire for anonymity. The settings for these stories show Victoria as a cog in the machinery of Empire and, later, as a destination for post-war European immigrants. Some of the places in which the events described took place are on the frontier of European conquest, others on the streets of Melbourne, and still others in mid-twentieth century rural Victoria.

For readers of the *Victorian Historical Journal*, some of these topics cover familiar territory, from frontier conflict through the Eureka Rebellion, to the Burke and Wills expedition, and from Ned Kelly to post-war migration, but many of the narratives contain stories often told from unexpected perspectives. Rod Giblett considers the ways nineteenth-century European colonisers transformed and reimagined the lands of Aboriginal Victoria as sites of potential exploitation and transformation. He identifies how the Kulin nation's rich wetlands on the northern shores of Port Phillip Bay were reconstructed or removed through the application of European technology driven by an unrelenting determination to tame a landscape identified as unruly and—in the case of Melbourne's swamps—in need of improvement. While engineers and surveyors brought a European view of order to the physical landscape, a different type of order was applied at the Supreme Court when a jury acquitted the Eureka rebels of treason. Despite pressure from the judge, the jury found in favour of the rebels. In her reflection on the trials, Chief Justice Marilyn Warren brings a legal perspective to the decision, suggesting it was a measure of the

way the jury system kept a check on government power. While the disappearance of Melbourne's wetlands diminished the natural wealth of the Kulin nation and their land, the decisions made by the jury at the Eureka trial bolstered the perception of the colony as a democratic and just place. Both events left a legacy that, in one case, was the equivalent of an environmental revolution in Melbourne's natural history, while the other made a substantial contribution to the legal landscape of the country.

Two further articles deal with place as a key component of stories about the past. Bruce Pennay's article on the Bonegilla Reception Centre highlights how place-making is often at the centre of our relationship with the past, while David Corke revisits the more contentious aspects of the mythic narrative about the Burke and Wills expedition. Both authors demonstrate that the meeting of memory with place is never straightforward. David Corke's meticulous investigation into the circumstances surrounding the location of 'The Dig Tree' reveals that, in the creation of colonial settlement narratives, the details often give way to the meaning attached to the events. The Bonegilla Reception Centre, by comparison, occupies a site that is central to the modern and continually evolving story of multicultural Australia. As Bruce Pennay suggests, memories of Bonegilla are held by those who lived there as well as people who lived in the adjacent towns. He suggests that Bonegilla's heritage significance lies in the way it has become a symbol of social cohesion as the immigrants and native-born negotiated the uncertain pathway of coming to know each other.

Peter Griggs provides a diversion from familiar historical topics in his consideration of the tea business in Melbourne in the years before the Great War, when Victorians were amongst the highest consumers of tea in the world and Melbourne was the centre of Australia's tea trade. As the article suggests, tea was the democratic 'drug of the day', enjoyed across all levels of colonial society in urban and rural areas, in kitchens or around the campfire. At the same time, competition in the market ensured that advertising became a key part of the trade, its slogans entering the common language of the day. For example, Griffiths Bros tea advertising along railway lines was so embedded in the popular imagination that Mawson's Antarctic expedition were photographed on the ice, drinking tea in front of a Griffiths Bros sign.

Thomas Rogers and Douglas Wilkie amplify the muted stories of colonial Victoria's convict heritage in their articles dealing, in the first case, with the death of an unnamed shepherd in 1836 and, in the second, the life of ex-convict, Charles Brentani. In different ways the authors explore how the convicts and ex-convicts occupied the shadows of the colonial story. The shepherd, who was killed with his employer at Mt Cottrell to the west of Melbourne, was most likely a convict or an emancipist but neither this aspect of his life nor his name are known. As the article suggests, historians have discussed the two deaths in the context of frontier violence yet there is an overlooked additional narrative that tells the story of the deaths in the context of free settler attitudes to convict-class workers. While this incident may illustrate an active forgetting of the inconvenient part played by convicts in the early history of Port Phillip, ex-convicts such as Charles Brentani silenced the story of their convict origins as they created new lives in the colony. Brentani could be seen as the archetypal colonial rogue who was transported for receiving stolen silver and then created an identity for himself in early Melbourne as a jeweller and watchmaker, but there was another aspect to his story. As Douglas Wilkie suggests, transportation to the colonies had provided Brentani with the opportunity for financial success that he might not have otherwise found.

Finally, there are two historical notes that provide unexpected perspectives into the naming of familiar landmarks and an insight into the unfamiliar working life of a colonial police superintendent. Susan Priestley meticulously charts the myth-making surrounding the origins of the names given to Mt Martha and Mt Eliza, while Richard Sadleir provides insights derived from his great grandfather's diary about the life of a police superintendent involved with the hunt for Ned Kelly.

David Harris

Wodonga's Bonegilla: Depicting and Remembering the Impact of Post-war Immigration

Bruce Pennay

Abstract

This article is about local engagement with a post-war immigration reception centre. I explain immediate host community perceptions of and interactions with Bonegilla, its residents and ex-residents while the centre was operating. Then, I trace the way locals, working with ex-residents, created and championed Block 19 Bonegilla as a memory place and heritage asset. In attempting to fathom the local circumstances of Bonegilla's memorialisation, I emphasise the roles played by locals and local government. I portray the heritage-making of Bonegilla as a facet of a broader process of the place-making of Wodonga and Albury–Wodonga.

Add another Five is a ten-minute black-and-white film made in 1964 to promote Wodonga. It was produced for Wodonga Shire Council by the border district's new television station, AMV4, to accompany the town's entry in Victoria's triennial Premier Town Contest. It follows a simple storyline in which Shire President Jack Hore takes a newly arrived migrant family of five from Bonegilla on a tour of the town to show them the employment and education opportunities, the comfortable housing and the friendly reception they might enjoy if they settle locally. It begins with a sweeping panorama of the Bonegilla Reception Centre, 'the biggest in Australia'. It ends

Fig. 1 A copy of the film *Add another Five* survives in the archive of the Rotary Club of Wodonga, which instigated its production in 1964 when the club president was Col. Henry Guinn, the director of the Bonegilla Reception Centre. (Collage: John Pennay)



with the shire president prompting a sign writer to ‘add another five’ to the 9,000 population sign at the entry to the town.

With the film and its entry into that contest, Wodonga Council hoped to win ‘prestige, publicity, increased investment [and] greater civic pride.’¹ Apart from the Premier Town judging panel, there were three prime target audiences to be addressed with this place promotion exercise. New settlers might be enticed to stay in a town that had good economic prospects and was friendly to newcomers. Prospective investors were made aware of the large local migrant employment pool, both male and female, many of whom were well qualified but underemployed. And existing residents were reassured that authorities were making provision for future growth and that migrants brought something of a continental air to country town living.

In 1964 Bonegilla was at its best. Increasingly anxious about low migrant retention rates, the Department of Immigration was assuring prospective non-British migrants that the reception arrangements it made for them at Bonegilla were more than satisfactory. It had made big improvements to the facilities and grounds. It had helped produce two official films and other publicity material insisting that Bonegilla was no longer a stark, former army camp that had been lightly dusted down for use as a migrant accommodation centre. It depicted Bonegilla as a park-like environment in a beautiful river-side setting.²

However, within a month of the film’s release, Hubert Opperman, the minister for immigration, made it known that none of the new funds for improving migrant reception facilities would be spent at Bonegilla.³ Migrants were coming from conditions of improving affluence in Europe and expected better conditions than a military-style camp with communal eating, washing and toilet facilities. Moreover, Bonegilla was inconveniently placed away from the capital cities where most migrants were finding work. The retention of Bonegilla as Australia’s major reception centre was becoming ‘less and less defensible’, according to James Jupp, then a contemporary critic.⁴

The *Border Morning Mail* worried about what closure of the migrant centre might mean for the local economy. Towards the end of 1965 it despatched a journalist to Bonegilla to produce a report about the facilities that would be abandoned if the centre closed. In a brief but unusually lyrical and contemplative report, the journalist tentatively advanced the notion of memorialisation. Prompted by the sight of one

of the Hume and Hovell memorial cairns near Bonegilla, he paused to wonder about similar monuments ‘to a great spirit’ that might be important ‘in the hearts of the future.’ With Bonegilla firmly in mind, he asked what from the 1960s might become ‘a marker in coming years.’⁵ In his view it seemed that something important and memorable had happened to Wodonga and to Australia at Bonegilla.

Within another few months, there were the first indications that Bonegilla was to revert to its original use as an army camp. In mid-1965, cadets temporarily lived in some of the accommodation blocks and, during the next year, the army accommodated trainees for the war in Vietnam in a number of the disused blocks. From 1966 to 1971, soldiers and new migrants were, once again, to occupy Bonegilla in separate quarters, as they had between 1947 and 1949. The transformation back into an army camp was completed in 1971 when Bonegilla closed. Immigration Minister Snedden depicted the closure as marking an end to the post-war immigration program.⁶

The 1964 film, which was intended as a loud hurrah for Wodonga, became a last hurrah for Bonegilla. In 1964 Bonegilla and post-war immigrants figured large in contemporary attempts to understand the kind of place Wodonga wanted to be. It appeared just prior to the minister’s indication that the reception centre might have a limited future. Consequently, the film prompts us today to think about the local impact of immigration and, by association, raises questions about host society reception of post-war immigrants. Given the events that followed, it also prompts thinking about how and why Bonegilla was to become ‘probably the best remembered’ of the reception centres nationally.⁷

After further reading, interviews and consideration, I find it necessary to extend and qualify the arguments I advanced in an earlier piece in this journal.⁸ I ended that article with the observation that ‘Bonegilla is about the migrant experience and the nation’s experience of migration.’ Prompted, in part, by a recent decision by Wodonga City Council to become the local steward of the Block 19 Bonegilla heritage place, I focus here on the local experience of migration. I examine local engagement with Bonegilla, first while it was operational and then, subsequently as a memory place. I test further how ideas about the place were formed, retained and projected.

Recent explanations of how and why Bonegilla has been remembered provide another prompt for this reconsideration.⁹ Jayne Persian and Alexandra Dellios differ on the extent to which national narratives, promoting a celebratory multiculturalism, have dominated interpretations of migrant accommodation places. Persian regrets that it has not been recognised that personal/family history is the trigger to remembrance at places like Bonegilla. Dellios, on the other hand, argues convincingly that the voices of ex-residents ‘[endure] within or alongside official frameworks’ and are not dominated by them. The ex-residents and their families ‘embrace and include themselves in a wider narrative’. She emphasises the importance of ex-resident ‘grass-root activists’ in commemorating Bonegilla. I seek to extend her definition of grass-roots activists to include non-migrant local volunteers, museum professionals, and local government organisations in advocating the heritage worthiness of Block 19 Bonegilla, both in and beyond the early years. Unlike Persian and Dellios, I consider Bonegilla as local heritage as well as immigration and migrant heritage.

As a participant observer, that is an interested local resident from 1983 on, and as a member of, first, the Albury Regional Museum advisory committee and, then, the Parklands Albury–Wodonga Bonegilla steering/advisory committee, I formed the view that local advocates, as much as ex-residents and migrant groups, were the initiators and champions of the heritage value of Bonegilla. Interviews I conducted between 2013 and 2015 with eighteen people whom I considered key players confirmed my view. So did further examination of the relevant files of the two councils, the Albury–Wodonga Development Corporation and the *Border Mail*.

Placing and Representing the Reception of Immigrants in Neighbourhoods

Scholars from a wide variety of disciplinary backgrounds in Australia and elsewhere have increasingly insisted that the migrant experience was structured and is best represented at the local level, although the national level remains important for understanding the overall context. Among the immigration scholars, Jock Collins, for example, reminds his readers that, ‘Immigration ... not only fills labour shortages, it also changes neighbourhoods and the nature and character of host societies themselves.’¹⁰ Online museum curator John Petersen explained that the work he undertook at the Migration Heritage Centre in New South Wales

was ‘unashamedly personal and regional’. He found it most advantageous to focus on arrival places, namely migrant accommodation centres and worker hostels. Such places were memorable to both the migrants and the host community; they appeared to be high on the emotional register of many newcomers and left their mark on established local residents.¹¹ Other museum professionals have also anchored representation of immigration in a local context rather than having it ‘floating around in a general idea of Australia’.¹² Andrea Witcomb suggests, for example, that the conversations museums start with their visitors could focus on how newcomers and the longer settled rub shoulders with each other every day, and contends that this is most likely to be apparent in specific locations.¹³

In Britain there have been calls for studies of ‘community transformation as a whole’, which would involve ‘tracing the contours of [newcomer/longer settled] interaction and trust’ at local levels.¹⁴ Christine Goodall has probed literature about trust within communities for a theoretical framework through which to study relationships between host societies and new arrivals.¹⁵ She attempted an analysis of conditions that were conducive to the development of a welcoming local society, open to taking the leap of faith to trust strangers. Her focus was on hospitality, or what Ghassan Hage might call the ‘local cuddle’.¹⁶ Similarly, beyond Australia, Ash Amin probes the effort involved in overcoming the risks and uncertainties involved with sets of strangers co-habiting in urban locations. He looks at how difference is negotiated in the local everyday and explains how the mingling and sharing of space makes the stranger familiar. The encounters of living, playing and schooling together, he explains, help people live at ease with one another. Prolonged personal interactions among strangers within neighbourhoods lessen anxiety and help develop an urban etiquette leading to mutual respect.¹⁷

A good starting point to recapture something of the contemporary mental furniture related to post-war non-British migrant reception and settlement in Australia is Jean (Craig) Martin’s pioneering study of newcomer arrival experiences and community attitudes in Goulburn (NSW).¹⁸ In 1953 and again in 1962, Martin examined arrival experiences from the perspective of the newcomers in what she called a ‘cliquey’ country town. Goulburn was then similar in size to Wodonga and Albury, and enjoyed similar economic prospects as a sizeable

regional hub, as yet, in 1953, unaffected by the emergence of Canberra as a rival in its region.

Martin analysed work opportunities, housing patterns and social interactions. She interviewed many of the newcomers. They felt, she reports, like 'second class citizens'; they saw the locals as condescending, and they felt that locals thought there was no real need to get to know 'New Australians'. In 1962 she detected differences in the expectations of newcomers and hosts. Her migrant interviewees were, by then, enjoying the self-esteem and self-respect that came with greater personal economic certainty. All the same, she referred to what she termed 'the [local] limits of hospitality'.

Subsequently in 1971, Martin's research identified that migrants from culturally and linguistically diverse backgrounds were in the least attractive jobs and houses. They were proportionately more highly represented among the disadvantaged. Further, 'we [their hosts were] discouraging and unsupportive rather than actively hostile'.¹⁹ During the 1960s and more particularly in the 1970s, governments legislated to overcome newcomer disadvantage and to offer a wide range of settlement supports. Much of the effort to redress inequities came after Bonegilla closed in 1971. Bonegilla thus operated within what may have been a widespread climate of 'limited hospitality'.

There are, then, precedents as well as exhortations for examining the impact of post-war immigration at a local level and for attempting to fathom the local circumstances in which any commemoration of the experiences involved took place. But, first, I have to explain what is meant by heritage-making and place-making, for I see the heritage-making activity related to Bonegilla as part of a wider process of place-making, related not only to Bonegilla itself, but also more widely to Albury–Wodonga, and particularly to Wodonga.

Heritage analysts have pondered the constructed nature of heritage. They consider heritage-isation as a process rather than heritage as a thing. Hence, they try to unravel the 'variety of engagements that reveal the socio-political and cultural processes at work in defining (or selecting) heritage in the first place and in modulating the response of communities and individuals to it'.²⁰ They examine community involvement in 'the production' of heritage.²¹ They also deal with the questions about heritage places set by Ashworth, Graham and Tunbridge: 'whose heritage is this?'; 'who created, crafted and managed

it?'; 'who needs it?' and 'what do we want to do with it?'.²² I attempt to follow such leads here.

Place-making means more than place promotion, which puts emphasis on 'place branding', 'destination strategies' and 'identity hooks' aimed at producing a 'place product' yielding competitive advantage in the tourist trade.²³ By way of contrast, Arjun Appadurai's concept of place-making is less commercially oriented.²⁴ He has coined the phrase 'production of locality' and argues that neighbourhoods are 'imagined, produced and maintained'. Place-making involves residents continuously attempting to come to grips with understandings of a local world and trying to depict its character. Memory is integral to this activity.

Those who explore place-making at a local level in Australia show that it involves local governments, local businesses and local community members as co-producers. Indeed, it is portrayed as community initiated and realised, and frequently it involves capturing the emotional feel of place.²⁵ Louise Prowse has dared a general reckoning of place-making in declining country towns.²⁶ She shows how local communities have 'looked to the past' and seized on some features to expound on as a 'unique history' that develops the 'distinctive character' of the place. Like her, I too, have pointed to the central role played by local newspapers in helping local citizens determine the present-day character of their community by making sense of their past.²⁷ I have also emphasised the crucial role played by local government in designating and owning memory places as expressive of local historical identity.²⁸

Taking in Strangers, Wodonga and Albury, 1947–1971

What did contemporary residents of Wodonga and Albury make of Bonegilla and of changes the increasing migrant presence brought to their towns while the reception centre was functioning? How were Bonegilla, its residents and ex-residents perceived by the immediate host community?

The most obvious impacts of post-war immigration on Wodonga and Albury were on the size and ethnicity of the local population. Between 1947 and 1971, while Bonegilla was operating, the population of Wodonga tripled and that of Albury doubled. In 1947 fewer than one in twenty people was born overseas; by 1971 it was one in every five.

The post-war years, indeed the last half of the twentieth century, were generally kind to the Albury–Wodonga district. Both centres

had grown as war-time garrison towns and, then, as post-war migrant centre supply depots. The economic stimulus of the Bonegilla reception centre went beyond supply, however, as many migrants settled locally and expanded the workforce. The local economy was invigorated with migrants moving into self-employment, and many overseas-born women entering paid employment.²⁹

Albury–Wodonga grew into a manufacturing and distribution centre on the basis of its unique position as a transport hub at the break of railway gauge. It prospered as part of the industrialisation of regional Australia. Plainly not all the years were prosperous and not all locals or newcomers enjoyed prosperity, but there was a general economic optimism. As Goodall has observed, the optimism that came with an expanding economy and job market can inspire confidence in the community's ability to cope with large numbers of new arrivals.³⁰

The increase in size and ethnic diversity pulled at the shape of the urban conglomerate known as Albury–Wodonga. Bonegilla and the newcomers were, as Goodall explains of her study place, 'spatially managed'.³¹ For the most part the reception centre sat, like a country town gaol or mental asylum, out of sight on the periphery of the town, geographically and socially isolated from the community and drawing only the close attention of those who had some economic or employment link. The Department of Immigration went to some length to explain that the migrant reception centre would not disrupt local life. Bonegilla had its own churches, banks, sporting fields, cinema, hospital, police station. As a result some newcomers felt that at Bonegilla they were not quite in Australia.³² For many locals, Bonegilla was not quite in Wodonga.

Bonegilla was a distinct locality that never escaped its military associations. After the war, the neighbouring Bandiana remained an active ordnance depot and consequently Bonegilla remained part of a military zone, approached by road from Wodonga via huge open paddocks filled with large numbers of tanks and trucks. At Bonegilla, overseas newcomers were rendered other—isolated, transient, controlled, fed and, in many cases, even clothed differently. However, they did not stay pocketed in Bonegilla, as increasing numbers settled locally.

The conglomerate of Albury–Wodonga was structured around the larger and more established Albury centre with two smaller urban

settlements at Lavington, in the adjacent Hume Shire to the north, and Wodonga, across the river and the state border to the south. In 1947 Albury had a substantial city-like appearance and better quality housing than its immediate neighbours. Most of Albury's houses were made of brick and were connected to sewerage, gas and electricity services, whereas houses in Wodonga and Lavington were usually of weatherboard or fibro, had fuel stoves and were not sewered.³³ Through the 1950s, the shire councils in Wodonga and Lavington, unlike the municipal council in Albury, tolerated temporary dwellings such as self-built garage houses and half-houses. Impecunious newcomers gravitated to the cheaper and comparatively underserviced housing.

By 1971, Wodonga had large clusters of German, Austrian and Yugoslav-born residents. Lavington had many Dutch and German residents. Overall, those born overseas spread widely and fairly evenly.³⁴ Ethnic clubs and denominational churches did not attract any one group to any one area, as they did in cities. The newcomers did not, as was feared, 'congregate in little communities of their own'.³⁵ While public transport services barely existed, both Albury and Wodonga were compact; everything and everyone was within a fairly easy bicycle ride. The newspaper fostered the kind of familiarity encountered in the typical face-to-face rural community of the time.³⁶

The growing presence of migrants meant more frequent rubbing of shoulders. Slowly but surely, those who were once physically distant neighbours became street neighbours. Strangers encountered fleetingly in streets, shops and public spaces became, over time, fellow workers, church congregation members, hospital patients, school parents, voluntary organisation members or hobby enthusiasts. Instead of being the recipients of local goods and services, migrants increasingly became suppliers and deliverers of goods and services, and long-established locals had to negotiate everyday differences with them. Just as migrants had their first interactions with Australians over shop counters, so too many townspeople had their first-time encounters with people who spoke with accents as shop assistants. Formal naturalisation ceremonies became civic ceremonies after 1954, and local government welcomed new citizens not only to their new country but also to their new local community. More intimately the newcomers became school mates, youth group friends, boyfriends or girlfriends. Friendships became courtships and even, sometimes, marriages. New and old citizens shared

the marriage, birth and death columns of the local newspaper. New and old learnt to cohabit without rancour; they shared a space, a locality. If nothing more, both the 'we' and the 'they' of sets of strangers learnt to cope with each other.³⁷



Fig. 2 By the late 1960s locals were encountering migrants as service providers. V. Mucchi (painter) and Riassa Halonkin (nurse) paused in their work for Immigration Department publicity photographs. Riassa is being hugged by a hospital patient with whom she could talk in Romanian. (Courtesy National Archives of Australia, NAA, A12111, 1/1967/10/10-11)

Newspapers were influential in reflecting and guiding public thinking about immigration and immigrants. This was particularly true of local newspapers, given their reach within small communities. The *Border Morning Mail* was a large progressive daily newspaper with a wide cross-border print community, and it almost doubled in circulation from 10,000 in 1947 to nearly 20,000 in 1971. I have traced elsewhere how, on a daily basis, it shaped perceptions of Bonegilla, its residents and immigration more generally in its stories, editorials, photographs and letter columns. It gave voice to local anxieties and it hailed what it saw as successful interactions between recent migrant and the longer settled. It congratulated the local community on its hospitality to the newcomers and the newcomers on assimilating.³⁸

This local newspaper grew well practised in reassuring its readers that the Bonegilla reception centre was functioning smoothly and that the increasing migrant presence was benign, if not enriching. Much of its reporting seems to have been instigated or guided by the director of the reception centre. Consequently, it may be read as a monitored

instrument of the state. Nevertheless, there was some self-initiated investigative work on Bonegilla health issues and local employment matters.³⁹ Reflective reports on topics such as ‘Migrants are influencing our way of life’ were intended to reassure readers all was well.⁴⁰ The *Border Morning Mail* focused particularly on showing assimilation as being realised in the everyday experience of the local community.⁴¹ Continuous, personalised, and pictured news items insinuated the newcomers into the community. Photographs showed the newcomers and their children participating in the local festivities. The migrants were moving into and becoming part of border district neighbourhoods and community. They were on an assimilationist trajectory. Readers were encouraged to develop trust in the company of these strangers.

It was the reception centre’s responsibility through its language and civics instruction program to ‘fit these people to take their place in the community’, but the whole community was enlisted to help new arrivals settle.⁴² The country towns near hostels such as Bonegilla had the special responsibility of being the immediate hosts, and it was assumed country towns would be better than cities in giving ‘a more homely introduction to Australia.’⁴³ Centre directors encouraged the local host community to engage with their centres by attending concerts and displays of handicrafts.

Lutheran and Catholic churches had been the most adept at meeting the social and spiritual needs of the first cohorts of ‘Displaced Persons’. Subsequently other church congregations separately welcomed folk of the same denomination. As well as the churches, there were other welcoming volunteer organisations. Colonel Henry Guinn, the longest serving director of Bonegilla, 1953–1965, had a file labelled ‘Assimilation’ that contained correspondence relating to the supportive activities of the Country Women’s Association (CWA), Young Women’s Christian Association, Apex, Business and Professional Women’s Organisation, Jaycees, Lions and Rotary.⁴⁴ CWA branches in the district were the most active, inviting migrant women to morning and afternoon teas where they might share recipes and swap tales of bringing up children. Sporting clubs engaged with the newcomers and sporting field encounters between migrants and non-migrants were highly prized for producing goodwill. One hotly contested ‘nil-all’ football game in 1959 had the acting director declare that, ‘Here was assimilation at its best’. Football and basketball were ‘playing a most important part in

promoting good relations between centre teams and those from the neighbouring districts.’⁴⁵

Some contemporaries thought Wodonga served the nation well in this regard. In his covering letter for the Premier Town Contest entry in 1964, the local federal member, Mac Holten, praised ‘the ability and willingness of the civic authorities and townspeople to assimilate many of the migrants’ and the local voluntary organisations who ‘played a major part in happily settling new migrants in Australia.’⁴⁶

Not everybody enthused about hosting a migrant centre or welcomed the growing migrant presence. Tom Mitchell, the state member for Benambra, was prepared to voice some of the concerns his constituents had expressed to him. Mitchell had preferred that the former army camp be redeveloped as a university campus, as had happened at Mildura, instead of becoming one of ‘Calwell’s concentration camps for war refugees.’ He made representations for a separate school for Bonegilla children when Wodonga’s primary school doubled in size within three years and classes with up to 70 pupils spilt over into church halls. Mitchell’s unease could not be ignored but was not given any more attention in the local media than that of an occasional grumble.⁴⁷ The pressures an influx of people placed on schools and hospitals were generally interpreted as the inconveniences associated with the Wodonga’s ambition of population growth. These problems were not, in the newspaper at least, attributed to the growing number of migrants.

There was no single local view of Bonegilla and post-war migration. As I indicated in my earlier piece, the evidence points to a mix of attitudes ranging through wariness, hostility, compassion, neighbourliness and indifference. By what can be gleaned from the local newspaper record, Wodonga and Albury, like Goulburn, initially offered limited hospitality. With longer-term intermingling, community attitudes shifted to mutual respect, neighbourly cooperation and even collaboration. The task facing the host society of taking in strangers became a matter of adding another five or so—and that involved adjustments both by the longer settled as well as by the newcomers.

Remembering Bonegilla, 1971–2015

During the 1970s and early 1980s, the Department of Defence demolished nearly all of the army huts at Bonegilla to make way for a new apprentice training school. Block 19 was saved from demolition

by migrant and local protesters who successfully lobbied to have it placed on the Register of the National Estate in 1990. Block 19 was subsequently placed on the Victorian Heritage Register in 2002 when the army transferred its ownership of the site to the state government. It was entered on to the Commonwealth government's National Heritage List in 2007. A two-metre plinth, erected with the listing, proclaims the place to be 'a symbol of post-war migration which transformed Australia's economy, society and culture'. The listing itself looks beyond fabric and location to refer to the oral and written records associated with the site, for they 'yield insights into post-war migration and refugee experiences'. It also says Bonegilla 'represents the role of the host society'. Bonegilla is important to the nation, to ex-residents and to their hosts.⁴⁸



Fig. 3 A needlework sampler and an enlarged photograph of two men walking down a flower-garden-fringed road at Bonegilla cleverly enticed visitors to enter an exhibition on migrant hostels at the National Archives of Australia in September 2014. The photograph was one of a series of 22 taken by Immigration Department publicity officers in 1965 to demonstrate how the centre was no longer a stark, former army camp. (Courtesy National Archives of Australia, NAA, A12111, 1/1965/22/1–22. This image provided by Amy Lay)

Cultivating and Pruning Migrant Memory of Bonegilla

Wodonga City Council now calls Block 19 Bonegilla the 'Migrant Experience'. It is a memory place where people choose to come to tell their post-war migration stories. Nearly half the visitors are former

residents or their family members. They come as pilgrims to tell rather than be told. They leave personal or family stories and memorabilia as contributions to a larger story that this site tells, perpetuates, perhaps enshrines. They are not authorising tales of a homogeneous migrant experience but, to the contrary, seem to want to ensure that any story told is sufficiently differentiated to include their kind of migration. Their stories follow two general patterns: some dwell on the trials of migration and the inequities they faced; others have memories of kindness. Migration was a bitter/sweet experience, and settlement a challenge and achievement. Their stories reveal both trust in and suspicion of each other and the hosts.⁴⁹

For many migrants, Bonegilla was a special place, a significant turning point in their autobiographies. Some have given personal or family heirlooms to the museum—for example, ‘my father’s overcoat’ or ‘the rug we took with us on the journey from our [European] home’. One couple, Ludwig and Milda Kritins, who had met and worked at the centre, bequeathed their wedding rings to the museum. One family requested soil from the site to go with their father’s coffin. Another family made a wake-like trip to Bonegilla after their father’s funeral to pay their respects to him.⁵⁰ Family members shadow or adopt the memorable experiences passed on by Bonegilla forebears, taking particular notice of sensory impressions in what Marianne Hirsch calls post-memory.⁵¹ At Bonegilla personal memories seem to matter; the everyday is heritage worthy.

Former refugees and migrants writers, filmmakers and artists have prompted recall and shaped ideas about Bonegilla and post-war immigration. They have depicted ideas of Bonegilla in books, as memoirs of an individual or those of ethnic collectives or subsequent settlement suburb groups. They have crafted poems, radio and stage plays.⁵² Beyond Bonegilla, commercially successful films like Sophia Turkiewicz’s ‘Silver City’ (1984) and ‘Once My Mother’ (2014) or Richard Roxburgh’s ‘Romulus My Father’ (2007) traverse personal journeys that echo those in the memory records of the Bonegilla Collection and influence popular understandings of the more general migrant experience.

Within Albury–Wodonga, playwrights and sculptors have fostered remembering among ex-residents and locals. They have produced soundscapes, puppet shows, and exhibitions to draw public attention to migrant experiences. The children of ex-residents speak of the emotional

resonance of playing the parts of their parents carrying suitcases down the steps at the railway station in a community theatre production.⁵³ At Bonegilla and in Wodonga, Ken Raff and Stephen Anderson have created evocative groups of two-dimensional steel-laser silhouette figures.

Cultivating and Pruning Local Memory

Given the isolation of Bonegilla, it is not surprising that migrant memory pieces rarely touch on the local community. The new arrivals recall creating their own support networks drawing on kith and kin or ship-board or former village acquaintanceship before they turned to the local community. Yet, for locals, community memory has to include Bonegilla as they try to come to grips with local space and understand the growing migrant presence as part of local economic, social and cultural development. Their curiosity is fired by a basic need to make sense of where and when they live. Theirs is an exploration of locality, rather than of nation or of a migratory self and family.⁵⁴

Dellios singles out the 1987 reunion and 1997 festival as significant turning points in the commemoration. She focuses appropriately on the actions of ex-residents working through the local branch of the Ethnic Communities Council in the reunion, and on the role of the museum in the festival.⁵⁵ Without the imagination and energy of a few ex-residents and the collaboration of many more there would have been no commemoration. However, non-migrant and migrant locals, too, were heavily involved in creating, crafting, managing and championing memory of Bonegilla in the museum and at Block 19. That local advocacy took two forms initiated before and enduring beyond the 1987 reunion and a third, which came after it.

The *Border Morning Mail* was one of the first local bodies to explore memory of Bonegilla and its residents, publishing a four-part local history supplement, 'The Immigrants', by Tony Wright in 1977. As the self-appointed custodian of local memory, the newspaper continued to prompt public remembering of Bonegilla after it had closed. Journalists, such as Howard Jones and Maria Galinovic, provided not only supplements to accompany commemorative events but, perhaps more influentially, a steady stream of ex-resident human-interest stories, centring most commonly on the resilience of ordinary people.

Second, the Albury–Wodonga Development Corporation was similarly early and consistent in promoting the commemoration

of Bonegilla. It had a bold place-making agenda, to which I return later. Accordingly its officers took up influential roles in community organisations. In 1983, Theo Charles-Jones, the community liaison officer, suggested a Bonegilla memorial. Later he convinced Wodonga Council to advance a memorial as a project to celebrate the Victorian bicentenary. Along with Bill Day, who was in charge of the local office of the Department of Immigration, and Louis Maroya, an ex-resident and local academic, Charles-Jones guided and supported the Ethnic Communities Council in its commemorative endeavours. He arranged for the Development Corporation to provide its mapping resources to prepare layout plans for the museum. He also pressed the Development Corporation to organise a 12-hectare land exchange for the proposed museum when the army ruled out the Block 19 site. At his suggestion, the Development Corporation advanced a commemorative museum cum ethnic village project as its highest priority in response to the call to local organisations for bicentennial projects.⁵⁶

Part of Charles-Jones's job was to establish new estate and broader town and district identity for marketing purposes. He recruited district histories and heritage surveys as he went about helping the Development Corporation to sell locations, not just sub-divided paddocks. Other officers, too, notably John Alker-Jones working with Albury Regional Museum and Parklands Albury–Wodonga, saw the memorialisation of Bonegilla as part of that broad place-making endeavour.

Third, the ambitious ten-day festival in 1997 originated with Elizabeth Close, the energetic and innovative director of Albury City Council's newly professionalised museum. The festival was focused on the migrant experience and was intended to gather Bonegilla memories and memorabilia. Building on Close's work, Albury Regional Museum arranged for a travelling exhibition, 'The Steps of Bonegilla', which visited Canberra and Melbourne, 2000–2003, where supplementary exhibition materials were gathered and displayed. Subsequently it arranged further exhibitions and a series of interviews with ex-residents for the Migration Heritage Centre's on-line *Belongings* program.⁵⁷ Through then beyond the 1990s, local museum professionals, with ex-resident collaboration, won a substantial museum and web presence for memories of Bonegilla.

It was simpler and quicker to commemorate Bonegilla within professionally tended museums than it was at an actual place on the ground. But after the successful 1997 festival attention moved beyond

the museum to place. The Department of Defence stopped using Block 19 and transferred not only the site but also its heritage responsibilities to the state with a successful nomination of the place to Victoria's heritage list.

For the next decade responsibility for the care, management and presentation of Block 19 fell on local volunteers. Having established an Immigration Museum in Melbourne, Victorian premier Jeff Kennett decided Bonegilla might be best managed as a heritage place by the Department of Natural Resources. The department devolved conservation responsibility to Parklands Albury–Wodonga (Parklands), a not-for-profit, community-based organisation, initiated and financed by the Development Corporation with contributions from both local councils.

Parklands focused on facilitating community involvement in the conservation of the natural rather than the cultural environment. Its rangers were to manage carefully the physical condition of the 17.5 hectare Block 19 site. A master plan and interpretation strategy, developed by David Locke and Associates working with ex-resident informants, set directions for the development of Block 19 as a heritage place, but implementation was left to a Parklands sub-committee, which was a loosely coordinated group of local volunteers.

The task set the Parklands sub-committee was to care for the place, but its prime goal was to make the place visitable. Its members gathered funding opportunistically from heritage, arts and festival grants. Ahead of the 1999 Victorian election, local lobbyists had been successful in winning a promise of substantial state funding from John Pandazopolous, a leading politician who had family connections with Bonegilla. The promised \$2 million commemoration centre and tourist venue was delivered in 2005 in the form of an interpretation pavilion and a new café. But Block 19 still remained unattended and its huts locked. John de Kruiff, an ex-resident volunteer, took on the role of being a regular unpaid site attendant and visitor guide in 2009. Plainly, the sub-committee could not achieve its goal without additional support. It struggled long and hard to convince Wodonga's council to become the official custodian of Block 19.

A local volunteer successfully nominated the place to the National Heritage List at the end of 2007. Its inclusion on that list prompted new interest within Wodonga City Council. The mayor, Mark Byatt, had been

the chief executive officer of Destination Albury–Wodonga, the regional tourism office, and was keen to realise the tourism potential of the place. Council began to take over responsibility for the site from Parklands in 2009. It now administers the migrant centre site from within its tourism, marketing and cultural development department. With the help of Regional Development and Community Heritage Project funding in 2013–14, it has developed and is proceeding to implement new business, master and interpretation plans ‘to enrich the visitor experience in an authentic manner [and] to achieve a high level of self-sustainability with significant positive benefits to the Albury-Wodonga region.’ Additional Commonwealth Heritage and Icons grants are being used to attend to conservation and interpretation needs. In all, the council is currently managing \$1.5 million in project funding for Bonegilla from the state and the Commonwealth.

The influence individuals and small groups had on heritage-making can be discerned at a local level. I have named a few local champions. There were others. But not everybody enthused about the memorialisation of Block 19 Bonegilla as a heritage place, or about Wodonga City Council’s involvement. The Department of Defence wanted to demolish Block 19. It insisted, if Block 19 were to be kept, that interpretation include the military occupation of the site.⁵⁸ Council was prepared to support tourist-attracting events but baulked at taking over caretaker responsibilities for a number of former army huts in need of costly maintenance. Graeme Crapp, the mayor, worried about the viability of a commemorative centre and tourism venue. ‘[Bonegilla] will never ever be a tourist asset for Wodonga and its value to Wodonga as a cultural asset is very dubious. Further, [many of the migrants] saw Bonegilla as a “Hell Hole” and did not want to talk about or think about the experience’. If the state or Commonwealth governments thought Bonegilla was important, it was for them to care for it. Local government had other higher priorities.⁵⁹ Others, too, baulked at associating a progressive Wodonga too closely with Bonegilla, for it was ‘an unhappy place’ and, therefore, part of a dark history.⁶⁰

Remembering or ignoring Block 19 Bonegilla had much to do with the kind of place locals wanted Wodonga to be.

Hurrah for Wodonga

The 1964 film *Add another Five* was, for a small shire council, an adventurous promotional piece. It was to precede three unusually high-

level place-promotion developments related not only to Wodonga but also more widely to the Albury–Wodonga district. Indeed, Wodonga was to become so well practised in proclaiming its merits that it caught the eye of Peter Carey, the novelist. In his novel, *Amnesia* (2014), Carey named a prosperous property developer ‘Woodey Townes’ and nicknamed him ‘Wodonga’, for the fictional Townes made his fortune from promoting a fictional ‘Greater Wodonga’.

First, Wodonga did not win the Premier Town competition in 1964, nor again in 1967. Still, citizen-group town promoters were pleased to refer to Wodonga as ‘Victoria’s Top Industrial Town’, a section winner in the competition. Irrespective of the contest, Victorian state planners designated Wodonga, with its Albury cross-border neighbour, as one of the state’s five key decentralisation projects in 1967, if New South Wales agreed to cooperate with a joint development. New South Wales did agree, and Wodonga–Albury development committees worked with the two councils and each state’s decentralisation authorities to win investment to the border district.

Second, Gough Whitlam pushed the idea of joint and rapid development of an Albury–Wodonga complex much further with his proposal for a Commonwealth-supported selective decentralisation project. In 1973 he set about developing Albury–Wodonga as ‘another Canberra’ between Melbourne and Sydney. The national growth centre project involved not only town planners and economists, but also promotions and public affairs staff. In essence, the newly labelled ‘Albury–Wodonga’ was a clever and particularly well-resourced branding exercise. \$7.3 million was spent on place-marketing, spruiking the economic prospects, lifestyles and character of ‘Australia’s Growing Place’. The cross-border centre was culturally alive, and the Bonegilla memory place was fostered as part of that vitality, hence the heavy involvement of officers of the Albury–Wodonga Development Corporation and its related organisations in the promotion and management of Bonegilla.⁶¹

Third, when, in the mid-1990s, the growth centre experiment ended, the two cities were unbuckled from each other. Both councils went separate ways, each pursuing economic development apart from the other. Separate ideas about the city were important, and Wodonga appointed the first local government marketing officer in regional Victoria. The Rural City of Wodonga became the City of Wodonga, a

front-ranking Victorian regional centre in its own right. It was no longer the smaller struggle town 'near Albury'.

The push for a stand-alone identity has recently been given impetus with opportunity to redevelop 10 hectares of prime land in the central business district following the re-siting of the railway in 2013. This provides a rare place-making opportunity; Wodonga is developing a new city heart. Central to the new development is the conserved Junction Place station and goods shed with a new urban park named Junction Square.

Forward-looking Wodonga was one of the last Victorian councils to formulate a heritage list, but council officers have looked to the past to fashion ideas of local character. Wodonga is still very much a work in progress, and Bonegilla, like Junction Place, is part of that work. The Bonegilla story helps distinguish Wodonga from other country centres. After all, it was Wodonga, nowhere else, that hosted Australia's largest and longest-lasting post-war migrant reception centre. In spite of the naysayers, Bonegilla may still help bring 'prestige, publicity, increased [tourism] investment and greater civic pride', as in 1964. Bonegilla continues to play an important part in local place-making.

Conclusion

Local stories of post-war immigration do not displace national stories or migrant stories. They supplement them. As we move towards a big Australia and think more carefully about social cohesion, it seems important to assess the warmth of local cuddles. How did/do local communities go about taking in strangers? Ex-residents and their families might come to Bonegilla to seek 'something that happened to me or my tribe'. Members of the local and wider host society might come to see 'something done by me or my tribe'.⁶²

With local government ownership of Block 19 Bonegilla, the people of Albury–Wodonga are showing their respect for those who once were strangers from other lands. They have accepted the responsibility of looking after a place that is important in migrant memory and is also deemed important to the nation. With Bonegilla, they project stories of togetherness and prompt attention to the care of the other. They are also telling stories about themselves and their place.

Migrant accommodation centres did not exist in a geographic vacuum. Nor do the memory places that have been built around them. Here, I have heeded Jean Martin's call for examinations of particular

social settings in which the immigrant and the native-born adapted to each other.⁶³ It is for others to show how other local communities in this migrant nation recall and think about what it meant, and still means, to add another five or so.

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Empires of Leaves: Tea Traders in Late Nineteenth-century and Edwardian Melbourne

Peter Griggs

Abstract

Between 1880 and 1914, Victorians consumed almost a third of the tea imported into Australia and Melbourne had become the main Australian centre for the re-export of tea to other Australian colonies and nearby Pacific islands. This paper identifies the Melbourne firms specialising in the tea trade between 1880 and 1914. The analysis shows that some firms focused on just importing the product and offering it for sale at auctions; others produced brands of packet tea with distinctive trademarks and packaging, relying on extensive advertising to promote their products. Several Melbourne tea traders made large fortunes—their business empires were literally founded on leaves.

Introduction

In 1912, Melbourne tea merchant James Griffiths supplied William Watt, premier of Victoria, with half a pound of tea manufactured from the leaves of the tea bushes growing on his property near Fern Tree Gully.¹ James Griffiths was one of the numerous Victorian tea merchants who had kept the colony/state supplied with its favourite beverage during the late colonial and Edwardian years. Over this period, Victorians consumed almost a third of the tea imported into Australia, several of the country's main brands of packet tea were packed in Melbourne (e.g. Robur, Ghoom, Kandy Koola), and the city by the mid-1880s had become the main Australian centre for the re-export of tea to other Australian colonies, New Zealand and the nearby Pacific islands. Indeed, a correspondent for the *Australasian Trade Review* estimated that of every 9lb (4kg) of tea imported into Victoria between 1882 and 1886, about 4lb (1.8kg) were shipped to other Australasian colonies.²

Surprisingly little has been written about the tea merchants of Melbourne. Yet these traders in tea were a vital part of the expanding city and colony, for they supplied a product consumed by all classes and both genders in copious amounts. Their activities were lucrative, with some fortunes made from the sale of tea (and other grocery items)

being devoted to the erection of ornate buildings, a number of which still remain in Melbourne today. Some Melbourne tea merchants were deeply religious and philanthropic (e.g. James Griffiths; Henry Berry). This article seeks to redress the omission of these and other tea traders from the history of Victoria.

Tea Consumption in Colonial and Edwardian Victoria

Shortly after separation from New South Wales, the new colony of Victoria was inhabited by less than 100,000 Europeans; this figure had grown substantially to almost 600,000 by 1911.³ The immigrants who contributed to this spectacular population growth mostly came from England, Scotland and Ireland or other parts of Australia. Many of these immigrants would have already developed a taste for tea. Its consumption had become decisively entrenched in British culture across all classes by 1800, being described as the 'drug of the day' by the food historian Michael Symons.⁴ Tea became an important part of Australian society during the early nineteenth century, with shepherds and other bush workers receiving a quarter of a pound (115 g) of tea as part of their weekly rations. It was a beverage well suited to Australian conditions, because the leaf could be packed easily, it was light, it travelled well without deteriorating, and the water had to be boiled to use it, which helped ensure people's health, as the boiling process killed any disease carrying germs in the water.⁵ A pot of tea was also closely associated with suburban living, as it could be easily and quickly prepared in the home and shared by all members of the family, except very young children, and visitors. Indeed, offering a pannikin or cup of tea became closely associated with acts of hospitality in colonial Australia.

During the 1840s, according to estimates by the economic historian Tony Dingle, an average of 6.2 lb (2.8 kg) of tea was consumed per capita annually in the Port Phillip district. This amount rose sharply to just over 9 lb (4 kg) per capita annually during the gold rushes, but then fell away during the latter decades of the nineteenth century. Nevertheless, Victorians at the turn of the century were still consuming just over an average of 6 lb (2.7 kg) per capita annually, making them amongst the highest consumers of tea in the world.⁶ After Federation, all Australians continued consuming around 3.1 kg per capita annually during the 1900s and early 1910s, and it is reasonable to assume that Victorians maintained their passion for tea-drinking during this period. Consequently, large amounts of tea needed to be and were sourced to ensure that Victorians were supplied with their favourite beverage.

Numbers and Types of Tea Traders

Details on the earliest Melbourne traders in tea are scant because there are no separate entries for ‘tea broker’ or ‘tea merchants’ in the Sands and McDougall *Melbourne and Suburban Directory* during the 1850s and 1860s. Presumably the first traders in tea in Melbourne were among the burgeoning number of provision merchants who established themselves in the city, particularly following the gold rushes. In 1870, the Sands and McDougall *Melbourne and Suburban Directory* finally contained a separate category for what was termed ‘tea, coffee and sugar merchants’ (Table 1). The initial number of firms listed in this category rose quickly through the 1870s, reaching 30 in 1880. The classificatory category changed after 1880 to become ‘tea, coffee and spice merchants’, although this change had little impact upon those firms being assigned to this classification, there being a high degree of similarity in the names on the lists from year to year during the late 1870s and early 1880s. Consequently, it is reasonable to assume that the numbers of firms dealing in tea in Melbourne rose steadily during the 1880s and early 1890s. By 1905, 124 firms in Victoria’s capital city were listed as being involved in the tea trade (Table 1). This number then halved over the next decade, with the names of many firms—possibly the smaller operators—disappearing from the lists.

Table 1. Number of ‘tea brokers’ and ‘tea, coffee and sugar or spice merchants’ listed for Melbourne, 1870-1915.

Year	Tea brokers	Tea, coffee, sugar or spice merchants	Total
1870	*	9	9
1875	*	16	16
1880	*	30	30
1885	*	44	44
1890	18	55	73
1895	8	93	101
1900	8	97	105
1905	*	124	124
1910	*	71	71
1915	4	61	65

* No separate category for tea broker.

Source: Based upon figures in the Sands and McDougall *Melbourne and Suburban Directory*, various years.

Determining the accuracy of these lists, however, is very difficult as it is not clear what amount of business in tea led to a firm being included in this category, and there is no indication given as to the time lag between a business commencing to trade in tea and its name appearing in the Sands and McDougall directories. As such, the veracity of these figures needs to be treated with caution. Moreover, Melbourne's colonial and Edwardian tea traders were not a homogenous group, nor consistent in their activities through time. Nevertheless, some generalizations can be made about their operations. An analysis of the biographical and company details that could be assembled for some of the names appearing in the lists of tea merchants and tea brokers in the Sands and McDougall directories suggests they can be grouped into four distinct categories: provision merchants who dealt in a number of grocery products, including tea; specialist tea merchants dealing in tea only or tea, coffee and chicory; commission, shipping and forwarding agents who imported bulk or loose tea for sale to other merchants and grocers; and brokers and auctioneers specialising in the sale of bulk tea, again to other merchants.

Some of the earliest Melbourne traders in tea were provision merchants. An early example of such a business was that operated by Germain Nicholson (1814-1888), an English immigrant who commenced operations in Melbourne in 1844. Nicholson then expanded his business empire to include outlets throughout Victoria, and was credited with importing the first cargo of tea from Hankow to Australia.⁷ He was also very philanthropic, developing a reputation as 'the poor man's friend', particularly as he provided shelter in his warehouses for the many immigrants arriving in Melbourne before they departed for the goldfields. Another business with close ties to the tea trade from this era was Griffiths, Gore and Co. of Sydney. This organisation opened a Melbourne branch in 1848, later becoming Griffiths, Fanning & Co., before eventually being renamed Fanning, Nankivell & Co. in 1858. The firm imported tea, sugar, coffee and spices and was the Australian representative of Dent & Co., one of the wealthiest British companies active in the Chinese tea trade during the nineteenth century. By 1880, the amount of tea imported by Fanning, Nankivell & Co. reputedly exceeded that of any other Melbourne merchant.⁸ However, Fanning & Nankivell do not appear in the list of principal Victorian businesses dealing in tea during the late 1880s (see Table 2), so this claim may have been exaggerated.

Table 2. Amount of tea (lb) imported by principal Victorian businesses dealing in the product, 1888-1890.

Firm	1888-89	1889-90
Connell, Hogarth & Co.	949,840	886,604
Oriental Tea Co. Ltd.	871,600	101,918
Robert Harper & Co.	794,880	546,352
W. Peterson & Co.	704,400	686,888
J. Service & Co.	533,120	418,413
Atcherley & Dawson	503,120	234,164
Lange & Thoneman	483,360	249,257
H. Hawthorn & Co.	445,760	521,327
Griffiths Bros.	434,080	465,395
Joseph Webster & Co.	406,960	320,187
Lawrence & Adam	380,720	348,846
J.M. Coote	298,000	Not listed
Rolfe & Co.	240,560	305,685

Note: Not all of this tea entered home consumption. Some of it was re-shipped under drawback arrangements.

Source: Based upon reports in *Journal of Commerce*, 26 July 1889, p. 9 and 19 August 1890, pp. 9-10.

As the Victorian gold rushes commenced, Melbourne attracted new provision merchants. James Henty was one of these new arrivals who eventually took a leading part in the business life of Melbourne. He established the business James Henty & Co. in 1851 and commenced supplying provisions, including tea, to the greatly increasing population in Victoria.⁹ Sometimes this firm's tea was offered at auctions.¹⁰ The firm was not listed as one of the principal importers of tea in Victoria in the late 1880s (see Table 2), but its business in the product had become quite substantial by the turn of the century for the organisation lost an estimated 800,000 lb of tea when a fire destroyed its bonded store in Flinders Lane.¹¹ Later, a report on the Victorian tea trade in 1917 listed Henty & Co. as one of the three main importers of tea into the state.¹²

Throughout the 1850s and 1860s, new provision merchants set up in Melbourne, competing with those already established firms. One such

newcomer was John Connell, who in 1853 commenced as a wholesale and retail grocer in Melbourne (later renamed Connell, Hogarth & Co. in 1863). By the late 1880s, this organisation was the largest importer of tea into Victoria (see Table 2), a position it still held in the mid-1890s.¹³ Another in this category was John Peterson, who in partnership with his uncle William Peterson established in 1854 the firm Peterson, Pole & Co. (later W. Peterson & Co.; then Peterson & Co.).¹⁴ This business set about supplying the goldfields and by the late 1880s was one of the top five importers of tea in Melbourne (see Table 2). Melbourne also attracted the attention of Henry Berry (1836–1923), who commenced as a general merchant and importer (later manufacturer) of salt in the growing city during 1859. Over the following decades, Henry Berry & Co. grew to become a major supplier of grocery items, including the famous *Glen Valley* packet tea. Henry Berry was also known for his philanthropy, his firm having a reputation for ‘integrity’.¹⁵ The year 1859 also saw two business men, Emil Thoneman and Christian Lange, form a partnership to create the firm Thoneman and Lange.¹⁶ By the late 1880s, this firm was amongst the top importers of tea in Melbourne (Table 2).

As the population of Melbourne soared during the 1860s and 1870s, new provision merchants set up in the city. Some of these businesses became associated with the supply of tea. One of these firms was founded by the prominent Jewish community leader and general importer, Edward Cohen, in partnership with his brother-in-law Benjamin Benjamin.¹⁷ Another was the Flinders Lane business of Cornelius Lister & Co., established in 1871. The firm’s founder, Cornelius Lister (1829–1901), had traded in Ballarat before moving to Melbourne, where he eventually became the Victorian agent for the Assam and Darjeeling Tea Co. teas in the early 1880s.¹⁸ However, the most noted of these later arrivals was Robert Harper & Co. This firm was established in 1865 by Robert Harper (1842–1919), focusing upon the trade in tea, coffee and spices from the East Indies, and later in sugar, oatmeal and flour. Robert Harper & Co. had become a substantial Melbourne importer of tea by the late 1880s (see Table 2), and the organisation developed into a major Australian firm, relying heavily upon travelling agents with samples of produce to build up its business throughout the entire country.¹⁹

The second category of Melbourne merchants dealing with tea were those firms that specialised in the blending and sale of tea only

or tea and other beverages such as cocoa, coffee and chicory. One of the earliest Melbourne firms focusing solely upon the provision of tea was Joseph Webster & Co., a partnership between Joseph Webster and Price Goulstone. It is unclear when this firm commenced operations in the early 1870s, but the business had acquired debts of £90,000 by 1876 and was nearly declared insolvent, only avoiding foreclosure because of the generosity of its creditors.²⁰ The business then became the Victorian agent for the India and China Tea Co. in 1878 and managed to turn around its affairs, becoming one of Victoria's top ten importers of tea in the late 1880s (Table 2). However, the firm folded in 1889, following its inability to meet the demands of its creditors.²¹

Another early specialist Melbourne trader in tea was the Oriental Tea Co. founded in 1876. The main object of this company was to 'supply a better class of tea to the community' and to offer consumers a wider selection of teas than had previously been available in Melbourne. By 1883, the firm was importing half a million pounds of tea annually and remained a major Victorian importer of tea in the late 1880s (see Table 2). The organisation relied entirely upon tea blending using mechanical appliances, but still employed forty workers at its inner Melbourne premises. Girls were hired to prepare the packets of tea, the firm believing that their delicate fingers enabled them to manipulate the packets more quickly than men; Chinese men made the boxes for the packaged tea.²² In 1908, the Oriental Tea Co. was described as one of the 'largest tea distributing houses in Australia.'²³

The Oriental Tea Co. and other provision merchants dealing in tea soon faced many rivals during the 1880s. The most noted was James Griffiths (1850–1925), who had initially been a grocer in his home town of Wolverhampton. However, after immigrating to Melbourne, he set up a tea importation business in 1879. Griffiths' brother John joined the firm in 1881, and the partnership then operated as Griffiths Bros.²⁴ Their eventual success was based upon a 'strong anxiety to please their patrons', a willingness to supply potential patrons with free samples and a readiness to exchange parcels of tea should they 'not be to the customers' taste.'²⁵ By the turn of the century, Griffiths Bros had become one of the city's (and nation's) premier tea importation businesses, operating until it was taken over by the Robur Tea Co. Ltd in the mid-1960s. Both the firm's founders, according to their biographer Darell Paproth, were 'committed lay evangelicals (in their case Anglican) who

gave generously of their time and substance to both denominational and nondenominational evangelical causes'. Indeed, the firm's success owed a great deal to what the Anglican Church's Archdeacon Aickin in his funeral oration for James Griffiths at St Pauls Cathedral referred to as 'the company's founder's enduring personal traits of courtesy, patience, of being sympathetic, and of being a devout and practical Christian merchant'.²⁶

Fraser, Ramsay and Co. was another Melbourne business that commenced as a specialist tea merchant, although the firm's trajectory was slightly different from others in this category. Originally formed as a partnership between Robert Ramsay and R.W. Fraser in 1887, the firm initially specialised in importing tea from China, offering it at auction in Melbourne.²⁷ However, Fraser, Ramsay & Co. diversified into other products after 1894, including tinned salmon, stout, champagne and spices. Eventually, the firm in 1914 amalgamated with the Eastern and Australasian part of the business of Harrisons and Crosfield Ltd to become Harrisons, Ramsay Pty Ltd. It was a move to reduce competition at the auctions in Colombo and Calcutta and boost profits, the tea trade becoming unprofitable for some merchants by the 1910s. Despite the firm's diversified business interests, a report on the Victorian tea trade in 1917 listed Harrisons, Ramsay Pty Ltd as one of the three main importers of tea into the state.²⁸

Many other specialist tea merchants operated in Melbourne throughout the late nineteenth-century, although they never reached the prominence of Griffiths Bros Limited details exist on these firms, and only a few will be mentioned in this account. One such organisation was the Foochow & Calcutta Tea Co., the firm describing itself as 'importers of Ceylon teas and supplier of a fine assortment of China teas'. Established in 1882, the business operated until at least 1905, before ceasing to appear in the list of tea merchants published in the Sands and McDougall directories. During the start-up phase of this organisation in the mid-1880s, the firm tried attracting customers through an extravagant promotional offer involving giving four pounds of sugar to every purchaser of one pound of its tea.²⁹ English immigrants Stephen Atcherley and Thomas C. Dawson who had joined forces by 1884 to create Atcherley and Dawson were another business specialising in the sale of tea. Even though Stephen Atcherley died in 1894, the firm he co-founded was floated as a limited liability company in 1897. Its Globe

Tea was quite popular with the Melbourne public.³⁰ McIntyre Bros was another of these smaller, less known specialist Melbourne tea merchants. The business was in existence by 1890, and ended up being quite long-lived, still selling tea to Victorians during the mid-1920s. The firm's earliest advertisements announced that it supplied the choicest teas direct to consumers at the lowest possible cost because of the absence of middlemen, the business forgoing the use of travellers and agents.³¹

During the 1880s and early 1890s, Griffiths Bros, the Oriental Tea Co. and Atcherley and Dawson were some of Melbourne's premier specialist tea traders. However, their dominance commenced being challenged during the late 1890s and early 1900s by the Robur Tea Co., a subsidiary of James Service & Co. The Robur brand of tea had first been marketed by the Melbourne-based tea merchants Hawthorn, Rhodes & Co., who operated as the Australian outlet for Chinese tea supplied by the Peking Tea Co. from the early 1880s, and were a major importer of tea into Victoria by the late 1880s (see Table 4). After the brand had been acquired by the Robur Tea Co. in June 1900, its new owners embarked upon an aggressive sales campaign through a range of promotional activities (see below), expanding the firm's business considerably.³² By 1905, the Robur Tea Co. employed 120 workers in its Melbourne operation alone.³³

The third type of organisation involved in the tea trade was commission, shipping and forwarding agents. These firms often imported merchandise for the squatters and purchased their produce. Dalgety & Co. Ltd was one of the more prominent of these businesses to engage in the importation of tea. In 1887, for example, the firm advertised that it had just taken delivery of 'large shipments of Indian and China teas'. The firm maintained its involvement in the tea trade over successive decades, a report on the Victoria tea trade in 1917 listing Dalgety & Co. Ltd as one of the three chief importers of tea into the state.³⁴ Another firm in this category was Lorimer, Mackie & Co., founded by Sir James Lorimer (1831–1889) in 1853. The business later amalgamated with John Swire & Sons of London and Liverpool, before eventually trading as Lorimer, Rome & Co. Lorimer's connection with John Swire & Sons led to the latter sending shipments of Chinese tea to Melbourne, although John Swire had to continually admonish his Victorian partners for not selling the tea shipments fast enough. When Lorimer, Rome & Co. went bankrupt in 1894, John Swire gave

George Martin — Swire's Australian special representative for its tea interests — control over its Melbourne operations. This arrangement was abandoned in 1901 when Butterfield & Swire abandoned their tea exports to Australia.³⁵

The fourth type of Melbourne businessmen involved in the tea trade were mercantile auctioneers who acted as brokers or middlemen, selling tea for other merchants through conducting auctions (see Figure 1). One of the earliest was the Englishman John Everard, who commenced tea broking in Melbourne c.1856, at first with J.G. Robertson, and from January 1863 on his own. John Everard & Co. became one of the city's main auctioneering firms specialising in the sale of tea. Between 1866 and 1874, the firm issued its monthly Melbourne tea circular containing details about the volume of tea sales in the Australian colonial capital cities and information about the state of the global tea market. Following the death of John Everard in 1886, his sons continued the business as Everard Brothers.³⁶

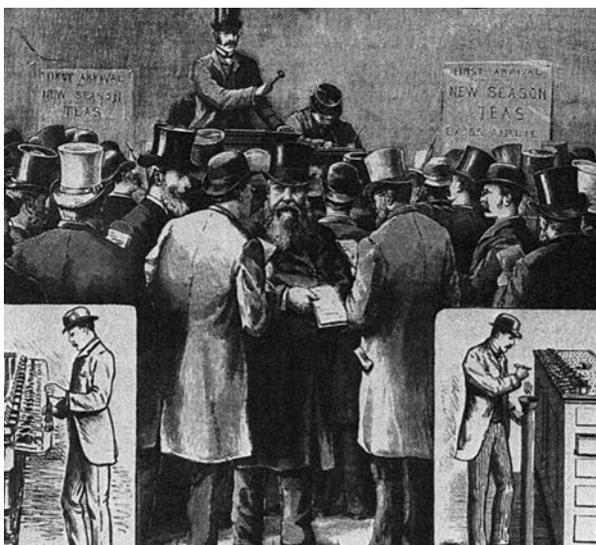


Fig. 1 A Melbourne tea auction, 1885.

Source: *Illustrated Australian News*, 2 September 1885, p. 137.

The Everard family eventually faced competition from at least three other noted Melbourne tea brokers. The first was Fraser & Co. Ltd, this firm being in business by 1875. Over the next thirty years, this brokerage persistently conducted auctions of consignments of tea for some of

the city's leading provision merchants.³⁷ Fraser & Co. Ltd increasingly shared the disposal of the colony's burgeoning tea imports with two other brokers—the firm Greig & Murray, operated after 1877 by the auctioneers Godwin Crespin and W.G. Cramer, and Alfred Harvey & Co., established by Alfred Harvey, a former employee of John Everard & Co. who had formed his own business in the late 1870s.³⁸ During the 1880s and early 1890s, Greig & Murray disposed of batches of tea (and sugar) imported by some of the colony's most noted provision merchants and commission, shipping and forwarding agents, including Clifford Love & Co., Dalgety & Co. Ltd, Gollin & Co. and Fanning & Co.³⁹ By 1883, Alfred Harvey & Co. was producing monthly tea circulars that were being distributed throughout all the Australian colonies. This activity was particularly enduring in Victoria, being continued until at least 1902. Moreover, a columnist for the *Journal of Commerce of Victoria and Melbourne*, described Alfred Harvey & Co. in 1889 as 'the leading tea broker of Australasia'.⁴⁰ Such praise, however, may have sat uneasily with Godwin Crespin, who had worked for both Fanning and Nankivell & Co. and Greig and Murray, before forming a new auctioneering business, G.G. Crespin and Sons in 1894. During the late 1890s, Godwin Crespin continued as a tea broker, although his business interests had expanded to include the disposal of fruit, hops and grain.⁴¹

As some of these Melbourne-based dealers in tea prospered they turned their attention to markets beyond Melbourne and even Victoria. Robert Harper & Co., was one of the first Melbourne-based provision merchants trading in tea to expand operations, the firm setting up branches in Sydney (1877), Adelaide and Brisbane (1882) and Freemantle (1895). Henry Berry also saw opportunities in the colonies outside Victoria, opening a branch in Adelaide in 1878. Other branches followed in New Zealand (1885), Sydney (1890), Brisbane (1891) and Perth (1896).⁴² Atcherley and Dawson also embarked upon a business expansion during the 1880s, establishing branch offices in Sydney, Adelaide and Brisbane by 1888.⁴³ After its earlier success in Melbourne, the Oriental Tea Co. Ltd had opened branches in Brisbane, Sydney and Adelaide by 1895.⁴⁴ Griffith Bros had also extended their business by 1895 to include outlets in Sydney, Adelaide, Freemantle and Perth, so that by 1898 the firm employed 200 workers between the various colonies. A Brisbane branch was in operation by 1915.⁴⁵ Enlargement of the business also characterised Edwards & Co. Ltd (later Edwards

Ensign Tea Pty Ltd). After commencing as a specialist tea merchant in Melbourne in 1885, the business had established branches in Sydney and Brisbane by 1909. This firm became quite unique in Melbourne (and Australia), for it sourced its tea from two plantations the firm had purchased in Ceylon.⁴⁶

As Melbourne continued to grow in population after 1870, other Australian and even overseas merchants concluded that a lucrative market existed in Victoria for their imports of tea (and other related grocery products). Some of these merchants established branch offices in Melbourne, their products coming into direct competition with the already established Melbourne tea traders. Clifford, Love & Co., a Sydney-based importer of tea, rice and sago, was a major non-Victorian merchant to inaugurate a presence in Melbourne. This firm opened its Melbourne office at the corner of William Street and Flinders Lane in 1883, and commenced selling imported Chinese tea by auction to grocers and merchants, including other merchants such as Henry Berry & Co., Robert Harper & Co. and Lange and Thoneman.⁴⁷ The sugar trader Gollin & Co., which had been formed in Adelaide in 1884, opened a branch office in Melbourne in 1888. Its expansion to Victoria coincided with the firm broadening its range of imports from Asia to include spices and canned foodstuffs. By the turn of the century, Gollin & Co. was also sending consignments of tea to Melbourne auctions.⁴⁸ The Brisbane-based specialist tea merchant, Bushell and Co., founded in 1883, eventually opened its Melbourne branch in 1899. The firm then had a Victorian presence to coordinate the distribution of its packet tea which was gaining popularity in Queensland and New South Wales.⁴⁹ Each of these firms was headquartered in Australia, unlike the Nirvana Tea Co., a Colombo-based organisation that had opened a depot in Melbourne by 1899. This business began an aggressive marketing campaign, which had some success, promoting Australia-wide its Nirvana brand of Ceylonese tea.⁵⁰

Premises, Products and Advertising

During the late nineteenth century, tea merchants in London concentrated around Mincing Lane, earning it the nickname 'Street of Tea'. A Melbourne Mincing Lane did not really emerge, but an analysis of the addresses of those businesses listed as Melbourne's tea merchants and tea brokers in the Sands and McDougall directory suggests that the city's tea traders concentrated in two discrete areas during much of the period under review. Some of the city's tea merchants clustered

along Flinders Lane and Flinders and Collins Streets, although Flinders Lane became less popular by 1915 (Table 3). These merchants located along the southern edge of the inner city, close to the wharves along the Yarra River, no doubt enabling them to minimise the cost of transport associated with their substantial imports of tea. However, another small concentration of tea merchants existed in late nineteenth century Melbourne. These were the four to six Chinese entrepreneurs trading in tea, located between 70 and 102 Little Bourke Street East, in the midst of what has become known as Melbourne’s ‘Chinatown’. The most noted of these Chinese merchants was Lowe Kong Meng (1831–1888), who also had large business interests in Hong Kong and Cairns. His six ships were used to supply his Australian outlets with tea and other Asian delicacies.⁵¹

Table 3. Number of tea merchants and brokers classified according to their street location in inner Melbourne, 1885, 1900 and 1915.

Street	1885	1900	1915
Bourke	3	5	4
Chapel	1	0	3
Clarendon	1	1	2
Collins	5	5	6
Elizabeth	3	4	2
Flinders Lane	7	4	2
Flinders	3	13	6
Little Bourke East	4	5	1
Little Collins	2	3	2
King	3	0	1
Market	3	3	0
Queen	7	9	2
Swanston	0	5	1
William	2	1	2

Source: Based upon lists in the Sands and McDougall *Melbourne and Suburban Directory*, 1885, 1900 and 1915.

The buildings occupied by Melbourne's tea traders varied in design and size depending upon their role in the distribution network. Tea brokers needed spaces to display their products and conduct auctions. Alfred Harvey & Co., for instance, operated out of premises that contained several sample and tasting rooms, the latter being specially arranged to permit the entry of natural light.⁵² In 1888, Fraser & Co. occupied a new five storey building fronting Queen Street. The building with its semi-classical architecture of Corinthian pilasters and balustrading contained a sample tea-room and auction rooms adapted for the exposure and sale of general merchandise, especially tea.⁵³

Those firms engaged in the production of packet or tinned teas required premises of a slightly different design, especially if machinery was used in the manufacturing process. The Oriental Tea Co., for example, was described as occupying 'commodious premises' in Flinders Lane West, the site selected being a most fortunate one, directly in the centre of all shipping and railway outlets. The building, which had been erected earlier for Robert Harper & Co. rice mills, was constructed of brick, upon bluestone of massive character (see Figure 2). The ground floor was occupied by the company's offices, packing and storage rooms for packed and bulk teas, and a carpenter's shop for constructing tea chests. The tasting department was located on the first floor, along with the blending room where a large mixer enabled 4000 pounds of different teas to be mixed to create the firm's special blends. From the mixer the tea passed into the hoppers to the packing rooms below.⁵⁴



Fig. 2 Oriental Tea Co.'s premises in Melbourne, 1888.

Source: Thaddeus Leavitt (editor), *Jubilee History of Victoria and Melbourne*, Melbourne: Duffus Bros, Printers, 1888, Plate facing p. 12. Image reproduced courtesy of National Library of Australia.

Success in selling tea prompted Griffiths Bros to eventually erect their own spacious and ornate building. Initially, the firm during the 1880s shared a 'handsome building on a bluestone foundation' at 3 Flinders Lane with Edward Yencken, an importer of painters' and decorators' supplies.⁵⁵ By the late 1890s, the brothers operated from salesrooms at 226-228 Flinders Lane. The firm advertised that its inner city warehouse was a convenient meeting place for friends and where a refreshing cup of tea was supplied 'GRATIS'. However, the business had moved to new premises by November 1900. The red brick, tall arched Romanesque inspired warehouse was situated at 26-30 Flinders Street, close to the once thriving wharves along the Yarra River. It acted as the firm's national headquarters and was covered with advertising material, keeping the name of their products before passers-by, heading to and from Flinders Street Station (Figure 3). Today, this building is still part of the city's streetscape, although it is now the Hotel Lindrum.⁵⁶



Fig. 3 Griffiths Brothers tea warehouse, c. 1910.

Source: Image reproduction courtesy of State Library of Victoria, Image H82. 27/15.

Griffiths Bros warehouse, although striking, was dwarfed by what became known as the Robur Tea Building or The Tea House (see Figure 4). Originally this six-storey red brick building at 10 Clarendon Street, South Melbourne, was constructed between 1887 and 1888 as a warehouse for Fergus and Mitchell, manufacturing stationers.⁵⁷ It is unclear when the Robur Tea Co. occupied these premises, but it was probably sometime during 1904 or 1905. The building was ideally located for a business involved in the packing and distribution of tea, being close to the wharves along the southern side of the Yarra River. Descriptions of the activities of the Robur Tea Co. in 1905 and 1908 reported that the cases of tea upon arrival at the building were moved by lift to the sixth floor, where they were opened, and the tea was weighed and tested for its quality. The tea then was delivered via a chute to the next floor, where it passed through a cleanser — a series of magnets and electric fans — that extracted any harmful material (e.g. nails; pins; pieces of wood and glass) and eliminated dirt and dust. On the floor below the tea was graded and blended, before being dispatched to the mechanical weighing and packing machines.⁵⁸



Fig. 4 South Melbourne showing the Robur Tea Building, c. 1927.

Source: Digital Image <http://handle.slv.vic.gov.au/10381/266179>, State Library of Victoria.

Before 1880, all the tea consumed in colonial Victoria came overwhelmingly from China, either directly from that country or via Great Britain. Melbourne's tea merchants during the 1850s, however, were accused of supplying on occasions a poor quality product. One dissatisfied consumer penned a letter to the *Argus* in 1856 claiming that the tea being sold in the auction marts of Melbourne was so poor that it had 'never come from a tea-growing country'. The author William Howitt observed in 1858 that it was possible to obtain two types of tea in Melbourne, and neither was particularly palatable. 'Post and rail' tea consisted more of sticks rather than leaves, while 'Jack-the-painter' tea was a green preparation of leaves that tasted like iron or ferrous sulphate and left a green scum on the infusion.⁵⁹ These concerns were probably partially justifiable, as exports of Chinese green teas to the Australian colonies during the mid-nineteenth century were known to contain proportions of spent tea leaves and had been adulterated with iron filings, indigo dye, plumbago or the pigment Prussian blue (i.e. ferric ferrocyanide).⁶⁰

By 1878, the growing concern about the quality of the tea being sold by Melbourne's tea merchants led to J. Cosmo Newbery, the Director of Melbourne's Industrial and Technological Museum, directing his laboratory assistant, Frederic Dunn, to examine samples of tea sourced from Melbourne's tea merchants. Not surprisingly, Newbery and Dunn found widespread evidence of adulterated teas on the Victorian market. The city's tea merchants claimed that they should not share the entire blame for such a situation, as the colony's consumers were unwilling to pay the higher prices required to secure the finest quality teas, so they were forced to source cheaper products.⁶¹ Nothing official was done about the matter, although it was raised in correspondence to the *Argus* throughout early 1880, and adverse reports were received about shipments of tea to Melbourne during 1881.⁶² Eventually the Victorian government was forced to respond and the *Tea Act* of 1881, dated 24 December, permitted inspection, sampling and analysis of imported tea and the destruction of consignments identified by the approved analysts to be unsuitable for human consumption and bans on the delivery or re-export of shipments of tea tainted by foreign substances or consisting of exhausted tea.⁶³ Yet the debate over the quality of tea in Victoria did not immediately abate, with Dr James Beaney of the Victorian Legislative Council announcing in November 1883 that he had not touched tea for two years because of his concerns about its adulteration.⁶⁴

The controversy involving adulterated teas in Melbourne, however, led to increased speculation about the safety of the product imported from China, although Melbourne businessmen such as T.J. Nankivell and J. Everard publically stated that these concerns were misrepresentations of the true state of Chinese tea imports.⁶⁵ This situation coincided with a campaign during the late 1870s and early 1880s by the Calcutta Tea Syndicate, an organisation representing the business interests of Indian tea planters, to improve the consumption of tea sourced from the Indian sub-continent in Australia. Indian and Ceylonese teas won numerous awards in the tea section at the Melbourne International Exhibition in 1880–81, thereby showcasing the Indian and Ceylonese tea planters' products to the Victorian public.⁶⁶ Shortly afterwards, the Calcutta Tea Syndicate appointed James Henty & Co. as its Melbourne agent, and then the Calcutta Tea Association was set up in Melbourne by 'a group of leading Melbourne merchants' who were interested in promoting Indian tea throughout the Australian colonies. Established in 1881, the Calcutta Tea Association secured premises in King Street and commenced selling 'pure and unadulterated Indian Teas to wholesale merchants, storekeepers and customers in general'.⁶⁷ Other Melbourne firms such as Cornelius Lister & Co., F. Sandiman & Co. and the Foochow and Calcutta Tea Co. also became distributors of Indian and Ceylonese tea in Victoria (and Tasmania) during the 1880s and early 1890s.⁶⁸ Victoria's consumers increasingly demanded the Indian sub-continent teas, with the amount of tea imported into Victoria from China and Hong Kong being halved from 10.9 million pounds in 1890 to 4.68 million pounds in 1900.⁶⁹

The source region was not the only characteristic of the tea that changed in Victoria during the 1880s. Tea sold in Victoria after 1880, like in Great Britain, was subjected to the late nineteenth-century packaging revolution where more products were sold in individual bottles, tins, jars and other labelled containers.⁷⁰ Instead of being delivered in bulk to the grocers, and weighed out for the customer, increasingly tea was sold to Victorians in half pound or pound packets, in 5, 10 and 20 pound tins, and half chests (40 pounds) or full chests (80 pounds). Soluble tea in a powder had also been manufactured by the early 1900s so that a 2 ounce bottle contained the equivalent of one pound of leaf.⁷¹ Consequently, these new packaging arrangements allowed the Victorian tea merchants and their main competitors, the grocers and department

stores, to produce a plethora of different brands to cater for different segments of the market.

The Oriental Tea Co. was probably one of the first Melbourne tea traders to develop distinctive brands of packet tea that used colourful trademarks and packaging. In 1877, the firm was congratulated for selling its tea in packages with labels that were ‘very elegantly got up and must be regarded as a credit to the engraver.’⁷² By 1900, the firm marketed several products, including the Rajah, Royal Mixture, Universal Mixture, Standard Mixture and Buddha brands of blended teas.⁷³ However, James Goulstone, the representative of the Oriental Tea Co. before Victorian Royal Commission on the Tariff in 1883, complained that the colony’s grocers had been reluctant to sell their brands of tea, arguing that they preferred to offer customers their own special blends or that they engaged in fraud by removing the Oriental Tea Co. wrappers and replacing them with their own packaging.⁷⁴

Many of the Oriental Tea Co. main Victorian rivals during the 1880s also developed distinctive brands of packet tea. Pure Indian Teas was the brand released by the Calcutta Tea Association in 1881. Images of a turreted Indian fort and elephants formed part of the packaging for this brand.⁷⁵ By 1883, Griffiths Bros had also commenced distributing its Signal brand of packet tea. This brand eventually became the signature product of Griffith Bros.⁷⁶ Peterson & Co. also focused upon supplying one main brand — Rasawatte, a Ceylonese tea. This strategy was also followed by McIntyre Bros, who developed the Ghoom brand in the late 1890s. The name possibly derived from a small hilly locality in the Darjeeling hill region of West Bengal.⁷⁷ In contrast, the Ceylon and Foochow Tea Co. offered the public four brands: The Family Mixture; The Queen Blend; The People’s Choice; and The Ceylon & Foochow Mixture.⁷⁸ Robert Harper & Co. also developed at least five separate brands of packet tea, with their names being registered as trade marks in Victoria (i.e. Star; Sovereign, Gauntlet, Quong Suey and Rupee), as well as being the Victorian agent for Empire Tea, produced by the Empire Co.⁷⁹ Not to be outdone, Lange and Thoneman promoted at least nine different brands of packet tea (i.e. Koo-Choo, New Season’s Health, Planet, Balloon, Sun, Conqueror, Hercules, Comet and Spring Blossoms).⁸⁰

Some Melbourne tea traders kept their product before the public by engaging in different promotional activities. At the Melbourne

International Exhibition (1880–81), the Oriental Tea Co. displayed their packet teas in a 25 foot high large glass cabinet adorned with oriental carvings and topped with a griffin, the main symbol used on the firm's packaging. Eight years later at the Melbourne Centennial Exhibition, Clifford Love and Co., Lange and Thoneman and Atcherley and Dawson mounted displays of their teas imported from several Asian countries, including Japan.⁸¹ By 1890, F. Sandiman & Co. and the Ceylon and Foochow Tea Co. produced colour lithographs advertising their packet teas.⁸² Presumably these items were placed in sheltered locations such as shop windows, arcades and on the inside walls, foyers or entrances to buildings. One of Sandiman's posters featured two stereotypical images: a Chinese man exchanging a packet of tea with an Indian man on the right, who represented Indian tea (see Figure 5). From 1903 onwards, the Robur Tea Co. issued yearly calendars, using illustrations copied from works of art, the originals being either in the National Gallery of Victoria or Art Gallery of New South Wales.⁸³ Advertisements placed in the Melbourne and country newspapers advised the firm's customers that they could obtain these calendars free from grocers. Shortly after the outbreak of World War I, the Robur Tea Co. also produced a map showing the Dardanelles campaign. It could be obtained from the firm for 4d, the company paying the postage of sending the map to the customer.⁸⁴

By the far the commonest promotional method, however, was advertisements in the colony's newspapers for different brands of packet tea. Some of these advertisements were quite simple. McIntyre Bros, for example, just repeated the phrase 'McIntyre Bros Pure Delicious Tea Positively' in some of the firm's advertisements in the mid-1890s.⁸⁵ Similarly, John Connell & Co. from late 1894 onwards promoted their Kandy Koola packet tea in Victoria in small commercials of just two to four lines of text, containing the heading 'Kandy Koola Tea', and associated statements such as 'the largest sale in Victoria', 'packed in air-tight lead packets' or at 'all leading grocers'.⁸⁶ Other newspaper advertisements were more elaborate. During the early 1880s, the Calcutta Tea Association took out full page advertisements in some Victorian newspapers. These commercials contained illustrations clearly showing the packaging used in the firm's packet teas and lengthy details about why their product was 'pure' Indian tea.⁸⁷ McIntyre Bros also used advertisements containing an illustration of a dashing



Fig. 5 An advertising poster issued by the Melbourne tea merchant, F. Sandiman & Co., 1890.

Source: Image reproduction courtesy of the State Library of Victoria, Image H2000. 180/112.

musqueteer with his arm around a young woman, with a heading that stated 'McIntrye Bros Ghoom Tea. No Tea Like Ours!'⁸⁸ After opening its Melbourne branch, Bushell & Co. also commenced advertising in Victorian newspapers and business handbooks, introducing its brand of tea to the public. These commercials sometimes featured an elderly bearded gentleman drinking a cup of tea— the image was modelled on the founder of the company, Alfred Bushell.⁸⁹

Of all the packet and tinned tea produced in Melbourne, the most heavily promoted was the Robur brand. Commercials for the product appeared in the newspapers from the mid-1890s onwards. Some of these advertisements contained endorsements as to the tea's purity, reproducing extracts from the scientific reports on the composition of the tea by the various colonial government analysts.⁹⁰ After the Robur brand had been acquired by the Robur Tea Co., the new firm saturated the state's newspapers with hundreds of advertisements for the product, sometimes using images created by Australian artists such as Theo Brooke-Hansen, Alec Sass and Blamire Young. Some of these newspaper advertisements during 1907 featured an illustration of the 'Robur Tea girl' explaining how to make a cup of tea properly.⁹¹ Others contained illustrations focused upon occupations — washerwoman, grocer, cook and chemist —and accompanying explanations as to why the person favoured Robur.⁹² Despite their regularity, they were described as 'bright, catchy advertisements' and the firm was seen to be making 'its advertisements useful and instructive, as well as ornamental'. Just why the firm used so many newspaper advertisements is unclear, but the outcome of this approach was a heightened awareness of its products. Indeed, one journalist in 1914 remarked: 'Robur Tea! The name is everywhere and there must be but few people in Australia who have not heard of it, whilst those who drink this most wholesome of teas can be reckoned by the hundreds of thousands.'⁹³

Unlike the Robur Tea Co., Griffiths Bros was the one noted Melbourne tea trader that did not advertise incessantly in the Victorian newspapers. The firm's modest number of advertisements, appearing from 1884 onwards, used a range of messages and images.⁹⁴ Sometimes the advertisement simply consisted of repeating the phrase 'Griffiths Brothers Teas' numerous times on a page of the newspaper.⁹⁵ In other instances the message proclaimed that Griffiths Bros tea was 'pure' or that their teas that had been supplied to Government House during the

visit of Prince George (later King George V) to the city in 1901. A few commercials during 1904 used an image of an elephant to attract the readers' attention.⁹⁶ Despite limited newspaper advertising, Griffiths Bros managed to effectively keep their products before the Victorian public by the extensive use of travelling salesmen and pioneering the use of rectangular enamel signs featuring white text on a blue background along the railways throughout Victoria. These signs informed the traveller that it was so many miles to 'Griffith Bros. teas'. So popular was the slogan, Stanley Gordon Robert Taylor's diary of his 1912–1913 voyage to Antarctica, with Sir Douglas Mawson's Australasian Antarctic Expedition, mentioned that a group of the explorers had their photo taken on the ice drinking tea behind a Griffiths Bros tea box and placard adorned with a railway signal post containing the message, '2031 miles to Griffith Brothers Teas and Coffees'. Similarly, an enterprising digger in France during World War I erected a 'sign post' bearing the inscription, '11,000 miles to Griffith Bros.'⁹⁷

Conclusion

In an era when drinking tea in Australia has been overtaken by the consumption of coffee, fruit juices and aerated water, it is hard to image the importance of tea in colonial and Edwardian Melbourne. Yet it was the beverage of choice of both men and women, and members of all classes. Consequently, a distinctive group of businessmen specialising in the tea trade emerged in Melbourne between 1880 and 1914. Some focused on just importing the product and offering it for sale at auction; others produced brands of packet tea with distinctive trademarks and packaging. Several of these Melbourne traders in tea made large fortunes – their business empires were literally founded on leaves. Collectively, they made Melbourne the Australian centre in the trade of tea, a position the city held until at least the conclusion of World War II.

Notes

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- 2 *Australasian Trade Review*, 23 August 1887, p. 521.
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- 4 Michael Symons, *One Continuous Picnic. A Gastronomic History of Australia*, Melbourne, Melbourne University Press, 1982, p. 19.
- 5 Frederic Clements, *A History of Nutrition in Australia*, Melbourne, Longman, 1986, p. 31; Michal Bosworth, *Australian lives: a history of clothing, food and domestic technology*, Melbourne, Thomas Nelson, 1988, p. 113.
- 6 Based upon figures in T. Dingle, 'The truly magnificent thirst: an historical survey of Australian drinking habits', *Historical Studies*, vol. 19, 1980, p. 249.
- 7 Suzanne Mellor, 'Nicholson, Germain (1814–1888)', *Australian Dictionary of Biography*, vol. 5, 1974, pp. 336–337; Anon, 'Pioneers in the Grocery Trade. Germain Nicholson, a Melbourne Grocer in 1842', *Southern Grocer*, 20 September 1919, p. 337.
- 8 H. Mortimer Franklyn, *A Glance at Australia in 1880*, Melbourne, Victorian Review, 1881 pp. 214–215.
- 9 Marnie Bassett, 'Henty, James (1800–1882)', *Australian Dictionary of Biography*, vol. 1, 1966, p. 533.
- 10 *Maitland Mercury & Hunter River General Advertiser*, 16 January 1883, p. 3; for examples of reports on auctions where James Henty & Co. offered packages of tea for sale see *Argus*, 17 July 1895, p. 4, 15 July 1897, p. 4, 8 November 1900, p. 4, 7 December 1900, p. 4, & 7 January 1902, p. 4.
- 11 *Australian Town and Country Journal*, 25 February 1899, p. 14; *Argus*, 17 February 1899, p. 5.
- 12 *Argus*, 25 October 1919, p. 4.
- 13 *Southern Grocer*, 20 December 1919, p. 647; *Argus*, 20 April 1853, p. 4; *Evening News* (Syd), 18 December 1895, p. 3.
- 14 *Argus*, 27 June 1916, p. 6.
- 15 J. Ann Hone, 'Berry, Henry (1836–1923)', *Australian Dictionary of Biography*, vol. 3, 1969, p. 156.
- 16 *Australasian Grocer's Journal*, 28 November 1892, p. 244; S. King, P. Engel, H. McCullagh, late Lange & Thoneman, <http://www.auspostalhistory.com/articles/1977> [accessed 13 August 2014]; see also various Applications for Trade Marks in respect for tea, 1892–1900, for Lange & Thoneman, Items 5000573, 5020855, 5020296, 5020361, 4987991 & 4987983, National Archives of Australia (hereafter NAA), Canberra.
- 17 Geulah, Solomon, 'Cohen, Edward (1822–1877)', *Australian Dictionary of Biography*, vol. 3, 1969, p. 436; *Australasian*, 11 March 1905, p. 26.
- 18 For a copy of Cornelius Lister's obituary see *Barrier Miner*, 11 July 1901, p. 2; for other details on this firm's activities see *Australasian*, 25 February 1882, p. 12, *Argus*, 29 December 1883, p. 5 & 19 March 1895, p. and 'Application for Trade Mark titled

- The Assam and Darjeeling Tea Co. Pure Indian tea, by Cornelius Lister & Co., 1884, Item 5012966, NAA, Canberra.
- 19 H. Mortimer Franklyn, *A Glance at Australia in 1880*, Melbourne, Victorian Review, 1881 pp. 292–293; Peter Cook, 'Harper, Robert (1842–1919)', *Australian Dictionary of Biography*, vol. 9, 1983, pp. 206–207.
 - 20 *Argus*, 23 September 1876, p. 8; *Geelong Advertiser*, 18 July 1876, p. 3.
 - 21 Application for Trademarks for India and China Tea Co. Standard packet teas by Joseph Webster & Co., 1884, Items 30415189–30415191, 4285134 & 5012960, NAA, Canberra; *Daily News* (Perth), 15 February 1889, p. 3.
 - 22 *Argus*, 8 May 1877, p. 6 & 4 May 1883, p. 9; T. Leavitt (editor), *The Jubilee History of Victoria and Melbourne*, Melbourne, Wells and Leavitt, 1888, pp. 12–13.
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 - 25 Anon, 'Griffiths Bros. Ltd.' in John Allan (ed.), *The Victorian Centenary Book: A Series of Records of People and Firms at the Time of the Centenary*, Melbourne, Tavistock Press, 1936?, p. 65; *Western Mail*, Christmas Issue 1897, pp. 21–22; for examples of Griffiths Bros advertisements stating that the firm would supply free samples see *Traralgon Record*, 31 January 1899, p. 4 and *Argus*, 10 July 1907, p. 1.
 - 26 Wehner, *Tea and Charity*, p. 19; Darrell Paproth, 'Griffiths, James (1850–1925)' and 'Griffiths, John Moore (1855–1943)', both published in <http://webjournals.ac.edu.au>.
 - 27 For details on auctions involving chests of tea imported by Fraser, Ramsay & Co. see *Argus*, 25 November 1897, p. 4, 18 November 1899, p. 12 and 3 September 1901, p. 4.
 - 28 *Argus*, 25 October 1919, p. 4 & 6 March 1934, p. 7; *Australian Brewers' Journal*, 20 July 1910, p. 553; *Sydney Morning Herald*, 24 December 1913, p. 15.
 - 29 Advertisement for Foochow and Calcutta Tea Co., in *Australasian Grocer's Journal*, 22 May 1891; *Reporter* (Box Hill), 18 September 1891, p. 2 & 22 April 1892, p. 2; *Telegraph, St Kilda, Prahran and South Yarra Guardian*, 19 September 1885, p. 1; *Argus*, 4 July 1894, p. 5
 - 30 *Table Talk* (Melb.), 17 August 1894, p. 9 and 3 December 1897, p. 5; biographical details about Stephen Atcherley at: <http://www.atcherley.org.uk/worldpress/on-this-day-3-march-1894> [accessed 9 May 2013].
 - 31 For a selection of this firm's earliest advertisements see *Prahran Telegraph*, 10 September 1890, p. 2 and *The Argus*, 30 April 1895, p. 1 & 16 November 1896, p. 5; for examples of this firm's advertisements in the mid-1920s see *Argus*, 30 June 1926, p. 21 & 10 July 1926, p. 35.
 - 32 *Argus*, 14 September 1886, p. 6 & 12 June 1894, p. 3; *Launceston Examiner*, 15 July 1893, p. 3; Geoffrey Serle, 'Service, James (1823–1899)', *Australian Dictionary of Biography*, vol. 6, 1976, pp. 106–107; 'Alcock, Randal James (1853–1927)', *Australian Dictionary of Biography*, vol. 7, 1979, p. 31; Application for Trade Mark titled Robur in respect to tea by Henry Hawthorn & Co., 1894–1900, Item 5000321, NAA, Canberra.
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 - 34 *Argus*, 25 October 1917, p. 4.

- 35 C. Badger, 'Lorimer, Sir James (1831–1889)', *Australian Dictionary of Biography*, vol. 5 1974, p. 102; Sheila Marriner and Franic Hyde, *The Senior John Swire, 1825–98: management in Far Eastern shipping trades*, Liverpool, Liverpool University Press, 1967, pp. 48 & 51; for details on an auction involving chests of tea imported by Lorimer, Rome & Co. see *The Argus*, 1 February 1883, p. 2.
- 36 Robert Johnson, 'Everard, John (1925–1886)', *Australian Dictionary of Biography*, vol. 4, 1972, pp. 143–144; see entry for the firm in Sands and McDougall, *Melbourne and Suburban Directories, 1890–1900*.
- 37 For an advertisement of Fraser & Co. Ltd. where the firm is described as a tea broker see *Journal of Commerce of Victoria and Melbourne*, 11 January 1889; for examples of auctions involving consignments of tea offered by Fraser & Co. Ltd. see, for example, *Argus*, 24 October 1893, p. 4, 16 October 1896, p. 4 and 25 November 1897, p. 4.
- 38 *Argus*, 2 January 1877, p. 4; Alexander Sutherland et al, *Victoria and its Metropolis*, Melbourne, McCarron, 1888, p. 557.
- 39 For examples of auctions involving chests of tea offered by Greig and Murray see *Argus*, 4 January 1883, p. 2, 17 October 1893, p. 4 and 24 October 1893, p. 4.
- 40 *Argus*, 15 July 1913, p. 7; *Journal of Commerce of Victoria and Melbourne*, 12 July 1889, p. 8; for examples of these tea circulars see *Argus*, 1 May 1895, p. 4, 28 September 1899, p. 4 & 22 November 1900, p. 4.
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- 42 Hone, 'Berry', Henry (1836–1923), p. 156.
- 43 *Launceston Examiner*, 31 July 1888, p. 2.
- 44 *Argus*, 7 December 1888, p. 8; *Queensland Post Office Directory, 1894–95*, p. 840.
- 45 Griffiths Bros. advertisement, Sands and McDougall, *Melbourne and Suburban Directory*, 1895, p. 1453; *Argus*, 6 November 1888, p. 67; Sutherland, *Victoria and its Metropolis*, p. 557; *Queensland Post Office Directory, 1914–15*, p. 856.
- 46 E.J. Barton (ed.), *Jubilee History of Queensland*. Brisbane, H.J. Diddams & Co., 1910, pp. 327–328.
- 47 *Australasian Grocer*, 20 August 1934, p. 293; for examples of some of the earliest Melbourne auctions involving chests of tea imported by Clifford Love & Co. see *Argus*, 4 January 1883, p. 2, 12 January 1884, p. 3, 18 July 1884, p. 4 and 16 February 1885, p. 2.
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- 49 For mention of the sale of Bushells tea in regional Victoria see *Traralgon Record*, 22 July 1902, p. 2.
- 50 *Bendigo Advertiser*, 1 September 1899, p. 4; *Maffra Spectator*, 16 January 1902, p. 4; *Horsham Times*, 26 September 1899, p. 1, 7 November 1899, p. 3 & 6 April 1900, p. 4.

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- 53 *Australasian Sketcher*, 5 May 1886, p. 70.
- 54 Leavitt, *Jubilee History of Victoria and Melbourne*, p. 12; *Argus*, 8 May 1877, p. 6 & 4 May 1883, p. 9.
- 55 Stuart Sayer, 'Yencken, Edward Lowenstern (1854–1932)', *Australian Dictionary of Biography*, vol. 12, 1990, p. 594.
- 56 *Argus*, 23 November 1900, p. 1; Rohan Storey, *Walking Melbourne: The National Trust Guide to the Historic and Architectural Landmarks of Central Melbourne*, Melbourne, National Trust of Australia, c. 2004, p. 17.
- 57 Victorian Heritage Register, Number HO526, Robur Tea Building.
- 58 *Bendigo Advertiser*, 28 March 1905, p. 4; a similar description appeared in the *Kalgoorlie Miner*, 16 March 1908, p. 7. It is not clear if it was reproduced from another source.
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- 64 *Bendigo Advertiser*, 2 November 1883, p. 3.
- 65 *Argus*, 9 March 1880, p. 7, 6 July 1881, p. 6 & 25 October 1881, p. 4; *Journal of Commerce of Victoria and Melbourne*, 14 March 1888, p. 3.
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- 67 Edward Money, *The Cultivation and Manufacture of Tea*, 4th edition, London, W.B. Whittingham & Co., 1883, pp. 208–209; *Argus*, 6 September 1881, p. 10; see also the firm's application for trademarks in Victoria, 1881–1896, Items 4987722 & 5002275, NAA, Canberra.
- 68 *Argus*, 4 May 1883, p. 9 & *Launceston Examiner*, 31 July 1888, p. 2 (F. Sandiman & Co.); Advertisement for Foochow and Calcutta Tea Co., *Australasian Grocers' Journal*, 22 May 1891; Application for Trade Mark titled The Assam and Darjeeling Tea Co. Pure Indian tea, by Cornelius Lister & Co., 1884, Item 5012966, NAA, Canberra.
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- 75 Trade Mark No. 499. A label containing the words 'The Calcutta Tea Association's Pure Indian Teas', by J. A. Fraser, manager of the Calcutta Tea Association, 1881, Item 60092031, NAA, Sydney.
- 76 *Argus*, 4 May 1883, p. 9.
- 77 Application for the Trade Mark titled *Rasawatte*, 1897, Item 5003029, NAA, Canberra; for examples of advertisements for *Rasawatte* tea see *Bendigonian Annual*, 1908, p. 23 and 1911, p. 14, & *Storekeepers and Traders of Victoria Classified Country Directory for Merchants*, 1914, p. 163; Application for Trade Mark titled *Ghoom Tea* by McIntyre Brothers, 1897, Item 5000995, NAA, Canberra; Meaning of the word 'ghoom', <http://www.wordaz.com/ghoom> [accessed 11 August 2014].
- 78 Ceylon & Foochow Tea Co. Lithograph for its Pure Packet Teas, c. 1885; Troedel Collection, State Library of Victoria.
- 79 For Robert Harper and Co. registered brands of tea see the following: *Star*, 1893, Item 5020976; *Sovereign*, 1892, Item 5020837; *Gauntlet*, 1888, Item 5014042; *Quong Suey*, 1889, Item 5000239; and *Rupee*, 1892, Item 5020838, all at the NAA, Canberra; for Empire Tea see *Australasian Trade Review*, 20 October 1887, p. 625 & *Australasian Grocer's Journal*, 30 January 1893, p. 11.
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- 83 For examples of such announcements see *Argus*, 27 January 1903, p. 1; *Traralgon Record*, 5 January 1906, p. 2; *Euroa Advertiser*, 7 December 1906, p. 2; *Table Talk* (Melb.), 29 November 1906, p. 11; and *Camperdown Chronicle*, 30 December 1905, p. 6.
- 84 For examples of the announcement of the availability of this product see *Argus*, 26 September 1914, p. and *Bendigo Advertiser*, 3 October 1914, p. 4; for a copy of this map see 'Robur tea war map, Turkish Empire', c. 1915, Mitchell Library.
- 85 See, for example, *Argus*, 30 April 1895, p. 1.

- 86 For examples of these advertisements see *Bendigo Advertiser*, 4 April 1896, p. 5 and *Argus*, 8 December 1894, p. 7, 12 December 1894, p. 1, 27 March 1895, p. 1 & 6 November 1895, p. 5.
- 87 See, for instance, *Illustrated Australian News* (Melb), 16 April 1884, p. 64 & 7 November 1885, p. 184; *Table Talk* (Melb.), 1 October 1886, p. 16 & 17 December 1886, p. 17; and *Australasian*, 7 July 1883, p. 13S, 29 September 1883, p. 17 & 15 March 1884, p. 13.
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- 92 For examples of these advertisements see *Wangaratta Chronicle*, 25 July 1914, p. 5; *St Arnaud Mercury*, 29 August 1914, p. 6; *Bendigo Advertiser*, 18 June 1910, p. 5; and *Mildura Cultivator*, 19 February 1910, p. 4 & 6 April 1910, p. 4.
- 93 *Bendigo Advertiser*, 28 March 1905, p. 4; *Brisbane Courier*, 10 December 1914, p. 10.
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- 95 For examples of this technique see *Argus*, 1 April 1903, p. 10 and 1 December 1903, p. 10.
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- 97 Anon, 'Griffiths Bros. Ltd.', p. 65; *Farmer and Settler*, 25 May 1917, p. 8; Stanley Gordon Roberts Taylor's Antarctic Diary, 1912–1913, Part 8, <http://antarcticdiary.wordpress.com/part-8> [accessed 31 July 2014]; for an example of one of these objects see 'Griffith Bros. Teas' sign, c. 1930', Powerhouse Museum, Sydney.

Brahé's Cache

David Corke

Abstract

This article discusses the evolution of a misunderstanding over various interpretations of messages blazed on trees at Burke and Wills Expedition's Depot LXV on Cooper Creek. Ambiguity about the meaning of those messages made it difficult for settlers, artists, writers and historians to fully understand what had happened there, and where a cache of provisions had been buried. This uncertainty also assigned undue significance to the wrong tree and, in doing so, obscured the historic value of this site. Manuscript searches, a detailed reading of the documented evidence, and a close study of old photographs have made it possible to locate the site of Brahé's cache—celebrated today, rather inaccurately, as 'The Dig Tree'.

Introduction

The story of the Burke and Wills expedition is too well known to be repeated here at any length, but one episode in that saga has provoked endless discussion for more than a century.¹ When William Brahé abandoned Burke's Depot LXV (later known as 'Fort Wills') in April 1861, he blazed two trees with messages relating to his occupation of the site, and with directions to a cache of surplus provisions that he had buried there. The following year, Alfred Howitt, on an expedition to recover the bodies of Wills and Burke, blazed one of the same trees at Depot LXV with his own message. As the tree-bark grew back over these blazed marks, the content of the original messages became obscured and confusion arose in the minds of settlers and visitors as to exactly what had been blazed. The two trees merged into one tree as accounts multiplied. And people who tried to interpret the messages came to different conclusions. How and why these errors occurred is an interesting part of the Burke and Wills story.

Brahé's Cache

William Brahé was left with three companions in charge of Depot LXV on the north bank of Cooper Creek in December 1860, while Burke led his advance party northwards to the Gulf of Carpentaria. Brahé was told to wait for three months at the Cooper Creek depôt for the return

of Burke's overland party—but there is no record of a written order to that effect.

After building a stockade of logs to protect equipment and supplies, Brahé waited in vain for Burke's return. He remained at Depot LXV for four weeks longer than instructed before sickness and injury in two companions forced him to abandon the place on Sunday 21 April 1861. Brahé carefully planned the provisions his party would need for a journey back to the Darling River—the surplus (50 lb flour; 50 lb rice; 30 lb sugar; 15 lb of dried meat and 50 lb oatmeal) he buried in a camel-box near the stockade, hoping that the local Yandruwandha people would not be able to find it. He concealed this cache under about 40 cm of soil at the place where horses were usually tethered, so that trampled earth would disguise the fact that something was hidden. He said that the cache was buried outside the stockade, about 'six or seven yards ... close by a tree ... at one corner of the stockade'. Brahé also buried a note with the provisions and carved the word '**DIG**' on the tethering tree to mark this cache for anyone searching for him or Burke's party, and needing additional rations. On a second tree Brahé carved 'B' over 'LXV' to confirm the location of the expedition's depot; and on a leaning branch of this same tree he carved the dates of his occupation: 'DEC 6 – 60 APR 21 – 61'. These details were all revealed by Brahé at the Commission of Enquiry held in December 1861, during an interrogation about his reasons for abandoning the depot before Burke's return.² His responses during questioning at the commission make it quite clear that he marked two different trees.

Brahé's recollections are central to understanding how his actions have been misinterpreted, leading to a somewhat distorted perception of what happened at this place.

John King's Recollections

The only survivor of Burke's Carpentaria party, John King, was also asked about the cache and where it was found when he returned to the Cooper Creek Depot with Wills and Burke. King's evidence does not exactly match Brahé's for he recollected, somewhat vaguely, that there was a distance and a bearing in Brahé's 'DIG' blaze. In response to a question about the event, he replied:

When we arrived at the depôt Mr. Burke was a little a-head of Mr. Wills and myself ... Then Mr. Wills saw the mark on the tree, "dig three feet north-west or north-east", I am not sure which; and the date they left the depôt was the same date as we arrived.³

He also said that the stockade was ‘quite close’ to where the cache was buried; ‘to the best of my knowledge it may be ten yards; I believe not that’.⁴

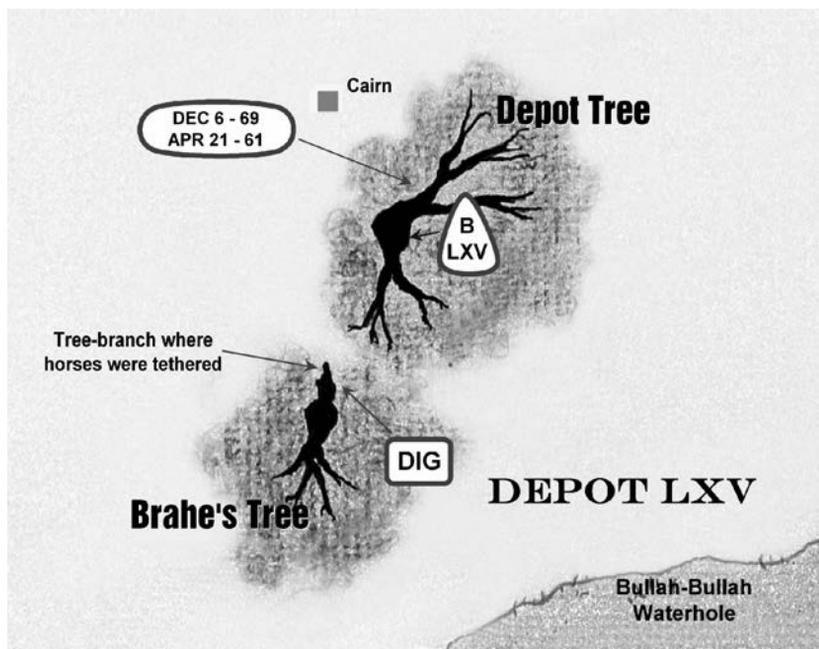


Fig. 1 The two trees blazed by William Brahé at Fort Wills. The Depot Tree is known today as The Dig Tree. Brahé never carved the word ‘DIG’ on the Depot Tree.

When Burke, Wills and King returned to the depot just nine hours after Brahé’s departure, they found the ‘DIG’ message, dug up the provisions, and read Brahé’s note with astonishment—hardly able to believe that the two groups had missed each other by such a narrow margin of time. The provisions dug from the cache sustained Burke, Wills and King for several weeks. Two months later Burke and Wills had both succumbed to exhaustion and malnutrition—dying along the banks of Cooper Creek at the end of June 1861.

Alfred Howitt at Cooper Creek

When nothing had been heard of the missing explorers for several months, the Royal Society of Victoria became very concerned and several expeditions were initiated to search for the men. One group,

led by Alfred Howitt, set out from Melbourne in July 1861, reaching Cooper Creek in early September. This team found John King living with a group of Yandruwandha people about 45 km downstream from the old depot.⁵ Howitt returned to Melbourne with King and both, together with Brahé, gave evidence at the Commission of Enquiry—an investigation that attempted to find out why Burke's expedition had ended so tragically. Brahé and King each gave descriptions of the trees at Depot LXV and the blaze marks on them. Howitt, on the other hand, gave no description of Depot LXV or the blazed trees, even though he had dug up what remained of Brahé's cache of provisions to recover the Field Books deposited there by Wills.

Howitt returned to Cooper Creek in February 1862 to recover the bodies of Burke and Wills; he also spent some time exploring the region while he had the opportunity. He established a depot of his own at the southern end of the very large Cullyamurra Waterhole, some 27 kilometres downstream from Brahé's old depot. Here his team erected a stockade, planted seeds of various vegetables in a small garden, and settled in for a long wait while Howitt explored the country north-west of his depot and later to the south-west.

While at this well-established depot, two of Howitt's men, Alexander Aitken and William Galbraith, went back to Depot LXV in order to leave a message that would inform any other search parties in the area about the Cullyamurra depot and the provisions available there. These two men rode to Brahé's old depot and buried a 'notice' (Aitken's word) at the foot of the Depot Tree—the same tree that contained two of Brahé's blazes—the 'B' over 'LXV' blaze and the 'DEC 6 – 60 APR 21 – 61' blaze. Aitken made yet another blaze on this tree that gave directions to Howitt's depot—just in case Aborigines found the buried 'notice'. His blaze on the tree had Howitt's conjoined initials at the top—'AH' followed by 'DIG under → To Depot'. Aitken sketched the blaze in his diary.⁶

The Cooper Creek Settlers

The first settlers who came to Cooper Creek in 1873 soon found three blaze marks on a single tree at Depot LXV. They began to call the place 'Fort Wills', and of course quickly assumed that the 'DIG' in the Aitken/Howitt blaze on the central Depot Tree had been put there put there by William Brahé to indicate where the cache of provisions had been buried.

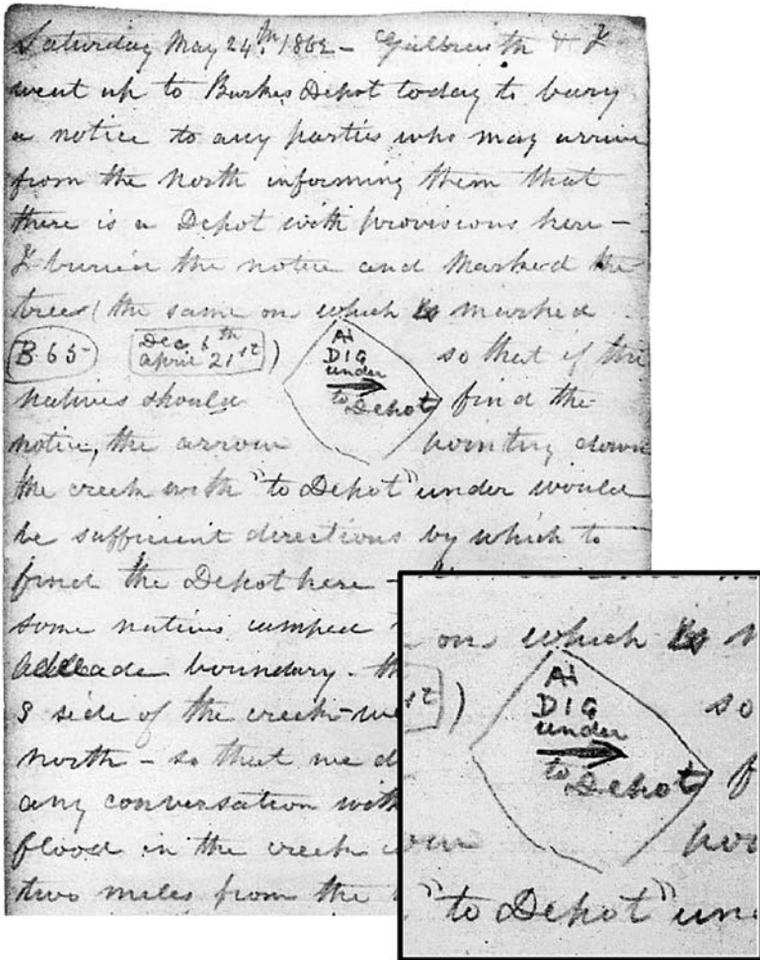


Fig. 2 Alexander Aitken's diary, 24 May 1862.
 MLMSS 1263, Courtesy State Library of New South Wales, Sydney.

In 1879 this tree was sketched by Alexander Salmond, a Queensland surveyor working in the area. He also called the place 'Fort Wills', and apparently accepted that the 'DIG' blaze had been put there by Brahé.⁷ A copy of Salmond's pencil sketch was published as a 'woodcut' in the *Town and Country Journal* on 5 March 1881.⁸

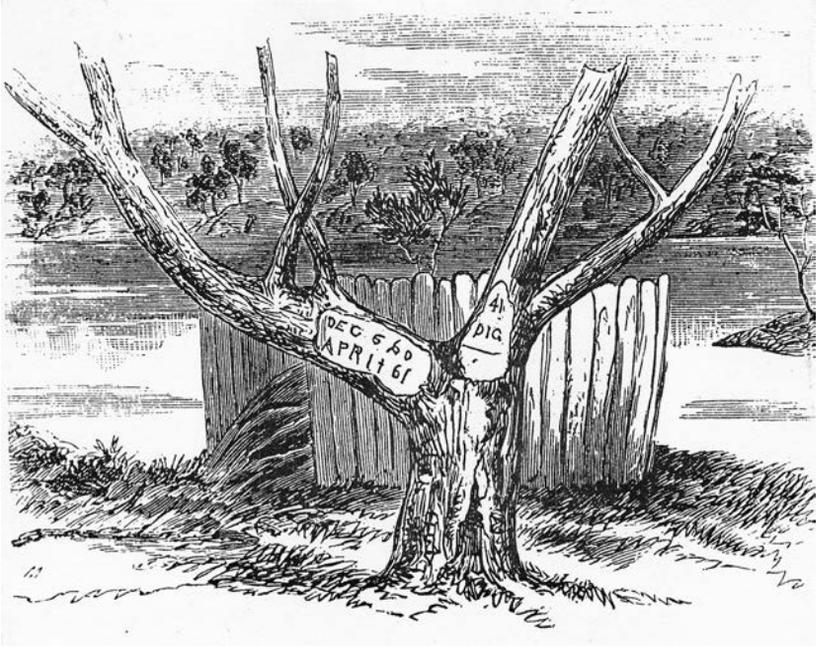


Fig. 3 *Town and Country Journal*, 5 March 1881.

By the 1890s it was generally accepted that the Aitken/Howitt ‘DIG’ message on the Depot Tree was Brahé’s ‘DIG’ message, or contained some part of it. The earliest photograph of the Depot Tree at Fort Wills was taken around this time; it shows clearly the Aitken/Howitt blaze (already partly overgrown) as well as Brahé’s date-blaze—the lettering outlined in chalk. This photograph was probably taken by John Conrick—the only local personality known to have a camera in the late 1880s.⁹

Very few travellers visited this remote area, so it is not surprising that there was little serious debate about the Aitken/Howitt blaze until 1908—the year after John Longstaff’s large oil painting was unveiled in Melbourne. This dramatic picture revived interest in the Burke and Wills Expedition, and also initiated questions about the enigmatic messages blazed on trees at Fort Wills. In doing so, the painting contributed to further misunderstandings about the site of Brahé’s cache. This was not the fault of the artist—rather, it was a consequence of the many and varied interpretations by people who viewed and criticised the painting.

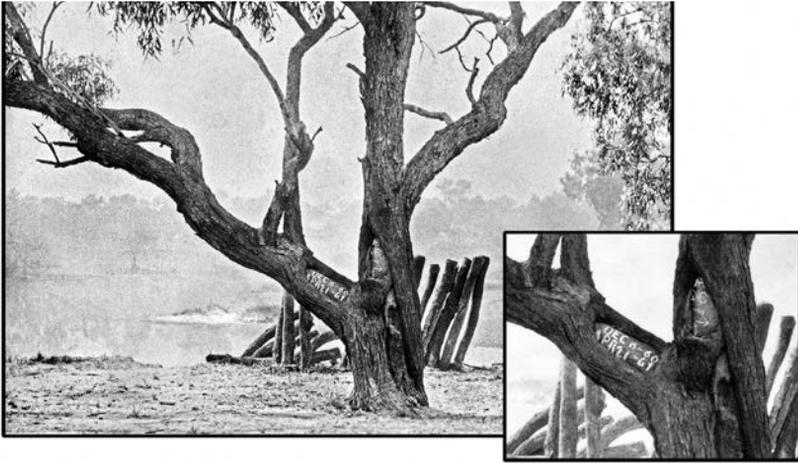


Fig. 4 Fort Wills. The main Dépôt Tree and remnants of Brahé's stockade. c.1890.
(Conrick photo)

The Painting

Longstaff's huge painting, *The Arrival of Burke, Wills and King at the Deserted Camp at Cooper's Creek* was unveiled in Melbourne on 13 December 1907. The sheer size of this dark-toned canvas with its life-size figures overwhelmed everyone, including a journalist from the *Melbourne Argus* who wrote:

Mr. John Longstaff's anxiously looked for historical painting—a commission from the trustees of the Public Library—was hung in the McArthur Gallery late yesterday afternoon. Its theme—the return of Burke, Wills and King to Cooper's Creek—is a wonderfully human and interesting one to Australians, and the Australian painter has dealt with his subject in heroic and uncompromising manner, developing his powers of imagination and command over the processes of painting in an uncommon degree, using, too, all his resources to enable him to reach his aim and end worthily. The work is a large one, 16 ft. by 12 ft., and the figures are life-size.¹⁰



Fig. 5 A photograph, taken in 1932, shows Fort Wills from an easterly angle. The Depot Tree (far right); the stockade; a tree carved with Burke's face (centre right); and Brahé's Tree (centre) are all visible in this picture. (Photo: A.H. Hansford, Courtesy La Trobe collection, H.2846.)

This theatrical picture was commissioned in 1901 by the National Gallery of Victoria. The well-known portrait and 'narrative' artist, John Longstaff, had been asked to paint an important historical event in Australia's past—either an incident from Cook's discovery of Australia or something from the Burke and Wills expedition.¹¹ Longstaff chose the Burke and Wills story. The painting was to be funded from Dr William Gilbee's 1885 bequest of £1,000 to the Gallery Trustees.¹²

While Longstaff knew very well what he wanted to paint, he did not anticipate the difficulties. As a portrait artist he needed to find a suitably emaciated model and then decide how to interpret the blaze marks that he would have read about in the documents supplied to him. It appears that Walter Baldwin Spencer had given him 'a photo' but there is no record of the subject matter of this image.¹³ Was it the Conrick photograph taken around 1890? Longstaff, also, had no clear idea of what the country around Cooper Creek looked like—he had never been further inland than Port Augusta.¹⁴ As a narrative artist with an interest in the later years of the Pre-Raphaelite movement,¹⁵ Longstaff was more

concerned about capturing the feelings of tragedy and despair in this dramatic painting than depicting an accurate historical scene—and he was known to complain about realism in landscape painting:

After all, if you want correctness I don't see why you can't be satisfied with a coloured photograph. It's the emotion the artist has experienced which he needs to get down in paint for others to experience. It's the emotional impression (not this dreadful realism) that one wants in landscape.¹⁶

Longstaff's attitude to realism probably triggered much of the later criticism by those who viewed this remarkable painting—for nearly everyone misinterpreted what they saw. The critics viewed the painting too 'literally' and were puzzled. Which tree had Longstaff painted? Was it the main Depot Tree at Fort Wills as depicted in the woodcuts and photographs, or was it Brahé's tree and its blazes? Where were the stockade and the waterhole? And from where did the numerals and letters in the painting come?

The 'AP 21' in Longstaff's painting may have come from King's not very accurate comment that 'we ... found the tree with DIG, April 21', which had already been published in a small book;¹⁷ and the painted instruction '3 FT W' probably came from Longstaff's reading of King's interrogation at the Commission of Enquiry—although there is no evidence that he was given a copy of this document. It seems that the artist tried to paint what he imagined Brahé had blazed on the tethering-tree—not the Depot Tree, which Brahé never blazed with the word 'DIG'. But, in attempting to be accurate, Longstaff made his own small contribution to the misunderstanding—for most critics assumed that he had painted the Depot Tree, which, at that time, was the only tree known to display a 'DIG' message and a date. The two 'DIG' messages had now become one in the minds of critics and viewers.

The Critics

On 31 January 1908 a Mr Evat wrote to the *Argus*, Melbourne:

Sir ... I consider it unfortunate that greater facility had not been given the artist, so that he might avoid glaring inaccuracies which at once strike a bushman ... Apart from the failure to paint the letters as if bark had been removed, the mound that marks the hole is not 9 ft. from the tree. Burke, standing close to the tree, could with ease place his foot in the hole dug. His height was, I know, under 5 ft. 11 in. As to the surroundings, I possess two photographs given me by Mr. John

Conrick, who took up the station, and still owns it, where Burke died. One is a photograph of the tree under which he died; the other of the tree depicted by Mr. Longstaff in his picture ... Regret must be felt by all bushmen that detail in an historical painting such as this has not been truthfully given. I write trusting that such errors may be more carefully considered in the future, and not introduced in art pertaining to Australian history.¹⁸

It is interesting to note that Evat saw the figure '9 FT' in the Longstaff painting, while others saw it as '3 FT'. Even today, this numeral in Longstaff's painting, '3' or '9', remains very hard to make out.

Evat's letter drew more correspondents into the discussion. A Mr McLennan, from Cororooke in Victoria, said that when he was on the Cooper he remembered seeing the site where Brahé had buried the provisions:

If the painting is supposed to represent the tree where the provisions were planted for Burke on his return from the Gulf, I am of the opinion that both the painter and the critic [Evat] are wrong as to the distance. The painting says 9 ft., Evat says it is less, and I say that, although I do not remember the exact figures, it is more ... I fancy 40 ft. or more from the tree.¹⁹

Finally, the Nappa Merri station owner, John Conrick, tried to settle the matter in a long letter to the *Argus* on 14 March 1908. Conrick had first settled at Nappa Merrie station on Cooper Creek in 1873, just a few kilometres upstream from Fort Wills, so he might be expected to know what he was talking about:

As regards the painting, it seems to have been drawn totally from imagination, as it is incorrect in almost every detail. The explorer's marks on the tree are not correct, and the fort and the fine reach of water in the Cooper are not shown at all. The marks on the west side of the tree at the Depôt are as follows, on a limb leaning northwards from the butt, showing dates of arrival and departure of the party to and from the Depôt DEC. 6. 60 April. 21. 61 and on the butt of the tree, on the same side, is AH (AH combined), DIG, under and a broad arrow. The AH and broad arrow were evidently put on by Howitt, the arrow pointing down the Cooper denoting the direction of travel. The 'DIG' was put on by Brahé to denote where the provisions were buried. On the east side of the tree, the butt facing the fort is marked B over LXI, this being Burke's mark and number of camp. These marks were all chiselled deeply into the wood, the bark being previously removed, and they are as plain today as they were 37 years ago.²⁰

One of John Conrick's four sons, E.G. 'Ted' Conrick, who grew up on Nappa Merri station, had quite different recollections of what was carved on the Depot Tree at Fort Wills:

when I can first remember, it was DIG (over) UNDER (over) 40 Ft W ... very little of these markings are left now ... I have heard it said that Brahé had DIG UNDER on [the] tree without any other message on [the] tree, but UNDER 40 ft W was quite distinct a few years ago ... the 'under' was in script letters; I can remember this inscription well as I often saw it as a boy, although it has all eroded with the weather now.²¹

Ted Conrick's misinterpretation led to the construction of a cairn in 1937, placed 40 ft west of the Depot Tree, supposedly at the site of Brahé's cache. It is still there today, perpetuating the error.

All these critics focused their attention on the Aitken/Howitt blaze which had been cut into the Depot Tree at Fort Wills more than one year after Brahé had departed, and many months after Wills and Burke had died. Then, in the mid-1930s, an influential book was published that again revived interest in the story. Unlike the critics of 1908, however, the author produced his own story.

Clune's Books

In 1935 the author, Frank Clune, visited Fort Wills on a journey around the River Darling and beyond with his friend Bartlett Adamson. At the end of their wanderings, they reached Innamincka on Cooper Creek and rode camels to Brahé's old depot:

By midday we had covered about twenty miles, but our aching and chafing limbs felt like 200 miles, and it was with feelings of gladness that we halted and dismounted beneath a sixty-foot coolabah tree, deeply inscribed on the side facing the creek B/LXV, and on the land side DIG. This was the famous Dépôt Tree of Burke's Camp 65, also Fort Wills, on the Bulla Bulla Waterhole at Cooper's Creek.²²

In that statement, published in his book *Roaming Round the Darling*, Clune almost accepted the notion that Brahé had cut the word 'DIG' on the same tree as the 'B/LXV' blaze—although he does not exactly say so. However, the gripping drama of past events at Fort Wills must have impressed Clune, for two years later his historical novel, *Dig: A Drama of Central Australia*, about the Burke and Wills Expedition, was published. It was a very popular book, printed in many editions. But,

in the time between these two books, Clune had evidently researched the existing documents of the expedition, including the *Report of the Commission of Enquiry*, and corrected any mistaken perceptions he entertained about the DIG blaze he had seen at Fort Wills. Clune made it quite clear in *Dig* that there were two trees involved in Brahé's departing tree-blazed messages. This was revealed in chapter 15 of *Dig*, where he described what happened when Burke, Wills and King returned to the deserted depot:

Suddenly he [Wills] paused. Outside the stockade, where the horses had been tethered he saw that a tree was newly blazed, and staggered across to see the meaning of it. With the scent of fresh sap in his nostrils, he stared at an inscription, dimly discernable in the moonlight, DIG/3FT/NW. "Dig three feet north-west" he croaked ... While this import was sinking into their minds, King shouted from the fireside. "There's a new mark on our camp-tree". Burke and Wills stumbled across to look. On a low branching limb of the sturdy old coolabah outside the stockade they read aloud: DEC-6-60/APR-21-61... the letters were on the opposite side of the Camp 65 tree, blazed by Brahé on their first arrival in December as follows: B/LXV.

In some editions of Clune's *Dig* there is a chapter titled 'Aftermath', in which the author explains why he altered King's recollection of Brahé's original 'Dig' blaze:

John King in giving evidence at the Royal Commission tells of their arrival at Cooper's Creek on the night of 21 April. "Then," he said, "Mr Wills saw the mark on the tree 'Dig tree feet north-west or north-east,' I can't remember which." After reading this ... one could imagine the confusion for the reader to constantly read "north-east or north-west, I am not sure which," so I tossed a coin, heads for north-east and tails for north-west and tails won. Hence north-west it is.²³

Although Clune added his own interpretation of King's statement, he should be applauded for adhering closely to the evidence that Brahé had blazed two trees at Fort Wills.

Other Books

Although Clune had clearly identified that two trees were blazed by William Brahé, there was still no indication that other people held the same view. Much earlier, in 1907, Alfred Howitt muddied the waters by saying: 'Brahé pointed out the place where he made the cache and

the tree on which he cut the words and figures “DIG” and “21 April, 1861”.²⁴ By adding the year ‘1861’ to Brahé’s original statement and King’s later interpretation, Howitt suggested that these messages were all on a single tree—which only added to the confusion. In 1928, Charles Fenner quoted Howitt’s suggested combination of letters and numerals, supposing them to be Brahé’s original blaze.²⁵ In time, most authors adopted the King/Howitt/Clune notation for the content of Brahé’s blaze. And the popular press gradually fused the two old coolabahs at ‘Fort Wills’ into a single tree at a site, which began to be called ‘The Dig Tree.’²⁶

Alan Moorehead in his popular book *Cooper’s Creek* (1963) followed the same King/Howitt/Clune interpretation, ‘DIG 3 FT. N.W. APR. 21 1861’.²⁷ And ever since, other writers have used (more or less) the same version to represent Brahé’s message for the site of his cache: Colwell in *The Journey of Burke and Wills* (1971);²⁸ Corke in *Partners in Disaster* (1985);²⁹ Oliver in *Burke and Wills* (1985);³⁰ Bonyhady in *From Melbourne to Myth* (1991);³¹ and Cathcart in *Starvation in a Land of Plenty* (2013).³² On the other hand, John White in *Burke and Wills: The Stockade and the Tree* (1992) wrote that Brahé cut the words ‘DIG under’ on the Depot Tree.³³ And Sarah Murgatroyd, author of *The Dig Tree: The Story of Burke and Wills* (2002)³⁴ added the word ‘under’, from the Aitken/Howitt blaze, to the Clune words, forming her own version: ‘DIG UNDER 3 FT NW’.³⁵

After all this time, every author assumed that there was just one tree at Fort Wills that contained the combined messages from Brahé and Aitken.

Locating Brahé’s Cache

In his evidence at the Commission of Enquiry, Brahé had been very clear about the tree on which he had blazed the word ‘DIG’. So, where was this place? Two locations need to be identified in order to locate this position:

1. A place where horses could be tied to a low branch.
2. The position of the stockade.

At Fort Wills, the Depot Tree (now called the ‘Dig Tree’) has no branches to which horses could have been tethered in 1861. Although the outer branches of this tree droop towards the ground, old photographs show the same branches to be much higher; horses could never have been tied to these branches. The only place suitable for tethering horses in 1861 is a tree 7.6 metres SSW of the Depot Tree; it has a thick low branch about one metre above ground level, at the end of which is the overgrown stub of a smaller branch, probably broken off long ago. This

tree, under which there is plenty of shade, is a more likely place to tie up horses. Brahé almost certainly carved ‘DIG’ onto this branch, for there are two very old, hollowed-out blaze marks that are still visible. Because the provisions must have been buried close to this tree, perhaps it should now be called ‘Brahé’s Tree’. The next question to ask is: how far was this tree from the nearest corner of the stockade? Was it within the distance Brahé specified in his evidence? He said the cache was buried about six or seven yards (5.5—6.4 m) from one corner of the stockade. King said the camel box was buried fewer than ten yards (9.1 m) from the corner. Where then was the stockade? There has never been any plan that shows the actual location of Brahé’s stockade.

Plotting the Stockade Site

Although there are many old photographs of the stockade at Fort Wills dating from around 1890 and onwards, most of them were taken from almost the same position—from the north, with the waterhole beyond. This makes it very difficult to plot a site for the stockade with any precision. Another photograph, taken in 1932, shows the Depot Tree from a position east of Fort Wills. Using angles derived from these two different photographs it becomes possible to plot the position of the last remaining posts of Brahé’s stockade on a modern ground plan.

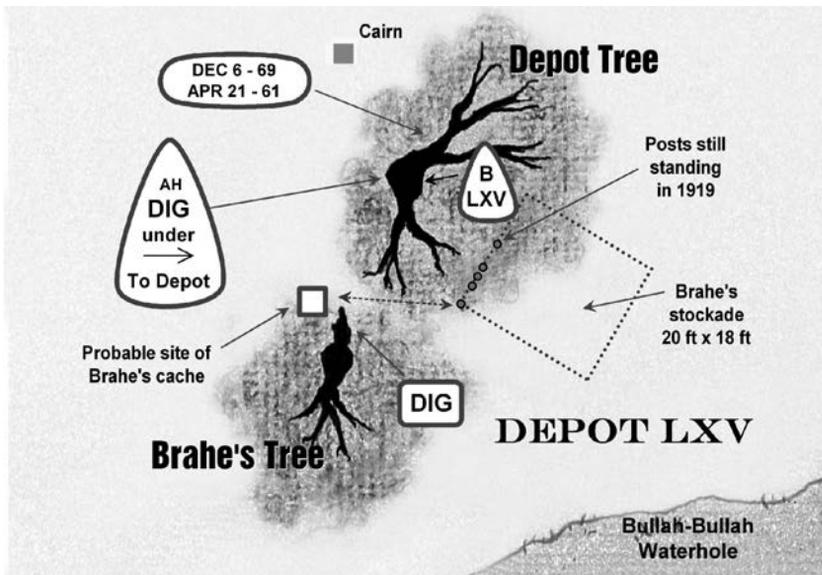


Fig. 5 Plan view of Fort Wills showing Aitken’s new blaze on the Depot Tree in May 1862, and a likely position of Brahé’s stockade.

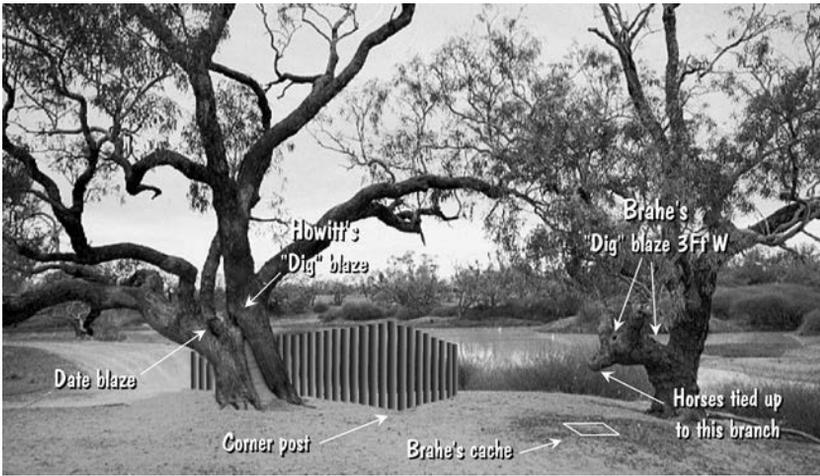


Fig. 7 Fort Wills Depot LXV as it might have looked, showing the stockade and positions of the various blazes on the Depot Tree (left) and Brahe's tree (right).

If we suppose that the right-hand post in the 1919 photograph was the north-western corner post of the stockade, then the distance from this corner to Brahe's tree, where the cache could have been buried, is something like six to seven yards. Just what William Brahe had said.

Conclusion

The overlapping layers of misinterpretation produced by the messages blazed on two trees at Fort Wills have partly obscured the real story of what happened at this site. To begin with, the Aitken/Howitt 1862 blaze was mistaken for Brahe's 1861 blaze; then the tree in Longstaff's theatrical 'narrative' painting was assumed to depict the Depot Tree; after that, Clune's attempt at accuracy (by clearly defining that the two trees were involved) was somewhat spoiled when he added his own interpretation; and finally, authors and visitors began attaching the message in Longstaff's painting to the Depot Tree. All this created uncertainty as to where Brahe had buried his surplus provisions. Such ambiguity also concealed the true value of this historic site—for to explain to people that the large coolabah known today as 'The Dig Tree' is not the tree on which Brahe blazed his 'DIG' message is now very difficult. The real story deserves to be more widely known.

The original Burke and Wills Depot LXV on the north bank of Cooper Creek enclosed a number of large coolabah trees as well as the

stockade; so it is actually confusing (if not inaccurate) to call the entire site ‘The Dig Tree’. It would be far better to resume the more dramatic, perhaps quixotic, name of ‘Fort Wills’—as it was called until many years after Longstaff’s painting was unveiled in December 1907.³⁶

Perhaps the tree that is presently called ‘The Dig Tree’ should be re-named the ‘Depot Tree’—for this would differentiate the two coolabah trees within the Fort Wills area. And, for those people who might think that renaming the place ‘Fort Wills’ is strange or anachronistic, it may be possible to just add an ‘s’ to the ‘Dig Tree’ name, so that the whole site becomes, more correctly, ‘The Dig Trees’.

Acknowledgments

This study would not have been possible without the help of many people at different times, especially:

The Preshil School Camping Club—where this study began

Dave Phoenix for his extensive and persistent research into the diaries of Alexander Aitken, which finally solved the mystery of Howitt’s blaze on the Depot Tree at Fort Wills

Members of the Burke and Wills Historical Society who recently surveyed the Fort Wills site and marked the stockade corners

Kerrie Goodchild (RACV Activities Department) and members of a tour party who took photographs and measurements of the Depot LXV site in September 1992

Various photographic archives that provided the pictures used in this study—State Library of Victoria (Melbourne); Mortlock Library (Adelaide); National Library of Australia (Canberra) and the John Oxley Library (Brisbane)

The National Gallery of Victoria for providing access to Longstaff’s painting while it was in storage, and for making available some relevant artists’ letters

The late Helen Tolcher for her sustained good humour and encouragement.

Notes

- 1 This expedition was originally known as ‘The Victorian Exploring Expedition’ (V.E.E.) but, at a Committee meeting on 4 November 1861, the governor of Victoria, Sir Henry Barkly, suggested that the name be changed to ‘The Burke and Wills Exploring Expedition’ to honour the lives of the two leaders who died. See the *Argus*, Melbourne, 5 November 1861, p. 5.
- 2 *Burke and Wills Commission Report*, Melbourne, Government Printer, 1861–62, p. 12.
- 3 *Burke and Wills Commission Report*, p. 66.
- 4 *Burke and Wills Commission Report*, p. 66.
- 5 Howitt’s Journal, *The Burke and Wills Exploring Expedition*, Melbourne, Wilson & MacKinnon, 1861, p. 10.
- 6 24 May 1862, Alexander Aitken Papers, 1860–1910, MLMSS 1263, State Library of NSW.
- 7 *West Australian*, 15 February 1924, p. 10. ‘Mr Salmond who had considerable skill with the pencil, made a sketch of the historic tree under which Burke’s depôt camp had been established. The word “Dig” carved on the tree and still plainly visible when Mr Salmond reached the place, was a message to Burke from those whom he had left at the depôt, and whom he expected to find there on his return...’
- 8 *Town and Country Journal*, 5 March 1881.
- 9 Helen M. Tolcher, *Conrick of Nappa Merrie*, Sydney, Fast Books, Wild & Woolley, 1997, p. 85. The source of some early photographs of Fort Wills has so far not been confirmed. Some people suppose that John Conrick (snr) was responsible. He was known to have a glass-plate camera at Nappa Merrie station in 1884, sending pictures of station life to his fiancée Agnes Ware in Victoria. The poor print quality of many early Cooper Creek images suggests that they were not taken by a professional photographer.
- 10 *Argus*, Melbourne, 14 December 1907.
- 11 Tim Bonyhady, *Burke and Wills: From Melbourne to Myth*, Sydney, David Ell Press, 1991, p. 278.
- 12 The purchasing power of £1,000 in 1901 is equivalent to about £94,000 in 2014.
- 13 Prue Joske, *Debonair Jack: A Biography of Sir John Longstaff 1861–1941*, Melbourne, Claremont Publishing, 1994, p. 104.
- 14 Nina Murdoch, *Portrait in Youth: A Biography of Sir John Longstaff*, Sydney, Angus & Robertson, 1948, p. 177.
- 15 Joske, p. 97.
- 16 Murdoch, p. 103.
- 17 ‘King’s Narrative’, *The Burke and Wills Exploring Expedition*, Melbourne, Wilson and MacKinnon, 1861, p. 3.
- 18 *Argus*, Melbourne, 31 January 1908.
- 19 *Argus*, Melbourne, 14 February 1908, p. 9.
- 20 *Argus*, Melbourne, 14 March 1908, p. 7.

- 21 E.G. Conrick, letter, 14 April 1945, *Royal Geographical Society of Australasia, SA Branch*, Proceedings 1944–45.
- 22 Frank Clune, *Roaming Round the Darling*, Sydney, Angus & Robertson, revised edition 1952, p. 186.
- 23 Frank Clune, *Dig: A Drama of Central Australia*, Sydney, Angus & Robertson, 1937, p. 252.
- 24 Alfred Howitt, Inaugural Address, Australasian Association for the Advancement of Science, Proceedings, Vol. XI, 1908.
- 25 Charles Fenner, ‘Two Historic Trees’, *Royal Geographical Society of Australasia, SA Branch*, vol. 29, 1927–28.
- 26 *Daily Advertiser*, Wagga Wagga, NSW, 30 March, 1912, p. 3. An early use of the phrase ‘The Dig Tree’.
- 27 Alan Moorehead, *Cooper’s Creek*, Sydney, MacMillan Company of Australia, 1977, p. 79.
- 28 Max Colwell, *The Journey of Burke and Wills*, Sydney, Lansdowne Press, 1985 edition (first published 1971), p. 94.
- 29 David Corke, *Partners in Disaster*, Melbourne, Thomas Nelson Australia, 1985, p. 17.
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The Eureka Treason Trials: 160 Years On

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Abstract

Despite much attention being given by historians to the Eureka episode over generations, few have paid note to the proceedings of the trials of the Eureka thirteen. Most have been content to assume popular sentiment spilled into the court to influence the juries' decisions. However, a close examination of some of the proceedings reveals a different story. I will argue that the acquittals were the result of poorly conceived charges and strategic errors by the prosecution, and that these were recognised by astute jurors.¹

The year 2015 marks the 160th anniversary of the Eureka treason trials, among the most famous trials in Victoria's history.² They hold their historical own alongside the likes of the trials of Ned Kelly and Lindy Chamberlain, and of the High Court's decisions in Mabo³ and the Communist Party Case.⁴ Author Peter FitzSimons has written that the Eureka legend resides 'in the very marrow' of our Australian bones.⁵

The Eureka Rebellion remains Australia's only civil armed uprising against a government.⁶ It was a short-lived battle but blood was spilled on both sides. Of the 150 or so diggers arrested, just thirteen went to trial, charged with high treason. Despite the considerable evidence and arguments mounted against them, all thirteen men were acquitted by citizen juries. Victorians rejoiced; justice was seen to be restored.

After briefly outlining the events of that fateful Sunday morning, on which Her Majesty's soldiers marched on the Eureka Stockade, I will reflect on the trials. I will focus on the very first treason trial, that of John Joseph, assessing both the evidence and the outcome. I will then ponder what the outcome meant for the remainder of the trials, and what the trials meant for Victorians, and for Australians.

Historians of the gold rushes and of Eureka have often glossed over the trials, and certainly have not examined their proceedings, although this may change now that the Supreme Court of Victoria has made available the transcripts on its library website to celebrate the 160th anniversary of Eureka. Geoffrey Serle wrote the classic account

of the Victorian gold rushes, *The Golden Age*, but did not examine the proceedings and accompanying arguments of the trials. He believed that they simply unfolded day after day, as juries ‘applied the popular verdict.’⁷ Weston Bate in his two-volume history of Ballarat merely noted the citizens of Melbourne acquitted the thirteen men.⁸ Clare Wright, in her award-winning *The Forgotten Rebels of Eureka*, commented without discussing the proceedings: ‘no juries would convict their peers of a capital offence for which there was not a shred of evidence.’⁹ Legal historians have gone further. Jeremy Stoljar QC in his book, *The Australian Book of Great Trials: The Cases that Shaped a Nation*, devoted a chapter to the trials. Yet his self-professed focus was on ‘the individuals caught up in the forensic process’, rather than the ‘minutiae of the legal argument’.¹⁰ In concluding, Stoljar relevantly commented that the trials provided ‘a powerful illustration of the good sense and independence of juries, and the way [they] usually [reach] the right result’.¹¹ I will develop this point further. After assessing the trial of Joseph, I will argue that he and others were found innocent not by popular pressure, although that was surely there, but by failings in law and the selection of charges, which astute juries recognised.

That Fateful Sunday Morning

But first, let us go back to 1854. The discovery of gold in Victoria had completely transformed the colony—it brought not only wealth and importance but also social and political instability.¹² Soon after the discovery of gold, a system of ‘gold licences’ was introduced. Initially the system comprised a monthly fee of 30 shillings, an amount ‘beyond the reach of most diggers.’¹³ The system was enforced by what became colloquially known as ‘digger hunts’, whereby troopers, or ‘traps’ to the diggers, would call on the miners to produce their licences. Raffaello Carboni, one of the thirteen rebels tried for treason, recalled one particular occasion:

I hear a rattling noise among the brush. My faithful dog, Bonaparte, would not keep under my control. ‘What’s up?’ ‘Your licence, mate’ was the peremptory question from a six-foot fellow in blue shirt, thick boots, the face of a ruffian armed with a carbine and fixed bayonet. The old ‘all right’ being exchanged, I lost sight of that specimen of colonial brutedom and his similars, called, as I then learned, ‘traps’ and ‘troopers.’ I left off work, and was unable to do a stroke more that day.¹⁴

As Carboni's tone suggests, the diggers resented the government's licence fee and the troopers who enforced it. As the frequency of the hunts increased, so did the diggers' antipathy towards the Victorian authorities. Tensions were rising.

On 11 November 1854, a mass meeting was held at Bakery Hill and the Ballarat Reform League was formed to uphold the principles 'that it is the inalienable right of every citizen to have a voice in making the laws he is called upon to obey, [and] that taxation without representation is tyranny'.¹⁵ Timothy Hayes was appointed chair.

On 29 November, the famous blue flag adorned with the Southern Cross made its first appearance. It had been sewn by, among other women, Hayes' wife Anastasia. It was hoisted at a meeting of diggers on Bakery Hill. The meeting had been summoned by placards that read: 'Down with the Licence Fee.—Down with Despotism.—Why so base as be a slave ... Bring your licences; they may be wanted'.¹⁶ At the meeting it was revealed that the diggers' attempts to petition the governor, Sir Charles Hotham, about licence fees had been futile. At this news, there was an outpouring of emotion—many urged that petitioning was now useless; that they must take up arms to defend themselves against their oppressors.¹⁷ Peter Lawler (better known as Lalor) took to the podium for the first time and, beneath the Southern Cross, he called for volunteers to stand up for their rights and liberties.¹⁸

In the days that followed, more meetings were held; arms were gathered, men were drilled (trained in military style) and a stockade was erected. And then, in the early hours of Sunday 3 December, Her Majesty's 12th and 40th Regiments of Foot, together with a party of police, took up their own arms and, in moonlit silence, marched on the stockade.¹⁹ At 300 yards distance the dawn began to break and an assault group, led by Captain Wise, moved forward.²⁰

The silence broke as a shot rang out, and then another. Who fired first would become a topic of raging debate; however, as my predecessor the Hon. John Harber Phillips AC observed, it seems unlikely that the soldiers, having obtained the tactical advantage of surprise, would waste it at such a distance.²¹ Whatever the case, single shots soon turned to volleys, and a bloody scuffle followed.

Awaiting Trial

Following the battle, over 150 arrests were made. The prisoners were carted off to the Ballarat Government Camp where they were strip-

searched and their clothing, money and other possessions confiscated.²² Of them, just thirteen were identified as suitable for prosecution.²³ The prisoners were transported to the Old Melbourne Gaol to await their trials, where they were held in conditions ‘of considerable privation.’²⁴ Raffaello Carboni recalled how they had been plagued with lice, and how Timothy Hayes’s body was ‘literally bloated’ with the ‘disgusting vermin.’²⁵ And then there was the food:

A dish of ‘hominy’ (Indian meal), now and then fattened with grubs, was my breakfast.

A dish of scalding water, with half a dozen grains of rice, called soup, a morsel of dry bullock’s flesh, now and then high-flavoured, a bit of bread eternally sour—any how the cause of my suffering so much of dysentery, and a couple of black murphies were my dinner.²⁶

After four gruelling months, the prisoners were finally brought before the Supreme Court (at its original location on the corner of Russell and La Trobe streets) on Thursday 22 February 1855. The prisoners, ‘a mongrel crew of German, Italian and Negro rebels’, as the *Sydney Morning Herald* described them,²⁷ were placed at the bar, and answered to their names: James Beattie, James Macfie Campbell, Raffaello Carboni, Thomas Dignum, Timothy Hayes, John Joseph, John Manning, William Molloy, John Phelan, Henry Reid, Jacob Sorenson, Michael Tuohy, Jan Vennik.

The Supreme Court courtroom was full to capacity. Outside, people gathered in the thousands.²⁸ They cheered loudly as the rebels entered. To the cheering public, the revolution was almost complete; acquittal would be the final step.

The charge was high treason: essentially, the betrayal of one’s government or an attempt to overthrow it. To the diggers, it must have seemed a far cry from a complaint about licence fees.²⁹ To Governor Hotham, the case was ‘clear.’³⁰ Treason is the gravest of civil crimes and one that, at this time, carried the death penalty. All that stood between the prisoners and the gallows was a judge, four lawyers and twelve ordinary citizens. The prosecutorial decision to charge high treason would be critical in the scheme of things. Blackstone observed that, given its gravity, treason ‘ought to be most precisely ascertained.’³¹ It is indeed a very difficult crime to prove.

The charges were read—four counts of high treason: two counts of *levying* war against the Queen; and two counts of *compassing, imagining or intending* to levy such war, evidenced by such acts as raising a flag, procuring and providing arms, erecting a stockade and firing upon and killing Her Majesty's soldiers.³²

Pleas were entered—'not guilty'—and the prisoners' counsel requested that each man be tried separately.³³ This was an important and strategic decision. If the accused had been tried together, substantial risks of prejudice and unfair trials would have arisen.

The Trial of John Joseph

Separate trials were acceded to by the trial judge.³⁴ John Joseph was up first. Joseph was, to adopt the phrase of the time, 'a man of colour'—'a tall and powerfully built' African-American in his late thirties who had journeyed to the goldfields all the way from New York.³⁵ According to Carboni, under that 'dark skin' was a 'warm, good, honest, kind, cheerful heart' and 'a sober, plain-matter-of-fact contented mind'.³⁶ It is believed that Joseph had arrived only a few days before the Eureka Rebellion, from the north-west Victorian goldfield of Avoca.³⁷ He was in the business of selling refreshments to the diggers from his tent, which ended up inside the stockade.³⁸ When the soldiers eventually marched upon it he found himself on the front line.³⁹ Now, he found himself in the dock.

Some time was spent finding a jury—Joseph made 21 challenges (mainly gentlemen and merchants).⁴⁰ However, after a brief argument between counsel as to the legality of the 21st candidate juror, a jury was finally empanelled:

1. Mr Wise, of George Street, gentleman
2. Mr Whitmore, of Gertrude Street, saddler
3. Mr Wood, of Gertrude Street, licenced victualler
4. Mr Wills, of Hanover Street, stone merchant
5. Mr Waters, of Smith Street, butcher
6. Mr Watts, of Wreckyn Street, carpenter
7. Mr Westwood, of Napier Street, gentleman
8. Mr Wood, of Smith Street, licenced victualler
9. Mr Wallace, of Victoria Street, householder
10. Mr Wyllie, of Little Howard Street, householder
11. Mr Woodsworth, of Howard Street, coffee roaster
12. Mr Wilson, of Great Brighton, bookseller⁴¹

Note that the first eleven jurors were from the inner north of Melbourne. On the face of things, they were not rough and ready individuals and they do not appear to have been diggers.

Chief Justice Sir William a'Beckett, Victoria's first chief justice, was the presiding judge.⁴² He was born in London, England, and educated at Westminster School.⁴³ A'Beckett, who was ill at the time, had to be 'wheeled' into court most days.⁴⁴

Representing Joseph was Henry Chapman, accompanied by Butler Cole Aspinall; two of the colonial Bar's best, they appeared without fee, in the strong Victorian tradition of barristers and lawyers appearing *pro bono* for the needy.⁴⁵ Both would go on to have successful careers at the Bar and then in politics. Chapman was to become a judge in New Zealand;⁴⁶ unfortunately, Aspinall, his learned junior, did not share Chapman's fortune—a mental breakdown in 1871 ended his career.⁴⁷

Attorney-General William Stawell (who would go on to become Chief Justice of Victoria) represented the Crown, together with Solicitor-General Robert Molesworth—a powerhouse duo. It was quite an extraordinary circumstance to have the attorney-general and solicitor-general appearing together, an indication of the trials' significance. Stawell was a man of much importance and significance in the colony and highly influential throughout Hotham's governorship. Legal historian Charles Parkinson has observed that 'he was the only member of the executive to be consulted and *always* to have his legal advice followed'.⁴⁸ Stawell was also the principal draftsman of the Victorian Constitution Act upon the colony's separation from New South Wales.⁴⁹

Stawell in his opening address at Joseph's trial made a point of reminding the jury:

Gentlemen [of course, women did not sit on juries then], I need not tell you that this is a most important trial upon which you and I and everyone in this court are now engaged; that the offence with which the prisoner is charged is a most heinous one, not only most heinous in point of degree, but an offence which affects every one of us ... so long as we are interested in the maintenance of law and order, so long must we feel the greatest and deepest importance in the result of a trial of this kind ... for if this conspiracy, or a conspiracy of this nature, were allowed to continue, and if men were allowed to organize such a conspiracy as this, there is no saying how many wrong-headed men, acting with zeal, but misguided zeal, may be unwittingly and

unintentionally led into the commission of the most dreadful crimes and outrages. The desire to gain some political end, or the desire to redress some grievance, we can all understand.⁵⁰

In order to prove the case against Joseph, the Crown needed to prove beyond reasonable doubt that each of the necessary elements of the crime were made out. First, the Crown had to prove that there had been an insurrection—an insurgence, a rebellion, a revolt. Second, it had to prove that the insurrection had been accompanied by force, and third that the object of the insurrection was of a general or public nature.⁵¹

The attorney-general made a point of distinguishing treason from ‘mere tumult’ or a ‘sudden outburst of popular feeling’ with the object of gaining some private end.⁵² On the contrary, the rebels’ revolt at Eureka, he said, had been planned and ‘arranged by previous concert.’⁵³ Stawell outlined for the jury the facts he would prove to establish the elements of the offence. He said that in late November a series of meetings were held on the Ballarat goldfields at which a flag was flown, before which men swore to defend their rights and liberties. These men armed themselves, Joseph among them, drilled in military style and erected a stockade. Stawell alleged that, on the morning of 3 December Her Majesty’s soldiers accompanied by a magistrate who was to tell the rebels to surrender, marched on the stockade but were shot at by the rebels before they reached it—only then did the soldiers respond with a volley of their own. Stawell claimed that John Joseph was in the stockade at the time, that he was armed with a double-barrelled gun which he fired at Her Majesty’s men and, finally, that in the direction in that he fired, an officer called Captain Wise fell.⁵⁴

The Crown called twelve witnesses, who attested to various of the above claims. Among them were a number of soldiers from the 40th Regiment, a couple of troopers, a police sub-inspector, the Eureka commissioner and a police magistrate.

It has always been the convention that the prosecutor does not ‘prepare’ the Crown’s witnesses. Ordinarily, a statement would be taken by a police informant and later depositions would be prepared by the Crown solicitor. The prosecutor would lead the Crown witnesses through their anticipated evidence. What actually happened with the Eureka trials is not clear. There was no committal hearing. The evidence seems to have been given by the Crown’s witnesses ‘cold’.

First up was Henry Goodenough, a trooper stationed at Ballarat. In his examination-in-chief, he gave evidence that he attended the meeting of about 1,500 people at Bakery Hill on Wednesday 29 November, disguised as a digger. He described the blue flag with a white cross that was hoisted.⁵⁵ He described how Timothy Hayes had said it was no use petitioning Governor Hotham any longer, that it was time to take the law into their own hands. He described how Peter Lawler called for volunteers to stand up for their rights and liberties and how 200-odd men offered themselves. Goodenough said he did not see any licences burnt that day.

At this point, Mr Chapman objected and called on the prosecution to explain the relevance of this evidence. Did Stawell plan to connect Joseph with it, either in the sense that he was physically at the meeting, or, if not, that he was aware of what transpired there?⁵⁶ Stawell submitted to the Chief Justice that, although it was true that Joseph was not at the meeting, the evidence was nevertheless relevant to the conspiracy in which Joseph later became involved. The Chief Justice agreed, and admitted the evidence.

Stawell's examination continued. Goodenough described the meetings in the days that followed, which he also attended disguised, and how more men came forward; those who did not, he said, were labelled cowards by Lawler and asked to withdraw. Goodenough described how the men were armed with 'whatever they could muster' before being divided into four or five different companies and 'drilled' like soldiers, initially at Bakery Hill and then at Eureka. He described Raffaello Carboni's address to the men as 'gentlemen soldiers', and how in the event of an attack they were told to defend themselves 'like men'.

Defence counsel Chapman then cross-examined the witness, Goodenough:

Counsel: Is it a common thing to hoist flags at the diggings?

Witness: There is a flag flying at every store.

...

Counsel: When those volunteers came forward to stand up for their rights and liberties, what did you understand by rights and liberties?

Witness: I understood to do away with the licence fee; I took it as that.

...

Counsel: Is it a very common thing for a man to possess firearms at the diggings?

Witness: It is not very uncommon, most people have firearms of some sort.⁵⁷

So, at this point, the defence had established flags were flown all about and that firearms were not uncommon. Things were proceeding reasonably well.

When asked about the meeting on Thursday 30 November, all that Goodenough could recall was that Hayes called for volunteers five or six times:

Counsel: How long did [Hayes] speak for?

Witness: For two hours nearly.

Counsel: Cannot you tell us something else that he said?

Witness: No; that is all I can recollect.

Counsel: How far were you from [him]?

Witness: About ten yards.

Counsel: And yet all you can remember is what you have stated now?

Witness: That is all I can remember.

Counsel: Are you prepared to swear that he did not say anything else?

Witness: I cannot swear that.

At this stage, Goodenough was not a strong witness and some elements of the alleged offence that had to be proved were looking shaky.

The next witness, Andrew Peters, also a trooper disguised as a digger, attested to having seen Joseph among the men drilling on Bakery Hill on Thursday 30 November.⁵⁸ This was the first time Joseph had been sighted at the events surrounding the Eureka uprising. The solicitor-general examined the witness:

Counsel: How long were you looking at him?

Witness: I did not look at him, but I know him again; his features are rather remarkable, you can easily know him. [In other words, he was a 'man of colour'.]

In cross-examination, defence counsel Mr Chapman responded:

Counsel: How many black men on the diggings?
Witness: There are some.
Counsel: Are you quite positive this was the man you saw?
Witness: I am.
Counsel: How far were you from him at the time?
Witness: About ten or fifteen yards.

By this stage, the defence had placed the identification of Joseph at the scene, at the centre of the case. It would prove vital. This witness acknowledged that there were ‘some’ ‘black men’ and that he was a fair distance from Joseph when he saw him. The seeds of doubt were sown.

The next two witnesses, both of the 40th Regiment, gave evidence of what occurred on the morning of Sunday 3 December.⁵⁹ Essentially, they swore that they approached the stockade just as day was breaking and that the first shots came from the stockade. They swore that, when they entered the stockade, they saw Joseph armed with a double-barrelled gun and that he fired it in Captain Wise’s direction.

Defence counsel, Mr Chapman, protested at the inference being invited, and pointed out that, amidst the *melée*, it would have been impossible to determine from which particular bullet Captain Wise was wounded.

In cross-examination, Mr Chapman again challenged the witnesses’ identification of the prisoner:

Counsel: You are aware that this is a very serious charge against the prisoner, putting his life at risk, and I am quite sure you would not give testimony [so] as to identify [him] unless you felt certain of it; had you ever seen the prisoner before the occasion?
Witness: Never before that occasion.
Counsel: Were there any other black men about the camp there?
Witness: There were a good many black men.

Counsel: Are you quite certain that this was the one you saw there?
Witness: I am positive, I assisted to escort him out of the Stockade.

Despite Mr Chapman's intentions, it seemed none of the witnesses were going to falter on this point, but the certainty of the identification was potentially shaken.

The sub-inspector of police, Mr Charles Carter, was called next.⁶⁰ He also swore to having seen Joseph in the Stockade after the battle. Defence counsel did his best to attack the witnesses' reliability:

Counsel: Do you know when the Stockade was erected that you have described?
Witness: I have not the least idea.
Counsel: How long have you been on the goldfields there?
Witness: I think about fourteen months.
Counsel: Was the Stockade there a week before?
Witness: I could not say.
Counsel: Was it there a fortnight before?
Witness: I should think not.
Counsel: Were there any tents there before?
Witness: Many.
Mr Chapman: Was not the Stockade erected round a parcel of tents?
Witness: There were several tents inside the Stockade.
Mr Chapman: These tents stood there before?
Witness: Not that I am aware of.
Mr Chapman: Do you mean to swear, having been ten months on the ground, that you do not know whether there were tents there or not?
Witness: I do not.
Mr Chapman: You swear that.
Witness: I swear that.

Thus by this stage, defence counsel had sown further doubt about if and when the stockade was supported and populated by tents of diggers. This weakened proof of intent to perpetrate treason through planning and preparation for the alleged insurrection.

More witnesses were called, essentially to corroborate the previous evidence.

Eventually Mr Gilbert Amos, the commissioner stationed at the Eureka camp, was called to the stand.⁶¹ He gave evidence that he had accompanied Her Majesty's soldiers in their advance on the stockade as a magistrate, with the intention of reading the *Riot Act* and calling on the rebels to surrender. He said a volley was fired on them before they had the opportunity to do so.

Mr Amos also gave evidence of disturbances on the Wednesday before the battle, such as the firing of arms, and the burning of licences, 'showing an evident intention ... to resist the government licence tax'. Defence counsel Mr Chapman jumped at this opening:

- Counsel: Did you see the licences on Wednesday?
Witness: I saw the smoke from the fire of the licences that were burnt.
Counsel: Is there anything in particular in the smoke of a licence?
Witness: I don't know that there is anything in particular in the smoke of one; in the smoke of many there probably may be. The facts of the cases are that a placard was posted up all over the diggings, saying "Diggers bring your licences with you".
Counsel: [So] there was a placard announcing a public meeting about licences?

A later witness, Mr George Webster, a government officer, also could not swear he had actually seen licences being burnt.⁶² Rather, according to his evidence, he witnessed them being 'put in a heap and thrown in that direction, and a blaze immediately ascending'.⁶³ By this point the prosecution may be said to have not covered sufficiently the intention of the accused. While evidence to show a tendency towards disturbances in the days before might not have been admissible, the defence did not object. However, they yielded some useful concessions in effect from the witness as to the less-than-inciting character of the placards and the fact the witness had not actually seen the licences burnt.

The Crown's case culminated in the evidence of a Mr Thomas Allen (known as 'Old Waterloo' to most).⁶⁴ The solicitor-general began the examination:

Counsel: What is your Christian name?
Witness: Yes, that is the prisoner.
Counsel: What is your *name*?
Witness: No; I have no pension at all ... [there was laughter in the gallery] ... you see I am rather deaf.⁶⁵

‘Old Waterloo’ eventually found his hearing and gave evidence that he was taken prisoner by the rebels, after refusing to go and drill with them.⁶⁶

At the close of the Crown case, defence counsel, Mr Chapman, called no witnesses.⁶⁷ Commentator and advocate Jeremy Stoljar QC has recently described this as ‘a good forensic move.’⁶⁸ In the advocate’s mind, there was perhaps a quiet confidence that the Crown’s evidence had not satisfied the elements of treason—that there was no case to answer.

In summation, the defence made a number of arguments.⁶⁹ First, that there was no crime in flying a flag, that it was common practice on the diggings, and that hostility towards a government cannot be drawn from the hoisting of a flag. Second, that no treason could be extracted from the placards described in evidence—they simply signalled a public meeting to consider the expediency of licences and perhaps a determination to resist the law as to licences, a right that all citizens were entitled to. Third, that there was no direct evidence as to the burning of licences; and, even if the rebels did burn them, it was an act injurious only to themselves. Fourth, that there was no evidence that the rebels planned to attack—rather, the evidence of Goodenough was that they were directed only to defend themselves in the event of an attack against them—which was essentially what ensued. Fifth, he called on the jurymen to exercise caution with regard to the evidence given by the ‘spies’—those witnesses who had disguised themselves as diggers to gather information. Defence counsel said: ‘Now, men who will be guilty of that extreme meanness of being spies under these circumstances, I say, are men who will not be very scrupulous of telling a lie when they come into the box.’⁷⁰ Furthermore, the only evidence they could recall was a few statements in the Crown’s favour. Sixth, he reminded the jury that although Captain Wise’s death was a tragedy, as he had been a good soldier and much loved, it was impossible to know whether it was Joseph’s bullet that killed him. And, even if it were—Joseph was on trial for *treason*, not murder. Last of all, counsel took the jurors to Mr Amos’s evidence that he accompanied the troops for the purposes of reading the *Riot Act*. Counsel observed: ‘If they had read the Riot Act,

what would [the men's actions] have been. Why, in the first instance it would have been a riot, and if resistance had taken place it would have been—what? Why an armed riot. It would not have amounted to high treason.⁷¹

And this was the crux of the defence: while the rebels might have been indicted for a great many crimes—for holding unlawful meetings, for conspiracy, for sedition to name a few—none of them was treasonable. In Carboni's words, the general policy of the defence cases was 'to [confess] to the riot, but [laugh] at the treason.'⁷²

The attorney-general's reply was relatively short.⁷³ Stawell began with the assertion: 'now gentlemen, the legality or illegality of a certain act may depend upon the circumstances under which that act was performed.' He argued simply that the rebels had sworn under a flag to assist each other, that they acted in concert and with a common object—a conspiracy.⁷⁴ He went on:

Had it been merely men meeting together on an impulse, shooting men, and destroying them if you will, that would not necessarily constitute treason; but when you see them meeting together, for a common object, using the expressions they have done, and meeting day after day, what does that all show you? ... that there was an insurrection, that that insurrection was attended by force, and that that insurrection was for a general and for a public object.⁷⁵

For Stawell, it was a clear case of treason. And, with that, he left it fearlessly in the jury's hands. The difficulty for Stawell was that the prosecution had not made out the key elements of the case against Joseph, *beyond reasonable doubt*.

Before a jury retires to consider the verdict the judge directs the jury on the law and summarises the issues and the facts. The transcripts include the Chief Justice's charge.⁷⁶ His Honour, Sir William a' Beckett, was very critical of the defence. He began:

It is now my duty to address you upon this case, and I shall be compelled to do so at greater length than would otherwise have been necessary, in order that your minds may be disabused upon many erroneous principles which have been put forward by the counsel for the prisoner, with regard to the law of high treason, and the applicability of that law to the facts proved in evidence before you.⁷⁷

The Chief Justice said that, although it was ‘not very easy to collect what was its real nature’, the main grounds of defence seemed to be first, self-defence, and second and alternatively, oppression arising out of ‘digger hunting’. As to self-defence, His Honour made the following observation:

if a number of people meet together in such a way as to cause alarm to the neighbourhood, and manifest by their conduct an intention to commit acts of violence ... it is not only the right but it is the duty of the authorities to put down and suppress [it] at once. And so far in such case from its being the duty of the authorities to wait for any actual attack on the part of an assemblage so constituted, the former would be neglecting their duty if they did not take the initiative. Under such circumstances, not only the authorities, both civil and military, may be called into action, but all persons may be called upon to assist, and are liable to prosecution if they refuse. The law upon this subject seems to be so little understood, and has been so perverted by one of the learned counsel in his address to you.⁷⁸

Regarding the licence hunts, the Chief Justice said there was nothing illegal, oppressive or unconstitutional about the digger hunts and said it would form no defence to the charge against the prisoner.

The Chief Justice commented at length on a number of features of the evidence. For instance, on the issue of ‘spies’, a’Beckett said he did not see any impropriety in sending out policemen in plain clothes. Regarding the need for the jury to be satisfied that Joseph was aware of the design with which the stockade was erected, His Honour said that, if this was the case, he was equally as guilty as those who played a more prominent part in the earlier steps of the movement. His Honour said that if Joseph could prove he was in the stockade by restraint, or was there undercover on behalf of the government, then this would perhaps support his innocence. However, he gave no such evidence.

On the matter of the diggers’ meetings and the defence’s argument that the purpose of the meetings in the days leading up to the battle were lawful, the Chief Justice said:

I think it is material for you to see if you can reconcile that view with the language used by those persons who appear to have been at the head of the meeting[s], such language as that “it was no use to petition”, that “it was time to take the law into their own hands” and “stand up for their rights and liberties”.⁷⁹

As for the flag, a'Beckett described it as a 'mere signal, a rallying point, not necessarily anything in itself illegal or extraordinary, but that it was a mode by which those who took part in the proceedings might be distinguished'.⁸⁰ Concerning evidence of the diggers' possession of firearms, the Chief Justice acknowledged that it was a habit of the diggers to carry them, but said: 'it is quite a different thing to carry them about for [your] own protection and to exhibit them in concert with a number of other persons under drill'.⁸¹

The Chief Justice acknowledged that the community had the right to carry placards and to discuss their grievances, including in 'very strong language', but said that in this case such discussions were accompanied by demonstrations that evinced the diggers' determination to resist the law and obtain their objectives by force. His Honour had 'no hesitation in saying that then the movement assumed the character of rebellion, and that the manifestation of it amounts to high treason'.⁸² The Chief Justice also noted that the rebels were intimidating and preventing others who were not taking part in the rebellion from working, for example 'Old Waterloo'. As to the death of Captain Wise, a'Beckett agreed that it was immaterial whether the shot that killed Captain Wise came from Joseph's gun. However, the important thing to take from that evidence was that Joseph was armed and 'the mere fact of his being found armed in such a position would be quite sufficient'.⁸³ The Chief Justice concluded: 'here, then, was in full operation the machinery of an armed rebellion, for it would be idle to shut one's eyes to the fact that that was what it was'.⁸⁴

His Honour's charge in Joseph's trial has drawn much criticism. It has been labelled as being one-sided, and as having denounced the prisoners.⁸⁵ The jury took just half an hour to deliver their verdict: 'not guilty!'.⁸⁶ Those in the public gallery could not contain their elation. There were cheers and applause as Joseph emerged from the Supreme Court a free man; the crowd swept him up and carried him down the street. Meanwhile inside the court, Chief Justice a'Beckett was *not* impressed. He described the public's revelry as 'one of the most disgraceful things he had ever seen in a Court of Justice' and, in a cruel irony, had two of the spectators arrested for contempt.⁸⁷ His Honour immediately sentenced each man to a week in prison and they were marched off to the cells.⁸⁸ 'Monstrous and disgraceful' had been their applause!⁸⁹

Twelve More Acquittals

The next accused, John Manning, was also quickly acquitted. For Stawell, the humiliation must have been mounting in the face of ‘overwhelming hostile public sentiment.’⁹⁰ A criticism of Stawell that would develop over his career was that he had ‘no sympathy for the people.’⁹¹ He continued zealously with the prosecutions.⁹² He needed a conviction; without one conviction his government’s actions on that fateful December morning were difficult to justify.⁹³ Furthermore, the tide of public opinion might turn against the government. He sought an adjournment of the balance of the trials.⁹⁴ Meanwhile, back on the goldfields, diggers exulted. Salutes were fired; there was triumph in the air.⁹⁵

The rest of the trials were heard by Justice Redmond Barry, an old colleague of Stawell’s from Trinity College,⁹⁶ together with Chief Justice a’Beckett. New jurors were empanelled. Stawell no doubt hoped also for a change in luck. Timothy Hayes, probably the prosecution’s best chance of success, was the accused up next.⁹⁷

Unfortunately for the attorney-general, his luck never came. Hayes’s acquittal on 20 March 1855 signalled the outcome for the rest of the trials.⁹⁸ Raffaello Carboni’s trial commenced the next day. In his personal account of events, the famous Italian digger later described how, amidst the angst of his trial, one glance to the foremen had ‘made [him] all serene.’⁹⁹ His perception was validated when the foreman rose to deliver the verdict. As Carboni recalled:

Gentlemen of the Jury have you considered your verdict—We have. Do you find the prisoner at the bar Guilty or Not Guilty?—NOT GUILTY!

Magna opera Domini (God save the people) thus my chains sprang asunder. The people inside telegraphed the good news to the crowd outside, and “Hurrah!” rent the air in the old British Style.¹⁰⁰

Carboni was soon at the portal of the Supreme Court a free man; the people almost smothered him in their demonstrations of joy.¹⁰¹ The nine outstanding trials proceeded in the same vein. All thirteen men were acquitted.

Conclusions

The Eureka trials were a humiliating defeat for the attorney-general and Governor Hotham. Blood had been spilled, and the government had to secure convictions. The trials were an attempt by the government to

quell any further civil disobedience but they had failed to cower the people.¹⁰² On the other hand, the success of the diggers' rebellion hung on the outcome of the trials. Peter FitzSimons has observed: 'the [trials were] not simply a determination of the guilt or innocence of [the] particular diggers, but the guilt or innocence of the entire system that had caused them to take arms against it'.¹⁰³ The trials were the circuit breaker.¹⁰⁴ John Harber Phillips once went so far as to describe Bakery Hill and Eureka as 'the springboards for the principal planks of our democracy'.¹⁰⁵

To the ordinary men and women of the colony, justice had prevailed. Historians have taken this view too, ascribing the outcome of the trials to popular sentiment influencing juries, Clare Wright observing: 'No jury would convict their peers of a capital offence, for which there was not a shred of evidence'.¹⁰⁶ However, a forensic examination of the charges selected, the evidence called by the prosecution, and its presentation provides another view.

The chosen charge of treason was probably unwise and bound to fail, despite suiting the politics the government sought to pursue. It was simply not supported by the evidence. J.M. Bennett has described the decision to prosecute treason as 'incautious', observing that 'such an extreme offence' was 'out of keeping with colonial circumstances'.¹⁰⁷ As counsel for the defence had suggested, if the prisoners had been charged with a lesser offence, convictions would have almost certainly been secured. The members of the Eureka juries, who assessed the evidence on its merits, rejected government heavy-handedness in favour of the prevailing sense of justice among the people.¹⁰⁸ As John Harber Phillips once put it: 'The juries who tried the Eureka diggers intuitively understood that the charges of high treason were the use of a sledgehammer to crack a walnut and they reacted accordingly'.¹⁰⁹

Reflecting on the trials, we are reminded of the inherent sense of justice and democracy that underpins Australian society and in particular the value of the jury system as a check on government power.¹¹⁰ The principle of placing the fate of an accused person in the hands of ordinary citizens unacquainted with the law is a quite remarkable one. However, as the Hon. Justice Michael Kirby recalled: 'juries of ordinary citizens usually get it right'.¹¹¹ Former Supreme Court judge Frank Vincent summed it up this way: the jury system is regarded as one of the common law's greatest achievements; it is one of the most

important institutions of our community.¹¹² It is also a fundamental right of the accused to be judged by his/her peers. Furthermore, juries are an important means by which members of the public can actively participate in our justice system.¹¹³

The Eureka story continues to capture the hearts of Australians. As Prime Minister Ben Chifley said: ‘the permanency of Eureka in its impact on our development was that it was the first real affirmation of our determination to be masters of our own political destiny’.¹¹⁴

The trials for those who study them, reveal that the juries’ verdicts were not simply twelve men overriding the evidence in each case and acquitting the accused to accord with popular sentiment outside the court, as many historians have suggested. The trials demonstrate not unthinking verdicts, but juries who decided the cases as they were presented. Despite the considerable evidence presented by the prosecution, and the relatively strong recommendations of guilty verdicts from the bench,¹¹⁵ high treason would have been difficult to prove. Whilst the government of the day may have wanted political show trials to assert its authority, the prosecutions as conducted were fraught with strategic error and were poorly conceived.¹¹⁶

Notes

- 1 This article is based on a lecture to the Kew Historical Society, which in turn draws on an address delivered at an Eureka Anniversary Twilight Event at the Supreme Court Library on the 24 February 2015. The author acknowledges the research and assistance of her associate, Sarah Werner.
- 2 To mark the occasion, the digitised transcripts of the trials were made available online via the Supreme Court of Victoria Library website, at <http://aucc.sirsidynix.net.au/Judgments/Summaries/statetrials.pdf>.
- 3 *Mabo v Queensland [No 2]* (1992) 175 CLR 1.
- 4 *Australian Communist Party v Commonwealth* (1951) 83 CLR 1.
- 5 Peter FitzSimons, *Eureka: The Unfinished Revolution*, Sydney, Random House Australia, 2012, p. xvii.
- 6 Anne Beggs-Sunter, ‘Raise the Standard—Eureka: The Unfinished Revolution (Book Review)’, *Saturday Age*, 5 January 2013, p. 22. Whilst the Rum Rebellion occurred earlier in time, it was perpetrated by the New South Wales Corps in colonial Sydney, and was not a civil uprising as such.
- 7 Geoffrey Serle, *The Golden Age: A History of the Colony of Victoria, 1851–1861*, Melbourne, Melbourne University Press, 1963, p. 176.
- 8 Weston Bate, *Lucky City: The First Generation at Ballarat, 1851–1901*, Melbourne, Melbourne University Press, 1978, p. 73.

- 9 Clare Wright, *The Forgotten Rebels of Eureka*, Melbourne, Text Publishing, 2013, p. 442.
- 10 Jeremy Stoljar, *The Australian Book of Great Trials: The Cases That Shaped a Nation*, Sydney, Murdoch Books, 2011, p. xiii.
- 11 Stoljar, p. 61.
- 12 Marilyn Warren, 'Celebrating Justice', Address delivered at the Great Australia Day Breakfast, Parliament House, Melbourne, 26 January 2011.
- 13 Stoljar, p. 46.
- 14 Raffaello Carboni, *The Eureka Stockade: The Consequence of Some Pirates Wanting on Quarter-Deck a Rebellion*, Melbourne, J.P. Atkinson, 1855, p. 4.
- 15 Stoljar, p. 48.
- 16 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 31.
- 17 FitzSimons, p. 367.
- 18 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 12.
- 19 John Harber Phillips, 'Australia and the Day We Celebrate', Address delivered at the Australian Unity Great Australia Day Breakfast, 26 January 2004.
- 20 Phillips, 'Australia and the Day We Celebrate'.
- 21 Phillips, 'Australia and the Day We Celebrate'.
- 22 Jeffrey Atkinson and David Andrew Roberts, 'Men of Colour: John Joseph and the Eureka Treason Trials', *Journal of Australian Colonial History*, vol. 10, no. 1, 2008, pp. 79.
- 23 Atkinson and Roberts, pp. 79–80.
- 24 John Harber Phillips, 'The Eureka Advocates—Part I', *Australian Law Journal*, vol. 64, 1990, p. 211.
- 25 Carboni, p. 91.
- 26 Carboni, p. 100.
- 27 Stoljar, p. 53.
- 28 Stoljar, p. 52.
- 29 Stoljar, p. 53.
- 30 Atkinson and Roberts, p. 80.
- 31 John Michael Bennett, *Sir William a'Beckett: First Chief Justice of Victoria 1852–1857*, Sydney, Federation Press, 2001, p. 63, quoting William Blackstone, *Commentaries on the Laws of England*, Oxford, Clarendon Press, 1769, vol. 4, p. 75.
- 32 Transcript of Proceedings, *R v Hayes*, Supreme Court of Victoria, 22 February 1855, p. 3.
- 33 Transcript of Proceedings, *R v Hayes*, Supreme Court of Victoria, 22 February 1855, p. 4.
- 34 Transcript of Proceedings, *R v Hayes*, Supreme Court of Victoria, 22 February 1855, p. 6.
- 35 Atkinson and Roberts, p. 78.
- 36 Carboni, p. 91.

- 37 Atkinson and Roberts, p. 78.
- 38 Atkinson and Roberts, p. 78.
- 39 Atkinson and Roberts, p. 78.
- 40 Serle, p. 174.
- 41 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 8–9.
- 42 E.G. Coppel, 'à Beckett, Sir William (1806–1869)', *Australian Dictionary of Biography*, <http://adb.anu.edu.au/biography/a-beckett-sir-william-2862>.
- 43 Coppel.
- 44 Stoljar, p. 52.
- 45 Serle, p. 174.
- 46 R.S. Neale, 'Chapman, Henry Samuel (1803–1881)', *Australian Dictionary of Biography*, <http://adb.anu.edu.au/biography/chapman-henry-samuel-3193>.
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- 48 Charles Parkinson, *Sir William Stawell and the Victorian Constitution*, Melbourne, Australian Scholarly Publishing, 2004, p. 7.
- 49 See Greg Taylor, *The Constitution of Victoria*, Sydney, Federation Press, 2006, p. 29.
- 50 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 9–10.
- 51 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 9.
- 52 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 9.
- 53 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 9.
- 54 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 10–11.
- 55 The examination-in-chief of Goodenough appears at Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 12–15.
- 56 For counsel's submissions on the relevance of the evidence, see Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 12.
- 57 For the full cross-examination of Goodenough, see Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 15–17.
- 58 For the full examination and cross-examination of Peters, see Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 17–19.
- 59 See Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 19–22.
- 60 For Carter's evidence, see Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 22–25.
- 61 For Amos' evidence in full, see Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 27–33.

- 62 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 34.
- 63 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 34.
- 64 FitzSimons, p. 555.
- 65 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 35–36.
- 66 See Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 35–36.
- 67 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 47.
- 68 Stoljar, p. 54.
- 69 See Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 42–50.
- 70 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 44.
- 71 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 47.
- 72 Carboni, p. 117.
- 73 See Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 50–53.
- 74 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 51.
- 75 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 53.
- 76 See Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, pp. 54–60.
- 77 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 54.
- 78 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 55.
- 79 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 56.
- 80 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 56.
- 81 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 57.
- 82 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 58.
- 83 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 59.
- 84 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 58.
- 85 Bennett, p. 67.

- 86 Transcript of Proceedings, *R v Joseph*, Supreme Court of Victoria, 22–23 February 1855, p. 60.
- 87 Stoljar, p. 55.
- 88 Stoljar, p. 55.
- 89 Stoljar, p. 55.
- 90 Parkinson, p. 92.
- 91 Parkinson, p. 92.
- 92 Parkinson, p. 8.
- 93 FitzSimons, p. 563.
- 94 Stoljar, p. 56.
- 95 FitzSimons, p. 563.
- 96 Stoljar, p. 56.
- 97 Stoljar, p. 57.
- 98 Stoljar, p. 58.
- 99 Carboni, p. 107.
- 100 Carboni, p. 117.
- 101 Carboni, p. 118.
- 102 Warren, 'Celebrating Justice'.
- 103 FitzSimons, p. 548.
- 104 Warren, 'Celebrating Justice'.
- 105 Phillips, 'Australia and the Day We Celebrate'.
- 106 Wright, p. 442.
- 107 Bennett, p. 63.
- 108 Warren, 'Celebrating Justice'.
- 109 Phillips, 'Australia and the Day We Celebrate'.
- 110 Warren, 'Celebrating Justice'.
- 111 Michael Kirby, 'Seven Ages of a Lawyer', Address delivered at the Leo Cussen Memorial Lecture, Melbourne, 25 October 1999.
- 112 Frank Vincent, 'Human Rights and the Criminal Law', Address delivered at the 14th Sir Leo Cussen Memorial Lecture, 16 October 2003.
- 113 Victorian Law Reform Commission, *Jury Directions*, Report No. 17, 2009, p. 4.
- 114 Quoted in FitzSimons, p. vii.
- 115 Parkinson, p. 92.
- 116 The author encourages readers to peruse the trial transcripts on the Supreme Court website, and to form their own opinion.

Frankenstein, Convicts and Wide-awake Geniuses: The Life and Death of Charles Brentani

Douglas Wilkie

Abstract

Between 1847 and 1853, Charles Brentani was a noticeable character around Melbourne. Today, few have heard of him. There are occasional references, usually in relation to an 1849 gold discovery, or to silverware supplied by his retail jewellery business, but none gives comprehensive details of his life. He was one of those extraordinary 'ordinary men' whose story is lost in a history that tends to concentrate on 'big people'. In telling Brentani's story, this article supports the vision of the Royal Historical Society of Victoria 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'.¹

In 1838 Alexander Maconochie, private secretary to the Van Diemen's Land Governor, Sir John Franklin, wrote a damning report on the state of prison discipline in the colony.² Maconochie's report led Sir William Molesworth to describe it to the British parliament as a community where honest settlers were continually 'surrounded by crime, and haunted by the spectacle of cruel and degrading punishment'; where 'gangs of wretched beings in chains, displaying all the outward tokens of misery'; where shopkeepers in the main street had 'probably been convicted of swindling'; where women were, 'at best, drunken prostitutes'; and the men 'hardened ruffians'.³

In Van Diemen's Land, although there was widespread criticism of Maconochie's report, questions arose as to whether such a community of criminals, if it existed, was in fact the monstrous creation of misguided British government policy. The stage version of Mary Shelley's story of *Frankenstein; or, The Modern Prometheus* had been performed at the Theatre Royal in Hobart in February 1837,⁴ and thus the analogy drawn between the creation of a local community of criminals and Shelley's monster seemed appropriate and timely. Moreover it had become common to refer to the creation of anything unpleasant or unintended as a Frankenstein monster.⁵ Indeed, as the *Hobart Town Courier* said:

We do not blame Captain Maconochie that the condition of this colony should be looked upon at home with horror from the frightful iniquities, which are supposed to abound in it, and the fearful degree of vice, which it is imagined stalks abroad with impunity. Bent on the reformation of the present system of transportation, and with the best intentions for the welfare of mankind, he looked but to the worst side of the picture, until, like Frankenstein, he grew frightened at the monster of his own creation. This vision of his imagination has pursued, and will pursue him still.⁶

But Victor Frankenstein's monster, like many of the convicts of Van Diemen's Land, though loathed by those who saw only the worst attributes, also had feelings.

I am content to suffer alone, while my sufferings shall endure; when I die, I am well satisfied that abhorrence and opprobrium should load my memory. Once my fancy was soothed with dreams of virtue, of fame, and of enjoyment ... But now vice has degraded me beneath the meanest animal. No crime, no mischief, no malignity, no misery, can be found comparable to mine. ... But it is even so; the fallen angel becomes a malignant devil. Yet even that enemy of God and man had friends and associates in his desolation: I am quite alone.⁷

Mary Shelley's description of how Frankenstein's creature lamented his existence may well have reflected what some Vandemonian convicts felt about the way society vilified and punished them, even beyond the term of their sentences. But not all Vandemonian convicts suffered, or were vilified, in this way.

This is the story of one whose entrepreneurship freed him from his convict origins.



In 1840, 22 years after she first published *Frankenstein*, Mary Shelley stayed for two months at the *Albergo Grande* at Cadenabbia, on the shores of Lake Como, and it was there that she met the Brentani family and subsequently wrote a detailed account of the members of this 'sort of patriarchal family'.⁸ The *Athenaeum* reviewed Shelley's book positively and added, 'Nor will Mrs. Shelley's journals be published in vain for the

Albergo Grande and its host-family, the Brentani, whom she paints so seductively.⁹

In 1847, another guest described the Brentani family as ‘five brothers and their widowed mother ... fine, courteous, civil fellows as ever made traveller comfortable by kindness.’¹⁰ The widowed mother inherited the hotel from her husband, Domenico Bernardo Francesco Brentani, who in turn inherited it from his own father, also Domenico Brentani.¹¹ The *Albergo Grande*, commonly called the Brentani Hotel, was popular, and, in 1817, it was observed that it was the ‘fashion among the English to spend here whole months at a time.’¹²

But there were two Brentani brothers whom Mary Shelley did not meet. Carlo Brentani was born in 1817—and, when Shelley was enjoying time at the Hotel Brentani in 1840, he was on the far side of the world as a non-paying guest doing time in what might be called Hotel Van Diemen’s Land.¹³ An older brother, Giovanni Mario Giuseppe Brentani, was likewise spending time in Van Diemen’s Land.

At the age of eighteen, Carlo Brentani was 5 feet 6¼ inches tall, had a brown complexion, very dark brown hair, black eyebrows, grey eyes, oval face, long nose, and a wide mouth.¹⁴ A family trend might be found by combining this description with one of his brother, Giovanni—shorter than Charles at 5 feet 4 inches, he had a ‘large, round head’, oval face, high forehead, wide mouth, large chin, a ‘hairy breast’ and was ‘stout made’. There was something about the Brentanis—another visitor described the sisters, Catherine and Mary, as ‘two such giant-statured damsels ... that we almost fancied we had been put on shore among some race of Patagonians, or had reached the outskirts, at least, of Brobdignagia.’¹⁵ And, indeed, as we shall see, it was later recalled of Brentani that ‘the face, antics, and peculiarities of this somewhat remarkable man will be remembered’ by all who knew him.¹⁶

At some time in his youth Carlo Brentani left Cadenabbia and went to England, possibly to learn the trade of silversmith at Sheffield.¹⁶ Carlo and his much older brother, Giovanni, who was also in England, anglicised their names to Charles and Joseph Britannia.¹⁸ But, for Carlo, learning the trade of silversmith did not quite go to plan—other people’s silver proved more attractive than his own—and in late 1834, seventeen-year-old Charles Brentani and Lawrence Cetta, also from Lake Como, were found guilty of stealing silver spoons, plates and other articles from the house of the Reverend William Vale one Sunday morning while the

pastor was preaching in church.¹⁹ They were tried at York on 22 October 1834 and sentenced to seven years transportation.²⁰ Brentani admitted only to receiving the goods.²¹

Brentani's brother, Joseph, was also in court, charged with separately stealing a silver watch and other items from Elizabeth Ashforth.²² He was found not guilty, but the search for the silver from the Reverend Vale's house led to the arrest of 28-year-old Ferdinand Riva.²³ Riva, also from Lake Como, had a business making instruments, barometers and picture frames in Sheffield.²⁴ He was found guilty of receiving money and watches stolen from James Holland's shop—and, having a previous conviction, he was sentenced to fourteen years transportation.²⁵ Riva had a wife, Catherine, and a nine-month-old son, Ferdinando.²⁶

Brentani and Riva, both described as 'general receiver[s] of stolen property', with 'very bad' connections, spent nine months on the hulk *Fortitude* at Chatham.²⁷ On 27 June 1835, Brentani, Riva, and 298 other convicts left England on the *Aurora* bound for Hobart.²⁸ About ten days behind the *Aurora*, Lawrence Cetta was on the *Mary Ann* heading for Sydney.²⁹ He was described as a 'receiver of stolen goods to a considerable amount' and 'connected with a gang'.³⁰ That 'gang'—Ferdinand Riva, Charles Brentani, Lawrence Cetta and Cetta's brother, Julian—would do business again in Launceston and Melbourne during the 1840s and early 1850s.³¹

Charles Brentani arrived at Hobart on 8 October 1835, having been 'a very well conducted man' during the voyage.³² In the meantime, in June 1835, Joseph Brentani was found guilty on multiple counts of stealing silver and sentenced to seven years in Van Diemen's Land. Before leaving the court, Joseph asked the judge, 'Can I have my goods again?' and was told, 'You have no goods, Sir'.³³ Thus, without his goods, Joseph arrived at Hobart on board the *Asia* in February 1836.³⁴ Two months later, Joseph was dead. He had drunk a quantity of almost pure alcohol.³⁵

Charles Brentani, being a 'Labourer & Hawker' by occupation, had been assigned to work with G. Collins near Launceston but, in September 1836, after supposedly making 'bad connections', he was sent to the 'other side of the island', near Jericho, to work with the Spring Hill Road Party.³⁶ As Mary Shelley observed when she visited the Brentani Hotel, family ties were important, and news of his older brother's death may have triggered a change in Charles's behaviour

that led to his transfer to the Spring Hill Road Party. In 1837 Charles worked at New Norfolk with W. Smith, then with S. Griffiths, then, in the first of only two offences, he was reprimanded for being drunk in April 1838, while working for a Mr Gregson.³⁷ He was granted a ticket of leave in May 1840, was reprimanded for unspecified and apparently minor misconduct in March 1841, and, in October, was granted a certificate of freedom.³⁸

Brentani moved back to Launceston where he formed a partnership with Ferdinand Riva.³⁹ At first they specialised in making barometers and thermometers under the name 'Brentani & Riva'.⁴⁰ Even though much younger, Brentani already had his ticket of leave and could technically employ Riva who would not obtain his until 1842.⁴¹

On 15 August 1844, aged 27, Brentani married Ann Campbell, a 22-year-old Irish woman from Belfast who had arrived in Melbourne in 1841 and, perhaps not surprisingly, almost immediately went to stay with friends in Tasmania.⁴² Melbourne's population in 1841 was just under 4,500, 70 per cent of whom were male.⁴³ In 1841, domestic servants began arriving at Port Phillip in greater numbers than could be employed, and Launceston's *Cornwall Chronicle* described their situation as 'miserable in the extreme, huddled together in tents and subjected to every species of wretchedness', and suggested they should be brought to Launceston.⁴⁴

In June 1843, Brentani began making regular journeys from Launceston to Melbourne, and at the same time Lawrence Cetta began regular journeys from Sydney to Melbourne and Launceston.⁴⁵ Sometimes they travelled together. These trips to Melbourne were probably related to the business partnership with Riva.

Ferdinand Riva was granted a conditional pardon in 1845, and his wife, Catherine, arrived in Launceston in November.⁴⁶ It was an opportune time—in June 1845 the four-year partnership of 'Brentani & Riva' was dissolved, and, on 1 July, their entire stock, together with the lease on the shop, was auctioned, the range of items advertised giving some idea of the diversity of their business.⁴⁷ A week later, Riva opened a new store, and a few weeks later Brentani also announced he was 'now carrying on business on his own account' a few doors from Riva's. As well as repairing watches and clocks, Brentani re-silvered looking glasses, and made barometers and thermometers to order. He assured customers that, because of the economic downturn, he would

keep prices as low as possible.⁴⁸ Riva's wife was interested in literature, and Riva later added a circulating library to his business.⁴⁹

In following years, Brentani imported and exported not only barometers, clocks and mirrors to and from Sydney and Melbourne but also potatoes, fruit, ale, beef, cheese, trees, hemp, hardware, horses, and carriages.⁵⁰ As Simon Ville has observed, 'Diversification helped to ease the problems of a small market and volatile trading conditions'.⁵¹ It may have helped but Brentani saw a greater attraction at Port Phillip, as did watchmaker David Hamilton Fleming, who had worked with watchmaker James Barclay in Launceston before establishing his own business in 1842.⁵² Fleming left Launceston for Melbourne in October 1845 and was followed within weeks by Charles Brentani and his wife. After a brief period as a 'Barometer and Watch Maker' in Collins Lane, Brentani formed a partnership with Fleming in Collins Street.⁵³

A new stage in Brentani's life and fortunes began just before Christmas 1848, when Thomas Chapman, a shepherd at *Glenmona*, about 100 miles north-west of Melbourne, came to Melbourne looking for someone to give advice about some stone he had held for several months. The story of Chapman's gold has been incorrectly told and misunderstood by many, and the full details of the story are beyond the scope of this article. However, in summary, Chapman called at Charles Brentani's shop where Alexandre Duchene and Joseph Forrester confirmed that the stone contained a total of 38 ounces of 90 per cent pure gold. Duchene and Brentani gave Chapman £28 for the gold—a considerable bargain. Chapman was then persuaded to take Brentani, Duchene and Forrester to the place he had found the gold but he soon disappeared, and Duchene returned to Melbourne, where he not only broke the news to the press but also asked Superintendent Charles La Trobe for a reward and an appointment as goldfields commissioner. Brentani and Forrester continued their search, and later claimed they found nothing, although many suspected otherwise. Realising there was gold to be found, La Trobe quickly sent the police to disperse the gold seekers, concentrated on other, more pressing matters, and hoped the gold fever had subsided. In fact, it had not subsided but had gone underground, with many continuing the search clandestinely. Even La Trobe was not immune to curiosity, and personally visited the gold field on several occasions over the next two years.⁵⁴

With the gold field officially off limits, during March 1849 Brentani advertised to purchase quantities of old silver and Spanish dollars.⁵⁵ Such advertisements were unusual for Brentani, but, at the end of October, he delivered a ‘most handsome silver cup’ to Mr Butler, at the Bridge Inn, ‘to be run for at the Plenty Races.’⁵⁶ The cup was probably made by silversmith Joseph Forrester.⁵⁷ Around this time Brentani may have been planning two other projects requiring silver. The first was a French-style coffee percolator and the second an entrée dish with the words ‘C.J. La Trobe’ and La Trobe’s family crest and motto engraved on it—‘Qui Cherche Trouve’—which can be translated ‘Who seeks shall find’. It was perhaps an appropriate motto for La Trobe, who had just told Brentani and Duchene to stop seeking for gold. Although the pieces also bear the inscription ‘Charles Bennett, Melbourne’, this does not necessarily reflect the actual maker.⁵⁸ Indeed, Joseph Forrester made most work bearing Brentani’s name, such as the Flemington Cup, made early in the year, and now in the National Gallery of Victoria, and the ‘massive gold ring’ commissioned by Major Davidson from Brentani later in 1849, which was made from Pyrenees gold and set with a valuable diamond.⁵⁹

At the end of 1849, Brentani applied for naturalisation as a citizen. It was granted but, like many other ex-convicts, he falsified most of the details concerning his arrival in the colony. With increasing hostility being expressed towards Vandemonian expirees who crossed Bass Strait, this was a wise move. But the reason for seeking naturalisation was so that he could legally acquire property. By 1850, Brentani had joined the newly formed Victoria Industrial Society, along with hundreds of other leading members of Melbourne society.⁶⁰ Citizenship, property ownership, and active participation in society, were symbols of ‘respectability’.

Early in 1851, encouraged by the Victoria Industrial Society, Doctor George Bruhn travelled through the Macedon and Pyrenees Ranges to survey the mineral resources of the district and soon confirmed the existence of gold in the Pyrenees. La Trobe was not surprised; he had already visited the ‘gold region’. But, when the major gold rushes started in July 1851, he was not ready and, in August, he wrote to London admitting he had not followed up on the rich finds reported by Duchene and Brentani two years earlier.⁶¹ Brentani was also not surprised by the news but, rather than leave his business and go digging for gold, he allowed others to do the hard work and waited for them to bring the gold to him.⁶²

In fact, it seems Brentani relied upon others for many things. Skilled watchmakers such as Alexandre Duchene had made his watches and jewellery; Joseph Forrester made his silverware; and, in September 1851, when he took a former employee, Edward Johnston, to court on a charge of having sold stolen watches to various pawnbrokers in Melbourne, Johnston claimed, ‘Brentani was merely a dealer in watches, and not a maker, it was very possible for him to mistake one watch for another.’⁶³ Johnston had a point—Brentani was not a watchmaker, nor a jeweller or a silversmith; yet he readily took credit for all of these things.

Indeed, on 31 December 1849, journalist Edward Wilbraham Bell arrived in Melbourne and, the next day, walked along Collins Street looking at the shops. He saw ‘one or two which would do no discredit to London’ and soon was ‘attracted by a large lump of gold ore which was shining in a window’. He entered the shop and enquired if it was from California. The shopkeeper informed them that it was from ‘the mines of South Australia’, and embarked upon a ‘long narration of the manner in which he obtained it.’⁶⁴

Bell gained the impression that the man, an Italian, was ‘one of those adventurous wanderers to whom all climes seem equally acceptable, and

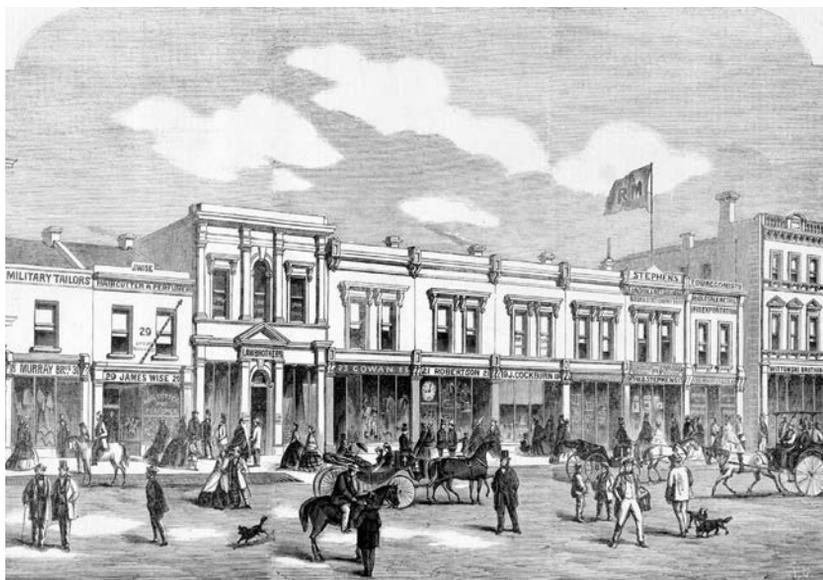


Fig. 1 Collins Street, 1864
Australian News for Home Readers, 25 July 1864

who manage to turn a penny where they go.' The shopkeeper told Bell that he 'traded in gold and precious stones, second-hand watches, and other crinkum-crankums' and had 'set up his tents for a while, under the protection of the ubiquitous union-jack.'⁶⁵

Summing up his visit to the shop, during which time he spoke to the shopkeeper in Italian, Edward Bell said:

He rejoiced in the name of *Brentani*; and with all the *empresment* of a foreigner, delighted to hear his own language, after years of exile from his native land, he afforded me all the information he possibly could about the town, and the colony generally. Those who visit Melbourne will do well to give him a call—if I cannot recommend his goods very strongly, I am sure he is, himself, quite a trump.⁶⁶

The reference to Brentani being 'quite a trump' might have been used in the context that he was something of a valuable find, but it might also have referred to a person elevated above his normal rank.

Brentani told Bell he purchased precious stones but soon he would become a major gold purchaser and, by March 1852, there were no fewer than twenty gold buyers advertising in the *Argus*.⁶⁷ Brentani purchased a 21-ounce nugget from Bendigo Creek in March 1852 for £51, and exported a box containing 160 ounces of gold to London a few days later.⁶⁸ At mid-1852 prices, Brentani's 160 ounces could have returned over £600.⁶⁹ Perhaps most remarkable was the amount of 3,250 ounces of gold purchased by Brentani during the single week ending 8 December 1851. A total of 32,026 ounces was sold in Melbourne that week and Brentani dealt with one tenth of it.⁷⁰

Whatever he had acquired during the expedition to the Pyrenees in 1849, Brentani now began to accumulate wealth. He took advantage of the impending property boom and purchased land on the corner of Hodgson's Street and Heidelberg Road, later known as Smith Street, Collingwood. He then built a substantial house on the land and, in May 1851, applied to license it as the Napoleon Inn.⁷¹ The name may have been a reference to Louis-Napoleon Bonaparte who had been elected president of France in 1848. Brentani's son, born in 1852, was named Charles Louis Napoleon Brentani. The child died in 1852.

Brentani's application was refused by the licensing court because, the court claimed, there were already 400 public houses in the district. Speaking in support of the application, a Mr Smith argued that the

location was at least 400 yards from the next public house, and the size of the building did credit to Brentani, whom Smith referred to as its 'spirited proprietor'.⁷² Brentani overcame the problem by making an arrangement with Samuel Thomas Storey, an ex-convict acquaintance from Launceston who was now licensee of the Shepherd's Arms in Swanston Street, Melbourne. Four weeks after Brentani's application was refused, Storey applied to transfer the Shepherd's Arms license to Brentani's Collingwood address.⁷³

Brentani and Storey clearly saw Collingwood in a different light from the way William Howitt, who rode out there twelve months later, described it: 'thousands of little tenements, chiefly of wood, and almost every one of them of only one story high. These extend as far as the eye can command the vale, the upper portion being called Collingwood, and the lower Richmond ... contain a population equal to that of Melbourne itself'.⁷⁴ The reason for the smallness of the houses and allotments was, Howitt observed, that the price of land was so high. The speculators, including Brentani, had moved in.

While Collingwood was booming, by December 1852 most of Melbourne's labouring population had left for the gold fields, and the 'convicted blackguardism' of Van Diemen's Land was 'pouring in'.⁷⁵ Between September 1851 and February 1852, nearly 9,500 arrived from Van Diemen's Land, with many of these being ex-convicts.⁷⁶ Perhaps it was with some irony that one journal reported, 'the Vandemonian expeerees are the most fortunate of the diggers, a very large proportion of them having managed to secure a fair share of the nuggets'.⁷⁷ Few knew that Brentani was one of the so-called 'convicted blackguards', and those who did know chose not to make the fact public at the time.⁷⁸ However, others were quite ready to blame Brentani and his 'unscrupulous' companions for La Trobe's failure to exploit the 1849 discovery.⁷⁹

As already observed, Brentani was not a manufacturing jeweller, watchmaker or silversmith, and, having apparently fallen out with Joseph Forrester, in February and March 1852, he advertised for a working jeweller at £6 per week.⁸⁰ Perhaps unable to find a suitable person, he apparently changed his mind and, on 8 March, announced he was retiring as watchmaker and jeweller, recommending his patrons to take their business to James Tucker, who had purchased all his stock, and would operate the 13 Collins Street business as usual. Tucker immediately advertised for a competent watchmaker to work for him.⁸¹

Brentani, now aged 34, then formed a partnership with John Weavell, a well-known merchant, formerly of Hobart, Launceston, Perth and Sydney. Despite having announced his retirement and having sold the 13 Collins Street business to Tucker, twelve months later Brentani again advertised that he was a jeweller, watchmaker and gold-buyer at 25 Collins Street (from where Weavell also sold houses and land).⁸² In the opinion of William Howitt, everybody was ‘bent on fleecing their neighbours to the utmost in their power. Shopkeepers, innkeepers, boatmen, draymen, wharfingers, all get all they can out of the unfortunate gold-adventurers.’⁸³ Fleecing his neighbours or not, Brentani was going to take advantage of the growing opportunities.

As well as running the jewellery, watch-making and gold-buying business in Collins Street, Brentani and Weavell were, by March 1853, also operating as commission agents from the former *Argus* Printing Office in Market Square. Soon they were selling flour, maize bran, apples, potatoes and similar items, and were also offering to store goods and luggage.⁸⁴ By April, auctioneer E.B. Critchley was auctioning goods and real estate from Brentani and Weavell’s store.⁸⁵

By 1853, Brentani and his wife had four children—Maria Ann, born in 1846; Sarah Elizabeth, born in 1848; Matilda Jane, 1850; and Louisa Ellen, in 1851. Charles Louis Napoleon Brentani was born in Melbourne in 1852 but died the same year. Charles Brentani’s much younger brother, Paolo, whom he had never met, arrived in Melbourne, on board the *Appleton* on 26 April 1853. Paolo, or Paul, whom Mary Shelley had described in 1840 as being ‘a handsome lad, who runs about, and does everything’, did not remain long in Melbourne and soon went to the gold fields of Ballarat with fellow Italian, Carboni Raffaello, who had arrived about six months earlier.⁸⁶ In his later account of the Eureka uprising, Raffaello referred to Paolo as ‘my mate, Paul Brentani.’⁸⁷

On 1 August 1853, perhaps because of his growing family and accumulation of real estate, or perhaps because of illness, Brentani wrote his will and last testament. It was a comprehensive document dividing his assets between his wife, children and brother Paolo. He appointed as executors of his estate his wife and his acquaintance of many years, ship owner James Raven, who had moved his business from Launceston to Melbourne some time earlier. In September, Brentani and his wife spent several weeks in Launceston, returning to Melbourne early in October.⁸⁸ Three weeks later, on Friday 21 October 1853, Brentani died at

his residence, the Shepherd's Arms Hotel, in Smith Street, Collingwood. He was 36.⁸⁹

Although we have no evidence that Charles Brentani was an alcoholic, he died from the effects of delirium tremens, a condition about which a contemporary account stated:

sufferers themselves almost invariable complain of being tormented by devils, and declare that they can both see and hear them ... Imagination cannot conceive of a more terrible state for a human being on earth than that of being overwhelmed on every side by the distressing reflections and apprehensions which accompany an attack of Delirium Tremens.⁹⁰

We might assume that Brentani suffered from both the delirium and the tremors for some time before dying.⁹¹ Perhaps he had thoughts similar to those of Mary Shelley's Victor Frankenstein as he lay on what he believed was his death bed.

I lay for two months on the point of death; my ravings ... were frightful ... Sometimes I entreated my attendants to assist me in the destruction of the fiend by whom I was tormented; and, at others, I felt the fingers of the monster grasping my neck, and I screamed aloud with agony and terror. ... Why did I not die?⁹²

And perhaps, amid the torment of devils, Brentani may have had visions of the home he had not seen for over twenty years. His silversmith, Joseph Forrester, had longed to return home for years, and did so briefly in 1855.⁹³ Brentani's visions of home may have been as Mary Shelley wrote in her journal at midnight on 8 September 1840—her last day at the Brentani Hotel, overlooking Lake Como:

And now the moon is up, and I sit at my window to say a last good-night to the lake. The bells, so peculiar a circumstance in this night-scene, "salute mine ear," across the waters. Many a calm day, many a delicious evening, have I here spent. It is over now, lost in the ocean of time past. It is always painful to leave a room for ever in which one has slept calmly at night, and by day nurtured pleasant thoughts. I grieve to leave my little cell ...

Late in the evening we paid our bill, and gave presents to the servants, usually a disagreeable and thankless proceeding. But here, all was so fair, the people so pleased and apparently attached, that no feelings of annoyance were excited. Poor people! I hope to see them

one day again—they all gathered round us with such shows of regret that it was impossible not to feel very kindly towards them in return.

Good-night!⁹⁴

At the time of his death, Charles Brentani's wife, Ann, was about seven or eight months pregnant, and details of Brentani's life and death were given to the registrar by business partner John Weavell. The information provided by Weavell is revealing, as are the omissions and inaccuracies. Weavell correctly told the registrar that Brentani was from the Como region of Italy but did not know the names of his parents. He thought Brentani had been in Victoria for twelve years rather than the actual seven years; that he had married in Melbourne, rather than Launceston; and he listed only one daughter, instead of four. Business partner Weavell clearly did not know about Brentani's convict background in Tasmania but it seems he also knew little about his family in Melbourne.

After Brentani was buried at the Melbourne General Cemetery on Sunday 23 October, his wife was left with four young children—another son, Charles Joseph, was born at Collingwood two months later, on 25 December 1853. But Ann Brentani was not left in poverty. The substantial land holdings Brentani had acquired since his naturalisation at the end of 1849 were valued at close to £4,000.⁹⁵ His will distributed these assets among his family. In fewer than four years, Brentani had acquired a fortune in property, including two shops, twelve houses, one hotel, and four significant blocks of land.

Because of the age of the children and because many of the properties were generating rental income, Ann Brentani retained control of the real estate, sometimes selling, and at other times acquiring new property. By the time of her death, in 1882, her own personal real estate holdings were valued at close to £12,000, including the Portview mansion, valued at £2,500, overlooking the bay at St Kilda.⁹⁶

Charles Brentani's death was announced in a single line in the *Argus* as having occurred at 'his private residence, Collingwood', but no obituaries appear to have been written.⁹⁷ Nevertheless, former Launceston journalist James Snyder Browne later recalled: 'Charles Brentani, a naturalised Italian, was the owner of a watchmaker's and jeweler's shop in Collins street, and not only the name, but the face, antics, and peculiarities of this somewhat remarkable man will be remembered by all colonists living in Melbourne between the years 1847 and 1854.'⁹⁸

Conclusion

Transported as an eighteen-year-old youth, Charles Brentani was not turned into a Frankenstein monster by Van Diemen's Land. In 1836 Richard Dillingham, a convict transported in 1832, told his parents: 'If a man behaves well in this country is sober, honest and industrious tho he be a prisoner he is respected by all who know him.'⁹⁹ Against this, Alexander Maconochie told the Molesworth committee in 1838 that the penal system had, like Victor Frankenstein, created a monster. However, in 1839, the constabulary commissioners shared Dillingham's view, believing that there were many convicts who, 'by good conduct, have obtained situations, and been enabled to lay by a trifling sum of money, have begun a business which perhaps they have been taught during their exile, and have succeeded'.¹⁰⁰ According to the commissioners, it was not Frankenstein monsters that were being created but, rather, reformed felons with useful skills.

On arrival at Hobart in 1834, Charles Brentani was described as a 'labourer and hawker'. He laboured and he hawked things. He formed a partnership with Ferdinand Riva and, because he sold jewellery and watches, he was later called a jeweller and watchmaker. But he was neither—he was a cunning entrepreneur who learned from his experiences and used the skills of those around him to make his way in the world. The *Colonial Times* once described him as a 'wide awake genius'.¹⁰¹ In business matters he knew how to take the right steps and meet the right people to ensure that both he and his family enjoyed success and, perhaps, respectability. Not once was his life as a convict directly mentioned in the press, and, from the details provided after his death by his business partner Weavell, we might assume that most knew nothing about this aspect of his life. Today the only Melbourne property that bears his name is a monument in the Melbourne General Cemetery and, more recently, a Brentani Way in Docklands.¹⁰²

Notes

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- 3 Sir William Molesworth quoted in 'On Transportation', *The Citizen: A Monthly Journal of Politics, Literature and Arts, Volume II, June-December 1840*, Dublin, Machen and Company, 1840, p. 405.

- 4 *Colonial Times*, 14 February 1837, p. 3.
- 5 See references to Frankenstein's Monster, for example, in *Australian*, 27 December 1838, p. 2; *Colonist*, 7 July 1836, p. 1; *Sydney Gazette*, 2 August 1836, p. 4; *Colonial Times*, 2 August 1836, p. 7; *Sydney Herald*, 11 September 1837, p. 2.
- 6 *Hobart Town Courier*, 1 March 1839, p. 2.
- 7 Mary W. Shelley, *Frankenstein; or, The Modern Prometheus*, Cambridge, Sever, Francis & Co., 1869, p. 175.
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- 10 Abel Paynter, 'The Folk of North Italy', *Howitt's Journal of Literature and Popular Progress*, vol. 2, no. 27, 3 July 1847, p. 309.
- 11 Charles Brentani, Last Will and Testament, VPRS 28/P0, Unit 10; VPRS 28/P1, Unit 1A, Public Record Office Victoria (PROV); some family details were sourced from Margot Brenton, descendant of Charles Brentani, email 28 November 2009.
- 12 Gambattista Giovio, *Viaggio pel lago di Como* (A trip along Lake Como), Como, Presso Carlantonio Ostinelli, 1817, p. 36.
- 13 Charles Brentani, Convict Indent, CON14-1-51, Tasmanian Archives and Heritage Office (TAHO). A detailed investigation of Brentani's life can be found in Douglas Wilkie, 'The Deconstruction of a Convict Past', MA thesis, Monash University, 2011.
- 14 Charles Brentani, Convict Description CON18-1-4, TAHO.
- 15 William Rae Wilson, *Notes Abroad and Rhapsodies at Home*, 2 vols, London, Longman, 1837, vol. 1, p. 163.
- 16 *Brisbane Courier*, 6 February 1875, p. 3.
- 17 J. B. Blanden cited in H. C. Bolton and N. H. Williams, 'Scientific Instrument Makers and Dealers in Victoria, 1840-1914', *Historical Records of Australian Science*, vol. 12, no. 1, pp. 15-82, 1998; Charles Brentani, Convict Indent, CON14-1-51, TAHO.
- 18 Charles Brentani, Convict Indent, CON14-1-51, TAHO.
- 19 *Sheffield Independent*, 11 and 25 October 1834.
- 20 Convict Transportation Register, HO11/10:114, UK National Archives; Charles Brentani, Convict Conduct, CON31-1-37, TAHO.
- 21 Charles Brentani, Convict Conduct. CON31-1-37, TAHO.
- 22 *Sheffield Independent*, 27 September 1834; 25 October 1834.
- 23 *Sheffield Independent*, 25 October 1834.
- 24 *Pigot's Directory for Sheffield 1834; Whites History & Directory of Sheffield*, 1833; Webster Instrument Makers Signatures Database, Adler Planetarium History Databases, Online at <http://historydb.adlerplanetarium.org/signatures/r.pl>; A.D. Morrison-Low, *Making Scientific Instruments in the Industrial Revolution*, London, Ashgate, 2007, p. 94.

- 25 Ferdinand Riva, Convict Conduct, CON31-1-37, TAHO; Ferdinand Riva, Convict Indent, CON14-1-51, TAHO.
- 26 Catherine Riva, born in 1813, died at Launceston in 1863, RGD35/1/32, TAHO; Ferdinando Riva, born 17 January 1835, Sheffield, Yorkshire, England, 'England Births and Christenings, 1538–1975', FHL microfilm 0828159 (RG4 3754), *FamilySearch*, <https://familysearch.org/ark:/61903/1:1:J38Y-CZZ>, accessed 22 November 2015.
- 27 Convict Prison Hulks, Registers and Letter Books, HO9/2:5, HO9/2:48, HO9/2:94 *Fortitude*, UK National Archives.
- 28 Charles Brentani, Fernando [*sic*] Riva, Convict Conduct, CON31-1-37, TAHO.
- 29 Convict Transportation Register, HO11/10:114, UK National Archives.
- 30 Convict Prison Hulks, Registers and Letter Books, HO9/5:114 *Justitia*, UK National Archives.
- 31 Convict Transportation Register, HO11/10:114, UK National Archives,
- 32 Hulk Register, *Fortitude*, Chatham, 19 November 1834, HO9/2, UK National Archives; Charles Brentani, Convict Conduct, CON31-1-3, TAHO; Ferdinand Riva, Convict Conduct, CON31-1-37, TAHO; 'Medical Journal of the *Aurora*, Convict Ship', ADM 101/6/7/4, UK National Archives.
- 33 *Sheffield Independent*, 11 July 1835.
- 34 Joseph Brentarney [*sic*], Convict Conduct, CON31-1-3:87, TAHO.
- 35 Joseph Brentarney [*sic*], Convict Description, CON18-1-4; Convict Appropriation Book, CON27-1-2; Convict Conduct CON31-1-3; Inquest 61, 4 April 1836, SC195/1/2, all in TAHO.
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- 38 Charles Brentani, Convict Conduct, CON31-1-3, TAHO; *Colonial Times*, 5 October 1841, p. 4.
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- 42 Letter from Ann Brentani, *Argus*, 6 June 1882, p. 9.
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- 47 *Launceston Examiner*, 21 June 1845, p. 5.
- 48 *Cornwall Chronicle*, 12 July 1845, p. 3; *Cornwall Chronicle*, 16 August 1845 p. 79.

- 49 *Launceston Examiner*, 20 November 1847, p. 1; 15 December 1847 p. 7; 4 March 1848, p. 7; 8 March 1848, p. 1.
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- 52 *Cornwall Chronicle*, 18 June 1842, p. 3.
- 53 Fleming, Departures, CSO95/1/1 p. 295, TAHO; J.B. Hawkins, *Nineteenth Century Australian Silver*, Antique Collectors' Club Ltd, Woodbridge, Suffolk, UK, vol. 1, p. 187, n. 14; Brentani in Collins Lane—see *Kerr's Melbourne Almanac for 1845*, and *Port Phillip Separation Merchants and Settlers Almanac 1845*.
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- 62 *Argus*, 5 April 1851, p. 2; *Argus*, 13 May 1851, p. 2; *Argus*, 8 July 1851, p. 2; *Hobart Courier*, 14 June 1851, p. 3; *Argus*, 12 July 1851, p. 2.
- 63 *Argus*, 1 September 1851, p. 4; 18 September 1851.
- 64 *Empire*, 8 February 1851, p. 6.
- 65 'Crinkum-crankum'—contemporary slang for something elaborately decorated or ornamented.
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- 80 *Melbourne Morning Herald*, 6 March 1852.
- 81 *Argus*, 8 March 1852; *Argus*, 8 March 1852; 10 April 1852, p. 1; *Port Phillip Herald*, 9 March 1852;
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- 83 Howitt, p. 35.
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- 102 Brentani's descendants clearly benefitted from his legacy and the shrewd financial management of their mother.

The Killing of Charles Franks and the Obliteration of Port Phillip's Convicts

Thomas Rogers

Abstract

Squatter Charles Franks and his shepherd were brutally killed by Aboriginal people in 1836 in the Port Phillip District. Free settlers memorialised Franks as a gentleman and innocent victim of violence. The shepherd, however, was barely remembered by free settlers at all. Examining the aftermath of the killings in free settler correspondence, this article considers free settler portrayals of convicts, as well as notions free settlers held about themselves. The reactions of Port Phillip's free settlers to the deaths conformed to prevailing practices and tropes deployed in establishing the settlement's social order.¹

In July 1836, a squatter and a shepherd were killed by Aboriginal people near Mount Cottrell in the Port Phillip District of New South Wales.² The backs of their heads had been struck with tomahawks with such violence that their skulls had been pushed into the soft earth.³ One of the men was Charles Franks, a free settler from Van Diemen's Land who had just crossed Bass Strait with sheep to take up land. The shepherd was almost certainly a convict or emancipist, assigned to or employed by Franks' business partner, free settler George Armytage.⁴ Britons of low station had been killed by Aboriginal people in the District before this but Charles Franks was the first free settler to fall victim to frontier violence in Port Phillip. After the attack, a party of free settlers, some of whom had known Franks, set out on a retaliatory raid against the local Wathaurong people, though the details of this raid are difficult to determine. Focusing on this raid, historians have used the story to foreshadow the violence that was soon to be unleashed on the plains of the District. In contrast to the usual emphasis on frontier violence, this article turns attention to contemporary free settler descriptions of the deaths themselves. Particular notice is paid to the difference in station or class between the two men to illuminate some of the deliberately forgotten aspects of Port Phillip's early history.⁵ The story of Franks and the shepherd describes one of the first clashes in what was to become

a very violent frontier, but, as usually told, it is also emblematic of the repeated forgetting of convicts in Port Phillip and Victorian history. This forgetting occurred from the outset. Keen to distance themselves from the convict taint of Sydney and Hobart, the very men who brought convicts to the Port Phillip District omitted them from the record.

This article examines how colonial newspapers placed the characters of Charles Franks and the shepherd within a colonial hierarchy. I consider descriptions of the men's bodies by the newspapers, and by free settlers in their correspondence. Finally, the deaths will be considered in the context of other incidents at around the same time in other parts of New South Wales. Although an obscure incident, the case of the killing of Franks and the shepherd sheds light on certain conventions of language used in describing the violent deaths of respectable men on the fringes of the colony. Perhaps these deaths were memorialised because they occurred in the context of a war for land and resources. But the incident also shows that the way Charles Franks was remembered fitted into a broader discourse that distinguished between masters and men in colonial New South Wales. Scholars have examined the language used to categorise and order Indigenous people and settlers in the nineteenth century, but there is also scope to examine the ways the free settlers of Australia differentiated themselves from other settlers.⁶

Before looking closely at the killings, this article requires some context. In common with other pastoralist incursions in the Australian colonies from as early as the 1810s, Port Phillip was the site of a struggle for control of land and water between incoming British squatters and Indigenous landowners.⁷ The grasslands of Port Phillip, created by generations of Aboriginal burning patterns, drew the attention of squatters.⁸ John Batman himself inadvertently noticed this, commenting that the plains of Port Phillip 'appeared like land layed out in farms for some 100 years back and every tree transplanted'.⁹ The pastoralists' hard-hoofed sheep broke down riverbanks, caused soil erosion, and compressed topsoil, causing the depletion of staple foods for Aboriginal clans.¹⁰ This led Aboriginal hunters to spear sheep instead, which in turn led to settler retribution that was often extremely bloody. Charles Franks and the shepherd were among the first casualties of this war for resources, and the rapid and brutal settler response to their deaths foreshadowed many other such responses in Port Phillip.

Since the 1970s, academic historians have given detailed attention to the violence of the Australian frontier, acknowledging the Aboriginal presence in settler histories and returning agency to Aboriginal groups and individuals.¹¹ A revisionist reaction in the late 1990s and early 2000s questioned that scholarship, suggesting it adhered to a needlessly pessimistic or guilt-ridden understanding of Australian history, overtly and inexcusably written with present-day political concerns in mind.¹² These claims were misleading because historians of the frontier had been grappling with the problems of evidence and numbers of people killed long before denial of frontier violence became a political subject.¹³ The denialists nevertheless inspired historians to consider early events along the frontier in closer detail, and to revisit questions about evidence and the numbers killed in violence.¹⁴

Histories of the Port Phillip frontier have considered the killing of Charles Franks and the shepherd within this framework of settler–Aboriginal conflict. Since Franks was the first free settler to be killed, historians have presented his death as the inauguration of the violent frontier in Port Phillip.¹⁵ In some senses, the killings set a pattern of violence in Port Phillip, triggering the type of revenge attack that became a recurrent feature of Australian frontier fighting.¹⁶ The retaliatory party itself showed a settler tactic that would be used for the rest of the nineteenth century—the arming of Aboriginal members of the party to help track down foreign or enemy Aboriginal clans.¹⁷ As Alastair Campbell noted, the leading members of the tiny free settler population seemed to approve of the retaliation, or at least did not protest, discrediting their claims to be interested in the welfare of Aboriginal people.¹⁸ Building on these insights, the most recent work on Port Phillip attempts to flesh out aspects of the settlement and free settler society in addition to the settler–Aboriginal conflict.¹⁹ Though the death of Franks is important for understanding aspects of the frontier, it also illuminates prevailing free settler attitudes towards convict-class workers.

Many of the first settlers of Port Phillip came from Van Diemen's Land and had experienced the lengthy conflict for land in that colony, taking over almost all available grassland. By 1830, towards the end of the settler takeover of Van Diemen's Land, there were one million sheep being grazed there.²⁰ Looking for new pastures, the leader of the Port Phillip Association (PPA), John Batman, attempted to purchase Kulin land by treaty in 1835.²¹ The treaty was invalidated by New South Wales

Governor Bourke, but a land rush had begun, and Bourke allowed squatters to take up land in the District. Though not a member of the PPA, Franks was among the first of many stock owners to take part in this frenetic rush to the District, arriving there on 25 May 1836.²² Along with experience of conflict, Vandiemonian settlers like Franks brought with them ideas about station or class—about convict-class workers and their place in the new society.

Contemporaries tended to conflate serving convicts and ex-convicts into one class. Exactly how many convicts were present in Port Phillip during the 1830s and 1840s is hard to ascertain but historians and contemporaries agree that they did form a significant proportion of the rural working population. This proportion fell over time. A.G.L. Shaw estimated that half of the male population comprised convicts or ex-convicts in the late 1830s.²³ Margaret Kiddle found records that at least 20 per cent of the total white population in the early 1840s was convict or ex-convict, but argued that it was probably closer to 40 per cent.²⁴ With the increasing rate of free migration and the cessation of transportation to the eastern colonies during the 1840s, at Separation in 1851 this class made up probably 15 per cent of the adult male population overall, and probably 30 per cent in rural areas.²⁵ Convict-class workers were central to the pastoral economy but free settlers attempted to efface their presence in order to avoid the ‘convict stain’ that had already begun to be dreaded in the other eastern colonies.²⁶

Charles Franks’ business partner, George Armytage, remained in Van Diemen’s Land while Franks, his shepherd, his overseer George Smith, and about 500 sheep walked some 35 kilometres from Gellibrand’s Point on the coast to Mount Cottrell, arriving at the intended sheep run on 2 July. According to the account he later gave, overseer George Smith returned to the Point to collect supplies that had been left there. When he returned to the run on 8 July 1836, he was alarmed to find that there was no campfire. A flour cask had been overturned, and the two men were nowhere to be seen. Fearing for his safety, Smith left hurriedly and informed a number of settlers in the region of what he had seen. These men discovered the bodies the next day.²⁷

At the time of the killings, and in their later memoirs, free settlers in Port Phillip and Van Diemen’s Land remembered Charles Franks as a gentleman. He was from northern Van Diemen’s Land, and Launceston’s *Cornwall Chronicle* remembered his ‘strict integrity, gentlemanly

deportment' and his 'docile and compassionate disposition'.²⁸ One settler even suggested that Franks had been in the process of distributing flour, rice, and other goods to the Aboriginal locals when they treacherously tomahawked him.²⁹ But another respectable settler, Robert von Stieglitz, remembered how Franks had shared lead with him for the production of what Franks called 'blue pills for the natives'.³⁰ Since the 1960s, the story of Charles Franks has usually been told with reference to these blue pills.³¹ One historian inferred that Franks intended to poison the local Aboriginal people.³² But it seems much more likely that, when von Stieglitz said 'pills', he meant musket balls, or perhaps shot of a smaller calibre. This means that, in the stores he took to Port Phillip, Franks had the material he would need to shoot Aboriginal people. Perhaps he had already shot some. These blue pills have given a darker edge to the figure of Franks in recent histories. His death thereby appears in modern histories as an act of revenge, that is, that he was killed because he had shot Aboriginal people. Indeed, that same idea had concerned settlers at the time, and they took pains to reject it. In order to show that Franks was blameless, they defended his character in the newspapers and in letters to the colonial authorities.

George MacKillop, for example, who had recommended Franks take up land at Mount Cottrell, told the colonial secretary in Sydney that 'Mr. F. was extremely mild and conciliating in his manners, and could not possibly have given provocation in any way'.³³ Franks' character was also defended in the editorial of the *Cornwall Chronicle*. Knowing that it would be rumoured that 'some insult must have been conveyed to the natives' by Franks, that newspaper jumped to the defence of the murdered entrepreneur, writing 'of all men, perhaps, that unfortunate gentleman was least likely to provoke his fellow creatures to acts of violence'.³⁴ Sources told the *Cornwall Chronicle* that a group of armed settlers had tracked the suspected murderers and, 'putting into effect a preconcerted plan of attack, succeeded in "ANNIHILATING THEM"'.³⁵ The newspaper went on to opine that 'the "ANNIHILATION" of the entire body of the Port Phillip natives, in our opinion, would afford an insufficient revenge for the murder of such a man'.³⁶ Worried by the violence and the allegations that extra-judicial revenge had been taken, New South Wales Governor Richard Bourke sent Captain William Lonsdale to Port Phillip to become police magistrate in the new settlement. Lonsdale was therefore the first permanent government

presence there. One of his first priorities was to ascertain what had happened after the killing of Franks and the shepherd.³⁷ When questioned by Lonsdale, the members of the retaliatory party admitted to firing guns at the suspected guilty clan but they insisted that no one was killed.³⁸ Based on this evidence, Lonsdale could not find any of the party guilty, nor prove that any Aboriginal people had been killed.

The bloodthirsty response of the *Cornwall Chronicle* was debated by other colonial newspapers, not all of which thought vigilante justice was a good thing. The crowing about the annihilation was reprinted approvingly in the *Australian* and the *Perth Gazette and Western Australian Journal*, but the *Sydney Gazette* was appalled.³⁹ Reflecting on William Buckley, who had lived with the Wathaurong people of the Western District for over 30 years, the *Gazette* asked, 'Would not any man rather live among *savages* than with *civilized* whites who would perpetrate *wholesale* murder?'⁴⁰ Similarly, the *Sydney Monitor* reminded its readers that Aboriginal people were fighting off 'foreign intruders'.⁴¹ These responses show the trend for the city papers towards humanitarian editorials, compared to the favouring of the pastoralists in the newspapers closer to the frontier, a difference of opinion that has also been noted in later contexts.⁴² Although the newspapers held opposing views on frontier conflict, they all wrote about the two white victims with the same attention to their standing in society.

This makes the contrast between the fate of Franks and that of his shepherd so much starker. While Franks' death moved the *Cornwall Chronicle* to call for genocidal revenge, the shepherd's death was barely remembered. He was not named in any newspaper report. In fact, the shepherd's name is recorded only twice. During Police Magistrate Lonsdale's investigation two men named him Flinders.⁴³ Only in this official documentation was he ever named. Reading newspaper accounts of the death, it is easy to forget that Franks was not the only man to die that day. Yet the shepherd's fate was no less brutal than his master's; it was said that his head had been shattered so badly that his brains had to be buried where he was found.⁴⁴ While it is possible that those reporting the deaths simply did not know the shepherd's name, the systematic way in which he was left out of the records points to a deeper reason. At the same time that they remembered Charles Franks as a gentleman, free settlers carefully established the attributes and limits of the shepherd's character.

Flinders was named by only two men during the investigation, and never by the man who claimed him as an employee, Franks' business partner George Armytage.⁴⁵ This is part of the way that the free settlers established the man's character. He was given no first name, and indeed it must be remembered that convicts and emancipists often went by an alias or a nickname.⁴⁶ Was 'Flinders' an alias or a nickname? His fate illustrates the anonymity of men of his class in the records left by respectable settlers. The disregard shown the shepherd is heightened by the histrionic reaction to Franks' murder—no one ever called for the annihilation of a district's Aboriginal peoples based on the character of a convict victim.⁴⁷

Settlers thought so little of the shepherd's character that they blamed him for the attacks. Edward Wedge, nephew of the government surveyor, John Helder Wedge, made two points when he gave evidence to Lonsdale. First, he declared that the weapons were British made. 'From the nature of the cuts on the head', he could tell that the tomahawks used had been given by himself or his uncle upon their arrival in the District to Aboriginal people 'as presents to conciliate them.'⁴⁸ Aboriginal warriors wielding British-made weapons showed the dangers of attempting to conciliate the natives. Settlers took this seriously. When Police Magistrate Foster Fyans of the Portland Bay District arrived at his new post, he was ordered to distribute goods to the local Aboriginal people. Among the goods were two dozen tomahawks—these he dumped into the Moorabool River.⁴⁹ But Edward Wedge's second point was also telling. Straight after giving evidence that the tomahawks were British made, he began to talk about convict behaviour and character: 'It was the invariable practice in hiring servants to make it part of the agreement that they were not in any way to molest the natives, upon pain of forfeiting their wages.'⁵⁰ Here, then, was where the blame lay—not with the Aboriginal warriors, not with Wedge or his uncle's gift giving, but with the character of the shepherd. Wedge all but blamed the shepherd for provoking the attacks.

Edward Wedge's comments did not come out of nowhere. In blaming the convict-class shepherd for his own death, Wedge drew on an established Vandiemonian idea that held most frontier violence was instigated by men of this class. Examples of this idea abound, particularly in the early 1830s. When presenting the treaty he had made with the Kulin headmen to Lieutenant-Governor George Arthur of Van

Diemen's Land, John Batman claimed to be settling Port Phillip with the intention of avoiding the disastrous conflict with Indigenous peoples that had occurred in that colony.⁵¹ Governor Arthur also seems to have felt strongly the need to avoid what had happened during the so-called 'Black Wars' of the late 1820s and early 1830s, during his time in office. In letters to officials in London, he perpetuated the idea that the convicts had been the chief cause of violence in Van Diemen's Land. In early 1835, he wrote to the secretary of state for the colonies in London to inform him that the Aboriginal Tasmanians had been reduced 'almost to annihilation ... by the warfare so long waged, in detail, between them and the white settlers, or rather, I should say, the bushrangers, and convict shepherds.'⁵² He believed that convicts would instigate a similar war in Port Phillip if their entry was not closely regulated and their relations with other members of the new society, especially Aboriginal people, were not closely watched.⁵³ It was this notion that Edward Wedge drew on to define the character of the shepherd.

It was not only the men's characters that came under scrutiny. The written treatment of the corpses themselves reveals aspects of the difference between master and man. George Sams, one of the party of men who found the bodies, describes the shepherd's body in some detail: 'we found the body of Flinders the shepherd, a short distance from the tents, whose head was dreadfully lacerated and one side of the head was driven into the ground evidently by blows from some heavy weapon.'⁵⁴ Compare this to his description of Franks' body: 'We afterwards found the body of Mr Franks near the fence of his sheep yard, about 40 yards from the body of Flinders; we saw one cut on the side of the head. I did not wait to see the body more particularly examined.'⁵⁵ Now, Sams might have been a friend of Franks. And it is possible, likely even, that one tomahawk victim was one too many for Mr Sams to view. But closer inspection of the evidence collected by Lonsdale reveals that Sams' evidence fits into a larger pattern. First, the difference in status between the two victims was so obvious as almost to require no comment: 'Mr Franks' and 'Flinders', rather than Mr Flinders, and Flinders is never given a first name. But the more telling point is that the other members of the search party who gave sworn evidence before Lonsdale all described the shepherd's corpse in greater, gorier detail than that of Franks. Doctor Barry Cotter saw 'a very long deep wound in the skull' of the shepherd; 'some of the brain was protruding'.

When he described Franks' body, Cotter noted two cuts on the head and a blow to the temple, and then his evidence related in detail what remained of Franks' property and what had been stolen.⁵⁶

Consider the treatment of the two victims by the *Cornwall Chronicle's* correspondent:

Mr. Franks received one blow on the right temple with the back part of a tomahawk, the side and back part of the skull presented two large cuts, which must have caused instant death; the head of his shepherd was so dreadfully shattered, that his brains had to be buried on the spot.⁵⁷

The method of description of Franks' head is medical, almost clinical, while the description of the shepherd's is lurid and morbidly fascinating. Even if the facts were exaggerated by this correspondent, it is noteworthy that the exaggeration was restricted to the discussion of the unnamed shepherd. If contemporary events in England are considered, this sensationalising of the shepherd's corpse, and not that of his master, fits into a broader discourse. The 1830s were a time when the corpses of the poor were in high demand in England for anatomy schools. Criminals at this time could be sentenced to be dissected by surgeons after being executed.⁵⁸ The newspaper's gory description of the shepherd fits into this prevailing attitude. Consistent with their acceptance of the broader notion of the violent or immoral convict, the newspapers' fascination with the corpse of the shepherd was an acceptable sensationalism in 1836.

The bodies were buried at Burial Hill (now Flagstaff Gardens) and, according to the later nineteenth-century chronicler of Melbourne, Garryowen, 'all the inhabitants [of the settlement] joined in the melancholy ceremonial'.⁵⁹ Both bodies being buried at a public funeral may give the impression that the two men were being mourned in the same manner, but this is not the case. Convict-class men had been killed by Aboriginal people in Port Phillip before, but their bodies were not brought to the settlement for burial, public or not.⁶⁰ The difference in the Franks' case, as will be further illuminated below, was that a free settler had been killed.

It could be argued that the description of the shepherd's body simply reflected the reality that his body was more damaged than that of Franks. Burying his brain at the site of the killing, rather than

bringing him in whole to be buried in the settlement as Franks was, could therefore have been a purely practical consideration. Two other killings of Britons on the New South Wales frontier, however, show that this was not the case. The first instance comes from the new settlement in the Moreton Bay District, present-day Queensland, and concerns no less a personage than the assistant surveyor-general of New South Wales, Granville Stapylton. After his surveying journeys with Major Thomas Mitchell across the length and breadth of eastern Australia, Stapylton was sent in 1840 to survey a track from the Moreton Bay settlement to Sydney. It was while working on this track that Stapylton and an assigned servant—a convict by the name of William Tuck—were killed by Aboriginal people near the present Queensland–New South Wales border.⁶¹

As in the Franks' case, a gentleman of considerable standing in society and a convict had both been brutally killed. Stapylton's body was found missing the arms, the right foot, and most of the flesh.⁶² The skull had been removed from the body, and was lying a little way away.⁶³ William Tuck's body, on the other hand, was whole. Both bodies had been burned. So, in this case, the gentleman's body was in a much worse condition, but the convict's body was buried on the spot and Stapylton's was carried the 120 kilometres back to Brisbane, where he was buried.⁶⁴ The burial of William Tuck on the undifferentiated frontier while Stapylton's body was returned to the settlement is reminiscent of the burial of the shepherd's brain four years earlier in Port Phillip. These burials show that the treatment of a victim of frontier violence depended on the victim's station in settler society.

The second case comes from Port Phillip, less than a year after the deaths of Franks and the shepherd. It too shows the distinction between master and man. In March 1837, Joseph Gellibrand and George Hesse went missing somewhere west of the new settlement of Melbourne. Both men were respectable lawyers from Van Diemen's Land, and Gellibrand was probably the author of John Batman's famous treaty.⁶⁵ The two men had been travelling with a convict-class stockman who turned back after the lawyers refused to believe his advice that they were lost. The stockman organised a search party, but the lost lawyers were never heard from again.⁶⁶ Following the pattern, after their deaths the men were remembered as respectable gentlemen presumed killed by 'savages'.⁶⁷ Actually, Gellibrand and Hesse had more likely died of exposure.⁶⁸

Remembering the dead gentlemen in this case required free settlers to forget the lower-class man who had survived. Free settler memorialists of Gellibrand and Hesse had to forget the fact that, had the gentlemen followed their servant's advice, it probably would have saved their lives.

In both of these cases, colonial newspapers emphasised the gentle and civilised character of the free settlers in order to differentiate them from both the classes lower than them and the local Indigenous people. Letters to officials and newspaper accounts made public a very real grief for lost friends, but they also elevated those friends to almost heroic status. Franks, alongside the murdered assistant surveyor-general and the lost lawyers in the bush, was extolled because he was at the forefront of a rapidly expanding land empire. To the free settlers coming across Bass Strait, he was one of their own, even to those he had not met. These men took the plains of New South Wales for personal and national profit. The way Franks was remembered showed that, in settler eyes, this land rush was not simply for gain but part of a project to civilise a wilderness. In the way it was presented to the public and to colonial officials, Franks' death became a sacrifice to this greater goal.

The shocking goriness of the tale makes it morbidly interesting, and the fact that Franks was so well remembered at the time means that the story is still repeated today, though generally only in a few sentences.⁶⁹ Rather than focusing on the violence of the retaliatory raid, as others have done, in this article I have focused on the incident itself. The killing of Franks and the shepherd illustrates on a small scale the ways that free settlers understood the difference between convicts and themselves. The contrast between the remembrance of 'Flinders'—perhaps not even his real name—and Franks is astounding. The records of the respectable settlers examined above show that Charles Franks was mourned, and that some called for revenge. On the other hand, the shepherd was not clearly identified, was blamed for the attacks that killed him and his master, and, finally, was used as an object of lurid sensationalism once he was killed.

Free settler responses to the killings drew upon three broader tropes developed in the 1830s. The first, exemplified by the testimony of Edward Wedge, perpetuated the Vandiemonian idea of the violent or immoral convict, a man who either through violence against Aboriginal men, or 'interference' (as it was euphemistically known) with Aboriginal women, brought about his own destruction at the hands

of vengeful warriors. Second, the gory remembrance of the shepherd's body—ignominiously buried in two places—was consistent with the contemporary English practice of sensationalising and dissecting the bodies of the lower orders. The third trope was the Imperial genre of remembrances of gentlemen who met with violent ends on the outer fringes of the Empire. These remembrances were more than obituaries; beyond simply remembering the dead, they extolled the deceased's actions in the service of the Empire and, by emphasising the savagery of the locals, justified the continued expansion of the civilising and profit-making project.

In the history of Australia, or indeed the British Empire, the killing of Franks and the shepherd is almost an insignificant event. Historians have rightly treated it as the first clash in a land war for resources. This close examination of the deaths, however, has revealed that the incident can also be used to illuminate free settler attitudes towards class or station in the community of Britons that had formed the Port Phillip beachhead. Three powerful ideas overlapped at the base of Mount Cottrell: a Vandemonian conceit, a class-based English curiosity, and the demonstration of Imperial righteousness. The method adopted here of looking at the incident and immediate response in detail has provided a new depth of knowledge about the event. This in turn has shown how the free settler impulse to efface convicts from Victoria's history began from the very first days of white settlement at Port Phillip. It leads to a greater understanding of the free settlement of the Port Phillip District, and a greater understanding of how the British Empire operated through the minds of the free settlers in the District, and by implication, along the frontiers of Australia.

Notes

- 1 This article stems from a short case study in my PhD thesis, and so I would like to thank my thesis supervisors, Professor Andrew May and Professor Stuart Macintyre, for their helpful comments and suggestions. In addition, I would like to thank Dr Alexandra Dellios and Associate Professor David Roberts, who read the manuscript and gave helpful input, as did the anonymous peer reviewers.
- 2 Mount Cottrell is named after Port Phillip Association member Anthony Cottrell, and is near the Werribee River in Victoria. This article uses the modern location's spelling of 'Cottrell'; at the time, the name was variously spelt 'Cotterell', 'Cotteril', 'Cotwall', and 'Cottrell'.

- 3 Robert von Stieglitz, 'Reminiscences, written at Drummondoney, 1875–76, typescript, p. 9, H 15945, MS Box 391/4, State Library of Victoria (SLV).
- 4 George Armytage, 6 October 1853, in Thomas Bride, *Letters From Victorian Pioneers*, ed. C.E. Sayers, Melbourne, William Heinemann, 1969, pp. 172–3. Lyndall Ryan describes the shepherd as an Aboriginal Tasmanian, but I have not found any evidence for this. Free settlers classed him as a convict-class white man. George MacKillop, reporting the deaths to the colonial secretary of Van Diemen's Land, listed the shepherd as one of four Europeans killed recently in Port Phillip. Lyndall Ryan, 'Settler Massacres on the Port Phillip Frontier, 1836–1851', *Journal of Australian Studies*, vol. 34, no. 3, 2010, p. 267; George MacKillop to Col. Sec. Alexander McLeay, 28 July 1836, folder 14, VPRS 4, Public Record Office Victoria (PROV).
- 5 Class and station have been considered by Victorian historians: see Paul de Serville, *Port Phillip Gentlemen and Good Society in Melbourne before the Gold Rushes*, Melbourne, Oxford University Press, 1980; and Martin Sullivan, *Men & Women of Port Phillip*, Sydney, Hale & Iremonger, 1985.
- 6 See, for example, Paul Carter, *The Road to Botany Bay*, London, Faber and Faber, 1987, pp. 331–2; and Tiffany Shellam, "'Our Natives'" and "'Wild Blacks'": Enumeration as a Statistical Dimension of Sovereignty in Colonial Western Australia', *Journal of Colonialism and Colonial History*, vol. 13, no. 3, 2012, pp. 1–19.
- 7 On Australian frontier conflict, see Henry Reynolds, *Forgotten War*, Sydney, NewSouth, 2013; and Bain Attwood and S.G. Foster (eds), *Frontier Conflict: The Australian Experience*, Canberra, National Museum of Australia, 2003.
- 8 See Bill Gammage, *The Biggest Estate on Earth: How Aborigines Made Australia*, Sydney, Allen & Unwin, 2011.
- 9 John Batman, Journal, 30 May 1835, MS13181 (p. 35 of transcript), SLV, at <http://handle.slv.vic.gov.au/10381/249297>.
- 10 Gammage, pp. 103–04.
- 11 See, for example, C.D. Rowley, *The Destruction of Aboriginal Society*, Canberra, Pelican, 1970; Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia*, Melbourne, Penguin, 1982; John Connor, *The Australian Frontier Wars, 1788–1838*, Sydney, UNSW Press, 2002. See also Stuart Macintyre and Anna Clark, *The History Wars*, Melbourne, Melbourne University Press, 2003, pp. 43–4.
- 12 See Keith Windschuttle, *The Fabrication of Aboriginal History*, Sydney, Macleay Press, 2002; Michael Connor, *The Invention of Terra Nullius*, Sydney, Macleay Press, 2005.
- 13 See, in particular, Michael Christie, *Aborigines in Colonial Victoria, 1835–1886*, Sydney, Sydney University Press, 1979, p. 78; Jan Critchett, 'A *'Distant Field of Murder'*, Melbourne, Melbourne University Press, 1990, pp. 90–1; and Judith Bassett, 'The Faithfull Massacre at the Broken River, 1838', *Journal of Australian Studies*, vol. 13, no. 24, 1989, pp. 18–34.
- 14 Good examples of reconsiderations of admissible historical evidence and Aboriginal death tolls can be found in David Kent, 'Frontier Conflict and Aboriginal Deaths: How Do We Weigh the Evidence?', *Journal of Australian Colonial History*, vol. 8, 2006, pp. 23–42; and Ian D. Clark, 'The Convincing Ground Aboriginal Massacre at Portland Bay, Victoria: Fact or Fiction?', *Aboriginal History*, vol. 35, 2011, pp. 79–109.

- 15 See, for example, A.G.L. Shaw, *A History of the Port Phillip District: Victoria before Separation*, Melbourne, Miegunyah Press, 1996, pp. 57, 113–14, 134; and C.M.H. Clark, *A History of Australia*, Vol. 3, Melbourne, Melbourne University Press, 1973, p. 93; Rex Harcourt, *Southern Invasion, Northern Conquest*, Melbourne, Golden Point Press, 2001, pp. 90–1; Bruce Pascoe, *Convincing Ground*, Canberra, Aboriginal Studies Press, 2007, pp. 5–10. On the ferocity of the retaliation and the pact of silence among the settlers, see James Boyce, *1835*, Melbourne, Black Inc., 2011, pp. 106–09.
- 16 Ryan, ‘Settler Massacres’, p. 267. For a discussion of the fighting in the Western District (though it does not mention the Franks case), see Michael Cannon, *Who Killed the Koories?*, Melbourne, William Heinemann, 1990, pp. 85–109, 115–23.
- 17 According to official sources, the retaliatory party comprised eight whites, ‘four Sydney natives and five domesticated natives of Port Phillip, all armed ... with muskets.’ See VDL Col. Sec. John Montagu to NSW Col. Sec. Alexander Macleay, 18 August 1836, *Historical Records of Victoria (HRV)*, Vol. 2a, Melbourne, 1982, p. 42. The so-called ‘Sydney natives’ had accompanied John Batman from Parramatta to Van Diemen’s Land to Port Phillip, and had participated in his roving parties there during the ‘Black War’. They were not all from Sydney; Pigeon was also known as Warrora and was from Shoalhaven, while Crook was also known as Johninbia or Yunbai and was originally from Five Islands, Wollongong. See Alastair Campbell, *John Batman and the Aborigines*, Malmsbury (Vic.), Kibble Books, n.d., c. 1987, p. 30.
- 18 Campbell, pp. 170–2.
- 19 Robert Kenny, ‘Tricks or Treats? A Case for Kulin Knowing in Batman’s Treaty’, *History Australia* vol. 5, no. 2, 2008, pp. 38.1–38.14.
- 20 Lyndall Ryan, *Tasmanian Aborigines*, Sydney, Allen & Unwin, 2012, p. 74.
- 21 For a detailed account of the treaty process, see Bain Attwood, *Possession*, Melbourne, Miegunyah Press, 2009, pp. 40–71. For the land rush into Port Phillip, see Boyce, p. xi.
- 22 Remarking on the departure of the schooner *Champion* for Port Phillip from Launceston, on which Charles Franks was a passenger, the *Sydney Gazette* wrote ‘With the Vandiemonians Port Phillip continues all the rage.’ The ship had left on 16 May 1836: see *Sydney Gazette*, 2 June 1836.
- 23 Shaw, p. 85.
- 24 Margaret Kiddle, *Men of Yesterday: A Social History of the Western District of Victoria, 1834–1890*, Melbourne, Melbourne University Press, 1967, p. 52.
- 25 Richard Broome, *The Victorians: Arriving*, Sydney, Fairfax, Syme & Weldon, 1984, p. 58. On this topic, see also Sullivan, p. 135.
- 26 See John Hirst, *Convict Society and its Enemies: A History of Early New South Wales*, Sydney, Allen & Unwin, 1983.
- 27 Evidence of George Smith to William Lonsdale, 21 October 1836, *HRV*, Vol. 2a, p. 43.
- 28 *Cornwall Chronicle*, 30 July 1836.
- 29 John Aitken, 26 August 1853, in *Bride*, p. 50.
- 30 Stieglitz, p. 8.

- 31 See Peter Corris, *Aborigines and Europeans in Western Victoria*, Canberra, Australian Institute of Aboriginal Studies, 1968, p. 54; C.E. Sayers (ed.), in *Bride*, p. 88, footnote 2; Critchett, p. 91; Pascoe, pp. 7–8. Shaw, p. 134, does not mention ‘blue pills’ specifically, but he does wonder whether or not there was provocation by Franks or his shepherd.
- 32 Critchett, p. 91.
- 33 George MacKillop to Col. Sec. Alexander McLeay, 28 July 1836, folder 14, VPRS 4, PROV.
- 34 *Cornwall Chronicle*, 30 July 1836.
- 35 *Cornwall Chronicle*, 30 July 1836.
- 36 *Cornwall Chronicle*, 30 July 1836.
- 37 Col. Sec. Alexander McLeay to William Lonsdale, 13 September 1836, folder 15, VPRS 4, PROV.
- 38 See the evidence of William Winberry, Michael Leonard, and Edward Wedge, who all agree that shots were fired but that no Aboriginal people were harmed or killed. John Wood gave the curious evidence ‘I am positive I did not know of any blacks losing their lives on this occasion’ (p. 48). Only Henry Batman admitted any uncertainty, conceding that fleeing people might have been hit by shots, although he was sure that the shots *he* had fired had had no effect. See Lonsdale’s investigation into the deaths of Franks and Flinders, Melbourne Court Register, 28 October 1836 *HRV*, Vol. 2a, pp. 48–50.
- 39 *Australian*, 26 August 1836; *Perth Gazette and Western Australian Journal*, 26 November 1836; *Sydney Gazette*, 30 August 1836.
- 40 *Sydney Gazette*, 30 August 1836. Original emphasis.
- 41 *Sydney Monitor*, 31 August 1836.
- 42 For a good example of these two sides, see the debate between the Hobart newspapers *Colonial Times*, 9 August 1836, and the *True Colonist*, 5 August 1836. On later clashes, see, for example, Rebecca Wood, ‘Frontier Violence and the Bush Legend: The *Sydney Herald’s* Response to the Myall Creek Massacre Trials and the Creation of Colonial Identity’, *History Australia*, vol. 6, no. 3, 2009, p. 67.5; and Jack Cross, *Great Central State: The Foundation of the Northern Territory*, Adelaide, Wakefield Press, 2011, p. 230.
- 43 Lonsdale’s investigation into the deaths of Charles Franks and his shepherd Flinders, Melbourne Court Register, 21–28 October 1836, *HRV*, Vol. 2a, pp. 43–50.
- 44 *Sydney Monitor*, 31 August 1836.
- 45 Evidence of George Smith and George Sams, Lonsdale’s investigation into the deaths of Charles Franks and his shepherd Flinders, Melbourne Court Register, 21–28 October 1836, *HRV*, Vol. 2a, pp. 43–50. According to some records, Flinders was also known as ‘Hindes’: see index to *HRV*, Vol. 2b, p. 785.
- 46 Russel Ward, *The Australian Legend*, London, Oxford University Press, 2nd edn, 1965, p. 73. George Hamilton remembered that his personal attendant was variously called: ‘Crooked Jack’, ‘Humpy’, or ‘My Lord’. See George Hamilton, *Experiences of a Colonist Forty Years Ago*, Adelaide, J. Williams, 2nd edn, 1880, p. 5.
- 47 Some squatters did call for the eradication of Aboriginal people because of convict killings, but this was an entirely economic proposition, in the same vein as calling for the eradication of Aboriginal people to stop the losses of sheep and cattle. What

- is seen in the *Chronicle* piece is a call for the eradication of Aboriginal people based on the *character* of the gentleman they had murdered. See also Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research*, vol. 8, no. 4, December 2006, pp. 387–409; and Patrick Wolfe, 'Land, Labor, and Difference: Elementary Structures of Race', *American Historical Review*, vol. 106, no. 3, June 2001, pp. 869–71.
- 48 Edward Wedge's evidence to Lonsdale's investigation into the deaths of Charles Franks and his shepherd Flinders, Melbourne Court Register, 28 October 1836, *HRV*, Vol. 2a, p. 49.
 - 49 Foster Fyans, undated, in *Bride*, p. 180.
 - 50 Edward Wedge's evidence to Lonsdale's investigation into the deaths of Charles Franks and his shepherd Flinders, Melbourne Court Register, 28 October 1836, *HRV*, Vol. 2a, p. 49.
 - 51 John Batman to Governor Arthur, 25 June 1835, *HRV*, Vol. 1, p. 5. Arthur agreed that war such as had occurred in Van Diemen's Land had to be avoided in Port Phillip. See George Arthur to Glenelg, 27 January 1835, quoted in Clive Turnbull, *Black War*, Melbourne, F.W. Cheshire, 1948, pp. 168–70.
 - 52 Governor Arthur to T.S. Rice, Secretary of State for Colonies, 27 January 1835, *HRV*, Vol. 2a, p. 6. He had made similar claims earlier, as had other Vandiemonian officials. See, for example, Arthur to Murray, 15 April 1830, *Historical Records of Australia (HRA)*, Series 3, Vol. 9, p. 106. See also the Report of the Aborigines Committee, enclosed in that letter, on pp. 206 and 216–17 of that volume, in which convicts committing violent acts against Aboriginal people are labelled 'these barbarians'.
 - 53 Governor Arthur to T.S. Rice, Secretary of State for Colonies, 27 January 1835, *HRV*, Vol. 2a, pp. 6–7.
 - 54 George Sams' evidence to Lonsdale's investigation into the deaths of Charles Franks and his shepherd Flinders, Melbourne Court Register, 21 October 1836, *HRV*, Vol. 2a, p. 44.
 - 55 Sams' evidence, p. 44.
 - 56 Barry Cotter's evidence to Lonsdale's investigation into the deaths of Franks and Flinders, Melbourne Court Register, 28 October 1836, *HRV*, Vol. 2a, p. 46.
 - 57 *Cornwall Chronicle*, 30 July 1836.
 - 58 Ruth Richardson, *Death, Dissection and the Destitute*, Chicago, University of Chicago Press, 2nd edn, 2000, pp. 35–7. See also Tony Ballantyne and Antoinette Burton (eds), *Bodies in Contact: Rethinking Colonial Encounters in World History*, Durham, Duke University Press, 2005.
 - 59 Garryowen [Edmund Finn], *The Chronicles of Early Melbourne, 1835 to 1852*, Melbourne, Fergusson and Mitchell, 1888, p. 7.
 - 60 George McKillop to Alexander McLeay, Col. Sec. V.D.L., 28 July 1836, folder 14, VPRS 4, PROV.
 - 61 Louis Cranfield, 'Stapylton, Granville William Chetwynd (1800–1840)', *Australian Dictionary of Biography*, at <http://adb.anu.edu.au/biography/stapylton-granville-william-chetwynd-2693/text3769>.
 - 62 *Sydney Gazette*, 29 August 1840; *Sydney Herald*, 2 September 1840.
 - 63 *Sydney Herald*, 2 September 1840.

- 64 *Sydney Gazette*, 29 August 1840; *Sydney Herald*, 2 September 1840. See also Cranfield.
- 65 Attwood, p. 17.
- 66 Michael Cannon (ed.), 'The Disappearance of Gellibrand and Hesse', *HRA*, Vol. 2a, p. 271. See also G.T. Lloyd, *Thirty-Three Years in Tasmania and Victoria*, London, Houlston and Wright, 1862, pp. 485–9.
- 67 See, for example, *Colonial Times*, 16 May 1837; and *True Colonist*, 19 May 1837.
- 68 Gellibrand had nearly perished in the bush the year before, walking from Westernport to the settlement (present-day Melbourne). Refer to his own account in J.T. Gellibrand, Memorandum of a trip to Port Phillip, 24–30 January 1836, in *Bride*, pp. 7–13. After the lawyers disappeared in 1837, squatter Alexander Thomson said, somewhat insensitively, 'Gellibrand is the worst bushman I know'. *Colonial Times*, 11 April 1837.
- 69 See, for example, the history section of Brimbank City Council's website, http://www.brimbank.vic.gov.au/People_and_Places/About_Brimbank/Historical_Brimbank, (10 September 2012).

Lost and Found Wetlands of Melbourne

Rod Giblett

Abstract

Like many other cities, Melbourne was founded amongst marshes and swamps. The maps of the first explorers and early settlers noted their presence; later colonial chroniclers and municipal historians described them; and recent history retells their story. All of these observers across two centuries have seen these wetlands in terms of European landscape aesthetics and functionality, such as when they presented a clear sheet of beautiful water or were suitable for cattle grazing; otherwise they were denigrated. This article critiques this understanding and the absence of these wetlands from Nearamnew, a public artwork inscribed into the surface of Federation Square.

Like many other cities around the world, Melbourne was founded amongst marshes and swamps. Over the following 180 years some of these wetlands were completely lost to drainage or filling, such as Batman's or West Melbourne Swamp. Others were landscaped into lakes and parks, such as South Melbourne Swamp transformed into Albert Park Lake. Remnants of others remain and can be found today, such as Bolin Bolin Billabong in Bulleen. The history of these wetlands is largely unknown to the majority of Melbourne's current residents, but they were prominent features of the site and the city in the past.

The maps of the first explorers and early settlers noted the presence of these wetlands; colonial chroniclers and municipal historians described them; and recent history retells their story and that of the place and its peoples, the Aboriginal owners and European dispossessors. All of these observers across two centuries see these wetlands in the terms of European landscape aesthetics and functionality by which they were valued when they presented a clear sheet of beautiful water, for example, or were found suitable for cattle grazing; otherwise they were denigrated as 'bad swamps'. The first part of this paper traces critically the history of Melbourne and its wetlands in the context of contemporary European landscape aesthetics. It shows that these wetlands were crucial in constituting the site on which the city grew and

in posing initial limitations and impediments to its development and spread that were eventually overcome. In their absence they still remain a defining feature of the relationship of the colonial centre to its location.

All these lost and found wetlands are largely absent, however, from *Nearnamnew*, the inscription in stone of the history of the city of Melbourne and the colony of Victoria created for the commemoration of Federation in 2001 in Federation Square beside the Yarra River on the corner of Flinders and Swanston streets. This omission is surprising as the presence of these wetlands is well documented in many of the sources that were used for the creation of the artwork as well as for the first part of this paper.

The second part of this paper critiques *Nearnamnew* and argues that it represents a lost opportunity to commemorate and celebrate the wetlands that were part of the environmental context in which Melbourne and the colony of Victoria was founded. It is also a missed chance to mourn the wetlands' loss and to commemorate their role as living places of, and for, plants and animals, as sources of sustenance for the local Aboriginal people, and as nutriment for settlers and city-dwellers to grow their crops and graze their animals. Unlike Perth, which has two or three wetland memorials and several interpretative projects, Melbourne does not seem to have any. This paper argues the need for such projects to commemorate and celebrate the role of wetlands in Victorian ecology.

Lost Wetlandscapes

Matthew Flinders' 1802 map of Port Phillip Bay and adjacent coastline describes what would become the future site for Melbourne as 'swampy shore'.¹ A year later, Charles Grimes's 1803 map of Port Phillip Bay not only describes this site as 'low swampy land' (or 'country') and north of the 'Yarra' River as 'swampy', but also names seven other 'swamps', 'very bad' 'swampy' 'ground' or 'soil', or 'swampland' around the bay.² This is a salutary instance of the moralisation of landscape, in which swamps (or woody wetlands) are denigrated. In his field book of 1803 Grimes wrote that 'the Country appeared full of swamps'.³ Many of these swamps were subsequently filled or drained, or transformed into parks.

The lost wetlands of Melbourne make an intermittent cameo appearance in more recent histories of the city—of the place, its peoples and their practices—principally in the work of Gary Presland over the past thirty years, to which I am indebted and upon which I rely heavily

as will be seen below. These swamps ceased to be waterbird habitat or a source of sustenance and home to the local Aboriginal people. Presland conducts the readers of his books—*The Land of the Kulin: Discovering the Lost Landscape and the First People of Port Phillip*, (later revised and republished as *Aboriginal Melbourne: The Lost Land of the Kulin People*)—on ‘an imaginary tour’ of ‘the landscape of early Melbourne’.⁴ Given the emphasis on lost land and lost landscape in both subtitles, it may have been more accurate to call it the lost *wet*landscape of early Melbourne, for the dry landscape has not been lost, though its flora, fauna and Aboriginal peoples have largely disappeared. The wetlandscape sustained and nurtured much of the flora and fauna, as well as the Aboriginal peoples (as emphasised by Presland in his latest foray into this topic).⁵

Typically, both early explorers and recent historians, such as Presland, do not consider the wetlands of Port Phillip to be aesthetically pleasing, though some early settlers did. Presland sees the wetlands positively as a rich source for Aboriginal food gathering, but he also views them negatively in terms of the European landscape aesthetic, such as when he asks his readers to imagine that we are ‘coming up’ Port Phillip Bay. Along the edge of Hobsons Bay on the left, ‘there are mud flats and marshy ground’ while on the right:

at the top of the bay there is another wide expanse of low-lying marshy ground ... The marsh sedges, swamp grass and ti-tree which cover this area are relieved only by a strikingly green grassy hill which rises prominently above its low surroundings. This is soon to be named Emerald Hill⁶

The green hill, as represented here, redirects the weary eyes of the traveller, imaginary and otherwise, from yellow grass and dull trees; the prominence provides relief from the surrounding flat countryside and the tedium of the wetlandscape. The dreariness of the marsh can thus find compensation in the European landscape aesthetic when balanced by a pleasing prospect viewed from a considerable eminence.⁷

The assumption that some wetlands are not aesthetically pleasing persists in Presland’s most recent book iteration of his work on early Melbourne, *The Place for a Village: How Nature Has Shaped the City of Melbourne*. In his description of the ‘lost [wet]landscape’ of Melbourne, he characterises the area around Batman’s Hill as ‘a low-lying area of little

scenic attraction' with 'no advantage for scanning', so 'the hill presented itself well suited for the purpose' of taking in the pleasing prospect from a commanding height.⁸ The hill is figured as the means of enabling the roving eye to see and master the surrounding denigrated wetlandscape press-ganged into the service of the European landscape aesthetic as visually inferior. Presland's account of how nature has shaped the city of Melbourne is also an instance of how the conventions of culture shape perceptions and representation of the land—wet and dry.⁹

Given the physical conditions, K.J. Fairbairn, an urban geographer, could conclude that 'the site of Melbourne has not seriously hampered its expansion. Certainly, local topographic differences have directed some of its development and these add variety to an otherwise continuous mass of urban sprawl'.¹⁰ Fairbairn does not specify what these local topographic differences are, nor does he indicate that, in the case of wetlands, many have been lost or incorporated into parks where they do add variety to an otherwise continuous mass of urban sprawl. Those that have been lost could have acted as mitigation against the consequences of an expanding urban heat island. The destruction of so many of its wetlands has played no small part in making Melbourne the worst city in Australia for this phenomenon.

About some selected local topographic differences Fairbairn goes on to wax lyrical that:

The site can be divided broadly into two parts. To the east of the city centre the land surface consists of gently undulating hills of low relief interspersed with numerous valleys. The western and northern suburbs spread over a very gently undulating basalt surface into which the streams have cut some steep valleys ...¹¹

Fairbairn makes no mention of the wetlands that were and still are features of the area, albeit landscaped as vestiges in parks.

Fairbairn is merely following in the footsteps of Garryowen (colonial journalist Edmund Finn) who, in his *Chronicles of Early Melbourne*, also pressed into service the descriptor 'undulating' from the landscape lexicon:

The site and surrounding of the embryonic city, when in a state of nature, formed a picture of wild and wayward beauty ... The Eastern Hill was a gum and wattle tree forest, and the Western Hill was so clothed with she-oaks as to give the appearance of a primeval park

where timber-cutting and tree-thinning were unknown—whilst away northward as far as the eye could see was a country umbrageous and undulating, garbed in a vesture of soft green grass.¹²

The primeval park was the product of Aboriginal land care. Tree-thinning in the form of timber-cutting was unknown, but it was known in the form of fire, either anthropogenic or meteorological. The timber clothing was later to be unceremoniously stripped off the body of the earth and the land laid bare for suburban sprawl.

Unlike Fairbairn, however, Garryowen had acknowledged previously the presence of the wetlands, both those adjoining the Yarra and those further afield:

The River Yarra[’s ...] low sides were ... skirted with marshes covered with a luxuriance of reeds, wild grass, and herbage ... whilst trending away north-westward spread out a large expanse of marsh of deep black soil, and without a solitary tree, its centre a deep lacuna where swans, geese, ducks, quail, and other wild-fowl swarmed.¹³

Along similar lines to Garryowen, Ellen Clacy, en route to her ‘Lady’s visit to the gold diggings’ in 1852–53, noted that the Yarra was very swampy and queried whether it was really a river. She could only ‘discover a tract of marsh or swamp, which I fancy must have resembled the fens of Lincolnshire, as they were some years ago, before draining was introduced into that country’.¹⁴ The drained fens were a model that Yarra and other Melbourne wetlands were doomed to follow. The lacuna of the lagoon was to become a lacuna in the geography of the city to be filled with rubbish and later drained, as well as a gap in the history of the city. And the wetlands have indeed disappeared from popular memory if Paul Carter’s *Neararnnew* in Fed Square is anything to go by.

South Melbourne Swamp/Albert Park Lake

On his 1803 map of Port Phillip Bay, Grimes described an area at the head of the bay and to the south of central Melbourne as ‘low swampy country’.¹⁵ W.H. Ferguson reminisces that ‘the glory of Albert Park was the lagoon, a marshy place with brackish water’.¹⁶ This marshy place, or swampy country, or land, was eventually drained and filled to become a park with a lake in an all-too-familiar story.

The lost wetlands of Melbourne, including West and South Melbourne swamps, make an intermittent cameo appearance in

municipal histories of the city and its surrounds, such as Charles Daley's *The History of South Melbourne*, first published in 1940.¹⁷ Daley's history eventually segues into an account of their 'reclamation' by 'filling in, levelling, raising [and] draining', thereby 'overcoming swampy conditions'.¹⁸ Without noticing or noting the contradiction, Daley concludes his history on a brighter note by assembling 'Some Early Reminiscences of South Melbourne', including James Barrett's comment that 'Port Melbourne lagoon in the 'sixties was a beautiful sheet of water, clear as crystal'.¹⁹ Barrett's description subscribes to the European landscape aesthetic in which the open water of wetlands is beautiful and attractive.²⁰ By way of contrast, the closed water of the woody wetlands of swamps and the grassy wetlands of marshes is generally represented as ugly and repulsive.

Presland describes the South Melbourne Swamp as early settlers saw it and as it was to become:

The low-lying country around the hill forms a shallow [but large] swamp. This feature will become known as the South Melbourne Swamp and, during the Depression of the 1930s, will be formed into Albert Park Lake ... The marsh will be drained and built over as the area develops until virtually the only reminder of its original state is the Albert Park Lake.²¹

Albert Park and its lake are more famous today for being the centre of the circuit for Formula One racing than for once having been a swamp. The hill referred to by Presland was named Emerald Hill after a jewel, whilst the swamp, here rather prosaically called 'a feature', was first named for a compass point in relation to the city, then renamed after Queen Victoria's consort, Prince Albert.

Of Albert Park Lake, Sophie Cunningham in her recent contribution on Melbourne to a series of books about Australian cities describes how during 'some months the marshlands dotted through it are dry. Dozens of water birds gather here, the most magnificent being the native black swan [with their] snow-white flight feathers contrasting [with] their coal black bodies'.²² These swans are the black and white, yin and yang birds of the black waters of wetlands. Cunningham goes on to explain that: 'This sometimes beautiful, strangely shallow lake is a remnant of the South Swamp, an enormous salt lagoon that formed a part of the delta where the Yarra met the sea'.²³ In Presland's account, the

unrelieved low-lying marshy ground and shallow swamp are contrasted with ‘rolling pastures as far as we can see’. This ‘undulating country [is] covered with native grasses, not unlike English Downs.’²⁴ This pastoral-looking landscape was, however, the product of Aboriginal fire practices.

West Melbourne Swamp/Batman’s Swamp

South Melbourne Swamp was not the only wetland to be accorded the indignity of being named for a mere compass point that placed the city at the centre, and the swamp as peripheral and marginal. West Melbourne Swamp was originally named ‘Batman’s Swamp.’ This name has got nothing to do with the comic book character and superhero of this name but everything to do with John Batman, who is popularly regarded as the founder of Melbourne, but for Miles Lewis, the official historian of the City of Melbourne, Captain John Lancey can ‘best claim paternal rights to Melbourne.’²⁵ Lancey was the acting commander of John Fawkner’s schooner the *Enterprise*, which sailed from Launceston and landed on the banks of the Yarra River on 30 August 1835. Lancey described Batman’s Hill and Batman’s Swamp (for him a marsh) in terms of the European landscape aesthetic as having:

a beautiful prospect. A salt lagoon and piece of marsh will make a beautiful meadow and bounded on the south by the river. This hill is composed of a rich, black soil, thinly wooded with honeysuckle and she-oak.²⁶

An open meadow of grass can be both aesthetically pleasing and agriculturally productive (aesthetically pleasing because it is agriculturally productive). Typically, grassy marshes were regarded by first explorers as meadows for grazing cattle and sheep and only later by first settlers as limitations to be eliminated by draining. Thinly wooded rich, black soil indicates both fecundity and the ease of clearing native vegetation.

John Batman, for Lewis ‘chose something close to the present site—but further west and mainly on the south bank of the river’ as indicated by Batman’s map of 1835, whereas the present site is on the north bank. Batman’s map also indicates the junction of the Maribyrnong and Yarra Rivers as ‘extensive marsh reserved for a public common.’²⁷ This marsh was later to be called ‘Batman’s, or West Melbourne Swamp.’ Batman presumably indicated the marsh and designated it as a public common because, as Lewis comments, of ‘its unsuitability for permanent

occupation.²⁸ Yet Batman's preferred site on the south bank was also unsuitable for permanent occupation because it was 'swampy' too and so Lewis argues that 'this indicated the northern bank as the place for settlement,' but east of Batman's Swamp.²⁹

In 1835 John Batman described Batman's Swamp in his journal as:

a large marsh, about one mile and a half wide by three or four miles long, of the richest description of soil—not a tree. When we got on the marsh the quails began to fly, and I think at one time I can safely say I saw 1,000 quails flying at one time—quite a cloud. I never saw anything like it before ... At the upper end of this marsh is a large lagoon. I should think, from the distance I saw, that it was upwards of a mile across, and full of swans, ducks, geese, etc.³⁰

Clouds of birds were a commonplace figuring of their numbers for nineteenth-century explorers and early settlers. These clouds invariably blocked out the sun, blackened the sky and turned day into night. They are indicative of the profusion of life that pre-contact wetlands nurtured.

Along similar lines to Barrett's description of South Melbourne swamp in the 1860s as 'a beautiful sheet of water, clear as crystal,' George Gordon McCrae in 1912 recollected that Batman's or West Melbourne Swamp in the 1840s was at that time 'a beautiful blue lake ... a real lake, intensely blue, nearly oval, and full of the clearest salt water; but this by no means deep.'³¹ For both writers an open body of clear water is beautiful. By contrast, McCrae goes on to relate how in the 1910s 'you may search for it in vain to-day among the mud, scrap-iron, broken bottle, and all sorts of red-rusty railway *débris*—the evidences of an exigent and remorseless modern civilization' that typically and habitually transforms wetland into wasteland. Flannery surprisingly omits this passage and the following one from his anthology, *The Birth of Melbourne*.³² This is especially surprising given his critical comments regarding the transformation of Melbourne into the hypermodern 'Los Angeles of the south.' McCrae goes on to trace mournfully the transition of the wetland from beautiful blue lake, through swamp and 'the stickiest mud that I can remember anywhere,' to 'all dry land now,'³³ the sad and sorry story of the demise of many wetlands in modern cities.

A century after McCrae and citing him in an epigraph, Jenny Sinclair in her account of 'Where Dynon Road Runs Now: The Ghost of Batman's Swamp' shows that nothing much has changed in one hundred years, just the addition of detritus from more recent technology:

There were junkyards piled high with broken stuff, festooned with purple-flowering creepers; there were patches of dried mud infested with old bottles glinting like jewels; maintenance tracks heaped with ute-loads of household rubbish: fridges, pink plastic toys and snarls of ruined fabric.³⁴

She concludes that ‘the land itself was dead – a wasteland.’³⁵ Wetland to wasteland marks the sad and sorry story of the demise of many wetlands in modern cities.

Along similar lines to McCrae, Presland also describes how West Melbourne Swamp was ‘another extensive swamp’ located on the eastern side of Moonee Ponds.³⁶ He goes on to relate how it came ‘to be noted in the early years of settlement of Melbourne for its abundance of water plants and its birdlife’, not surprising for a wetland.³⁷ When Sinclair ‘squints and shades the upper part of my vision ... this could be a calm lagoon on an early misty morning, teeming with life,’ as it was for McCrae a century earlier without squinting or shading his eyes.³⁸

Sinclair describes how in 1860 ‘the fate of the swamp was sealed’ when a royal commission enquired into how ‘to get big, modern ships to dock in Melbourne. Dredging the Yarra was considered, but a new channel was cheaper.’³⁹ So that option was taken and it resulted in the construction of Coode Canal and Coode Island. Like McCrae, Lewis relates how:

for many years up until the 1880s West Melbourne Swamp was used as a dumping ground for rubbish collected in Melbourne, [increasing] to a depth of two meters, and with it was dumped raw sewage sludge from street channels and sewage catchpits, making the area very offensive. It had become “a nuisance, injurious to health, and a disgrace to the city” in view of the Low Lands Commission in 1873. The Commission recommended that the land be drained in accordance with a plan proposed by [...the] Chief Engineer of Water Supply, and it is apparently this which was followed.⁴⁰

Yet the city had caused the swamp to become a disgrace to itself; the city had created the nuisance, injurious to health, and the offense to its eyes and nose, to the senses of sight and smell. The swamp had ceased to be a swamp and become a rubbish dump and then subjected to the discipline and drain discourse of the ‘low lands’ commission. The Melbourne Harbour Trust ‘General Plan Shewing [*sic*] Harbour

Improvements' of 1879 shows 'Swampy Land now in course of reclamation.'⁴¹

On his imaginary historical tour of early Melbourne, Presland describes how West Melbourne Swamp 'covers an area of almost two hundred hectares.'⁴² Recently Presland has recalculated this figure and doubled the size of Batman's Swamp at settler contact to 'greater than 1000 acres (404.7 hectares).'⁴³ Presland earlier says that West Melbourne Swamp 'will gradually be reclaimed for industrial use as railway yards. Parts of the original swamp will be visible into the 1930s.'⁴⁴ 'Reclaimed' is the stock-in-trade term and euphemism for triumphalist wetland drainage and filling, as if the water wrongfully claimed the land and the drainers rightfully claimed it back.⁴⁵

With the Yarra River, the city also created a similar nuisance, injurious to health, and offensive to its eyes and nose, to the senses of sight and smell. At the end of the nineteenth century, Garryowen notes the transition from how the Yarra (river or marsh) had:

flowed through low, marshy flats, densely garbed with t-tree, reeds, sedge, and scrub ... The waters were bright and sparkling; ... how different in aspect and aroma from the Yarra of to-day—a fetid, festering sewer, befouled midst the horrors of wool-washing, fellmongering, bone-crushing and other unmentionable abominations!⁴⁶

Whereas the marshes were filled with rubbish and/or drained, or transformed into parks, the open sewer of the river was cleaned up, its industries relocated. Wetlands were not to enjoy the same privilege of remediation or rehabilitation, presumably because they did not provide the same amenity of a transport corridor, unlike a river, but were impediments to transportation and posed limitations to urban expansion and development.

The filling and draining (or 'reclamation') of Batman's Swamp was proposed by Alexander Kennedy Smith in 1859.⁴⁷ Tim Flannery relates how in the 1860s 'Batman's Hill was gouged flat and the refuse used to fill the Blue Lake,' or Batman's Swamp.⁴⁸ Batman's Swamp is now buried beneath Etihad Stadium and Docklands; the former site of Batman's Hill is Southern Cross Station. Here was an early instance of civil engineering cut and fill that cut one geographical feature above the surface in order to fill another subsurface geographical feature—in the process it destroyed both features and wiped the name of 'Batman'

off the map and off the surface of the earth. Even in its absence, ‘the former Batman’s Swamp’ is for Lewis one of the features that defines the relationship of Melbourne to its location:

Melbourne’s “Golden Mile”, the central one by one half mile grid which is the core of the Central Business District, or CBD, is one of the great colonial centres of the 19th century, distinguished by its Victorian architecture, characterised by its regularity of layout and defined by its relationship to the Yarra River ... and the former Batman’s Swamp.⁴⁹

Batman’s Swamp is almost an afterthought. Typically, even archetypally, the colonial centres of Melbourne, Perth, New York, Toronto and other cities were defined by their relationship to their wetlands by establishing the centre adjacent to them and then by draining them.

Lewis goes on to relate that ‘the early removal of Batman’s Hill and the draining of West Melbourne Swamp largely eliminated that topographical limit to the town to the west.’⁵⁰ Wetlands run the gauntlet of being features that define the relationship of the colonial centre to its location and pose a topographic limit to the centre. They then are drained to eliminate that limit, but in their absence they still remain a defining feature of the relationship of the colonial centre to its location—provided of course that one knows that the wetland was present in the first place. The wetland, indeed, was present *as* the first place, of the first people.

Other Swamps

Unlike South and West Melbourne swamps, a swamp in the Doncaster/ Templestowe area was dignified with the Aboriginal name of Bolin Swamp from the local Wurundjeri clan.⁵¹ Remnants of it can be found today, though much of it is now beneath the Trinity Grammar sports grounds. It was being rehabilitated in the late 1990s and early 2000s, but now it is in a degraded state. Local dog owners allow their dogs to roam freely in it scaring off the waterbirds. Marilyn Bowler says that, ‘Bolin Swamp [also] is called Bolin Bolin Billabong ... The word means “lyrebird” as does Bulleen and repetition of a word in Aboriginal place names usually indicates that there were a lot of them.’⁵²

Like South Melbourne Swamp, Bolin Swamp was, in Presland’s words, both both ‘low-lying swampy land’ and as ‘a large marshy area.’⁵³ Like West Melbourne, or Batman’s, Swamp, Bolin Swamp ‘is an important source of eels, fish, water birds and vegetable foods and a

popular camping place for the Aboriginal people.' A map of 1863 shows the two parts of Bolin Bolin Billabong connected to each other and to the Yarra River.⁵⁴ They look like two internal organs of the human body in an anatomical illustration. They are also organs of the body of the earth. Humans should care for wetlands like they do for their own organs and body. After all, we only have one body and one earth.

In South Yarra also, according to Presland, 'there are swampy lagoons' and 'much of the area between the [Yarra] river and the future location of Dandenong Road is swampy and prone to flooding, and in winter there is often water on the ground.'⁵⁵ This area qualifies as ephemeral, seasonal or temporary wetland. By contrast, 'in the vicinity of the future suburb of Caulfield there are ... a number of permanent swamps.' These include Le Mans Swamp, which for Presland:

in later years ... will be reclaimed and become Koornang and Lord Reserves. This is a particularly favoured spot of the Aborigines. The vegetation in the area consists of ti-tree, marsh grasses, sedges and tubers such as *Typha*, which is a favourite vegetable food. There are places where Aborigines catch birds and collect eggs. Most importantly, however, they provide eels and fish.⁵⁶

Just like just West Melbourne Swamp, Le Mans Swamp was a source of sustenance and nurturance for a so-called 'subsistence' culture that was in fact a sustainable culture.

The municipal history of Caulfield calls this swamp 'Leman Swamp' and relates the history of how, 'in a somewhat shrunken state, [it] became the Sugar Works Swamp and later the Koornang and Lord Reserves.'⁵⁷ Similarly Paddy's Swamp and Black Swamp in Caulfield were 'gazetted as permanent public reserves in 1879' and Paddy's Swamp is now Caulfield Park.⁵⁸ From the time of white settlement, these swamps posed the problem of 'control of the swamps' and 'the seemingly eternal question of control over the swamps' whose ultimate solution, after a brief flirtation with peat extraction, was 'converting the swamps to public parks.'⁵⁹ The swamps had to be converted to white Christian propriety and Indigenous now-time converted to Christian chronology in the past, present and future.⁶⁰

Presland relates that 'further south from the Caulfield area ... there is another very large swamp, so large that it will pose problems for the earliest European settlers and their grazing cattle.'⁶¹ This swamp was

unsuitable for cattle grazing because it was too large. Presland goes on to describe how:

This will be known as Carrum Swamp ... Although the area of this swamp is huge and water lies on the surface of the ground all year round, it will often be referred to by settlers as the Little Swamp to distinguish it from an even larger one, the Great Swamp of Koo-wee-rup ... at the top of Westernport Bay [that] will effectively cut off movement by Europeans into Gippsland to the east.⁶²

The Carrum wetlands for Presland were, 'a major hydrological feature of the metropolitan area ... This series of swamps and marshes extended for about fifteen kilometres in length and its widest point, in the north, was eight kilometres across.'⁶³

Like the other Melbourne swamps (south, west, wherever), 'beginning in the 1860s, the Carrum Swamp will be gradually reclaimed by draining and other public works. Some of the area will be used for market gardening,' a typical use for wetlands in close proximity to cities as with Perth in South Perth and Northbridge, 'in an area that was once a rich source of food and materials for Aborigines.'⁶⁴

Melbourne swamps were not only a source of sustenance and home to the Kulin, the local Aboriginal people, in the past but are also home to the Melbourne Cup horse race in the past, present and foreseeable future. Googling 'Melbourne swamps' yielded one result from 2002 that 'in 1840 ... a racecourse was laid out along the swampy banks of the Saltwater River, four miles (6.5km) from the town centre.'⁶⁵ The Saltwater Flat location, as it was also named in keeping with the general flatness of swamps, developed into the Flemington racecourse, the home for one of the richest horse races in the world and no longer the home for one of the richest peoples in the world in the richest of places, the swamp.

Given the rich history of Melbourne wetlands, Cunningham draws the conclusion that 'to make sense of Melbourne, look to its erratic, brackish wetlands; its muddy, beautiful rivers; its sometimes smelly old lagoons and lakes; and the sudden shock of those moments after heavy rain when the city's cup runneth over.'⁶⁶ This is when the Melbourne Cup becomes a sick joke, when Melbourne *is* a cup and when the city's repressed wetlands return with a vengeance. To make sense of Melbourne, of its history and development, look to the draining and filling of its wetlands as Presland does when he argues that 'no feature of

the original landscapes of the Melbourne area has been so deliberately altered as the wetland and drainage patterns.⁶⁷ Perhaps no feature of the original landscapes of the Melbourne area has been so deliberately forgotten as its wetlands if the general lack of commemoration and interpretation in and around Melbourne and *Nearamnew* in particular are anything to go by.

Nearamnew

The lost and found wetlands of Melbourne are absent from Paul Carter's carved sculptural stone pavement installation *Nearamnew* in Federation Square. In the second and final part of this paper I not only critique *Nearamnew* but also propose ways of commemorating and celebrating these wetlands. Despite its ambitions 'to dream place into being' as Emily Potter puts it, *Nearamnew* largely ignores the history of Melbourne as a wetland city.⁶⁸ There is no history of the place of Melbourne as a wetland and no history of the wetlands on the site for Melbourne and so, in Cunningham's terms, it does not make much sense of Melbourne, at least of its wetland history and geography (which Sinclair finds intertwined in Batman's Swamp).⁶⁹ This is so despite Carter referring in *Mythform*, his book about the project, to Presland's book on the Kulin, the local Indigenous people, and acknowledging his account of them (though not their practical use of wetlands and the sustenance it gave them).⁷⁰ As a result, Carter reduces Presland's book to a source about the Kulin people. He does not regard it as an account of the specificities of their place and their practical uses of *Nearamnew*, and so does not consider it to be about the wetlandscape of Melbourne. Place is abstracted into space. This is so despite invoking *Nearamnew* as a name meaning the 'place on which the city of Melbourne is now built.'⁷¹ People are also abstracted into static figures posed against the tableau of the background of Melbourne and not respected as active agents engaged in the practices of everyday life in the wetlands and drylands of Melbourne. People, place, practices and processes should be dreamt, thought and traced together.

Carter goes on to state that 'the precise location of this "place" [on which the city of Melbourne is now built] is unclear.' Presumably the location of *Nearamnew* was not unclear for the local Aboriginal people and certainly the location of Melbourne is not unclear for all to see today. Wherever it was, the location of this place for local Aboriginal people and for early explorers, settlers, founders and chroniclers included

and referred to the wetlands of the area, as we have seen. The wetlands beyond those adjoining the Yarra are absent from Carter's account of the place, both those written in print in *Mythform* and those written in stone in *Nearamnew*. The Yarra is also a questionable name as, according to Garryowen, the Aboriginal name for the river is 'Birr-arrung' whereas 'Yarra Yarra' refers for Garryowen to the falls upstream.⁷² For some, 'yarra yarra' means 'ever-flowing.' Melbourne was founded on the banks of the dubious river Yarra, on the questionable site of *Nearamnew* and on its indubitable adjoining and much more widespread wetlands, but the larger place in which the city was and is now built included many other wetlands absent from Carter's account.

The place of and site for Melbourne is reductively regarded as located benignly and pastorally 'by the banks of the Yarra' as if the rest of the site for Melbourne were a tabula rasa, a blank space, for the city to be inscribed on, a terra nullius, an empty land, to be filled with a city, rather than a wetland traced with people and stories, and an *aquaterra fullius*, a full wetland.⁷³ Later, as Potter relates repeating and citing Carter, 'the Yarra was banked and its adjoining swamplands were drained.'⁷⁴ The swamplands of early Melbourne were more extensive than those that could be considered to be the Yarra's, or to merely adjoin it as Presland and others have documented and as we have seen above. *Nearamnew* (the place, not the monument) had many other wetlands besides those adjoining the Yarra. Carter goes on to refer to 'inundations intermittently overflowing [the banks of the Yarra presumably] to feed and preserve a network of local creeks, waterholes and billabongs.'⁷⁵ The wetlandscape of early Melbourne was a network of swamplands far more extensive than the Yarra and its tributary creeks, adjacent waterholes and adjoining billabongs.

Acknowledging and including reference to the lost wetlands of Melbourne in *Nearamnew* would have given Carter the ideal opportunity to have more extensively pursued what Potter sees as the basis for his artistic project and to have produced a more productive intersection between language and space than what he propounds as a desideratum in *Road to Botany Bay*.⁷⁶ For Potter, Carter's basis for the project is that, 'both poetically and materially, the ground beneath our feet is never given: it should not be assumed to be permanent and solid.'⁷⁷ If this were the case, why did he ignore the other swamps of Melbourne? Was it because he bought into the triumphalist history of colonialism

that drained wetlands and built cities on them? Is it because he was so concerned with the site by the Yarra for the foundation of the city and for his federalist project that he neglected the rest of the site for the city? Or that he regarded the wetlands as a matter of geography whereas he was concerned with history?

Carter is concerned specifically with what he calls 'spatial history' in which 'the future is invented' and 'travellers and settlers do not so much belong to our past as we belong to their future.'⁷⁸ Yet the future cannot be invented any more than the past can be changed. We can, however, imagine the future and have hope in and for the future by using what Raymond Williams called 'resources for a journey of hope.'⁷⁹ By *not* acknowledging the wetlands of Melbourne and their place in the space, place and history of Melbourne, as well as their role in the local Aboriginal peoples' lives and livelihoods, Carter in *Nearamnew* erases them from the past, present and future in chronology, abstracts them into space, and does not locate them in a particular time, space and place. *Nearamnew* is neo-colonialist as it abstracts place into space. Moreover, it abstracts place from a four-dimensional locale in Einsteinian time/space of energy and matter into three-dimensional mathematised Euclidean space. In this regard it is hardly surprising to learn that *Nearamnew* was designed in conjunction and collaboration with architects. By abstracting wet land place into dry stone, *Nearamnew* drains these wetlands of their significance, of their life and history, just as they were drained in fact of their wetness and dried out. *Nearamnew* is a narrative, nightmare repetition of wetland draining that dreams place out of being. As it subjects place to chronological time colonising past, present and future, *Nearamnew* is neo-colonialist. The monumental inscription in stone of *Nearamnew* represses the traces of the monstrous marsh below and before the city in space and time. *Nearamnew* subscribes to the dominant cultural paradigm of the patriarchal, the monumental, the chronological and the inscription.

The repressed always returns though in jokes, dreams, tropes and slips of the tongue and pen. The repressed wetlands of Melbourne return in this paper, the counter to *Nearamnew*. It dreams a phantasy design for a new surface for Federation Square that will never be built, that traces Melbourne marshes and swamps in temporal geography, the geography of time (past, present and future; the cycle of the seasons; the life and death, energy and matter, of wetlands), and places hope in the future for

wetlands. The temporal geography of Melbourne's repressed wetlands takes place in *kairos*, the now-time of messianic irruption in the present, rather than in *chronos*, the linear time of *Nearamnew* with its selective memory of the past and its triumphalist history. With both temporal geography and spatial history (as Carter puts it in relation to the latter), 'we recover the possibility of another history [and geography I would add], our future'—including wetlands as this paper does, rather than occluding them as *Nearamnew* does.⁸⁰ Hope in the future would amount to a spatially emplaced and embodied history and a temporal geography of the past and present with a future that acknowledges the wetlands of Melbourne in the past and in the present for the future. This paper also proposes an annual performance by an Aboriginal dance company on world wetlands' day (1 February) in Federation Square celebrating the life and commemorating the death of the lost wetlands of Melbourne and their role in sustaining the local Aboriginal people. It avows the alternative cultural paradigm of the matrifocal, monstrous, *kairos* and trace. It refuses the dominant cultural paradigm of the patriarchal, monumental, *chronos* and inscription to which *Nearamnew* subscribes.

History is located in spaces and places; geography is set in time (past, present and future), including the seasonal flowering cycles of wetlands and their wetting and drying seasonal cycles, and participates in a circular sense of time. Spatial history for Carter 'begins and ends in language. It is this which makes it history rather than, say, geography.'⁸¹ Yet geography, literally 'writing the earth', begins and ends in language too, whether it is the verbal language of the explorer's journal about his journey in time through space between places with his record of his observations of wetlands experienced through the course of his journey, or the visual language of his topographic maps making marks on paper in the scalar grid of latitude and longitude. Time and space come together anyway in longitude as measuring time is the means to measure space cartographically. Temporal geography begins and ends in the language of time, including writing on the seasonal cycle of wetlands and on the succession of their flowering plants through the seasons. Understanding the meanings, metaphors, landscapes and gender politics of wetlands is part of a better understanding of one's place on earth and one's point in time suspended in the present between a past one cannot return to and a future one cannot invent or know but can hope for and have hope in.⁸²

Despite Potter's claim that 'the mythopoeic return of the repressed environment is a key feature of *Nearamnew*', the repressed wetlands of Melbourne are not figured in *Nearamnew* and remain largely repressed in *Mythform*, except (as we have seen) for the brief mention of the Yarra's swamplands.⁸³ The repressed returns literally, though, when its low-lying areas return to the ephemeral wetlands that they once were and some of its streets revert to 'the creeks of the Yarra River'.⁸⁴ For instance, Flinders Street for Garryowen in the mid-nineteenth century was 'a swamp and Collins Street was so slushy and sticky' that pedestrians needed leggings or 'long mud-boots' while 'boggings' of cumbersome horse-drawn vehicles at intersections were commonplace.⁸⁵ So deep was the mud of Melbourne streets that one of the newspapers of the day advertised for one thousand pairs of stilts so that the inhabitants of Melbourne could 'carry on their usual avocations'.⁸⁶ A punt was proposed for Elizabeth Street in winter for 'the transit of goods and passengers'.⁸⁷ This proposal is hardly surprising given that, as Garryowen remarked, in the mid-nineteenth century, 'Elizabeth Street, the outlet between two hills, was a jungly chasm—an irregular broken-up ravine through which the winter flood-waters thundered along over shattered tree-trunks, displaced rocks, roots, and roots'.⁸⁸ By flooding, Elizabeth 'Street' is being true to its history and geography as a creek, as depicted in a famous photograph of 1972.⁸⁹

Wetlands, as Potter points out, are neither permanent nor solid, and 'neither solid nor liquid' as she also points out in cognate terms.⁹⁰ She goes on to give a potted history of wetlands in 'the western ontological tradition' and for its inheritors in non-Indigenous Australia.⁹¹ She concludes in general terms (and not in relation specifically to Melbourne, though she could have) that 'wetlands represented an obstacle' to agricultural (and she might have added urban) development and so were 'methodically drained'. Unknown to Potter at the time of writing is that this is precisely what occurred in Melbourne with its wetlands but it was known to Carter who refers to Presland's book in his chapter on the lost wetlandscape of Melbourne.⁹²

This history of this place could have been acknowledged and included in *Nearamnew*, its lost wetlands celebrated and their loss mourned, rather than their being excluded and *Nearamnew* becoming a monument to a missed opportunity to do so and to a triumphalist history of a (yet another) city draining its wetlands. *Nearamnew* could

have commemorated their role as living places of and for plants and animals, and as sources of sustenance for the local Aboriginal people and nutriment for settlers and city-dwellers to grow their crops and graze their animals. Melbourne needs wetland memorials and several interpretative projects to commemorate this history and to celebrate the role of wetlands in Victorian ecology.

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Notes

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- 4 Gary Presland, *The Land of the Kulin: Discovering the Lost Landscape and the First People of Port Phillip*, Melbourne, McPhee Gribble, 1985; Gary Presland, *Aboriginal Melbourne: The Lost Land of the Kulin People*, Melbourne, McPhee Gribble, 1994, pp. 16–34.
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- 87 Weidenhofer, p. 45.
- 88 Weidenhofer, p. 6.
- 89 See Presland, *Land*, p. 16; *Aboriginal*, p. 24; *Place for a Village*, p. 228.
- 90 Potter, p. 250.
- 91 See also Giblett, *Postmodern Wetlands*.
- 92 Personal communication; Carter, *Mythform*, p. 11 and n. 2, p. 120 where he refers to Presland, *Land*, p. 25.

HISTORICAL NOTES

Chasing Ned Kelly: A Policeman's Working Diary for 1879: John Sadleir

Richard Sadleir

Abstract

My great grandfather, John Sadleir, was a superintendent in the Victorian police, and was heavily involved in the chase for the Kelly Gang during 1879. This notorious group of bushrangers was active in northeastern Victoria from April 1878 when its members assaulted a policeman. I have spent many years researching the life of my great grandfather through his book and family memoirs, as well as his diary, which provides special insight into his working methods and his character generally.¹ This chronicle of John Sadleir's daily activities started on 24 December 1878 and its last dated entry was Thursday 17 December 1879. Unlike official reports or documents, the personal nature of the diary reveals the minutiae of a policeman's life during a significant historical period. Written in pencil in a 8.5cm by 14.5cm flip-back notebook, it is well preserved in the State Library of Victoria.² However, John often wrote in haste and his scribbles are sometimes difficult to decipher. Occasional fading obscures some words, but his general calligraphy is clear enough that repeated perusal and, especially in the case of location names, comparisons of different entries have enabled transcription of more than 95 per cent of his words.

John Sadleir joined the embryo Victorian police force in December 1852 when he arrived from Tipperary, Ireland.³ He had risen rapidly through the ranks and was appointed superintendent in 1874 and, at the time of this diary, was in charge of a recently merged police district, the North Eastern District, with headquarters in Benalla. This covered 42 police stations from Wodonga to Corryong in the north to Alexandra and Mansfield in the south, and from Shepparton and Euroa in the west to Myrtleford and Bright in the east.

Clipped at Olvera (Moolie's place
 Cooke of 2 mile W a mile) of
 Corranaganque - W. Tanangue

~~Report - Reported were brother (Max)
 & James - Sub by - Sub by & X
 part of Sub - no damage to mill~~

Jan 1 - Recd. report of Det Ward 31st
 that X - a man called at Mr^m Pigeon
 Substation on Sunday 21st Dec. &
 saw a good looking man there, who
 for likeness in "Sketches", think
 it was N. K. - who has a fine
 bay horse - Wandeean on X
 Dymers place to be watched

Fig. 1 A page from John Sadleir's diary; the personal nature of the writing reveals the minutiae of a policeman's life during a significant historical period.

Box Number 58/1(a) Diary 1878-1879 (H2948) entry for 1 January 1879.

Source: State Library of Victoria.

This historical note describes the information in the diary by category, quantifies the entries, and gives illustrative examples. The most common entries in the diary are the 86 reports Sadleir recorded of the locations of sightings of the Kelly gang members or known Kelly supporters. Over half of these reports came from police officers, many secondhand from their informants. A Detective Ward forwarded eight separate pieces of information, but the majority came from sergeants and constables. The diary lists fourteen reports as ‘untrue’, ‘doubted’ or ‘not credible’. One report turned out to be a party of cricketers! Fifteen of the informants are identified by initials or by pseudonyms such as ‘Zinoke’, ‘Tommy’, ‘X’, or the interesting ‘Telegraph Girl’. In one or two cases it is uncertain from the entry as to whether a pseudonym or real name is being used—‘Scotty’, ‘Bruce’ or ‘Pearson’ could be either. Entries can be quite brief, such as:

13.1.79. Gordon W. informed me that gang were at McIvors on Friday 7th on horseback.

Thursday 26 June 79. Report from Sup. Singleton ... that Kennedy, a publican of Corona says Ned Kelly at his house from 1 am to 8 am this day. Report received 8 pm.

Saturday 5 July 79 Constable Simcock reports that ... Kenneally reported he spoke to N Kelly on Lake Rowan Wed 2nd and saw 3 other horsemen near ...

Or much longer:

Thursday 16 Octr. Mrs McCormick says the outlaws are in Skehan’s paddock on King ... 1½ miles from Oxley--- ... their horses are there. Also though they may be shifted by a one-eyed man named Dwyer ... that she has seen food recently taken by the McCauliffes (sons of the widow) who lives near Smiths. She had seen Sgt Kennedy’s watch and Scanlon’s ring with Denis McCauliffe. That the McCauliffes, Watsons and James are continually on watch for the police. That the outlaws are in a hut in Skehan’s paddock. There is a fifth man with them. Their friends are watching a survey party there whom they suspect to be police.

[Kennedy and Scanlon were murdered at Stringy Bark Creek in October 1878]

There are some entries that comment on the character and appearance of Ned Kelly:

Geo. Cherry Benalla reports 8/1/79 that Pat the priest inform him that he saw the gang at Pat Gunn's on Saturday 4th. N.K. dressed as a woman, on horseback and clean shaved ...

Saturday 12 Sepr 79 Sgt Whelan saw P----- and ascertained that N.K. was at Mcloughlin's on Friday 29th Aug. & following night for drink. Is shaven but carries a false beard. Mr McL says during winter he comes alone twice a week for grog ...

Of particular interest is that many reports detail the horses being ridden as a means of identifying the gang members:

1 Jan 1879 N.K. on fine bay

10 Jan whole gang inc Jack Hart all armed riding 3 bays 1 grey

19 Jan Joe B and 5 others 4 bays 1 black 1 grey

9 Aug 4 men on horseback ... horses 1 grey 1 black 2 bays

There is a detailed entry listing warrants for the arrest of purported Kelly sympathisers:

Jan 2 1879 Warrants issued for

Robt Miller &	John McElroy
Jack Hart	Isa Wright
Wm. Perkins	Jack Gunn
Jim Gunn	Robert Strehlen
and his brother	Tom Lloyd
Jack Lloyd	Frank Hertz Senr.
Jno. McMonigal	David Clancy
Joseph Henry	-----Henry
Remands expire on Saturday night	

John Sadleir did not approve of these arrests. In April 1881 the government appointed a police commission under the chairmanship of Francis Longmore, MLA. Its terms of reference were mainly concerned with the actions and efficiency of the police during the Kelly outbreak.⁴ Appearing before the commission in April 1891, Sadleir reported, in answer to Question 2029: "On January 2nd 1879, Captain Standish issued warrants for the arrest of about twenty of the sympathizers; they were all arrested on the same day and remanded to Beechworth, and they were kept, most of them, in custody there until the 22nd of April

following”. To a later question (2064), “Do you think it was a wise step to arrest the sympathizers; Did you approve of that action?” John’s answer was: “No, I was always against it from the first”. And again, in response to Question 2065: “Did you remonstrate against it?” John answered: “Yes, I spoke to Captain Standish and probably to Mr Hare too; I thought it was an unwise step. It would have been a very good step if it had been lawful and if we could have kept them right enough, but it was both unlawful”.

John Sadleir’s diary lists his travelling in considerable detail. One interesting aspect of 1879 was that the modes of transport available were rapidly changing. The railway had reached Wodonga from Melbourne in 1873 and a branch line to Beechworth and Yackandandah was added in 1876.⁵ John travelled to Rutherglen in mid-June 1879 but I have been unable to determine if this line was open by that month. His most frequent train journeys were the seven to eight trips each to Wodonga, Beechworth and Wangaratta. He went four times to Melbourne. The entry for a special trip reads: ‘Friday 15th August 1870 Lancefield bank robbed left Benalla by sp train about 2.20 pm with O’Connor, trackers, constables. Reached Kilmore 6.30 pm Saturday 16th Augusts self returned to Benalla 8 pm.’ He also travelled by coach to Mansfield, to Eldorado and to Myrtleford and Bright. Trips to Yarrawonga must have been on horseback as were parts of his journeys from Wangaratta to Tarrawidgee and Muera. The 1881 list of police stations and districts gives 47 police stations in the north-eastern district for which John was responsible. In the diary he lists visits to nineteen of these. Additionally in March he went on horseback patrol for seven days in the area of Ryan’s Creek and, in April, headed a twelve-day patrol in the King River area.

The diary contains frequent entries relating to police administration such as station inspections, postings of officers, purchase of land for buildings and costs of travel or horse husbandry. John occasionally, but not consistently, recorded his expenses and reimbursements. For March he lists twelve accounts to be paid but the entries are so brief it cannot be determined whether these were for his police work or of a personal nature.

Understandably, as this was a police document, John Sadleir made only a few personal entries. These include records of bets, the lineage of a horse, recipes for curing skins, records of purchase of wire and posts for a vineyard and a detailed list of the items he planned to use

for camping in the bush. He records a trip by his wife to Melbourne, a son's address in the Riverina district of New South Wales, purchase of some dark tweed for another son and, on December 3rd 1979: '7.30 pm boy born No 12 Thank God for all mercies'. This was the birth of his last child, George Nicholas Sadleir.

The diary is an intriguing snapshot in time of the events in the life of an active policeman in Northern Victoria. He records his heavy involvement with the search for the Kelly gang and documents many aspects of an interesting life. Histories of the Victorian police generally do not describe the day-to-day activities of the men involved, especially those who spent days in the saddle and camping in the bush.⁶ Thirty-four years later, John Sadleir published a book on his life in the police force, which included some details of his time in the field, but this diary is somehow a more intimate and detailed portrait of the man.⁷

NOTES

- 1 John Sadleir, *Recollections of a Victorian Police Officer*, Melbourne, George Robertson & Company, 1913.
- 2 Diary John Sadleir, 1879, accession no(s) H 2891–2916; H 2971–2930; H 2942–2949; H 3770–3775, Manuscripts Collection, State library of Victoria.
- 3 John McQuilton *The Kelly Outbreak 1878–1880: The Geographical Dimension of Social Banditry*, Melbourne, Melbourne University Press, 1979 (paperback edn, 1987), p. 95.
- 4 *Proceedings of the Royal Commission on Police: Witnesses Examined*, Melbourne, John Ferres, Government Printer, 1883 (commonly referred to as the Longmore Commission); Robert Haldane *The People's Force: A History of the Victoria Police*, Melbourne, Melbourne University Press, 1986.
- 5 See www.vrhistory.com/VRmaps/1880 (accessed 29 July 2015).
- 6 Haldane; John O'Sullivan, *Mounted Police of Victoria and Tasmania*, Melbourne, Rigby, 1980.
- 7 Sadleir, *Recollections*.

Charting Some Port Phillip Myths

Susan Priestley

Abstract

Historical foundation myths are perennially seeded in the spin of political contest, compounded by an ever ready disposition to romance the past. This article reveals some mythic elements embedded in the rival Batman-Fawkner claims to the title of founder of Melbourne/Victoria.

If there was a single Melbourne ‘founding event’, a strong case can be made for its official naming in a minute dated 9 March 1837 by New South Wales Governor Sir Richard Bourke during his visit to Port Phillip. He directed that two town sites be laid out, one on the Yarra River named for Britain’s Whig prime minister, William Lamb, 2nd Viscount Melbourne, the other at the bay anchorage to be named Williamstown. The latter apparently honoured the monarch, William IV, as did William Street in Melbourne’s grid, running up the northerly slope from the Yarra landing spot. Nevertheless, deliberate ambiguity may have been in play here, since Bourke’s minute began by naming ‘the northern extremity of the waters called, in the chart of Flinders, Port Phillip, Hobson’s Bay’. Captain William Hobson RN was commander of the British man-of-war, HMS Rattlesnake, which had brought the governor’s party from Sydney.¹

The *Rattlesnake* was also associated with a ‘founding event’ for Victoria six months earlier, just after the ship had arrived in Sydney on assignment to the Royal Navy’s new China and East Indies Station.² A proclamation dated 26 August 1836 from Governor Bourke, acting on advice from Lord Glenelg, secretary of state for the colonies, rendered all prior claims to Port Phillip land void, thereby authorising open access to the southern district of New South Wales. Having been primed by magistrate George Stewart’s report on the Yarra settlement received in June, Bourke announced on 9 September that Captain William Lonsdale of the 4th or King’s Own Regiment, which had been stationed in New South Wales for five years, was appointed police magistrate at Port Phillip. Lonsdale’s commission instructed him ‘to establish civil authority in the district for the protection of the Aborigines and the

due administration of the laws'. Three constables were detailed to assist. Other appointments were customs officials Robert Saunders Webb and James Macnamara, and three surveyors—Robert Russell, Frederick Robert D'Arcy and William Wedge Darke.³ Russell and D'Arcy were also appointed commissioners of Crown Lands for New South Wales.⁴ The establishing party was to have the assistance of a 32-strong detachment from the 4th Regiment, and about 46 convict artisans and labourers.

HMS Rattlesnake was the first of three ships commissioned to convey personnel, together with about 70 tons of provisions, construction materials, tools and equipment, horses and domestic cattle to the new settlement. With William Lonsdale, his wife Martha, baby Alice, and their family servants on board, as well as a pilot and one 'Captain Scott', *HMS Rattlesnake* anchored just inside the bay on 27 September 1836 before beginning a careful two-day sail to the anchorage at the head, then known as Squatters Bay.⁵ A few days later, the brig *Stirlingshire* arrived bringing Customs Officer Webb, his wife, family and servants, tide waiter Macnamara, surveyors Russell, Darke and D'Arcy (the last accompanied by wife, child and servants), the convicts, and the soldiers under Ensign George King. King was officer in charge until the detachment was withdrawn in June 1837.⁶ The brig, *Martha*, carrying the remainder of the government stores and much-needed horses, did not arrive until 31 October.

Equally significant for Victoria was a second commission that had been placed with the *Rattlesnake*. It was to make a full navigational survey of the port, with some strategic placement of channel buoys, essential provision for orderly growth in communications, trade, commerce and population.⁷ The pattern of survey work during the *Rattlesnake*'s ten weeks at Port Phillip may be glimpsed through a personal journal kept by the ship's gunnery officer, John Henry Norcock, one of five mates in the crew. On 28 September, a four-man party with rations for fourteen days was dispatched in the ship's cutter to survey the entrance area; a similar party charted Geelong harbour, inner and outer, over a fortnight from 6 October. The one starting out on 25 October was to survey 'a portion of the coast' between the head of the bay and Geelong harbour. It was cut short after four days when a seaman was wounded by gunshot when pursuing wildfowl for fresh provisions; he later died and was buried with naval honours on Flagstaff Hill. That party seems to have included John M. Cooke (mate) whose name was attached to

the flat promontory now known as Point Cook. More surveying forays were made in the last week, while the ship lay off Arthur's Seat, near the Sullivan's Bay base of the short-lived Collins settlement three decades earlier.⁸ Individual surveyors emerge from Captain Hobson's report, dated 16 December 1836, when the ship was back in Sydney. There was particular mention of 'Lieutenant Symonds and Mr Shortland (Mate), Lieutenant Henry and Mr Pope the Master, taking each a very ample share of the work'. Bourke's ensuing report to the Colonial Office also mentioned Lieutenant Richards. The recommendations ensured their names were attached to features on the chart, Symonds to what is now commonly the South Channel, Shortland to the bluff west of the main entrance, Henry to the point at the entrance to Corio Bay, Richards to a point on Indented Head, while Sailing Master Charles Pope was recognised in Pope's Eye, a 'little shoal' aligned with Shortland's Bluff that later provided the base for an uncompleted bay fort.

A ranked list of the *Rattlesnake's* crew, published in Sydney newspapers after the ship's arrival, comprised 25 names headed by Captain Hobson. There were three naval lieutenants and one from the marines, five mates, surgeon and assistant surgeon, master and second master, six midshipmen, purser, paymaster and assistant clerk, together with boatswain John Robinson and carpenter R. Johnstone.⁹ Possibly because the last two were civilian rather than naval personnel, they were not on the *Rattlesnake's* crew list compiled in 1855 by Victoria's recently retired lieutenant-governor, Charles Joseph La Trobe; he annotated the other 23 names with brief career notes.¹⁰ Of the named surveyors, Hobson died in 1842 as governor of New Zealand; First Lieutenant Charles Richards died in 1844 holding the rank of captain and the award of Companion of the Bath. Second Lieutenant Hastings Reginald Henry ended an illustrious naval career as first lord of the admiralty in 1876, having adopted the surname Yelverton after marrying a baroness in 1845.¹¹ By 1855, at the height of the Crimean war, former Third Lieutenant Thomas Symonds was commander in the Black Sea fleet; Peter Frederick Shortland was a specialist hydrographer at the Bay of Fundy off Nova Scotia; Charles Pope was master attendant at Chatham Dockyard in Kent, while John Cooke was on the reserves list, a commander on half pay.¹²

Refinements to the Port Phillip chart were made when the *Rattlesnake* returned in March 1837 with Governor Bourke, some official

staff, and experienced hydrographer Captain Phillip Parker King on board.¹³ More landmarks were named during Bourke's ten-day round tour, which took him to Geelong harbour, then inland and back to Melbourne along the Maribyrnong valley. Captain King and William Hobson were in the governor's party, although Hobson returned to the *Rattlesnake* after four days, tired and out of sorts, apparently because his opinion was not as valued by the governor as Captain King's.¹⁴ The tour included a tough scramble up Mount Macedon, confirming that it was the prominence identified by Major Thomas Mitchell on his 1835 overland journey through 'Australia Felix'. Bourke's journal and King's diary, map and some sketches made during the visit are reproduced in the first volume of *Historical Records of Victoria*.¹⁵

By September 1837, Bourke was able to report that Captain Hobson had completed three charts—a general one of the coast of Port Phillip, another showing its several navigable channels, and the third of Hobson's Bay. Following due procedure, the originals were forwarded to the admiralty hydrographer, while duplicates left in Sydney were engraved on a single plate ready for lithograph printing. However, the initial issue was limited because of the expense. For a time, commercial mariners relied instead on Hobson's detailed 'Directions for Port Phillip, Southern Australia', the original of which is in the New South Wales State Archives.¹⁶ The 'Directions' were printed in the December 1837 issue of the British *Nautical Magazine* and then in Australian papers, first on 22 May 1838 in the Supplement to the *Australian* (Sydney) 'published every Tuesday, and containing the whole of the Government Gazette'. The *Port Phillip Gazette* saw the need for a reprint on 12 January 1839. The 'Directions' gave full advice about water depths, channels, hazards, the 'considerable force ... [of] the tide in the entrance' and points of reference for taking bearings. Among the latter were Point Lonsdale and Mount Eliza, names not previously mentioned in the Bourke or Hobson correspondence, but they and Mount Martha, a smaller elevation between Mount Eliza and Arthur's Seat, were marked on prints of the 'Chart of Port Phillip' compiled in 1836 by the *Rattlesnake*'s crew.

The Lonsdale name is perfectly explicable, but the two female names attached to rises on the south-east coastline of Port Phillip are more enigmatic, so enigmatic indeed as to allow easy absorption into a founding myth. How that came about is worth examining.

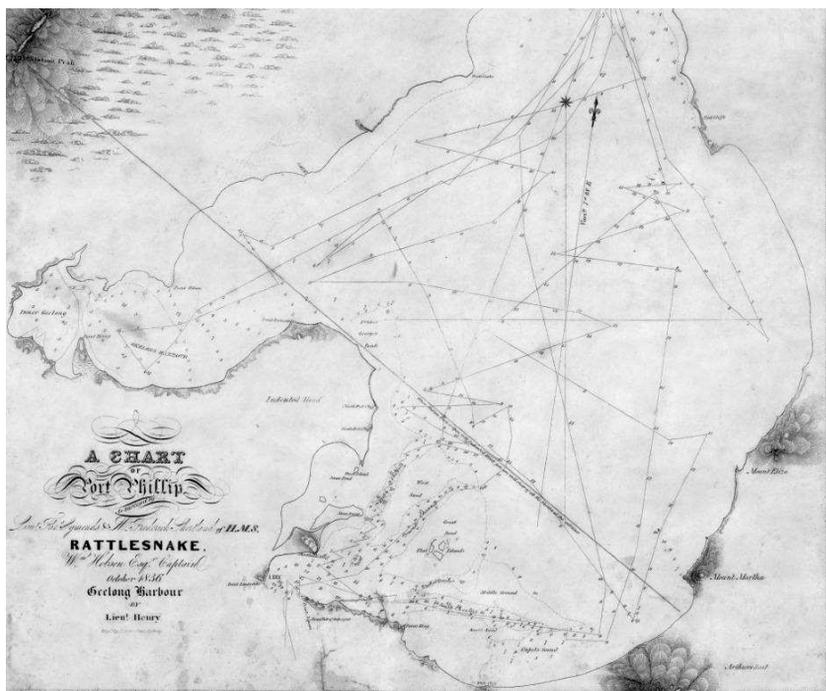


Fig. 1 Chart of Port Phillip Bay.
Source: Courtesy State Library of Victoria

Henry Field Gurner's *Chronicle of Port Phillip: Now the Colony of Victoria, from 1770 to 1840*, published in 1879, has an entry for 29 September 1836 about the arrival of the *Rattlesnake* with Lonsdale on board, adding two comments, one slightly inaccurate, one decidedly 'mythical': 'Captain Hobson surveyed the inlet at the head of the bay, which now bears his name. Mounts Martha and Eliza were named by one of the Lieutenants of the *Rattlesnake*, in compliment to Mrs Lonsdale and Mrs Batman, respectively'. The second comment remained unchallenged thereafter, to be repeated in local and general histories and in the authoritative *Encyclopedia of Melbourne* (2005, online 2008). My claim that this account of the naming is 'mythical' derives from discovering when, why and how the statement originated. Doubt first surfaced in the claim that a lieutenant had naming rights on an official chart. As is clear from the Bourke papers discussed above, allotting names on maps and charts was the province of the governor, possibly with advice from a chief surveyor, in this case Hobson, not any of his lieutenants.

Among the ‘authorities’ that Gurner ‘consulted in the preparation of this Chronicle’ was ‘Journal of Australia, containing Batman’s Journal—1856’. The *Journal of Australasia*, its correct title, was a monthly publication from July 1856 produced by George Slater of Bourke Street East. The Batman journal, which covered his initial excursion to Port Phillip in May and June 1835, was spread over the July and August issues of the *Journal of Australasia*. Slater had obviously been given access to the Batman manuscript, as had James Bonwick, who quoted it extensively in his *Discovery and Settlement of Port Phillip* published earlier in the year. Slater then reproduced it as a pamphlet, *The Settlement of John Batman in Port Phillip from his own Journal*, published towards the end of 1856. It had a short addendum extending the Batman story from April 1836 when the whole family had relocated to Port Phillip.¹⁷ Since John Batman’s widow had died at Geelong in March 1852, information for the addendum would have come from some of Batman daughters still alive in Victoria. Pelonomena, who married Daniel Bunce in 1851, is one possibility, but the more likely candidate is Elizabeth Mary, who married William Weire in 1853. In a court case heard on 28 May 1862 concerning title to some land in Swanston Street, it was claimed that Elizabeth Mary was the first legitimate Batman daughter. Three older sisters were born before the parents were married in Launceston on 29 March 1828.¹⁸ The addendum to the pamphlet concludes:

Mount Eliza and Mount Martha were named by one of the lieutenants of the Rattlesnake, at that time employed in surveying the coast; the former in honour of Mrs Batman, and the latter in honour of Mrs Lonsdale, and the manner in which it was conferred was as complimentary as it was judicious. The gentleman called on Mrs Batman and desired to know her Christian name, as he said it was but paying a well-merited compliment in naming the two most remarkable eminences after the only two ladies at that time in the colony.

The exaggerated language (‘well-merited compliment’, ‘remarkable eminences’) is clearly intended to elevate Eliza Batman in the public memory, brushing out her convict background and subsequent decline to a somewhat sordid death. On 31 March 1852 she was found with severe bruising, broken ribs and a broken arm in a house in Autumn Street, Ashby, and died later the same day. A subsequent inquest proved inconclusive since the injuries were exacerbated by an infection, possibly smallpox or cholera. A man and woman from the house were charged

with murder but were released in June because of insufficient evidence to convict. That matter was raised in Victoria's new Legislative Council, prompted in part by Dr Alexander Thomson, the member for Geelong, a founding member of the Port Phillip Association and a continuing Batman advocate. The inquest depositions were formally 'laid on the table of Council' in order to vindicate the release of the prisoners, but a motion to have the papers printed failed.¹⁹

In 1856, two decades after the *Rattlesnake's* visit, some people deemed it fitting that the fully self-governing colony of Victoria, flush with gold and a rush of new immigrants, should have heroic beginnings. John Pascoe Fawkner, well to the fore in public life, was his own advocate, while educationist James Bonwick vigorously wielded the shaping trowel and polishing cloth for Batman. Bonwick's *Discovery and Settlement* went through further editions in 1857 and 1859, 'revised, at request, by W. Westgarth'. *Early Days of Melbourne* (1857) was a simpler version aimed at schools. In *John Batman, the Founder of Victoria* (1867), Bonwick handed down his final judgment. Its italicised dedication page read: '*The Author earnestly appeals to the Legislators of the Colony for a recognition of the claims of John Batman, in some kindness to the grandchildren of our Founder*'. In the preface to the second edition (1868), Bonwick took into account counter claims made by the venerable, if crabby, Fawkner in public lectures and the press, acknowledged some small errors, and added further material about Batman's youth. It all reinforced Bonwick's judgment of the hero, declaring further that proceeds from the edition would be put in trust for Batman's surviving grandchildren, two sons of William and Elizabeth Weire. The manuscript journal remained with the Weires until 1882 when it was purchased by the mayor of Melbourne, Alderman C.J. Ham, and presented to the Public (now State) Library.²⁰

During this consolidation of the foundation myth, the Eliza/Martha naming was swallowed into the mix, but it is now possible to disinter some verifiable fragments. Claiming Eliza Batman and Martha Lonsdale as 'the only two ladies' at Port Phillip in October 1836 is discounted by several pieces of evidence, not least a rare and somewhat droll account of a 'Splendid Dinner at Port Phillip' held on Tuesday 30 November 1836 near the end of the *Rattlesnake's* visit. It appeared in Launceston's *Cornwall Chronicle* of 17 December, seemingly sent by the 'respected correspondent' whom the paper's owner/editor, William Lushington

Goodman, had introduced to readers in May.²¹ The correspondent wrote that ‘the Civil Officers of the establishment’ invited:

Captain Hobson, and officers of *HMS Rattlesnake*, and Captain Lonsdale and Mr. King of His Majesty’s 4th, or King’s Own, regiment—to partake of a farewell dinner, given for the urbanity, kindness and attention shown by Captain Hobson and officers during the time they lay at this Port. The dinner was given at the Marquee of Mr. Smith, a settler residing here, whose name for hospitality is proverbial ... the Chair was taken by Mr W—, and faced by a Vice, whose countenance denoted some few libations to the Jolly God—the married Ladies of the Settlement also graced the table, and the whole, including Naval and Military officers, gave it an imposing appearance. The viands consisted of a splendid leg of mutton—a very fine shoulder of mutton—stewed mutton chops—real Irish pork—pig’s cheek, and a variety of other delicacies. The dessert was in keeping with the dinner. We had nearly forgot the wines—they were superior to any that had been imported for some time; it was proposed, in a sort of whisper, whether it would be advisable to drink the health of the individual from whom the wine was purchased, as he had actually sold superior Cape as low as 4s. 6d. per gallon, thereby enabling him to give something better than had previously graced the hospitable board of our worthy host ...

John Helder Wedge of the Port Phillip Association was a contender for both the ‘respected correspondent’ and the chairman ‘Mr W—’. In this case, he would seem to be claiming that Association members were the ‘Civil Officers of the establishment’ who arranged the dinner, although that description properly belonged to the newly arrived customs officials and surveyors. The arrangers’ identity aside, R.S. Webb’s wife, Ann, notwithstanding being in late pregnancy, and surveyor D’Arcy’s wife, Sophia, were surely among the married ladies who ‘graced the table’. Martha Lonsdale, only that day removed from the *Rattlesnake* to newly finished quarters on shore, was another, together with Mary Smith, the wife of James whose marquee was commandeered as the venue. She and the family had come over from Van Diemen’s Land in the schooner *Adelaide* in early October.²² Some Robert Russell sketches of the settlement dated October 1836 were ‘from Mr Smith’s fence’. Three years later, on 17 December 1839, Russell married one of the Smith daughters.²³

The ‘Vice’ sitting opposite the chairman, with a countenance showing signs of indulgence, may have been Wedge’s friend and

associate John Batman.²⁴ His death less than three years after the dinner has been generally attributed to venereal disease made manifest in gradual paralysis and a nasal ulcer. Eliza Batman's presence is therefore possible, although the occasion was not mentioned in the journal addendum. The 'individual from whom the wine was purchased' could have been 'founder' rival J.P. Fawkner, whose wife's name was also Eliza. Wedge knew personally of Fawkner's Cornwall Hotel in Launceston as a prime focus for news and speculation about Port Phillip, and Fawkner had opened the new settlement's first public house in November 1835. But perhaps it was 'worthy host' Smith who supplied the Cape (South African) wine. That and the 'viands' described—three versions of mutton and two of pig meat, with dessert 'in keeping with the dinner'—attest to the quality of the feast, though 21st-century devotees of fine dining might not agree. At least the splendid dress uniforms, summer white for the naval officers and red coats for the military, all with appropriate braiding, would have provided visual glamour fully in keeping with the ladies' dresses.²⁵

It remains to suggest the true identity of Eliza and Martha after whom the shoreline 'eminences' were named. All available evidence indicates that the influence of Captain William Hobson prevailed in the chart naming and his suggestions were endorsed by the governor. Hobson's wife was Eliza, née Elliot, only daughter of a West Indian merchant of Scottish origin, whom he had married at Nassau on 17 December 1827. His mother was Martha, née Jones, from an Anglo-Irish family prominent in church and state.²⁶ It would appear that he wished to honour two women dear to him who had contributed significantly to advancing his naval career, the one with her dowry, the other with her establishment connections. Neither of them had further connection with Australia, although Eliza and the family accompanied William Hobson to his New Zealand appointment in 1839. Whether those concerned with the heritage of Mounts Eliza and Martha, now fully established suburbs of Greater Melbourne, are willing to accept this different, though faded, romance of the past is another matter altogether. Foundation myths are forever plastic.

Notes

- 1 'Beginnings of Permanent Government', *Historical Records of Victoria* [HRV], Volume 1, 1981, Melbourne, Victorian Government Printing Office, pp. 100–06 (Bourke's journal), and pp. 117–18 (minute).
- 2 *Sydney Gazette*, 25 August 1836, p. 4.

- 3 *HRV*, volume 1, pp. 44–59; *New South Wales Government Gazette*, no. 239, 14 September 1836, p. 1.
- 4 *NSW Government Gazette*, 21 September 1836, printed in *Sydney Gazette*, 24 September 1836, p. 4.
- 5 ‘Departures’, *Sydney Monitor*, 24 September 1836, p. 2.
- 6 ‘Projected Departures’, *Sydney Monitor*, 24 September 1836, p. 2. Faunce was possibly Lieutenant Thomas, who came with his brother, Alured Tasker Faunce, in the 4th regiment’s headquarters group [Marcus de Laune Faunce, ‘Faunce, Alured Tasker (1808–1856)’, *Australian Dictionary of Biography (ADB)*, Volume 1, Melbourne, Melbourne University Press, 1966, pp. 367–8]; *Sydney Monitor*, 23 June 1837, p. 2.
- 7 See ‘The Charting of Port Phillip’, chapter 1, *Communications, Trade and Transport, HRV*, Volume 4, Melbourne, Victorian Government Printing Office, 1985, pp. 3–34; *Sydney Monitor*, 16 December 1836, p. 2, noted the channel buoying ‘as far as their limited resources would permit’.
- 8 Excerpts from Norton’s journal, held by the National Library of Australia, are included in *HRV*, Volume 1, pp. 64–7, 91–9.
- 9 *Sydney Gazette*, 27 August 1836, p. 2; *Sydney Herald*, 29 August 1836, p. 2.
- 10 La Trobe Papers, State Library of Victoria (SLV) Manuscripts, <http://handle.slv.vic.gov.au/10381/160369>.
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- 12 La Trobe Papers, SLV.
- 13 Norton journal, *HRV*, Volume 1, pp. 91–9.
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- 15 *HRV*, Volume 1, pp. 100–16, 121.
- 16 *HRV*, Volume 4, pp. 9–13.
- 17 An original State Library of Victoria copy is available online. A facsimile edition was published in 1985 by Quest T. Publishing, Upper Ferntree Gully, Victoria.
- 18 Report in *Age*, 27 May 1862, p. 6.
- 19 Inquest papers under the name Sarah Willoughby (as is burial certificate, registration no. 24387) are no longer extant. See VPRS 24/P000, 1852/12, Public Record Office Victoria, Melbourne. Thereafter the forename was corrected, identifying that she was Eliza Batman who married William Willoughby, formerly John Batman’s clerk or manager, on 9 February 1841. Willoughby was not in Geelong when she died. Some inquest details from newspaper reports—see: ‘Geelong from our own correspondent’, *Argus*, 1 April 1852, p. 2 and 17 July 1852, p. 4; ‘Geelong Circuit Court’, *Argus* 1 July 1852, p. 4; ‘The Late Inquest’, *Geelong Advertiser*, 2 April 1852, p. 2; C.P. Billot, *John Batman and the Founding of Melbourne*, Melbourne, Hyland House, 1979, pp. 282–3, gives information received from historian P.L. Brown.
- 20 Shane Carmody, ‘John Batman’s Place in the Village’, *La Trobe Journal*, no. 80, Spring 2007, pp. 85–101.
- 21 *Cornwall Chronicle*, 21 May 1836, p. 1, and 17 December 1836, p. 2; C.J. Craig, ‘Goodwin, William Lushington Goodwin (1798?-1872)’, *ADB*, Volume 1, 1966, pp. 457–8.
- 22 ‘Trade and Shipping’, *Hobart Town Courier*, 7 October 1836, p. 3.
- 23 Harley Preston, ‘Russell, Robert (1803–1900)’, *ADB*, Volume 2, 1967, pp. 409–11.
- 24 Billot, pp. 38–9.
- 25 Norcock’s diary entry for a cold wet Sunday 23 October mentions a ‘quarrel with Sweet William because I would not wear white trousers, as he had directed for the sake of show’, *HRV*, Volume 1, p. 71.
- 26 E.J. Tapp, ‘Hobson, William (1793–1842)’, *ADB*, Volume 1, 1966, pp. 545–6.

REVIEWS

Jean Galbraith: Writer in a Valley

By Meredith Fletcher. Monash University Publishing (in association with the State Library of Victoria), Melbourne 2014. Pp. xxii + 292. \$39.95, paperback.

Some way into her meticulously researched biography of Jean Galbraith, Meredith Fletcher mentions an interaction in the professional life of this influential naturalist, botanist and garden writer. Galbraith, having been asked by her friend Eva West to help prepare Victorian Girl Guides and their rangers for their naturalist badges, suggested some changes to the internationally prepared test to bring it into line with Australian bush conditions. Working from her knowledge of Australian eucalypts, she queried the merits of identifying a tree from a distance, commenting to her friend and mentor, John Inglis Lothian, that ‘no experienced botanist would undertake to recognise a tree at fifty yards—and it cannot always be done with certainty even if one lived among the trees’ (p. 51). As minor as this event was, it seems to me to encapsulate the Jean Galbraith that emerges in these pages: her attention to detail, her ability to ‘read’ and to learn from her experiences and observations of local environments, her firm but understated belief in her own hard-won knowledge, and her pedagogical commitment.

This detail is also representative of Fletcher’s unfailingly judicious use of biographical detail and archival material. While she never succumbs to the temptation to bombard her readers with arcane detail or the citation of long passages from letters and diaries, Fletcher’s writing makes it clear from the outset that a large amount of archival research has gone into the writing of this book. Any reader who has consulted the Galbraith archive in the State Library of Victoria (where Fletcher held a Creative Fellowship for the production of this publication) will be aware of the sheer volume of material that has been synthesised to create this account.

The subtitle of her book reveals what is, to my mind, Fletcher’s greatest achievement in this biography—the evocation of Galbraith’s development as a writer. The sections on the publication and republication of *Garden in a Valley*, Galbraith’s classic account of her family’s Gippsland garden ‘Dunedin’ (1939, 1985), are particularly

interesting in this respect. Throughout, Fletcher applies the eye of a literary scholar as well as that of the garden historian. For example, she writes at one stage of Galbraith's 'distinctive style of writing about nature for children'. Her stories for the *New South Wales School Magazine* were, Fletcher observes, 'usually narrated by children, giving them agency, and the contents were influenced by autobiography and place' (p. 141).

This book never loses sight of its biographical intent, and Fletcher is particularly careful to portray a sense of Galbraith as an individual subject: a daughter, sister, aunt and friend, among other relationships. Fletcher notes in her introduction that her 'task' was 'to avoid sentimentalising [Galbraith's] life' (p. xxii), and she has largely achieved this through her historical contextualising of the biographical details she presents. However, although Fletcher writes sensitively of settler subjectivity and 'botanical belonging' (p. xix), this facet of her account of Galbraith's life would have benefited from a more rigorous scrutiny of the cultural assumptions that have underpinned European colonisation, land ownership and environmental consciousness.

Fletcher observes that Jean Galbraith's archive 'reveals the life of a good person' (p. xxi). Her own neatly composed and elegantly written book shows that an account of such a life need not be uninteresting if its writer follows Galbraith's example and looks closely and carefully at what is around her. Meredith Fletcher was awarded the Victorian Community History Award for 2015 for this book, which was recognised as 'the most outstanding community history project submitted in any category'.

Kylie Mirmohamadi

Coastal Guide to Nature and History: Port Phillip Bay

By Graham Patterson. Coastal Guide Books, Briar Hill 2013. Pp. 172. \$30.00, paperback.

Graham Patterson is a serious walker. Halfway towards reaching his goal of stepping the entire length of the Victorian coastline, he paused to put together an illustrated guide to the shores of Port Phillip Bay. The guide follows his path from Point Lonsdale, on the western side of the entrance to the bay, to Point Nepean on the eastern side, exploring in succinct prose the geology, flora and the fauna and the social and economic history of the places he passed through.

In his introduction, Patterson acknowledges that his readers are unlikely to read his book from cover to cover. Instead, he expects we will ‘dip into it when the need arises’. He writes in a straightforward, unadorned style, which, while unsuitable for bedtime reading, works very well for anyone curious about or planning to visit a particular location on the bay. The text, while trimmed of superfluous detail (as a guide should be), is nonetheless inclusive of locations that would never make it into a tourist guide, the author giving equal time to the unloved or unknown in-between spaces that exist along every coastline. This makes the book unusual. It feels as though we are being let in on small but important secrets in each place he explores.

Walkers can enter and traverse places that drivers and cyclists cannot, and so Patterson’s scrambles across tricky stretches of rocky outcrop and through industrial and agricultural zones are as much a part of the story as the more picturesque coastal areas already known to many Victorians. Similarly, this approach enables him to uncover the interweaving of human and animal uses of the bay’s shores and shallows over time, moving from Indigenous ownership through early European settlement and industrial developments and beyond.

Describing the (closed) Moolap Salt Works on Point Henry peninsula, for example, Patterson notes ‘an amazing array of junk ... dumped on the seaward levee banks to protect them from the waves—rusted boilers, old wooden railway trucks with rusted iron fittings and rolls of foil insulation,’ and then reveals recent battles between the Field Naturalists’ Club and a property developer over access to the site to observe migratory wading birds that flock to the wetlands. Meanwhile, on the other side of the bay, deep, geological time juts up against the ordinary business of modern life in Mount Martha. There, Patterson observes, those interested in geology may be seen as they ‘brave the traffic’ to reach a road cutting on the Esplanade exhibiting a raft of Ordovician rock more than 400 million years old.

Separate sections in the book explain how the tides work, how the land was formed, and list coastal animals and plants to be found on the bay’s shores, making this a useful general reference. Covering over 250 kilometres of coastline in 172 pages, Patterson’s account inevitably has gaps, and some readers may wish for more detail about their own loved patch. But this guide does what it should in igniting curiosity and opening the door to places unknown, even to those who think they

know the bay. Patterson invites readers to keep the publisher informed of changes to the places he describes, when on their own walks. He writes: ‘Things change on the coast. Plans are implemented, or forgotten. The rules are altered. Tracks appear and disappear and cliffs fall into the sea.’

Coastal Guide is generously illustrated, with colour photographs and maps aplenty. There is some unevenness of resolution and tone in the images, but this publication is not an exercise in aesthetics or cutting-edge design. It is a very accessible, clearly written, cohesive exploration of an important body of water and its many changing communities, human and animal.

Alice Garner

Earth and Industry: Stories from Gippsland

Edited by Erik Eklund and Julie Fenley. Monash University Publishing, Melbourne 2015. Pp. xxxiii + 323. \$29.95, paperback.

Inevitably, a work on the environmental history of Gippsland will be about transformed landscapes and will focus substantially on two connected and contradictory battles. The first is the enormous human struggle to overcome the massive forests and dense scrub that occupied so much of the region, clearing them largely with human muscle and fire to create spaces for agriculture and grazing. The other has been the mounting appreciation of ‘the environment’ and consequent resistance by those devoted to defending the forests and preserving ecosystems, particularly in more recent decades, against the almost overwhelming thrust to clear and log what is left.

Earth and Industry is a collection of articles by an impressive range of researchers. At the centre of the project was the Centre for Gippsland Studies at Monash University’s Gippsland campus, now a part of Federation University, and the book is a tribute to its work.

The chapters are arranged in order of three perceived themes, as explained by the editors in a thoughtful preliminary essay: the way we learn about and represent human–environment interactions; the role of states, organisations and citizens in political and legal struggles; and production and technology. My own reading of the collection perceives three alternative themes, possibly more prosaic, and not in the same chapter order.

There are three chapters that I interpret as essentially scene-setters. Ruth Lawrence provides an interesting account of how north Gippsland Aborigines lived within the environment, including their economy and the various ways they adapted to and even assisted the settlers who took over their land. Cheryl Glowrey outlines the first European inroads into Gippsland, overland from the north and by sea via Port Albert, and how this produced competition between New South Wales and Port Phillip interests for control of the region. Finally, Jane Lennon in three case studies perceptively sets out the challenges for the environmental historian in reading and explaining historical changes in the landscape.

Next, several chapters deal with overcoming the bush and establishing a new order in the landscape—the enormous effort to clear the forests and scrub and to establish European control and industries. Underlying many of these is criticism of the impractical and harsh requirements of selection legislation. Some chapters focus on a close examination of a particular family or property and the role of women. Currie family records, kept mainly by Kate Currie, give an account of the development of their selection and prove to be a rich source for rather different approaches by Kerry Nixon and Charles Fahey. Nixon details the daily life and exhausting work of carving a farm out of the forest, while Fahey uses the records as an example of the emerging dairy industry. Jillian Durance also details the history of a single property and those members of the Rainbow family who worked it for many years. Deirdre Slattery takes a similar approach to her study of the Ridley paddock. David Harris analyses the development of another exploitative industry, fishing on the Gippsland Lakes, and Helen Martin sees Gippsland history from the perspective of forest industries and forestry-dependent communities.

Contrasting with this, although at times overlapping even in the same people, there has been an awareness of what was being lost, expressions of appreciation of the Gippsland environment and a desire to protect it. Ruth Ford analyses letters by Gippsland women to the *Weekly Times* during the 1930s, and they serve as something of a segue between the experiences of struggle with the bush and isolation, and an appreciation of the grandeur of Gippsland nature. Stephen Legg examines editorials in Gippsland newspapers over a long period to trace changing attitudes to deforestation. Julie Fenley and Kathy Lothian study Dr Andrew, a bushwalking pioneer in the region, and provide a

fascinating account of the development of bushwalking equipment. And Meredith Fletcher discusses Jean Galbraith's love of nature and gardening. There are two powerful articles outlining the fight to save the forests from loggers, woodchipping and the Maryvale papermill: Deb Foskey accounts for the emergence of forest activism in the 1980s in the face of deception and manipulation by the Forests Commission, which saw its role as feeding forests to the logging industry; and Julie Constable describes the frustrating and so far unsuccessful attempts to save the Strzelecki forests from being devoured by the Maryvale papermill. Finally, Sarah Mirams discusses the emergence of motor tourism and its impact on Mallacoota. A thread through many of these is the campaigns to establish national parks.

A collection such as this cannot hope to discuss all aspects of the environmental history of Gippsland. Nevertheless, the book provides an excellent coverage of the main issues. The only one notable for its absence is brown coal mining and electricity generation and their numerous environmental impacts.

Earth and Industry is a valuable contribution to Victorian environmental history.

Don Garden

Blockbuster: Fergus Hume & the Mystery of a Hansom Cab

By Lucy Sussex. Text Publishing, Melbourne 2015. Pp. 298. \$32.99, paperback.

An arresting title, a striking cover and lively, flowing prose are likely immediately to engage and intrigue readers of this 'biography' of the murder mystery by Fergus Hume, which was published in Melbourne in 1886, in London in 1887, and widely thereafter and to this day. Lucy Sussex lays out the circumstances and introduces key players in the composition, publication, distribution and reception of what was a local and international publishing sensation. In so doing, she is putting living flesh on the bare bones of Pauline Kirk's entry on Hume in the *Australian Dictionary of Biography* and amplifying brief references in Australian literary histories to his best-selling novel.

In the course of telling a cracking story at a cracking pace, Sussex sheds more light on the development of crime fiction in Australia and internationally (her earlier research and writing about Mary Fortune,

1833–1910, aka ‘Waif Wander’ and ‘W.W.’, was groundbreaking). Moreover, through extensive, probing and imaginative research, she makes several original contributions to publishing history, most notably in tracking the fortunes of Frederick Trischler, who set up the initially successful but short-lived Hansom Cab Publishing Company. Impressively, she evokes Melbourne in the 1880s in vignettes and in longer studies. Her sketch of the ‘dodgy dealings’ (p. 209) of bank manager George and wife Jessie Taylor, who financed the novel’s production and publication, is an exemplary tale of overreach, not to say fraud, that sits well with and adds to the writings of Michael Cannon and Graeme Davison about late nineteenth-century boom-and-bust Melbourne.

Not detracting unduly from its significant historical contributions, *Blockbuster* contains some minor inaccuracies. The New Zealand overseas cable connection was made in 1876, not 1872 (p. 46); David Blair was not *Age* co-editor in the mid-1880s (p. 99), having left the daily decades earlier. Moreover, notwithstanding the useful information Sussex has unearthed, bibliographers and book historians may be critical. For instance: the definition of an octavo volume as containing sheets folded *eight* times (p. 125) when it is actually *three* times, to make eight leaves; the use of ‘edition’ for what Sussex correctly points out is technically an ‘impression’ (p. 142) was quite common in nineteenth-century publishing; and the Marcus Clarke classic is inconsistently cited as *His Natural Life* (original title) and *For the Term of His Natural Life* (later title).

Quibbles apart, Sussex’s *Blockbuster* may meaningfully be compared with another study of a best-selling late nineteenth-century work. Paul Eggert’s *Biography of a Book* (2013), presented as ‘the life of an Australian literary classic’, deals with Henry Lawson’s *While the Billy Boils*. Each study is about the book—and necessarily its author—from inception to incorporation into and influence on Australia’s literary heritage. Eggert, a scholarly editor, is centrally concerned with the textual transmission of the separate short stories and sketches in newspapers and magazines into the book brought out by Angus and Robertson in 1896. Sussex, literary historian, reviewer and creative writer, ranges more widely, evoking contexts that enlarge our understanding of the ‘life’ of the book that made Hume famous. The reader is taken from Hume’s birthplace in Worcester, England, to Dunedin in New Zealand where he grew up,

to Melbourne where after early failure he achieved published fame, and back to England where he settled and wrote many more novels, none achieving the extraordinary acclaim of *Hansom Cab*. Introduced along the way are colourful characters who had a role in the author's literary production: Hume's father who worked in a lunatic asylum; his operatic sisters and journalistic uncle; his publishers, printers, financiers, friends and people of the stage—several subsequently falling out with him.

Both 'biographers' write clearly and stylishly. Where Eggert is more soberly factual, demonstrating impeccable scholarship, Sussex displays more of an idiosyncratic panache, which gives *Blockbuster* greater popular appeal as well as being a source of fascination and enlightenment for the specialist reader. One effect of her narrative approach, however, is frustration from sometimes having to search for 'hard' facts, as systematic coverage seems to have been sacrificed to the demands of narrative interest. The information sought *is* there, but scattered, and has to be extracted and put together. Take, for example, the whereabouts and condition of the four extant copies of the first edition of *Hansom Cab*: two at the Mitchell Library, one at the Baillieu, one I know not where.

Eggert tends to have the last word, while Sussex opens new lines of enquiry. Many of these are shrouded in mysteries that she has, if not created, 'talked up'; many are steeped in speculation—hers, and that of book people she has consulted and whose views she has quoted, often at length. In a sense her investigations mimic Hume's novel, the difference being that while he clears up its mystery, in *Blockbuster* much of the intriguing real-life story she tells is, like much of the past overall, *au fond* uncertain and perhaps unknowable.

This book won the History Publication Award in the Victorian Community History Awards, 2015, for a non-fiction publication or e-book on Victorian history, which could include a biography or a story of social, urban, institutional, regional or cultural history.

Elizabeth Morrison

Fighting Hard: The Victorian Aborigines Advancement League

By Richard Broome. Aboriginal Studies Press, Canberra 2015. Pp. xii + 275. \$39.95, paperback.

We are already indebted to Richard Broome for examinations of encounters of Aboriginal Victorians and settler regimes, including his book *Aboriginal Victorians: A History Since 1800*, which appeared in 2005. In *Fighting Hard* he has advanced our knowledge and understanding of this crucial area with a history of the highly important organisation, the Victorian Aborigines Advancement League (VAAL). The League has been the most prominent post-war Indigenous organisation in this state and, we learn, the longest continuous Aboriginal organisation in the country. Founded in 1957, the VAAL has served for close on six decades as an advocacy body for Victorian Indigenous rights and aspirations, and as a vital base for activists who influenced the formation of other state and national associations. Despite the high profile of the League there has been no previous scholarly history; Hyland House published a brief account thirty years ago, but its author had no access to the VAAL archives. In researching this story Broome has benefited considerably from collaboration with League members and their associates, who generously shared their knowledge through discussions and interviews. They have been aided in this collaborative endeavour by the agreement the League forged with the State Library of Victoria to house its substantial archive, a negotiation in which Richard Broome himself played a crucial part. In *Fighting Hard*, he offers a meticulously researched and accessibly written narrative of the League and its formidable efforts on behalf of fellow Indigenous Victorians and Aborigines nationally.

Indigenous Victorians from the mid-1950s negotiated a direction for their futures between the assimilationist policies of successive governments on the one hand and attention to their specific cultures on the other. Broome's book draws attention to the challenges that Indigenous Victorians have faced in organising to foster wellbeing and culture. A history of dispossession of land, the resulting impoverishment, racist exclusions and the loss of civil rights if they were in receipt of state assistance was a background that rendered their economic survival in Melbourne always fragile. He traces the ongoing impact of the pre-existing network of Aborigines that took the lead with left-wing politicians in founding the League in 1957, the charismatic Pastor Doug

Nicholls to the fore. Nicholls and other outstanding activists had their origins in the Murray River area, including the Aboriginal Reserve, Cummeragunja, and had shifted in recent decades to live in Melbourne. Effective locally but always concerned at the same time with national issues, the League office bearers, with Nicholls as field officer, liaised with non-Aboriginal left-wing and Christian humanitarians; the place of Nicholls' associate and fellow Church of Christ minister, Stan Davey, comes through clearly. The urban Aborigines were a multi-talented group, among whom Broome notes the effectiveness of women such as Gladys Nicholls, Merle Jackomos, Geraldine Briggs and Margaret Tucker whose background work was invaluable.

As with other longstanding advocacy groups, while its goals of recognition and equity for Aboriginal Victorians were stable, the day-to-day work on policy and practice changed over time. Broome identifies three phases in the League's history, highlighting its responses and initiatives within the changing social and political contexts from the mid-twentieth to the early twenty-first centuries. In clarifying the League's policies he adopts the term 'radical hope' to describe activists' pursuit of a secure standing in white society that did not in any way undermine their strong cultural affinity. The first phase saw close collaboration with numerous white supporters who formed branches of the organisation across the state and sponsored fund-raising campaigns for a range of important concerns including a newsletter and hostels for young people coming to Melbourne for work. VAAL's members engaged in nation-wide Aboriginal initiatives including the Federal Council for Aboriginal Advancement (later FCAATSI). The second and third phases Broome identifies and examines expand considerably on existing knowledge with fresh archival material. From the late 1960s, a new wave of radical activists headed by the influential Bruce McGuinness brought Aborigines into all key leadership positions as they adopted a more assertive stance in dealings with white authorities. The 1970s saw the formation of the Victorian Aboriginal Legal Aid Service and the Aboriginal Child Care Agency. Finally Broome identifies a period of increasing community control from the 1980s as new legislation and protocols enhanced the League's standing within governmental deliberations.

This is far more than a history of an organisation, however. In *Fighting Hard* Broome reveals the persistence with which outstanding

Victorians, both in the League and in the wider Aboriginal communities it represented, asserted Indigenous rights to social, cultural and legal equality in face of years of official indifference to their cultural heritage or land rights claims. Broome has moved beyond any constrained notion of an institutional history to engage us generously with the inter-racial politics of Indigenous peoples and governments at a level that reshapes the national story. In identifying the challenges that remain for Indigenous Victorians, this book will provide a rising generation of Victorians with a fuller knowledge of past leaders as well as realisation of the remaining necessary fight to achieve the League's long-term goals of equality and justice. Richard Broome is to be congratulated for his achievement.

Patricia Grimshaw

An Imperial Affair: Portrait of an Australian Marriage

By John Rickard. Monash University Publishing, Melbourne 2013. Pp. viii + 146. \$24.95, paperback.

John Rickard is a historian of many parts. He has written an acute analysis of class in Australian political formation, a penetrating biographical study of leading intellectual and reformer H.B. Higgins, an insightful cultural interpretation of Australian history, and an imaginative reconstruction of the relationships within Alfred Deakin's family. All the skills, sensitivities and insights he developed in shaping these works have been brought to bear on the crafting of his latest work, *An Imperial Affair*, dedicated to understanding the forces—historical and personal—that shaped his parents' marriage and his own growing up.

This 'portrait of an Australian marriage' is framed as 'an Imperial affair' in both temporal and geographic terms. Although both Pearl/Mildred and Philip Rickard were Australian born and raised, like most middle-class Protestants of their era, they 'took England and Empire as a given,' one that 'still commanded the cultural allegiance of most Australians' and 'remained fundamental to our national identity' (p. 3). And thus, when in 1935 they heeded the call of 'Empire from across the sea' and spent the following four years in England while Philip trained at the RAF Staff College, they felt they were going 'Home'—home to the centre of the 'British family of nations'. But the 'Imperial affair' in the

book's title also has a more concrete reference to an affair of the heart that took place between Philip and the enigmatic figure of Clare Moillier when Philip was based in wartime London between 1941 and 1943. It is this relationship and its complex effects on his parents' marriage while John was growing up that is at the centre of the book and its reflections on the nature of and commitment to marriage before the 1970s.

This exploration of and meditation on his parents' marriage began only when John Rickard was introduced to a collection of letters from his father to his mother during the war years. Kept and numbered by his mother, then carefully preserved by his father and stepmother, they triggered memories of his own childhood while also providing insights into his parents' commitment to each other, and into his mother's depression, sense of betrayal and ultimate acceptance. The book traces Mildred and Philip's courtship, their mutual love of music (Philip playing the organ and Pearl singing), and the shifts necessitated by Philip's work not only to England but also to Melbourne, country New South Wales and suburban Sydney. As Rickard notes, however, the book is his own memoir as well as the story of his parents' relationship, so much of the writing is focused on John's own growing up, both in the context of his parents' marriage and in the midst of social change and shifting values about sexuality.

A small part of that growing up took place in Melbourne, when Philip Rickard was posted there on the family's return from England in 1939. It was not a happy time—John hated his first school experience at Tooronga Road State School in Malvern (which I also attended some fifteen years later) and it was where Philip's first marital infidelity took place with the mysterious 'woman in the red coat', causing tension with Mildred before Philip embarked for his wartime work in London, and triggering the first of her subsequent bouts of depression. Thus, when her mother suggested sharing a flat in Manly, Mildred took John with her back to Sydney, while Barbara stayed in boarding school. It was the first of many wartime moves in the context of fear of Japanese invasion and women depending on each other for support. After Philip's return in 1943, the family moved to Dubbo where they spent the rest of the war years, and where the affair with Clare was revealed, causing a temporary separation.

The postwar years saw a new home built at St Ives, with the prosperity and stability of the 1950s reflected, according to John's

recollections, in an accommodation reached in his parents' relations—their mutual love of music, especially Anglican church music, again playing a key role. Music also played a key part in John's adolescence and, like his parents, he became immersed in opera, ballet and theatre, his own acting career developing during time spent at Oxford University 1956–58. Back in Australia, and particularly in theatre circles, he gradually became comfortable with his homosexuality—describing his first love affair in 1960 as 'cross[ing] the border into the freedom of strange new territory', 'after the long agonising journey from puberty' (p. 128). Inevitably, revealing his sexuality to his parents produced awkwardness and discomfort, but it was his mother's 'raising of the possibility of companionate marriage' that stayed in his memory and, many years later, suggested to him one strategy Mildred may have used to cope with her disappointment in her marriage. But he notes too that his parents continued to share a bed and 'worked hard to create a happy home after the troubles of war and ... in large measure succeeded' (p. 135). The bond between them remained strong until Mildred's death in 1962.

This is a deeply caring and personal as well as inquiring book, and Rickard does not shrink from analysing his own motives and emotional engagement or from critical comment. His conclusion is, however, that of a historian, couched in the socio-cultural terms of a 'shared understanding of marriage, with its rules, both written and unwritten, which by 1977 [when Philip died] was going out of fashion'. It was an understanding that enabled his parents 'to recover enough of a loving relationship to reconstitute and sustain a happy family home' for John and his sister, and for that we should respect them.

Judith Smart

The War at Home: The Centenary History of Australia and the Great War, Volume 4

By John Connor, Peter Stanley and Peter Yule. Oxford University Press, Melbourne 2015. Pp. xiii + 284. \$59.95, hardcover.

The War at Home is the fourth volume of five in Oxford University Press's *The Centenary History of Australia in the Great War*. Unlike Joan Beaumont's magisterial *Broken Nation*, which is ordered chronologically,

this commemorative volume is divided into three individually authored distinct sections. Written in accessible prose and organised in bite-size chapters of about eight pages, Connor, Stanley and Yule provide clear arguments and fresh insights about the war at home, and, in the last section especially, challenging questions that may chart new directions in research.

Peter Yule begins with two chapters on the economy in 1914—before and after the war’s outbreak—to set the scene, and concludes with a summary assessment of the economic impact of the war in 1919. The seven thematic chapters in between deal with military supplies, trading with the enemy, wheat and wool, Prime Minister Hughes’s negotiations in Britain, manufacturing industry, wartime finance, and industrial relations. The issues are ones dealt with by official historian Ernest Scott and more recent accounts listed here in a bibliographical essay, but the merit of Yule’s treatment is its clarity, succinctness and use of pertinent local case studies and examples. It is a pity, however, that he fails to consider the prominent role of women in wartime cost-of-living campaigns, strikes and economic protest.

John Connor’s section on ‘Politics’ is both chronological and thematic—the fate of the Labor government elected the month after war broke out, the political divisiveness of conscription, and the formation and operation of the Nationalist government are his major subjects. It is concerning that Connor does not consider Doug Newton’s work (2014) on the unparalleled eagerness of Australia’s offer of troops and the effects this may have had on Britain’s decision to go to war. On the other hand, Connor’s point about the implications of George Pearce’s ill-considered decision to expand the AIF to five unsustainable divisions is one that needs wider acknowledgement—it was clearly crucial in the decision of the government to put conscription for overseas service to the electorate but has not received the attention from historians it deserves. It is also illuminating to have the conscription issue put into international context here. Disappointingly, however, like Yule, Connor pays almost no attention to the important role of women in the campaigns—both anti and pro-conscription—and in political activism generally.

Peter Stanley deals with the difficult category ‘Society’ with intelligence and an eye for the interesting and unusual, and an awareness of questions that have not been asked or sufficiently researched, including consideration of those for whom life went on much as

usual. Unlike the other sections, it is organised according to emotional categories such as 'Jeering', 'Understanding', 'Enduring' and 'Suffering'. I would like to have seen some explanation of the rationale for taking this very productive approach. Further, Stanley is the only one of the three authors who gives the part played by women any serious attention.

While the tripartite division of *The War at Home* makes for clarity in some aspects of the analysis, it produces some overlap between sections, as well as oversimplification of issues such as conscription, strikes, food riots and anti-war activism by ignoring their multidimensional character. It has also resulted in 'Society' becoming a grab-bag for whatever is not defined as economic or political—the arts and the cultural and emotional impact of war, for example, as well as the more normatively 'social' factors such as family, religion, race/ethnicity and community. Women, too, are largely consigned to 'Society'. Although Stanley is right to say no monograph has yet appeared on the wartime experiences of women, he nevertheless underestimates the amount of article literature he could have consulted on women of all kinds—pacifist, socialist, feminist and patriotic.

The major achievement of this book is its conciseness and accessibility. It is short enough for the 'general reader' but with the scholarly attention necessary for an important textbook. It is very well written, though some grammatical inelegancies reveal signs of haste, and a few errors of fact should have been avoided—the Industrial Workers of the World are mistakenly referred to as the International Workers of the World throughout; 'William' Irvine, not 'James' (p. 116); preference to returned soldiers over unionists was conceded in federal government employment early in 1915 (p. 117); Pankhurst, not Goldstein, spoke at Box Hill (p. 176); 'Melburnian' not 'Melbournian' (p. 177); schools for mothers began in Sydney and Melbourne well before 1915 (p. 177).

The three authors have made good use of the wealth of newspaper resources available through the National Library's Trove database but have otherwise depended largely on secondary sources, which have been consulted somewhat idiosyncratically. The book suffers too from its appearance at a time when a number of new studies of the home front have emerged—special issues of the *Victorian Historical Journal* and the *La Trobe Journal*, for example, as well as Elizabeth Nelson's *Homefront Hostilities: The First World War and Domestic Violence*, Douglas Newton's *Hell Bent: Australia's Leap into the Great War*, Ross McMullin's *Farewell*

Dear People, and John Murphy's important discussion of repatriation in *A Decent Provision: Australian Welfare Policy 1870–1914*. Marian Quartly and Judith Smart's recent *Respectable Radicals* also redresses the lack of a history of the National Councils of Women—including their role in the war—noted by Stanley.

These reservations aside, *The War at Home* is an important addition to recent literature on the Australian home front during the Great War and will be especially valuable in schools and universities.

Judith Smart

Notes on Contributors

David Corke is a retired educational film-maker and photographer who first visited Cooper Creek and Brahe's famous Dépôt LXV in 1979. He soon became captivated by the extraordinary story of this disastrous expedition with all its anomalies and enigmas—later writing a small book on the topic for Thomas Nelson's *Young Australia* series called *Partners in Disaster*. The author also published an article in volume 6, number 1, of the *VHJ* (1994) called 'Where Did They Bury Charlie Gray', and has never lost interest in trying to find solutions to the many errors and inaccuracies in the story. He is a past president of the Burke & Wills Historical Society.

Don Garden OAM, FRHSV, FFAHS 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 the study of a number of nineteenth-century El Nino events. He is president of the RHSV, president of the Federation of Australian Historical Societies, and a member of the Australian Heritage Council.

Alice Garner is a teacher and historian with a particular interest in the social and spatial history of coastal communities. She explored the French Atlantic town of Arcachon in her book, *A Shifting Shore: Locals, Outsiders and the Transformation of a French Fishing Town, 1823–2000* (Ithaca, Cornell University Press, 2005) and has more recently been a presenter on the documentary series *Coast Australia* (History Channel/BBC).

Rod Giblett has published many articles and book in the transdisciplinary environmental humanities and environmental activism, focusing particularly in both on wetlands. His recent publications focus on ecocultural studies and nature writing. He lived by Forrestdale Lake, was involved in its conservation, wrote about both and taught at a number of universities for over twenty-five years. His latest book is *Cities and Wetlands: The Return of the Repressed in Nature and Culture* (Bloomsbury Press, 2016). He is currently researching and writing a book called *Modern Melbourne: City and Site of Nature and Culture*. His article is drawn from this book.

Peter Griggs is a historical geographer with an interest in agriculture and environmental history. Since 2000 he has been a senior lecturer in human geography at the Cairns Campus of James Cook University. He has published extensively on the Australian sugar industry. His current research project is an economic and social history of tea in Australia.

Patricia Grimshaw FAAH, FASSA held the Crawford Chair of History at the University of Melbourne and was a founder of the International Federation for Research in Women's History as well as the Australian Women's History Network. She has published extensively on New Zealand, Australian and American women's history, as well as the history of missionary women and Indigenous Australians. She headed the recently completed ARC-funded project on the History of Women and Leadership in Twentieth-Century Australia.

Kylie Mirmohamadi is a research associate in English at La Trobe University, and also works on the Mallee Lands project in History. She has published widely in Australian history, cultural studies, literary history and literary studies.

Elizabeth Morrison researches and writes nineteenth-century Australian newspaper, publishing and literary history. She is the author of *David Syme: Man of the Age* (Melbourne, Monash University Publishing, 2014).

Bruce Pennay OAM, FFAHS is an adjunct associate professor at Charles Sturt University. He has pursued research interests in two broad areas—the cultural heritage of the NSW/ Victorian border region; and post-war immigration history and heritage. He has provided research assistance to groups responsible for the Bonegilla Reception and Training Centre both as a professional and as a volunteer.

Susan Priestley MA (University of Melbourne) is a fellow and former president of the RHSV, and a founding member of the CJ La Trobe Society. She is the author of eleven commissioned histories, seven entries for the Australian Dictionary of Biography, one for Oxford Dictionary of National Biography, and a biography of a much misinterpreted activist, Henrietta Augusta Dugdale (2011). Her current interest is discovering particulars of individual lives that can illuminate the general.

Thomas Rogers is a casual course coordinator in the School of Historical and Philosophical Studies at the University of Melbourne, where he completed his PhD in 2014. His thesis examined how free settlers of the Port Phillip District used recurring tropes to define themselves against convicts and Aboriginal people, and the links between these tropes and physical violence on the frontier.

Richard Sadleir is a retired science administrator with a life long interest in the career of his great grandfather. His prime sources have been a book John wrote, family memoirs and the record of his evidence before a government commission. He has recently published an e-book entitled *The Life of John Sadleir (1833-1919) and his Role in the Capture of Ned Kelly*.

Judith Smart FRHSV is a principal fellow of the University of Melbourne and an adjunct professor at RMIT University. She has published on the Australian home front during the Great War, as well as on the history of twentieth-century Australian women's organisations. She is the author (with Marian Quartly) of the recently published *Respectable Radicals: A History of the National Council of Women of Australia 1896–2006* (Melbourne, Monash University Publishing, 2015).

Chief Justice Warren was appointed Chief Justice of the Supreme Court of Victoria in November 2003, having been first appointed as a judge of the Court in 1998. She is the longest-serving of all current Australian chief justices. The Chief Justice is a graduate of Monash University. She is also the Lieutenant-Governor of Victoria.

Douglas Wilkie is an honorary fellow of the School of Historical & Philosophical Studies at the University of Melbourne. His PhD investigated long forgotten or misunderstood origins of the Victorian gold rushes of 1851. Recent articles have looked at aspects of colonial life in Australia and Victoria, in particular the extraordinary lives of a number of non-British, non-stereotypical men and women who were convicted of crimes in England and transported to Van Diemen's Land during the 1830s and 1840s. Recent books include 'The Journal of Madame Callegari: The true story behind Alexandre Dumas's 1855 book *The Journal of Madame Giovanni*', and *The Life and Loves of Eugene Rossiet Lennon, Professeur Extraordinaire*.

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 throughout Victoria and actively promotes their collections, 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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