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VICTORIA

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Introduction

Judith Smart and Richard Broome

This edition of the *Victorian Historical Journal* contains six articles and two historical notes, as well as a number of book reviews. The six articles cover a diverse range of subjects and periods, and are evidence of the breadth and depth of research into Victoria's history. They range in time from the 1840s to the 1980s. They deal with issues of social mobility (up and down), decisions about capital punishment, gender and access to libraries, changing technologies of communication (letter sheets), anaesthesia and surgery, class relations and political economy in environmental history, and the impact of war on women who served.

The first two articles follow the very different lives of two early settlers. Douglas Wilkie traces the trajectory of a young female convict who came to Victoria in the early 1860s after completing her sentence and spending some years in Van Diemen's Land. In debating the longstanding question of whether convicts were victims or hardened criminals, Wilkie provides fresh evidence and a more nuanced perspective through a meticulous investigation of the archival sources relating to Betsy Buckley. Liz Rushen's focus on the career of a young male civil servant provides a complete contrast in settler type. James Denham Pinnock, who had worked in the Colonial Office to foster emigration to the colonies, arrived in Melbourne in 1841 as deputy registrar there of the NSW Supreme Court and subsequently achieved prosperity and success as a 'gentleman' through land acquisitions, appropriate marriages, lavish entertainments in the large homes he constructed, and church trusteeship.

John Waugh's article examines a little-known aspect of capital punishment in Victoria—the largely invisible role of the Executive Council in deciding whether and when to carry out death sentences handed down by the courts. Up until 1892, the decision to reprieve or execute was the personal responsibility of the governor, who took but was not bound by the advice of members of the council. After examining the minutes of this body from the 1850s to 1892, Waugh concludes that the Executive Council's approach represented an idea of justice different from due process followed in the courts, instead weighing responsibility, punishment and proof using whatever seemed relevant to moral culpability and criminal responsibility.

Nicola Cousen, like Waugh, is concerned with the development of professional practice in colonial Victoria, in this case medicine and specifically anaesthesia and surgery. In focusing on the injury suffered by Peter Lalor at the Eureka Stockade and the subsequent amputation of his left arm, she is able to provide new and expanded insight into the depth of community values underpinning the uprising at Eureka, as well as the growing sophistication of colonial surgery and the role of doctors in the colony.

The title of Chris McConville's article, 'The Political Economy of Victoria's Brushtail Possums, 1890–1975' sums up the key point of his historical analysis of the end of open seasons on possums and the implementation of wildlife protection measures in Victoria—that is, that changing rural labour relations and market demand for furs, combined with rising popular distaste for inhumane killing, counted for far more than ecological consciousness. McConville's work thus makes a radical contribution to environmental history by questioning the dominant progressivist vanguard interpretation.

As the end of World War I centennial commemorations approaches, it is appropriate that the journal should publish Janet Scarfe's article on the wartime and postwar lives of a cohort of 54 Australian nurses. Drawn from information and materials presented in exhibition as part of the East Melbourne Historical Society Great War project, the article reveals the varied and multiple physical, psychological and aspirational effects of the war on these women and thus contributes to a more complex and nuanced understanding of the war's impact on Australian society generally.

Two historical notes provide insights into the reading and letter-writing culture of Victoria's nineteenth-century citizens—women in particular. Margaret Bowman shows that, while Melbourne's earliest and longest-serving subscription library, the Melbourne Athenaeum (formerly Mechanics' Institution), was very much a men's club, the creation of the Ladies Reading Room (1872) gave greater access to the library and made a significant contribution to the cultural opportunities available to middle-class women in Melbourne. John Lancaster's collection and analysis of Victorian letter sheets in the mid-nineteenth century, together with the monthly publication *News*

Letter of Australasia, demonstrate the uptake of new and cheap forms of communication by women settlers in particular and thus provide intimate insights into the lives of individuals living in the colonies, separated from friends and extended family at Home. The letter sheet collection is now housed in the State Library Victoria.

We hope that readers of this issue of the *Victorian Historical Journal* will find it stimulating and interesting in its wide coverage of issues relating to gender, class, ecology, law, medicine, cultures of reading and writing, and the effects of war.

We also wish to emphasise that much of the selection and preliminary editing work for the articles in this issue of the journal was carried out by the previous editor, Dr David Harris, who has resigned owing to pressure of work. David made a significant contribution to the journal's standard and quality in the three issues for which he was primarily responsible, and we wish to express our gratitude to him and our best wishes for his ongoing contribution to historical research and publication in this country.

ERRATUM
In the *Victorian Historical Journal*, volume 87, number 2, December 2016, there is an error of fact on page 266, paragraph 4. The reference to the location of the Mt William stone axe quarry is inaccurate. The quarry is in fact located at Mt William off the Kilmore–Lancefield Road, about mid-way between both towns and is nowhere near Daylesford. We are grateful to Barbara Wilson, secretary of the Kilmore Historical Society, for pointing this out to the journal.

Ballarat's Betsy Buckley: 'victim of circumstance' or 'habitual criminal'[1]

Douglas Wilkie

Abstract

The transportation of convicts to Australia between 1788 and the mid-1800s arouses mixed responses from those who seek the origins of Australian society and culture. The worst aspects of Australian character have readily been blamed upon convict ancestors, while the best might be seen as evidence of triumph over adversity, freedom from class oppression, and the mateship that was necessary in a land both isolated and unfamiliar. However, despite the influence of such broad factors, every person is an individual whose character is more often formed by closer connections and circumstances—such as family, friends and situation. This article investigates the circumstances and connections that may have made Betsy McHugh, or Buckley, the person she became.

'Convict Free' Victoria

There have been numerous studies of the circumstances of early to mid-nineteenth-century female convicts in New South Wales and Van Diemen's Land (Tasmania).[2] However, little has been written about female convicts in Victoria. Indeed, it was proudly proclaimed for many years that Victoria (the Port Phillip District prior to 1851), was 'convict free', because no convicts had been directly transported there. Writing of Australia's 'convict colonies' in 1851, John Fitzgerald Leslie Foster adamantly asserted that, 'Port Phillip never was one'.[3] This conveniently ignored the fact that from the time of first settlement there had been ex-convicts and assigned convicts living and working in the district;[4] it also ignored around 1,800 male 'exiles' who arrived between 1844 and 1849 ('exiles' were convicts who were granted conditional pardons upon leaving their ships); and it further ignored the thousands of convicts with conditional pardons who crossed Bass Strait from Van Diemen's Land (Tasmania from 1856) seeking employment or, after 1851, seeking gold.[5]

Was the presence of so many conditionally pardoned convicts in Victoria such a bad thing? The people of Victoria thought so. In 1849 they refused to accept a shipload of convicts on board the *Randolph*, and in 1853 the Victorian parliament passed the Convicts Prevention Act in an attempt to stop convicts who had not served their full term from entering Victoria.[6]

Victims of Circumstance, or Habitual Criminals?

As time passed, growing numbers of citizens and historians of Australia looked back and, perhaps trying to whitewash the convict origins of the nation, decided that many of those transported were not so bad after all, that they were simply the 'victims of circumstance' who somehow became respectable again once they had served their time.[7] However, as empirical data relating to convicts became more accessible, historians such as Manning Clark, Lloyd Robson and A.G.L. Shaw revised this interpretation and concluded that the 'typical' convict already had a record of convictions before being transported, giving support to the view that the convicts were a thoroughly bad lot and habitual criminals.[8]

In 1978 Boris and Bernie Schedvin argued that a more sophisticated picture of convict motivations could be drawn by looking more closely at psycho-social factors that influenced the personalities of the convicts and led them to commit criminal acts.[9] In particular they believed the influence of parents and culture needed to be considered when evaluating the personality and life choices of convicts, given that most began their criminal activities as juveniles on the streets of urban Britain. For their qualitative evidence the Schedvins relied heavily upon the accounts of family and community background and working-class cultural values given to Henry Mayhew, author of the pioneering social survey *London Labour and the London Poor*, in the late 1840s.[10] They claimed that many of the young street dwellers Mayhew interviewed, and their working-class peers in other industrial cities, were products of inadequate parenting and exhibited traits of narcissism and self-indulgence, restlessness and a lack of restraint, poor self-image, a lack of trust towards others, and a wariness of personal intimacy. They argued the traits of the convict class in Australia were not responses to a new and often bush environment, but behaviours learned in urban Britain and transported to Australia.[11]

The use of broad-scale empirical evidence to form an impression of the 'normal' or 'average' convict may be useful when trying to form a big picture, to be viewed from a distance. However, when we look more closely at the lives of individual convicts we find that many were far from being normal or average and certainly not all were habitual criminals. Many ex-convicts genuinely sought to resume a law-abiding life, carrying on their chosen trade or profession. For example, retail jeweller Charles Brentani arrived in Melbourne from Launceston in 1846 and soon became a respected and well-known businessman around town before his untimely death in 1853.[12] Brentani's Scottish silversmith, Joseph Forrester, arrived from Hobart soon after and produced a number of significant pieces of early colonial silver.[13] Eugene Rossiet Lennon left Hobart for Geelong in 1857 and became an exemplary school headmaster in Geelong.[14] Lennon's original accomplice, Louisa La Grange, later known as Marie Callegari, went on to lead an exemplary life.[15]

The Schedvins have concluded that, 'The convicts may have been transported from Britain, they were not transported out of themselves'.[16] The implication of this is that the personality and behaviour traits formed during their early years were transported with them. In elaborating this argument, the Schedvins concentrated upon examples of negative family influences and the impact of the values convicts had imbibed as denizens of an urban culture of poverty and deprivation. But we should also acknowledge, as in the instances cited above, that positive family and social influences could be important in determining the subsequent life courses taken by these individuals, and that some also succeeded despite their background. That said, the argument put forward by the Schedvins is compelling in a large number of cases. In the event of 'parental neglect and indifference accompanied by lack of discipline', young people could easily find themselves developing traits combining narcissism with poor self-image and an unrestrained nomadic lifestyle, producing a proclivity towards 'crude hedonism'.[17]

This article looks at the life of Betsy McHugh, and the question we must ask is whether Betsy's lifestyle can be understood in the socio-cultural context the Schedvins suggested four decades ago?

Betsy McHugh

Betsy McHugh was born around 1831 at Gibraltar. Previously regarded by the British as a 'town and garrison', during the 1830s Gibraltar became a crown colony in which children of existing British citizens and of aliens were regarded as British subjects. It is not known what circumstances led Betsy's parents to being on the island in 1831. By the age of eighteen, however, Betsy was living in Manchester, while the rest of her family apparently remained on Gibraltar. Betsy's convict indent record of

1851 states that her four brothers (Robert, Thomas, Bartholomew and Richard) and two sisters (Martha and Mary) were still living at her 'native place'.[18] She made no specific mention of her parents and it is not known what their occupations or national origins might have been, though we may speculate that they were Irish. A Bartholomew McHugh, aged eighteen, was found guilty of 'taking all fray' in Galway in 1846.[19]

On 18 April 1849 Betsy was tried at the Manchester Borough Court on a charge of receiving stolen goods. She was sentenced to six months' imprisonment.[20] Citing W.B. Neale's 1840 study of 'Juvenile Delinquency in Manchester', the Schedvins state that 'a class of juvenile delinquents was to be found concentrated in certain quarters of Manchester which were a source of both moral and physical "contagion and pestilence", such that children born and reared in them were "predestined" to a life of crime'.[21] Or, as Neale put it, 'Juvenile vagrancy is ... the first step in juvenile delinquency, and is the high road to felony, pauperism, and prostitution'.[22]

Unfortunately we do not know enough about Betsy McHugh's parents or her life before the age of eighteen to conclude that these circumstances applied to Betsy. However, given that she was working as a housemaid, could read and write, that her family was still at Gibraltar, and she was convicted only of receiving stolen goods, it would seem that her descent into a life of crime was not specifically attributable to family neglect, lack of education or economic necessity. It is likely that she came to England looking for work and, in the absence of positive family guidance, fell in with peers of bad influence. As the Schedvins point out, 'the example of … peers and other associates' was often instrumental in the 'adoption of a criminal *modus vivendi*'.[23]

Indeed, it would appear that Betsy had fallen in with sixteen-year-old Harriet Riley from Manchester, and together they stole a pair of boots. Harriet had a previous twelve-month sentence for stealing some clothes, possibly the goods that Betsy had received. They appeared before the court on 17 June 1850, were found guilty, and sentenced to transportation for seven years.[24] They were then sent to Millbank Prison in London to await transportation, and were there when the nation-wide census was taken on Sunday 30 March 1851.[25]

Four days before the census, the convict ship *Aurora*, moored at Woolwich, began taking female prisoners for transportation to Van Diemen's Land. With 232 female convicts and 35 other adult relatives, children and infants on board, the *Aurora* sailed for Hobart on 29 May 1851. Fourteen of the infants were still breast-feeding at the time of embarkation, and the ship's surgeon, William Jones, a kind yet thorough man who treated the women with respect, even allowed one woman, Emma Williams, who gave birth to a premature son, to sleep in his own cabin during the day. Unfortunately, the child died after thirteen days. The secret of Jones's success in bringing what he believed was the largest group of female convicts to Van Diemen's Land was summed up at the end of his journal as an 'admixture of sympathy and kindness, when deserving of it, but blended with firmness of purpose'.[26] We might imagine that the example of Surgeon Jones would have had some impact upon Betsy McHugh, Harriet Riley and the other women on board and, indeed, in his report Jones said Betsy's conduct had been exemplary.

Van Diemen's Land

Arriving at Hobart on 10 August 1851, Betsy gave the officials the usual details—she was now aged twenty (Harriet also now claimed to be twenty); she was a housemaid (Harriet claimed the same, although at the time of the census Betsy said she was a factory worker and Harriet had claimed to have no occupation); and she could both read and write (Harriet could only read). Then the officials measured her and noted her distinguishing features—5ft 3ins tall, pale complexion, dark brown hair, oval face, low forehead, black eyebrows, blue eyes, small nose, mouth and chin.[27]

Within a week of arriving at Hobart Betsy was assigned to work for W. Hardwick, who sold music and musical instruments at no. 3 Patrick Street.[28] By November she was back at the Brickfields Hiring Depot and on 18 November an application was approved for Betsy to marry convict carpenter and cabinetmaker Robert Richardson. Twenty-five-year-old Richardson had arrived at Hobart on board the *Nile* in October 1850 after being convicted of stealing a watch and several carpentry tools from Samuel Thomas.[29] Apart from this, he appears to have been a thoroughly respectable person and, within two weeks of arriving, was granted a ticket of leave. On 8 December 1851 Betsy and Robert Richardson married at St George's Church of England at Battery Point.[30] Betsy had everything going for her.

Although Betsy was now living with her husband she was still subject to the conditions of probation, and, on 8 January 1852, after being absent without leave overnight, she was sentenced to one month's hard labour at the House of Correction. She returned to her husband on 13 February but on 1 March was again out after hours and this time served three months' hard labour at the House of Correction. It is not known whether she was out after hours with or without her husband, but, either way, such punishment might seem unfair. It probably seemed even more so when, on 17 May, instead of being returned to her husband, she was sent to the Brickfields Hiring Depot to be put in the pool of women available for hire. Or perhaps it was her husband who thought she would be better placed elsewhere.

On 25 May 1852 Betsy was assigned to work for Henry Beresford, later the pound keeper and district constable at Brown's River, a short distance south of Hobart in the Huon District. It was during her time at Beresford's that Robert Richardson committed his one and only misdemeanour when, in August, he was found guilty of 'misconduct, insolence & creating a disturbance'. It is not clear towards whom all of this was directed but Richardson lost his ticket of leave for two months and spent the time doing hard labour at the Prisoners' Barracks in Hobart.

After four months with Beresford, Betsy was returned to the House of Correction in September 1852 and was then assigned to Charles Hardiman, a shipping agent at Pittwater. But she was only with Hardiman a week before she again went absent without leave. This time she was admonished, but a repeat offence early in October saw her back at the House of Correction to undergo four months' hard labour. The four months' punishment should have expired in February 1853 but it was not until May 1853 that Betsy finally returned to her husband, who had moved to South Bruny Island where he was applying his former joinery and coach-building skills to building ships.

The reason for the delay in leaving Hobart early in 1853 may be that a child, named Thomas, had just been born, or was about to be born. A second child, apparently named Robert, was born early in 1854.[31] These children were not registered at Hobart at the time, and it is unclear whether they were born at Hobart or at South Bruny Island. A third child was born at South Bruny on 20 April 1855, and Betsy and Robert had a friend, John Dodd, register the unnamed child for them at Hobart on 21 May 1855, giving Robert's occupation as shipwright.[32] A month later, on 18 June, Robert Richardson collected his Certificate of Freedom—only the second, and last, entry on his record.[33]

During 1854 Robert built a whale boat for Mallett and Powell of South Bruny but, unknown to Richardson, in December 1854 the boat was sold to influential Hobart ship agents William Easton and James Burgess, who in turn left the boat at South Bruny. When Easton visited South Bruny in September 1855 he discovered the boat supposedly hidden in Richardson's shed. Richardson believed he had built the boat and was therefore entitled to possession of it. When Easton tried to lay claim to the boat, Betsy Richardson stood in the vessel with her four-month-old child and refused to move—and we might picture her standing in the prow, defending the boat as a kind of heroine in the form of Eugene Delacroix's *Liberty Leading the People*. Easton then charged Richardson with boat stealing but, when the case was heard in October 1855, the magistrate decided he was unable to try 'an action in trover', and dismissed the charge.[34]

Easton was not happy, and a few days after the inconclusive case, on the evening of Friday 5 October 1855, Richardson was in the disputed boat at the New Wharf in Hobart when Easton came alongside in another boat accompanied by four or five men. Although Easton had previously been unwilling to throw Betsy and her son into the water, this time he had his men attack Richardson, knock him into the water, and hit him with a boat-hook. Richardson subsequently took Easton to court on a charge of instigating the assault. When the case was heard on Tuesday 9 October, Easton's lawyer put up a better argument than Richardson's and succeeded in having the charged dismissed.[35]

All of this had serious implications for Betsy and Robert Richardson. Easton and Burgess were somewhat influential in Hobart maritime circles, and Robert Richardson soon had to change his occupation from shipbuilder back to cabinetmaker. But there may not have been a lot of cabinets to make on Bruny Island and Easton's strong-arm tactics would have been intimidating. Robert Richardson seems to have disappeared around this time. His fate is unknown, although he was later rumoured to have gone to Port Phillip. In this uncertain context, we are left to speculate as to whether Easton's men came back to finish their work; whether Robert left the district looking for work; or whether he left to escape Betsy.

In the absence of her husband, and still officially serving her sentence, Betsy had to return to the House of Correction where, on 31 October 1856, she was found guilty of disturbing the peace. To complicate matters, she was expecting another child, and her children, Thomas, now aged four, and Robert, three, were admitted to the Orphan School on 10 January 1857.[36] No mention is made of the unnamed child registered in 1855 whom Betsy held to her breast in the prow of the whaleboat. The new child, named Charles, was born on 1 February 1857 and was registered by John Smith, the officer in charge of the Brickfields Nursery, with the father being listed as Robert Richardson, which, if true, suggests he did not leave until at least May or June 1856. But then it may not have been true, and Betsy may have simply used his name to legitimise the birth.[37]

Five weeks after the birth of Charles, on 10 March 1857, Betsy was granted a ticket of leave and, in December 1857, her certificate of freedom. Robert Richardson was apparently no longer on the scene, and Betsy returned south and lived with Thomas Madix, or Maddocks, a sawyer, whom she had presumably met while her husband was busy building boats on South Bruny. On 26 November 1858 a male child was born and registered at Gordon, on the mainland opposite South Bruny.[38] The father was named as Thomas Madix and the mother as Elizabeth McHugh Madix. The child was recorded as John William Maddock [*sic*].

By 1859 Thomas Richardson was six and on 22 January 1859 he was transferred to the 'Male School'. Robert was discharged from the Orphan School on 21 March and went to live with his mother and Thomas Madix or Mannix—his name kept changing—and his younger brother or half-brother, Charles. The parenting skills of Betsy may have been less than adequate and young John William Maddock died from 'want of nourishment' in September 1859. Living in the Huon district required stamina even in the toughest of men and women, and, perhaps looking for an easier environment, Betsy and Mannix moved from Gordon to Green Ponds, north of Hobart. But the improvement, if there was any, did not last, and early in February 1860 Betsy absconded leaving six-year-old Robert with Green Ponds stonemason Charles Bower—even though Bower, who arrived on the *Lady Kennaway* in 1835, had accrued a record of bad behaviour that filled one book and required a supplementary volume. Three-year-old Charles was left with John Ma [*illegible*], a married labourer of Hunting ground, near Green Ponds.

Loitering in Launceston

Unable or unwilling to care for Betsy's oldest son Thomas, Thomas Mannix applied to have the boy readmitted to the Orphan School on

20 February 1860. The readmission took place on 1 March 1860.[39] A few days later Charles Bower also departed from Green Ponds and left Robert with John Hartwell, a licensed victualler or publican, who applied for the boy's admission to the Orphan School on 15 March 1860.[40] On the same day Hartwell also applied to be declared insolvent.[41] By June 1860 he had been sentenced to four months' imprisonment 'for contracting debts without any reasonable expectation of being able to pay them'.[42] It was not the first, or last, time Hartwell had been in trouble for similar transgressions. On 10 September 1861, Mary Whittaker of Green Ponds applied to have the youngest boy, Charles, admitted to the Orphan School because she was 'quite unable to support' him. She gave his name as Charles McCue [*sic*], said she thought his father was at Port Phillip, and did not know where his mother had gone.

After Betsy Richardson absconded from Green Ponds, she headed north to Launceston where she fell in with a person named George Buckley, made out she was married to him, and changed her name to Elizabeth Buckley. After being convicted of robbery with violence and picking pockets, George Buckley had originally been transported for seven years on the *Maria Soames* in 1850, but constant misdemeanours extended his sentence; he was reissued with a ticket of leave in July 1860 and not granted a conditional pardon until March 1861. Within a short time Betsy was pregnant and, on 10 November 1860, gave birth to a daughter who was baptised at St John's church in Launceston as Rosanna Buckley. The civil registration gave the parents' names as Elizabeth McQue [*sic*] and George Buckley.[43]

In May 1861 Buckley was sentenced to three months' hard labour for being an idle and disorderly character after a charge of stealing an axe could not be proved. While Buckley was in prison, Betsy took up with a certain George Wilson, whose name had appeared in the Launceston press on numerous occasions during 1859 and 1860 in connection with thefts, robberies and assaults.[44] He always managed to be fined or acquitted for lack of sufficient evidence. In 1859 Wilson had been living in a *de facto* relationship with Elizabeth Long in George Street, Launceston, but in July 1859 she charged him with assault after he kicked her.[45] A week after this he, too, was fined for being 'an idle and disorderly person'. In March 1860 he was lodging with James Sellers and his wife and assaulted Sellers. Mrs Sellers subsequently 'took her four children and all the bedding' and went to live with Wilson in a hotel in George

Street. In July Wilson was again charged with assault and robbery, but the charges were withdrawn and he was sentenced to three months' hard labour for being 'an idle and disorderly character, frequenting public places with intent to commit felony'—loitering with intent was apparently a common pastime in Launceston. He was back in court again in April 1861 after William Brumley charged him with assault and robbery. But Brumley himself was locked up for being drunk and later could remember nothing of the assault, so Wilson was discharged.

On 5 July 1861 George Mayberry came to Launceston with £10 in wages, of which £9 was in bank notes in his breast pocket and the rest in silver in his trousers. He went to a public house to have a drink or two and found Elizabeth Buckley and several others also there. After he was 'the worse for liquor' Elizabeth Buckley asked him to buy her a drink, which he did. She then put her hand in his trousers pocket and took out some silver. When he challenged her she denied having his money. He then went to pay for the liquor and found his purse missing from his breast pocket. A sailor told him that Buckley had taken the purse and passed it to another man, Wilson, who left the house. Mayberry and the sailor reported the theft to the police. Betsy and Wilson were arrested, charged with stealing £9 from Mayberry and committed to prison awaiting trial.[46]

In the meantime, George Buckley was released from prison in August and discovered that Elizabeth was in gaol. He immediately went to see Captain Reid, the governor of the prison, demanding to see 'his wife', whom the press reported was 'imprisoned for some offence'. Unsurprisingly, Buckley was drunk, and when Reid refused his request he became abusive and threatening and ended up being sent back to gaol for another month. He was released just in time for the trial of Elizabeth Buckley and George Wilson, which took place on Saturday 21 September 1861. They were defended by Mr Douglas who managed to raise enough doubt in the minds of the jury as to whether Mayberry's purse had been lost or stolen that the prisoners were acquitted.[47]

Back home again, in October George Buckley charged his Elizabeth Street neighbour, Sarah Bell, with stealing his trousers, but by now Buckley was regarded as an unreliable witness, the trousers were found in the street, and the charge was dismissed. Two months later, in December 1861, Elizabeth Buckley was charged with stealing £3 from Mrs Green of the Hibernian Inn in Brisbane Street. Once again the evidence was unreliable and the charge was withdrawn. Not to be defeated, the police then charged Elizabeth with the usual catch-all—'being an idle and disorderly character, frequenting public places for the purpose of committing a felony'. To support this, the police provided their own evidence, and Elizabeth was sentenced to hard labour for three months.[48]

Although the September 1861 case involving Elizabeth Buckley was recorded on Betsy McHugh's conduct record, the December case was not, but the press reported that she 'cried bitterly on account of having to leave her three children', thus causing the magistrate to allow her to take the youngest, Rosanna, with her. It is unclear who the other two children were—Thomas had been readmitted to the Orphan School in March 1860 and did not leave until 1865;[49] Robert was last heard of when he was left with Charles Bower at Green Ponds in 1860;[50] and Charles was admitted to the Orphan School in October 1861 under the name Charles McHue [*sic*].[51]

George Wilson was convicted of housebreaking and robbery in June 1863 and sentenced to two years' imprisonment with hard labour.[52] George Buckley appeared in the Launceston press again in January 1862 when he was charged with gambling on the wharf. There are no further references to George and Elizabeth Buckley in Launceston and it appears that they went to Melbourne.

Melbourne

In June 1862 the Buckleys were called as witnesses in a robbery trial at the Old Court in Melbourne.[53] In October, George Buckley and Elizabeth Richardson were charged with 'keeping a disorderly brothel'. Elizabeth claimed that she 'could not get rid of' Buckley, who would 'compel her to keep him'. She was discharged and Buckley sentenced to three months' hard labour.[54] Although there appears to have been another women named Elizabeth Buckley in Melbourne at the time, it was probably our Betsy who made a court appearance on a charge of petty larceny on 13 May 1863. Then, on 29 June 1863 both George and Elizabeth Buckley were back in court on a charge of receiving money knowing it to be stolen. It was a scheme similar to those carried out in Launceston—a miner, Frank Bolton, had gone to a hotel with about £80 in his pocket; a woman, in this case Ann Curran, took the money from his pocket and later gave £40 to the Buckleys.[55] When tried, Curran pleaded guilty but claimed the Buckleys did not know the money was stolen; however, Detective Mainwaring gave evidence that,

> Yesterday evening I went to Buckley's house, in Little Bourke-street. Curran was there, shortly after the Buckleys were brought in. Bolton was there; and when all three were together they were charged with the robbery. Curran said, "I do not deny it; I had the man's money". The prisoner Elizabeth Buckley said, addressing Curran, "Yes: and I had it in from you". Mrs. Buckley said she had got £42 from Curran. The male prisoner observed, "You are too late for us; we had it, but it's all 'blued'"—meaning spent. I then arrested them and took them to the watchhouse. I found no money upon them.[56]

Bail was requested for George and Elizabeth Buckley but when the magistrate learned that none of the stolen money had been recovered he refused the request.

The trial took place at the Bourke General Sessions on Friday 3 July 1863 when the detectives gave evidence that on Saturday 27 June they 'went to a brothel kept by the Buckleys, in Little Bourke-street, and there found Curran, lying drunk on a bed. They afterwards proceeded to Buckley's house, in Elizabeth-street, to search for the money, but did not find it'. They were later told by Curran, 'that she gave it to Bessy', so they went back to interview Betsy who told them that she 'did not rob "blokes" herself, she said, but the "molls" did, and it came to her in the end'. They subsequently recovered some of the money.[57]

The Buckleys were defended by lawyer Dr Sewell, who tried to persuade the jury that 'the story told by the detectives was most improbable' because, if the Buckleys 'were the characters they were represented to be, it was not at all likely that they would make such admissions'. Nevertheless Curran and Betsy were each found guilty and sentenced to two years' hard labour in prison, and George Buckley to two years' hard labour on the roads.[58]

Brothels and brothel robberies were not new to Melbourne. As early as August 1839 Catherine Reardon was found guilty of having kept a 'common brothel' and fined £50 or six months in gaol.[59] But the business of brothel-keepers kept growing until, in January 1860, lamenting the consumption of alcohol in the colony, the *Age* said:

> It is perfectly ridiculous … to whine over the plethoric condition of our gaols, or the number of our brothels, and of the immoralities out side them whose name is legion, while as a people we exchange, as was the case last year, for intoxicating drinks cash to the amount of £12 9s 3d for every head in the colony.[60]

Intoxicated brothel patrons kept finding themselves the victims of theft, as the Ballarat *Star* observed a month later: 'Mary Smith was charged with stealing nine £1 notes from the person of John Ball. It appeared to be the old tale of brothel robbery, and the prisoner was committed to take her trial at the Circuit Court'.[61] The *Argus* corroborated the pattern another month later: 'Julia M'Carthy was charged with stealing £2, the property of a Frenchman named Thomas Birnée. The case, which presented the usual features of a brothel robbery, broke down, and the prisoner was acquitted'.[62]

Amid all of her devious activities it would be easy to forget that Betsy had a daughter—Rosanna—born at the end of 1860, and another son, James Buckley, who was born in 1863.[63] The boy died soon after birth.[64] However, with her parents serving gaol sentences, what was to be done with the girl, who was not yet four years of age? On 6 December 1864 Rosanna was made a ward of the state and enrolled in the Industrial School located at the former Immigrants' Home near Princes Bridge. In September 1865 she was sent to a newly built school in Ryrie Street, Geelong.[65]

Ballarat

After serving their time, Betsy and George Buckley left Melbourne for Ballarat where Buckley was almost immediately arrested for highway robbery but acquitted owing to lack of evidence.[66] Nevertheless, Betsy and George established a brothel in Esmond Street and continued the profitable mode of relieving people of their money started in Launceston and fine-tuned in Melbourne.

On Monday 11 June 1866 William Ford arrived in town with £42 in cash and a cheque for £5. On the evening of Tuesday 12 June Elizabeth Naylor, a resident of Esmond Street, was for some reason sitting in John Gardner's barrow near Betsy's house when William Ford came along the street in his cart. He was drunk and went into Betsy's house where he found Betsy, Elizabeth Taylor, Edward Fox and John Gardner. After drinking for a while, Betsy and Ford went to the bedroom, but when Ford finally decided to leave he discovered his money missing. He flew into a rage and, according to Elizabeth Taylor, who was awoken from a drunken sleep by the racket, tore at Betsy's clothes, kicked the table, bit the door and started shouting. Indeed he did. Elizabeth Naylor was still sitting in the barrow in the street and heard Ford shouting at Betsy, 'Murder, police, give me my money'. Betsy told him, 'Go and look for your money where you lost it'. Then Ford jumped on his horse like a raving madman and rode off to get a constable.[67]

When the case came before the court the magistrate discharged Fox and Gardner as being too drunk to have done anything, decided that Ford's evidence was utterly untrustworthy, and ordered that Betsy should also be discharged.

Two weeks later, at the end of June, the two Elizabeths, Buckley and Taylor, were back before the court on an almost identical charge. This time the unfortunate victim was one Terence Murphy, whom the *Ballarat Star* described as 'a laboring man, with more money than sense'. Following the usual procedure, Murphy had arrived at the Esmond Street house where he found Betsy and several other men and women. They drank for a while and played one or two games of cards before Murphy, now sufficiently drunk, retired to the bedroom with Elizabeth Taylor. Later, sitting by the fire, Betsy relieved Murphy of a £1 note, and Elizabeth Taylor 'made herself free with 10s in silver'. As seems to have been the custom in such situations, Murphy then headed for the door shouting 'Murder! Police!' but George Buckley blocked his way and said, 'You fool, go to bed, and say nothing more about it', at the same time pulling off his boots. When Murphy finally escaped, he called the police. This time, when the case came before the court, Taylor gave evidence against Betsy and her husband in return for not being prosecuted. Betsy and George Buckley were each sentenced to three months' imprisonment.[68] Elizabeth Taylor's testament against the Buckleys was not appreciated by a person named George McPherson, who claimed to be 'Buckley's mate', went to Taylor's house, broke the windows and threatened to knock the house down. McPherson was subsequently fined and ordered to pay for the damage he had caused.[69]

By December 1866 Betsy and George Buckley were out of prison again and back home at Esmond Street as if nothing had happened, and on Christmas Day 1866 the *Ballarat Star* ran the story of 'The Foul Den', as they were calling Betsy's place in Esmond Street. Just before Christmas, James Kenny, alias 'Dabbs', John Mulcahy, John Brown, Isaac Williams, Fanny Foster and Esther Wilson, alias 'Polly the Nipper,' were charged with being disorderly characters, and George Buckley and Elizabeth Buckley, 'his alleged wife', were charged as the keepers of the brothel. The *Star* went on to describe them as 'a degraded-looking crew—the women especially so, one of them appearing to have been recently engaged in a fight'. Even Sergeant Larner and Detective Hyland, who arrested the prisoners, were shocked by the 'frightful language' being used, and people passing the house on their way to church 'were disgusted with the obscene expressions'. Betsy and George Buckley were each sentenced to six months' imprisonment. Polly the Nipper was discharged because it had been 'some time since she had been before the court', and Fanny Foster, having used 'the most obscene expressions imaginable on her way to the lock-up, and being well known as a bad character', was sentenced to three months' imprisonment.[70] Polly the Nipper, also known as Mary Ann Hunter or Mary Ann Wilson, was notorious in Melbourne and had been described as one of the 'worst and lowest prostitutes in Ballarat'.[71] A few days later, Polly was arrested again when she and '"Topsy", a colored girl', were found plucking a goose suspected of being stolen.[72]

The Buckleys were out of prison by June 1867, but almost immediately George Buckley was back before the court on a charge of using obscene language in Esmond Street. A woman named Mrs Alderton had made the complaint but, as there was no supporting evidence, Buckley was discharged.[73] A week later he was back again on a charge of stealing some cloth from a shop doorway, but again he was discharged for lack of evidence. However, even before he could leave the court the police announced another charge.[74] This time, a person named Patrick Flaherty had entered the brothel in Esmond Street; as usual, it was not long before Betsy 'put her hand in his trousers pocket and emptied its contents on the floor'. Flaherty claimed he had a pound's worth of silver in his pocket and only managed to retrieve about half of it. Fortunately for Flaherty, just as he was about to shout 'Murder! Police!' Sergeant Larner and Detective Hyland entered the house intending to arrest Buckley on the earlier theft charge.[75] This time the police could give their own evidence and Betsy and Buckley were back in prison for another six months, although Betsy was home again by September 1867.

With Buckley in prison, Betsy and her acquaintances were having a difficult time and, on 25 September 1867, Elizabeth Buckley, Jane Swan, Anne Watson and Mary Wilson appeared before the court charged with having 'no lawful visible means of support'. However, because they had 'only recently been discharged from gaol,' they were cautioned and released.[76]

It seems very unlikely that the caution would have changed Betsy's ways, as nothing else seems to have had the slightest impact upon her behaviour. Nevertheless, with George still in prison and with no visible means of support, Betsy seems to have left Ballarat for other places; if she did, then George had no reason to return to Ballarat after his release from prison at the end of 1867. Indeed, it seems Melbourne offered good prospects and, one evening early in February 1868, George Buckley and John Moore went drinking at the bar of Australia Felix Hotel in Bourke Street. The landlord, Charles Downie, saw them but took no notice. At three o'clock the next morning Downie went out to the back yard just in time to see Buckley, with a bundle in his hand, descending a ladder from one of the bedroom windows. Downie tackled Buckley, who tried to escape down a laneway but was pursued and caught. Buckley then drew a knife and stabbed Downie in the arm. Now it was Downie's turn to shout 'Murder! Police!' and, to his great surprise, Constable John Brown was on the spot almost immediately and captured Buckley. A doctor subsequently treated Downie's injured arm and Buckley's bundle was found to contain some of Mrs Downie's underwear, which had been left in the bathhouse.[77]

Buckley was charged with burglary and wounding and sentenced to three years' hard labour. John Moore, alias Smith, was charged with being a confederate of Buckley's, dealt with under the Vagrancy Act, and sentenced to twelve months' hard labour.[78] In May 1868, Constable John Brown received a £2 reward in recognition of his role in the arrest and prosecution of George Buckley.[79]

In the meantime, back in Ballarat, there was news of Polly the Nipper.

> Mary Ann Wilson, a girl of the town, residing in Esmond street, was found dead in her bed on Sunday morning. A man had entered the house at a late hour, and on waking and discovering the horrible fact of his companion being dead, he left the house precipitately, and has not since been heard of.[80]

The inquest found that Polly had died of a 'severe attack of laryngitis'.[81]

Betsy's daughter, Rosanna, remained at the Geelong Industrial School until May 1868 when she was transferred to the Ballarat School. She was officially discharged from the school on 30 December 1871 but, presumably in the absence of her mother, was immediately readmitted for another four years. After George Buckley was released from prison he returned to Ballarat and there is an entry on Rosanna's record with the Industrial School that states: 'Mother dead'. A further note suggests this information was provided verbally by Buckley on 18 March 1872.[82] No record of Betsy's death between 1867 and 1872 has been located. An Elizabeth Buckley who died at Richmond on 8 October 1867 was, coincidentally, originally from Manchester but, at age 63, she was far too old to be Betsy McHugh. An entry in the Australian Deaths Index records the death of Elizabeth Buckley, aged 34, in 1864; however, as already indicated, Betsy and George Buckley were still active at Ballarat for several years after that date.[83] A subsequent note on Rosanna's Industrial School record states that her father, George Buckley, died on 2 August 1875 at the Geelong Gaol while serving a twelve-month sentence for vagrancy. Earlier in the same year, charges of vagrancy against Elizabeth Buckley and Mary Clayton were withdrawn at the Ballarat Police Court 'as they had cleared out'.[84]

Perhaps they cleared out to Melbourne, for in October 1876 the *Australasian* reported,

> At the City Police Court yesterday, three abandoned women, named Bessy Buckley, Charlotte Miller, and Maria Fletcher, were charged with stealing £50 from Stephen Horan, who states that he arrived recently from New Zealand, that a few nights ago he was lured to a house of ill-fame off Stephen street by one of the prisoners, and met there with the other two, and that; after drugging him with liquor, they robbed him of his money. At the request of the police, the accused were remanded until Tuesday.[85]

When the case was again heard on the following Friday, only Miller and Fletcher appeared and were committed for trial. There was no word of Bessy Buckley.[86] At the trial in November, only Miller and Fletcher, who were sisters, were tried, with Miller being acquitted. Again, not a word of Buckley's role in the affair.[87] Nevertheless, in December 1879,

> Bessy Buckley, a woman of ill fame, was charged with stealing two £5 notes from the person of Charles Walker. The prosecutor stated that he met the prisoner in the street, and proceeded with her to the Royal Hotel, Gertrude-street, and while there she eased him of the amount stated. It was also proved that prisoner changed one £5 note at the hotel in question. She was arrested by Detectives Duncan and

> Considine. Buckley pleaded guilty to the charge, and was sentenced to three months' imprisonment.[88]

Of course, these later cases may have been a different woman and another report indicates this Bessy Buckley also went by the alias Warren.[89]

In February 1873, Rosanna Buckley was licensed out to work for Thomas Taylor, a draper of Bridge Street, Ballarat, and in May she went to work for farmer Charles McRae at Clunes. Rosanna became pregnant while at McRae's and in 1876 gave birth to a boy, whom she named George Thomas Buckley. When the birth was registered the name of the father was also given as Buckley.[90] The circumstances were revealed when she appeared at Court shortly afterwards.

> At the Clunes Police Court, on Wednesday, an unfortunate young girl named Rosanna Buckley, with an infant in her arms, was brought up as a vagrant. It seems she spent her childhood at the Industrial School, and was "boarded out" to a farmer in the neighborhood of Clunes, and some scoundrel took advantage of her weakness and then left her. She was brought up at the police court some time ago, but the child being illegitimate found no protection in the law. Since then Sergeant Garden has kindly endeavored to get it admitted to some institution, so that the mother might be left free to earn her livelihood as a servant. He succeeded in his application to the Abbotsford Asylum, and required money to pay the fare of the mother to and from that place and refund some previous outlay. He mentioned that on stating the case to the Rev. Father Scanlon that gentleman had generously given him 10s towards the required amount. The police magistrate, Mr Dowling, then handed half a sovereign to him, and several persons in the court threw down half-crowns and shillings on to the table, making 13s. 6d more. The sergeant has written to the Ladies' Benevolent Society to subscribe the balance.[91]

When Rosanna, or Rose, Buckley married Henry Joseph Picking on 11 June 1883, she said she was the 'daughter of the late E. Buckley, bricklayer', of Melbourne.[92] She subsequently had two more boys and seven girls. The boy sent to Abbotsford, George Thomas Buckley, also known as George Thomas Kemp, later married Mabel Vinnie Barker and also had a family.[93] Rosanna changed her name to Rosetta, and died, aged 70, at Flemington on 30 December 1930.[94]

Betsy's son, Thomas Richardson, remained in the Queen's Orphan School in Hobart until 31 October 1865 when he was apprenticed to Mrs Catherine Madden at Bicheno, where he remained until his apprenticeship expired on 3 July 1871. His brother, Charles Richardson, or McHugh as he was now known, was discharged from the Orphan School on 23 March 1871 to be apprenticed to Stephen Daley. However, on 5 June 1874 the *Cornwall Chronicle* reported,

> ABSCONDING—Charles McHugh, aged 16 years, was charged with, on the 18th May, absconding from the service of Mr Stephen Daley; of Newstead, to whom he was an indentured apprentice from the Orphan Asylum. The boy pleaded not guilty. Mr Daley produced the articles of apprenticeship, dated 23rd March, 1871, and extending to the 1st October, I875, and deposed—On the 16th May last the lad absconded from my service; from that date I have not seen him until now; he went away without my permission, and never told me he was going to leave. The Bench found the boy guilty, and ordered him to return to his service, and to serve fifteen days in addition to his term of apprenticeship.[95]

It would appear that Charles completed his apprenticeship and, on 23 December 1881, at the age of 22, he married Sarah Merrington at the residence of the bride's father, George Merrington, at White Hills just east of Launceston.[96] They subsequently had eight children. It is not known what happened to the other brother, Robert Richardson, or to Robert Richardson the father.

Conclusion

There were many who hoped that each woman transported to Van Diemen's Land would ultimately become a 'useful member of society, a faithful wife, and a good servant'.[97] However, in the case of Betsy McHugh, it seems that, despite her short-lived marriage to an apparently good husband, she ended up more closely fitting the stereotypical image of a 'notorious strumpet and dangerous girl'.[98] On the other hand, if we accept Christine Leppard-Quinn's assessment that prostitution was simply another trade,[99] we might almost believe that Betsy could have become a successful businesswoman had it not been for all the minor lawbreaking that surrounded her business.

We may now return to the question posed by Boris and Bernie Schedvin to assess whether Betsy McHugh's behaviour and life choices were the result of 'parental neglect and indifference accompanied by lack of discipline' when she was a child and young woman. Certainly, the view that many convicts engaged in criminal activity and a promiscuous lifestyle as a result of negative parental influence and a culture of deprivation appears to have considerable support among historians.[100] It seems Betsy spent at least part of her formative years fending for herself in Manchester while the rest of her family was at Gibraltar, and we do recognise in her behaviour certain traits identified by the Schedvins—an excessively nomadic and vagrant lifestyle, an appetite for hedonism, the formation of *de facto* relationships, and the seeking of support through the 'mateship' of others living a similar lifestyle, although such loyalties did not run deep and were often casual and opportunistic.[101] Furthermore, Betsy's consistent failure to adequately care for her own children suggests the lack of an appropriate role model from her own parents. Unfortunately, however, we do not know enough about her parents or her life before the age of eighteen to provide evidence that is more than circumstantial.

Notes

1 An abbreviated version of this paper was presented to the Female Convicts Research Centre Seminar, 'Succeeding in the Regular Economy: The Aftermath of Convict Sentences', on 9 May 2015 under the title 'The Adventures of a Brothel Keeper: Bad Girl Bess and Polly the Nipper'. A similarly abbreviated account was published in the *Edges of Empire Biographical Dictionary* available online at http://www.eoe.convictwomenspress.com.au/index.php/biographical-dictionary/20-m/121-mchugh-betsy.

2 For a comprehensive discussion of the literature, see Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia*, Melbourne, Cambridge University Press, 1996, pp. 1–15, and sources listed on pp. 274–8.

3 John Fitzgerald Leslie Foster, *The New Colony of Victoria, Formerly Port Phillip, Together With Some Account of the Other Australian Colonies*, London, Trelawny Saunders, 1851, p. 77.

4 James Bonwick, *Discovery and Settlement of Port Phillip: Being a History of the Country Now Called Victoria*, Revised by William Westgarth, Melbourne, George Robertson, 1856, pp. 5, 20, 112; Robert Dundas Murray, *A Summer at Port Phillip*, Edinburgh, William Tate, 1843, pp. 42–5.

5 Noel George Butlin, *Forming a Colonial Economy: Australia 1810–1850*, Melbourne, Cambridge University Press, 1994, chap. 15; R.M. Hartwell, *The Economic Development of Van Diemen's Land 1820–1850*, Melbourne, Melbourne University Press, 1954, chap. 3.

6 Parliament of Victoria, *Convicts Prevention Act 1853*, online at http://www.parliament.vic.gov.au/papers/govpub/VPARL1853-54NoB4.pdf. The Act was later disallowed by the home government in London.

7 For example, E. O'Brien and G.A. Wood, cited in M.B. Schedvin & C.B. Schedvin, 'The Nomadic Tribes of Urban Britain: A Prelude to Botany Bay', *Historical Studies*, vol. 18, no. 71, October 1978, p. 254.

8 Schedvin & Schedvin, p. 254.

9 Schedvin & Schedvin, p. 254.

10 Henry Mayhew, *London Labour and the London Poor*, 1851, cited throughout Schedvin & Schedvin.

11 Schedvin & Schedvin, p. 276.

12 Douglas Wilkie, 'Frankenstein, Convicts and Wide-awake Geniuses: The Life and Death of Charles Brentani', *Victorian Historical Journal*, vol. 87, no. 1, June 2016, pp. 98–118.

13 Douglas Wilkie, 'To End My Days in My Native Land: The Life and Death of Joseph Forrester, Convict Silversmith', in Fred Cahir, Anne Beggs-Sunter and Alison Inglis (eds), *Scots Under the Southern Cross: Scottish Impressions of Colonial Australia*, Ballarat, Ballarat Heritage Services, 2015.

14 Douglas Wilkie, *The Life and Loves of Eugene Rossiet Lennon: Professeur Extraordinaire*, Melbourne, Historia Incognita, 2015.

15 Douglas Wilkie, *The Journal of Madame Callegari*, Melbourne, Historia Incognita, 2016.

16 Schedvin & Schedvin, p. 275.

17 Schedvin & Schedvin, pp. 260, 266–7.

18 CON15-1-7, Indents of Female Convicts, Tasmanian Archives and Heritage Office (TAHO).

19 Galway Prison, item 3, book 1/21/2, Irish Prison Registers 1790–1924, FHL microfilm 2357152, National Archives of Ireland, Dublin,

20 Criminal Registers, England and Wales, HO 27/88, Home Office, The National Archives of the UK (TNA), Kew, England. It is possible she had an earlier conviction under the name of Eliza McHugh at Liverpool Borough Sessions on 5 February 1849 when she was sentenced to seven weeks for 'Larceny by Servant' (HO 27/88).

21 Schedvin & Schedvin, p. 262.

22 William Beaver Neale, *Juvenile Delinquency in Manchester: Its Causes and History, its Consequences, and Some Suggestions Concerning its Cure*, Manchester, G. Hamilton, 1840, p. 13.

23 Schedvin & Schedvin, p. 262.

24 UK Convicts Transported, HO 11/17, Home Office, TNA.

25 UK Census 1851 (Harriet Riley, Betsy McHugh), County London, Millbank Prison, Folio 1003, HO 107/1479, TNA.

26 Surgeon's Journal, *Aurora*, 1851, ADM 101/6, Reel 3189, Australian Joint Copying Project.

27 McHugh Description, CON19/1/9, TAHO; McHugh Conduct Record, CON41/1/31, TAHO; McHugh Indent, CON15/1/7, TAHO.

28 *Hobart Courier*, 26 February 1851, p. 1.

29 Robert Richardson, 12 June 1848, t18480612-1633, Old Bailey Transcripts, Criminal Registers, England and Wales, HO 27/83, p. 230, TNA; HO 27/96, p. 232, TNA; UK Convict Transportation Registers, HO 11/16, TNA; Richardson Convict Conduct Record, CON33/1/97, TAHO; Richardson Convict Indent, CON14/1/41, TAHO.

30 RGD37/1/10 1851/347, Hobart, TAHO.

31 The birth dates are based on Tasmanian Orphan School records that state Robert Richardson, age 3, was admitted on 10 January 1857, Record SWD6, 26/3, 27, TAHO. His

brother, Thomas Richardson, age 4, was admitted on the same date (SWD6, 28, TAHO). Thomas was readmitted on 1 March 1860, age 6 years and 6 months (SWD26/2, 28, 32/1, POL709, TAHO).

32 RGD33/1/5 1855/2092, Hobart, TAHO.

33 Robert Richardson, CON 52/1/3, p. 387, TAHO.

34 *Colonial Times*, 8 October 1855, p. 2; *Hobart Courier*, 5 October 1855, p. 2.

35 *Hobart Courier*, 10 October 1855, p. 3; *Hobarton Mercury*, 10 October 1855, p. 2; *Hobarton Mercury*, 12 October 1855, p. 3; *Colonial Times*, 11 October 1855, p. 2.

36 SWD6, 28, TAHO.

37 RGD33/1/6 1857/205, Hobart, TAHO; Australia, Birth Index, 1788–1922, Ancestry.com.

38 RGD33/1/36 1858/690, Gordon, TAHO.

39 SWD26/2, 28, 32/1, TAHO; POL709, TAHO.

40 Applications for admission and associated papers, Robert Richardson, SWD26/1/3, TAHO.

41 *Hobart Town Daily Mercury*, 16 February 1860, p. 1.

42 *Launceston Examiner*, 16 June 1860, p. 2.

43 RGD33/1/38 1860/466, Launceston, TAHO.

44 *Cornwall Chronicle*, 3 March 1860, p. 4; *Cornwall Chronicle*, 28 July 1860, p. 5.

45 *Launceston Examiner*, 16 July 1859, p. 2. *Cornwall Chronicle*, 16 July 1859, p. 5.

46 *Cornwall Chronicle*, 10 July 1861, p. 5; *Launceston Examiner,* 9 July 1861, p. 5.

47 *Launceston Examiner*, 24 September 1861, p. 3.

48 *Cornwall Chronicle*, 21 December 1861, p. 4.

49 SWD26/2, 28, 32/1, POL709, TAHO

50 Although John Hartwell applied to admit Robert to the Orphan School there is no record that the admission took place.

51 SWD26/4, 32/1, HAP1871/63,TAHO.

52 *Launceston Examiner*, 23 June 1863, p. 3; *Hobart Mercury*, 12 June 1863, p. 2.

53 *Argus*, 16 July 1862, p. 6.

54 *Argus*, 15 October 1862, p. 6.

55 *Argus*, 30 June 1863, p. 5; *Argus*, 14 July 1863, p. 7.

56 *Argus*, 30 June 1863, p. 7.

57 *Argus*, 4 July 1863, p. 7.

58 *Argus*, 4 July 1863, p. 7.

59 *Port Phillip Patriot*, 5 August 1839, p. 3; 12 August 1839, p. 5.

60 *Age,* 7 January 1860, p. 4.

61 *Star*, 10 February 1860, p. 2.

62 *Argus,* 2 March 1860, p. 7.

63 Australia, Birth Index 1863/3190, Ancestry.com. The boy is listed as James Buckley, the mother as Elizabeth Mcque, and the father as Joseph Buckley.

64 Australia, Death Index 1863/1880, Ancestry.com. Mother Elizabeth Mcque. Father Joseph Buckley.

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67 *Ballarat Star*, 14 June 1866, p. 3; *Ballarat Star*, 21 June 1866, p. 4.

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70 *Ballarat Star*, 25 December 1866, p. 2.

71 *Ballarat Star*, 27 April 1861, p. 1; *Ballarat Star*, 27 April 1861, p. 2; *Argus*, 2 May 1861, p. 2; *Argus*, 22 January 1862, p. 5; *Argus*, 11 February 1862, p. 6; *Argus*, 26 March 1862, p. 7; *Ballarat Star*, 1 June 1867, p. 2; *Ballarat Star*, 16 November 1867, p. 2.

72 *Ballarat Star*, 29 December 1866, p. 2.

73 *Ballarat Star*, 18 June 1867, p. 4.

74 *Ballarat Star*, 25 June 1867, p. 4.

75 *Ballarat Star*, 25 June 1867, p. 4.

76 *Ballarat Star*, 26 September 1867, p. 3.

77 *Argus*, 14 February 1868, p. 4; *Australasian*, 15 February 1868, p. 17; *Argus*, 17 February 1868, p. 1; *Argus*, 18 February 1868, p. 4; *Argus*, 20 February 1868, p. 6; *Argus*, 4 March 1868, p. 6.

78 *Argus*, 9 May 1868, p. 4.

79 *Argus*, 6 May 1868, p. 4.

80 *Ballarat Star*, 15 June 1868, p. 2.

81 *Ballarat Star*, 16 June 1868, p. 2.

82 Rosanna Buckley, Registration No. 5810.

83 Australia, Death Index 1787–1985, Elizabeth Buckley, age 34, died Victoria 1864, Registration No. 1201.

84 *Ballarat Courier*, 23 February 1875, p. 4; For a comprehensive discussion of women being charged with vagrancy in Australia, see Julie Kimber, 'Poor Laws: A Historiography of Vagrancy in Australia', *History Compass*, vol. 11 no. 8, 2013, pp. 537–50.

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James Denham Pinnock: A Gentleman in Society

Liz Rushen

Abstract
James Denham Pinnock played an important role in promoting and assisting migration to the Eastern Australian colonies in the 1830s. He was appointed government agent-general for emigration in the Colonial Office in January 1835 and, two years later, to the newly created position of immigration agent in New South Wales. However, when Pinnock arrived in the Port Phillip District in 1841 as the deputy registrar of the Supreme Court New South Wales, he finally found his metier. Later appointed registrar and to several other government positions, he acquired a reputation as a 'gentleman in society' and lavishly entertained in the homes he built in Hawthorn and East Melbourne. Both houses stand today but James Denham Pinnock has remained an enigma. This article charts the life of this complex man, a minor official who contributed to the establishment of a civil society and achieved social success in colonial Melbourne.

James Denham Pinnock is listed in the appendix of Paul de Serville's *Port Phillip Gentlemen* as a 'gentleman in society', defined by de Serville as 'a gentleman by profession, commission and upbringing, prominent in society and noted by contemporaries'.[1] De Serville notes that Pinnock was a civil servant and quotes Garryowen's assessment of him as a 'fashionable swell'.[2] However, he had also made a significant contribution to the expansion of migration to the Eastern Australian colonies before venturing there himself. Pinnock made a somewhat shaky start in the Colonial Office in London in the 1830s but by the 1850s he was a highly respected member of Melbourne society. By then, he was on the way to building his legacy, including the oldest remaining house in Hawthorn and the grandest private house still standing on Wellington Parade, East Melbourne. Through tracing the career of James Denham Pinnock, we can gain an understanding of some pathways to success and achievement followed by those who aspired to the status of 'gentleman' in the Australian colonies.

Born in Winchester, Hampshire, in 1810 to Timothy Denham Pinnock and his wife, Maria née Doswell, James Denham Pinnock came from a long line of wool staplers but, as a young man, he was fortunate to secure a government position at the Colonial Office. Working at the Colonial Office should have guaranteed him a very comfortable and secure job; according to D. M. Young, 'granting a young man a clerkship was the equivalent of presenting him with a small estate for life. And there were other small estates that he might add to the original thorough influence or assiduous attention to duty'.[3] The work was not generally onerous in most government departments in the early nineteenth century. Indeed, one India House clerk described his routine in rhyme:

> From 10 to 11, ate a breakfast for seven;
> From 11 to noon, to begin 'twas too soon;
> From 12 to 1, asked "What's to be done?"
> From 1 to 2, found nothing to do;
> From 2 to 3, began to foresee
> That from 3 to 4 would be a damned bore.[4]

But Pinnock's career in the Colonial Office was quite the opposite of this description. Employed as a temporary clerk in Downing Street in February 1832 at an annual salary of £100, just when the 'emigration business' was taking off, Pinnock was given a high level of responsibility when he was still a young man, just 22.[5] His role was to assist the first Emigration Commission, established in 1831 by Viscount Goderich, head of the Colonial Office, to collect and publish information on emigration 'to the British possessions abroad'. The five eminent commissioners were Charles Lennox, the 5th Duke of Richmond, Henry Grey (Viscount Howick, became 3rd Earl Grey in 1845) and Francis Thornhill Baring, as well as Henry Ellis and Robert William Hay, who were both of the Colonial Office. Thomas Frederick Elliot, a clerk at the Colonial Office, was appointed secretary of the commission and Pinnock was his assistant. The commissioners provided advice on ports, emigration agents, contracts and the expenses of migration according to various circumstances relating to seasons, destinations, ages and sexes of potential emigrants.[6] Their workload was huge, but their powers were extremely limited.

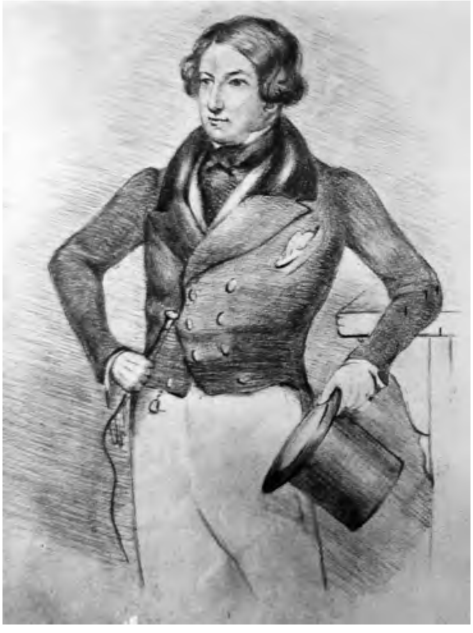
In the previous decade, most emigration from Britain had been to the North American colonies and the Emigration Commission began to investigate the possibility of increased emigration to Australia.[7] In 1830 only 1,200 migrants had sailed to Australia, while over 30,000 went to the British North American colonies.[8] At this time, there was widespread anxiety in Britain about social unrest and the distress caused by agrarian disturbances and large numbers of unemployed people in the newly industrialising towns. Seeking to redress these problems, British and colonial activists began to lobby the government to assist impoverished people to migrate to the colonies. This was a time of 'emigration fever' when all London's coffee houses were abuzz with emigration talk and pamphlets were read and speeches heard all over Britain.

The commissioners received many approaches from parishes to assist suitable impoverished women to emigrate. Focusing on the twin problems of the under-population of women in the colonies and the over-population of women in Britain and Ireland, the commissioners in 1832 sent two ships containing single women to Australia. The first was the *Red Rover* departing from Cork for Sydney and the second was the *Princess Royal*, which sailed from Gravesend to Hobart.[9] By August 1832 the British government considered that the Emigration Commission, having sent two ships and published several reports, had successfully fulfilled its task. The government was now confident about the possibilities and prospects of planned female emigration and determined to embark on a more extensive scheme to enable suitable women to emigrate.

It was in this climate that Edward Gibbon Wakefield developed his innovative views on colonisation, views that inspired a new breed of philanthropists and merchants attracted to the concept of forming new societies in the new worlds, including Australasia. Wakefield advocated planned colonisation and strongly criticised attempts to merely shovel out paupers as a way of solving Britain's burgeoning unemployment.[10] Emigrants were to be carefully selected to ensure a satisfactory balance between sexes, classes and occupation groups. The philanthropically motivated London Emigration Committee was appointed by the Colonial Office to superintend the emigration of women to the Australian colonies following on the work of the Emigration Commission. Between 1833 and 1837, the London Emigration Committee successfully dispatched fourteen ships to Australia, enabling nearly 3,000 single women, accompanied by 4,000 family members, to migrate to New South Wales and Van Diemen's Land.[11]

Pinnock was still a temporary clerk at the Colonial Office and, in February 1833, with the emigration work escalating, he applied to have his position 'placed on some more fixed footing than that of a person paid from day to day'.[12] He was made a permanent member of staff and, in October that year, at the suggestion of Edward Forster (chair of the London Emigration Committee), Pinnock was appointed to provide the liaison between the Colonial Office and the committee.[13] He was given specific responsibility for selecting the female emigrants and appointing matrons and monitors, as well as the crew and surgeon-superintendents. He also inspected the committee's ships, ensuring that they were seaworthy and properly provided with stores and provisions. In addition, he was to ensure that all passengers were declared on the register, that the ships were not overcrowded, and that all promissory notes taken out by intending passengers were witnessed correctly.[14]

In 1835, the Colonial Office adopted new Poor Law provisions for emigration that provided the machinery for parish emigration and Pinnock, who had made valuable suggestions regarding the new Act,[15] was appointed 'Government Agent-General for Emigration', while T.F. Elliot was appointed to oversee emigration to North America.[16] Pinnock's annual salary of £200 was to be paid in equal portions by the colonies of New South Wales and Van Diemen's Land.[17] His role was to oversee emigration along the Wakefieldian theory of systematic colonisation and to monitor large-scale parish emigration. Emigrants were selected by government officers acting under Pinnock's authority and were dispatched on chartered vessels, short-term support on their arrival being supplied by the government in the colonies.



J.D. Pinnock, *c.*1835, pencil sketch by an unknown artist (private collection)

A second system of emigration also developed at this time. Under the bounty scheme, immigrants were introduced into the colonies by private individuals either in the colonies or Britain. According to this system, the colonists identified the categories of workers they most needed and purchased bounty orders for them. Agents in Britain, most usually colonial surgeons, would select appropriate emigrants and arrange their passage. On arrival, they were examined by an immigration board and, if found satisfactory, the chosen emigrants were assured of a job while those responsible for the emigration were paid a bounty.

Pinnock travelled throughout Britain promoting emigration, authorised by the Poor Law commissioners to advise parish authorities about emigration opportunities in the British colonies of Australasia and North America. As well as approving emigrants, he was empowered to contract with shipowners to convey emigrants supported by parish funds, liaising with the government-appointed emigration agents at the British ports. For example, when writing to Lieutenant Forrest, the emigration agent at Leith, Pinnock advised him that funds were available to publicise the availability of ships for emigration and added:

> You are therefore perfectly at liberty to use your own judgement as to the way in which such money is spent, either in visiting some of the principal towns in your neighbourhood, or in advertising.
>
> I feel perfectly convinced that you will use your best exertions in furthering the views to the government upon this subject; and I shall therefore abstain from offering any suggestions—except begging you to select as unexceptionable [a] class of females as you possibly can, to receive the bounty of government.[18]

Pinnock clearly had the interests of both the government and the colonies in mind but it was difficult to balance the needs of the two. He was very aware that emigrants were judged critically in the colonies and his job was on the line if there were too many complaints. And this, indeed, is what happened. In October that year, Governor Bourke of New South Wales wrote to Lord Glenelg, secretary of state for the colonies, that: 'The employment of Mr Pinnock, however great that Gentleman's merits may be, and for which I desire to give ample credit, has certainly not fulfilled my intention, nor satisfied the wishes of the Colonists'.[19]

It was the old story—throughout the nineteenth century, the Australian authorities complained about the quality of emigrants sent out from Britain but, in essence, the colonists resented the fact that decisions about emigration and the selection of immigrants, whose emigration was paid from the proceeds of sale of crown lands in the colonies, were made in Britain.

Owing to his increased duties and despite the comments the previous year about his employment not satisfying the wishes of the colonists, Pinnock was given a pay rise in August 1836.[20] But working in the background was the ambitious Thomas Frederick Elliot, who had been the secretary of the 1831 Emigration Commission. Governor Bourke's complaint was the ammunition Elliot had been waiting for. According to Frank Broese, 'Elliot set out on a campaign of administrative expansion, in which he was to attempt to exploit the financial difficulties of the colonisation companies and to discredit the bounty system'.[21] Pinnock was caught up in Elliot's manoeuvrings and, seven months after he had been appointed agent-general for emigration, he was replaced by Elliot. Three years later, Elliot's powers were confirmed when, in January 1840, he became chair of the newly created Colonial Land and Emigration Commission (CLEC). The CLEC managed all aspects of British emigration until the 1870s and Elliot's name has become synonymous with nineteenth-century emigration from Britain, while a shadow has fallen over Pinnock's involvement, as well as that of John Marshall, the agent to the London Emigration Committee.[22]

Pinnock was now working under Elliot and it must have rankled. Not surprisingly, eight months after he was replaced, Pinnock sought employment in another government department. He appealed to Sir George Grey, then in charge of the Colonial Office, to recommend him for a position in Treasury, writing of his 'zealous and faithful discharge of the numerous and responsible duties entrusted to me for a long period'.[23] But Pinnock's knowledge and experience in emigration were too valuable to the Colonial Office and he was merely offered a small gratuity in addition to his salary.

Pinnock then decided that the colonies might provide an opportunity for him and wrote to Lord Glenelg that he would settle in New South Wales if there was 'a reasonable prospect of some suitable employment on his arrival'.[24] Glenelg suggested to Governor Gipps that Pinnock would be a good candidate for the new position of immigration agent in New South Wales, due to the 'diligence and attention' with which he performed his duties in the Colonial Office, where he was still working. If the colonial authorities rejected Pinnock for this role, then Glenelg requested Gipps to find another 'early opening' for him.[25] Although Elliot tried to block Pinnock's appointment to this role, suggesting a naval officer would be more appropriate,[26] the colonists realised that Pinnock had invaluable experience and understanding of emigration and offered him the position of colonial agent for immigration. He arrived in Sydney on the *Amelia Thompson* in July 1838.[27]

At an annual salary of £500, Pinnock was to report on the condition of incoming ships and their passengers, assess the amount of bounty to be paid for the immigrants, pay gratuities to the crew, and assist the migrants to obtain employment. He was also responsible for migration to the Port Phillip District, and in 1839 Police Magistrate William Lonsdale consulted Pinnock as to whether newly arrived immigrants to Port Phillip who were unable to obtain immediate employment should receive government rations. Pinnock's response was that as the immigrants had been brought from Britain 'in consequence of inducements held out to them ... it cannot be intended that they should be left in a state of destitution whilst they are actually unable to obtain situations'. As a qualification, he added that it had been his policy to judge whether a fair offer of 'reasonable wages and rations' had been refused. If so, Pinnock recommended the discontinuance of rations for such families and recommended their removal from the government immigration barracks, but otherwise they were to be supported appropriately.[28]

There is an intriguing artefact left in Sydney from Pinnock's time there: a shirt stud. This tiny item of men's jewellery was presented to the trustees of Vaucluse House in 1964 by Sir Kenneth Whistler Street, former chief justice and lieutenant-governor of New South Wales. Street believed that the stud had been given to Pinnock and that it contained a strand of 'Miss Wentworth's hair', held within a channel running through the coils of a ruby-eyed serpent. The gold stud itself is highly symbolic with the serpent representing undying love and the rubies, passion.[29]

J.D. Pinnock's shirt stud (Courtesy Sydney Living Museums, V88/376)

Back in London, Elliot continued to obstruct Pinnock's work, suppressing the 1839 report in which Pinnock had strongly criticised Elliot's management of emigration. In February the following year, Pinnock allowed sections of his report to be published in the *Colonial Gazette*, writing that in Britain 'there is no ... complete and coherent *system* [of emigration] executed by capable officers'. Pinnock claimed that many of the immigrants who were sent out in government ships were ineligible and infirm and that too many children were allowed to migrate. In Pinnock's view, the worst abuse was that 'so many people totally unsuited to the wants of the colony' were allowed to emigrate, 'men who have ... no distinct occupation, but who have earned a precarious subsistence by casual and irregular labour'.[30] It was not a battle that Pinnock was going to win; he had been sent far away and Elliot had the ear of government.

Pinnock had promoted the bounty system of migration, as distinct from the government system, as being cheaper, healthier and otherwise more satisfactory, and he continued to criticise the agents in England. In this he was at loggerheads with Elliot, to whom 'both the active involvement of private enterprise and the ultimate authority of the colonial government were repugnant'.[31] Elliot accused Pinnock of making false statements intended to foster the bounty system, and in July 1841 Pinnock was removed from his position for 'carelessness, inaccuracy and dishonesty', accused of having a pecuniary interest in the bounty ships. However, Governor Gipps and the New South Wales

Legislative Council, including the bishop of Australia, went on record to support Pinnock. Gipps thought highly of Pinnock, writing that his removal 'caused a considerable sensation in the colony', as he was 'generally considered a useful and trustworthy servant of the public', to whom the proceedings of the commissioners had been in many respects 'extremely distasteful'.[32] Influenced by Elliott, James Stephen, who was now under-secretary at the Colonial Office, described Pinnock as a man of 'light and unstable character' and his decision stood.[33]

In September 1841 Pinnock was offered and accepted a lesser position as deputy registrar of the Supreme Court at Port Phillip, at a salary of £450 per year. Although Elliot also tried to block his appointment to this office,[34] Pinnock continued in the position until the Port Phillip District was separated from New South Wales.[35] Six months earlier, Judge John Willis had also been moved from Sydney to Melbourne to serve as the first resident judge in the Port Phillip District. Michael Cannon has written that, in moving Pinnock and Judge Willis to Melbourne, 'Sydney had got rid of its two most embarrassing personalities'.[36]

In Melbourne, Willis was in constant conflict with the Bar and influential citizens, including the editor of the *Port Phillip Gazette*, George Arden. As Pinnock was the deputy registrar of the Supreme Court over which Willis held sway, we should not be surprised to find him supporting Willis. Following a charge in February 1842 that he had acted in an 'infuriate' manner in his dealings with Arden, Willis collected statements of support from his staff, including Pinnock, whose declaration to Superintendent LaTrobe stated that he had been:

> in constant attendance on the Resident Judge when he transacted the Business of that Court, and that he Deponent [*sic*] never knew the Resident Judge to act as an "Infuriate" or in any manner whatsoever unbecoming his station and office as a judge to the best of this Deponent's opinion.[37]

Pinnock also signed a pro-Willis petition in March 1842 in the wake of Willis's actions against Arden.[38] While this petition was reputed to contain 300 signatures, several memorials to Gipps calling for Willis's dismissal finally saw the resident judge removed from office in June 1843.[39]

As deputy registrar, Pinnock administered the oath to Melbourne's first mayor, Henry Condell.[40] In 1842 he himself served as alderman in the LaTrobe Ward of the first Melbourne Town Council. Ever looking for new opportunities, Pinnock applied that year to be treasurer of the newly formed council but Gipps refused to allow him to hold two full-time positions and he remained deputy registrar, adding several other related positions to his role: commissioner for taking affidavits, curator of intestate estates, commissioner for taking acknowledgements of married women, and guardian of minors.[41] In this latter capacity, he was involved in acting on behalf of John Batman's seven daughters during the long negotiations over Batman's will.[42] Together with James Simpson and Robert Pohlman, he was also appointed a trustee of the Church of England land approved by the government for the establishment of a church, parsonage and school in East Melbourne where Bishopscourt now stands.[43]

The conditions under which Pinnock worked were revealed in late 1842 when money was stolen from the court building. When Pinnock was ordered to repay the money, he protested his innocence, writing to LaTrobe:

> considering the insecurity of this Court at the time the Chest (in which the money was placed) was stolen, and bearing in mind also the very common, and I may add, unsafe Chest provided by the Government for the reception not only of money but of Deeds of importance deposited in this Office; I do trust that, taking all these circumstances into consideration His Excellency the Governor will kindly reconsider the matter; and having by his decision established the principle of my responsibility for the money so stolen at a time when there were neither bars or shutters to the window, or secure locks to the Doors of this Court, forego in this instance its enforcement.[44]

The following year, when Pinnock's habit of deducting fees of 5 per cent from intestate estates was questioned, he defended his actions by stating that this was the procedure in Sydney. Although he had Willis's support to impose these charges, Governor Gipps disallowed the practice.[45]

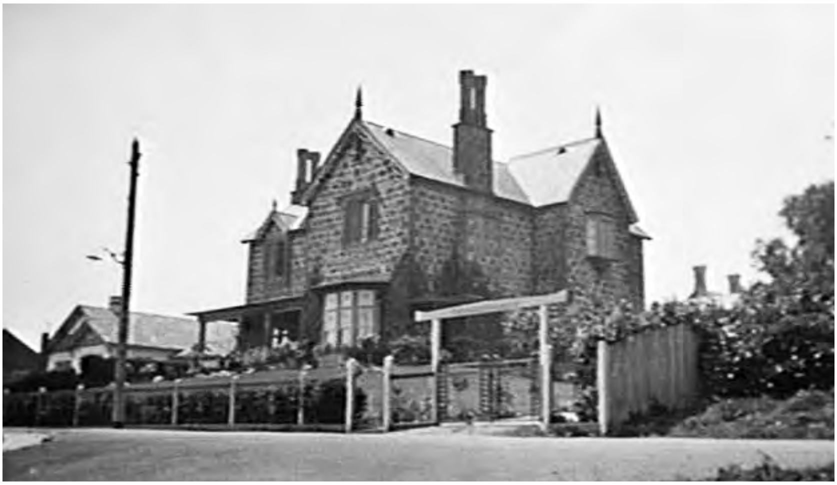
An Anglican, Pinnock was one of the speakers at the inaugural meeting to raise funds to build St Peter's on Eastern Hill and, as one of the trustees, he served on the building committee.[46] He also acted as a steward for the opening of the new organ at the Wesleyan Chapel, Collins Street, in January 1843, but this did not prevent him becoming a member of the Anglican Church Assembly in 1858.[47]

Pinnock was one of three men who purchased land in the first sale at Hawthorn, held on 22 January 1845. The others were Andrew Rose Cruickshank and Dr (afterwards Sir) James Frederick Palmer. At this sale Pinnock purchased Lot 26 of Section 6, which comprised seventeen acres. The upset price (the lowest price per acre at which the blocks could be sold) was £40 and he paid £55. This was a better deal than Sir Frederick Palmer's seventeen acres, which also had an upset price of £40—he paid £160! Pinnock had missed out on Lot 25, which was purchased by Cruikshank, but four months after the first sale Pinnock bought Cruikshank's lot for £63.[48] At the sale held in March the following year, Pinnock purchased Lots 23 and 24, a total of seven hectares, paying £230 when the upset price was £160. This was the equivalent of just over £12 an acre. Pinnock's property of prime land now stretched from Church Street to the river, between Denham Street and Lawes Street.

In 1845, Pinnock built a bluestone house and stables on Lot 25, naming his house 'The Falls'. He had a well-stocked garden of about four acres; the remaining land was 'abundantly timbered'. According to Gwen McWilliam, who quoted Pinnock's diary in her book *Hawthorn Peppercorns*, Pinnock noted that there were 'a lot of Blacks in the paddock all night making fire. Sent McDonald to send them away, but they would not leave'.[49]

Access to land in Hawthorn at this time was restricted. Sir Frederick Palmer constructed a punt over the river in 1840; it was operated by a Mr Trainor who charged 4s 6d to cross with a dray. It was not until 1852 that a small wooden bridge was constructed where the Bridge Road bridge now stands.[50] McWilliam also notes that at least two or three times in 1849 Pinnock was unable to get to work because of floods. In November he wrote: 'The river still very high. The highest flood ever known at Richmond. Punt 4 feet above Puntman's House. Destruction everywhere'.[51]

Pinnock and his family occupied the house for seven years, selling to Henry Creswick in November 1852 for £5,854.[52] Creswick renamed the house 'The Hawthorns', and the view from the homestead block was altered by the subsequent development along Creswick Street and Osborne Court, close to the river. The area gradually developed and the southern boundary of Pinnock's large estate was named Denham Street. The Creswicks lived there until March 1912 and it was bought by Mr J.L. Vizard in 1923.[53]



The Hawthorns, *c.*1933, photographer John K. Moir (Courtesy State Library Victoria, B51639)

In 1844, when aged 34, Pinnock married 18-year-old London-born Lucy Anne Hull at St James Church, now referred to as Melbourne's Old Cathedral. Lucy was the eldest daughter of William Hull JP, a wealthy wine merchant whose business was in Flinders Lane and who built a large stone residence on Bridge Road, between Punt Road and Erin Street. He was a member of the Victorian Legislative Council from 1860 to 1866. Together with his father-in-law, Pinnock attended the first meeting of the Victorian Horticultural Society held in November 1848 and was appointed to the committee.[54]

James and Lucy Pinnock had six children—four sons and two daughters. Curiously, they gave all their sons the second name 'Denham' and the third name 'Saint', many later adopting the surname 'Saint-Pinnock'. Their first son, James, became manager of the St Kilda branch of the Commercial Bank of Australia and was involved in the Ballarat Mining Company. Alf Batchelder depicts Pinnock's second son, Charles, a member of the Melbourne Cricket Club, as at the forefront of Melbourne society; he goes on to describe the marriage of Charles's daughter, Wanda St Pinnock, to William Dalrymple in 1914 at St John's Toorak before a large reception was held at his home, Larundel, in Toorak. Batchelder comments, 'the St Pinnock wedding provides a snapshot of the zenith of an opulent, carefree way of life' on the eve of the First World War. One of Wanda's brothers, Clifford, subsequently served with distinction at Gallipoli and in France where he was killed by a shell in August 1916.[55] Clifford had been secretary to James Henty & Co., joining the 8th Light Horse Brigade at the outbreak of war. In a letter to his father, he described the noise at Gallipoli, 'It was simply one continual roar and nerve racking [*sic*] in the extreme. You can't for a moment imagine the awful din of exploding shells, it was really awful'.[56] James Pinnock's third son, Robert, graduated in medicine from Melbourne University and later practised as a doctor at Ballarat. In 1884 he was commissioned a surgeon in the Victoria Defence Forces; he retired as a major in 1901 and died the following year.

In 1851, the Pinnock family went to England, J.D. remaining there until 1854. Although his three sons were still very young, Pinnock settled them at boarding school at Millbrook, Hampshire, the boys all returning to Melbourne in 1863. Meanwhile Lucy had gone back to Melbourne where another son, Arthur Denham Saint Pinnock, was born at Richmond in February 1853, though sadly he died of 'cold and inflammation' at the home of his maternal grandparents just before his second birthday.

When Pinnock returned to Victoria in 1854, he served briefly as registrar of the Supreme Court of Victoria. When another daughter, Elizabeth, was born in 1855, his address was given as George Street, Collingwood. It seems that the family was renting there while their home in East Melbourne was being built. In May 1855, Crawford Brothers builders applied for a permit to construct a house in Wellington Parade for J.D. Pinnock, 'near the Parade Hotel'. The 1858 *Melbourne Directory* gives Pinnock's address as No. 6 Wellington Parade. It later became No. 86–92 Wellington Parade and is known today as Elizabeth House. Designed by John Gill as a simple and classic dwellling of eleven rooms, Pinnock extended it by three rooms in 1866, and the subsequent owner, K.E. Brodribb, enlarged it still further.[57]

Pinnock entertained frequently and kept a detailed diary of 'Dinner Parties &c., from 1856—and after taking possession of my house in the Wellington Parade'.[58] On 9 February 1857, for example, he entertained the treasurer, Sir Charles Sladen, William Rutledge MP, Charles Griffith MP, Stephen Henty MLC, Professor William Wilson and three officers of the 40th Regiment.

In 1921, Pinnock's former home in Wellington Parade, by then a fashionable guest house (Lauriston Hall) run by Mary Beveridge, was the site of a sensational unsolved murder—that of Eric Tulloch, Gallipoli veteran and head coach of the Melbourne Boys' Grammar School rowing crew. In the 1970s the house was occupied by the Missionary Sisters of the Sacred Heart of Jesus but is now back in private hands. It is one of the oldest houses in East Melbourne and is on the Victorian Heritage Register, described as a substantial asymmetrical two-storey brick house in the Italianate style. The main reception room is believed to be substantially intact and includes stained glass, timber panelling and fittings.

Sadly, it seems that Pinnock's wife, Lucy, did not get to live in her grand new house. In February 1856, the year after the building application for Wellington Parade was submitted, Lucy Pinnock died, the death notice stating that 'Lucy Anne, the beloved wife of James Denham Pinnock, Registrar of the Supreme Court of Victoria, aged 30 years' died 'at Richmond, near Melbourne, after a long and painful illness'.[59]

Just eight months later, Pinnock stood as the candidate for the Eastern Province in the Victorian Legislative Council. Although he failed in this first attempt, he was successful eight years later but only served for ten months, from January until October 1864. In the wake of his first defeat, he became immigration agent for Victoria in 1857, a post he held for three years during the massive influx of immigrants following the discovery of gold. Most new arrivals headed straight for the goldfields, as Pinnock observed in his diary when he was having trouble employing a married couple from the Immigration Barracks: 'servants unprocurable. Everyone leaving for the goldfields'.[60]

In June 1859, at St Stephen's Richmond, Pinnock married (Martha) Sybil Hurlock Clipperton, daughter of solicitor John Clipperton. The family had arrived in Melbourne from Liverpool the previous year, when Sybil was aged 27. In the next six years, three daughters and one son were born to James and Sybil at Wellington Parade. Sadly Sybil died in July 1865, aged 34, as a result of complications during the birth of their only son, Willie, who lived just seven months. In the six years they had together, James and Sybil enjoyed a life of luxury in their East Melbourne home and entertained lavishly. Pinnock's detailed visitors' book tells us, for example, that on 14 February 1861 they entertained 21 people at a musical party, commencing at 8 pm and finishing at midnight. Those invited included Mrs Stephen Henty, her son Richmond and an unnamed daughter; the Honourable William and Miss Highett; Mr and Mrs Henry Godfrey, whom Pinnock frequently entertained; the United States consul and Mrs James Maguire and the unnamed French consul. Other guests in the 1860s included Mr and Mrs von Guerard in a party of 39 to a musical evening on 5 May 1865. On 28 August 1865, a month after Sybil's death, Pinnock held a dinner for Sir Redmond Barry, Major General Chute and Mr Francis Jones, who was another frequent guest. Two months later, on 26 October, Pinnock entertained thirteen, including Judge and Mrs Forbes, Mr and Mrs Francis Jones and Mr and Mrs Montefiore. A large party of 76 people on 13 March 1868 included Mr and Mrs Francis Jones, Mr Peter Labertouche, Miss Balcombe, Mr Justice and Miss Molesworth, Professor Wilson and several members of the Henty family.[61]

In his fifties, Pinnock was still finding government roles and, in 1862, he served as land titles commissioner for one year. When he retired the following year, he became a director of the Bank of Victoria and of the Victorian Life and General Assurance Society, and in 1870 he became a director of the Melbourne Banking Corporation.[62]

Following two marriages and the births of ten children, Pinnock died at his home in Wellington Parade in East Melbourne in 1875, aged 65.[63] The funeral was held at St Peter's Church, Eastern Hill, where Pinnock was a pew holder. The family's large mausoleum at Melbourne General Cemetery memorialises Pinnock's first and second wives, his baby son, Willie, and his children, Arthur, Elizabeth (who died just before her seventh birthday) and his son, Robert, who died aged 53 in 1902.

James Pinnock was a wealthy and respected figure—a gentleman in society—at the end of his life; however, his central role in assisting migration to the Australian colonies is now all but forgotten, though it played an important role in driving his own relocation and in underpinning the public service skills he subsequently used to advantage in building his career and social standing in colonial society.

Notes

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2 'Garryowen' (Edmund Finn), *Chronicles of Early Melbourne, 1835–1852*, Melbourne, Ferguson & Mitchell, 1888, Vol. 1, p. 26.

3 D.M. Young, *The Colonial Office in the Early Nineteenth Century*, London, Longmans, 1961, p. 24.

4 Young, p. 27.

5 Poice to Hay, 2 February 1832, Colonial Office (CO) 384/30, p. 285, The National Archives, Kew, United Kingdom (TNA).

6 Printed Notice, No.1, Colonial Office, 8 July 1831, CO 384/27, p. 15, TNA.

7 The British North American colonies form modern-day Canada (then Upper and Lower Canada) and the Pacific Northwest of the United States.

8 Return of The Lords Commissioners of His Majesty's Treasury, 1 January 1831, CO 384/27, p. 207, TNA.

9 See Elizabeth Rushen and Perry McIntyre, *Fair Game: Australia's First Immigrant Women*, Sydney, Anchor Books Australia, 2010.

10 June Philipp, *A Great View of Things: Edward Gibbon Wakefield*, Melbourne, Nelson, 1971; Paul Bloomfield, *Edward Gibbon Wakefield: Builder of the British Commonwealth*, London, Longmans, 1961.

11 Elizabeth A. Rushen, 'Free, Single and Female: The Women of the First Scheme for Female Emigration to Australia, 1833–1837', PhD thesis, Monash University, 1999.

12 Pinnock to Haw, 4 February 1833, CO 384/39, p. 255, TNA.

13 Forster to Hay, 29 October 1833, CO 384/32, pp. 36–40, TNA; and Hay to Forster, 13 September 1834, CO 385/16, p. 238, TNA.

14 Elizabeth Rushen, *Single & Free: Female Migration to Australia 1833–1837*, Sydney, Anchor Books Australia, 2011, pp. 33–4.

15 Pinnock to Hay, 7 May 1835, CO 384/38, pp. 127–8, TNA.

16 Hay, Memorandum, 8 January 1835, CO 384/39, p. 253, TNA.

17 Hay to Stewart, 17 January 1835, CO 324/147, p. *c.*87, TNA.

18 Hay to the Commissioners of Poor Law, 13 February 1835, CO 385/16, p. 315, TNA; Pinnock to Grey, 11 December 1837, CO 384/44, p. 213, TNA; Pinnock to Lt Forrest, 29 July 1835, CO 385/9, pp. 111–12, TNA.

19 Bourke to Glenelg, 14 October 1835, *Historical Records of Australia* (*HRA*), Series 1, Vol. XVIII, Melbourne, Library Committee of the Commonwealth Parliament, 1914–1925, p. 162.

20 Stephens to Spearman, 19 August 1836, CO 385/17, pp. 4–18, TNA.

21 Frank J.A. Broeze, 'The Business of Emigration, Private Enterprise and the Peopling of Australasia, 1831–1850', typed ms., undated, University of Western Australia.

22 Writing in 1837, Sir Robert Madgwick was extremely critical of J.D. Pinnock and John Marshall and their role in migration in the 1830s. See R.B. Madgwick, *Immigration into Eastern Australia, 1788–1851,* Sydney, Sydney University Press, 1969 (Second Impression), first published 1937, chapter 8. Writing later in the twentieth century, several historians have argued that Madgwick's attacks on Pinnock and Marshall were unfounded and exaggerated. See A.J. Hammerton, '"Without Natural Protectors": Female Immigration to Australia, 1832–36', *Historical Studies*, vol. 16, no. 65, 1975, pp. 539–66; Robin F. Haines, *Emigration and the Labouring Poor: Australian Recruitment in Britain and Ireland, 1831–60*, Basingstoke, MacMillan, 1997; Robin Haines, '"The Idle and the Drunken Won't Do There": Poverty, the New Poor Law and Nineteenth-century Government-assisted Emigration to Australia from the United Kingdom', *Australian Historical Studies*, vol. 27, no. 108, 1997, pp. 1–21.

23 Pinnock to Grey, 11 December 1837, CO 384/ 44, p. 216, TNA.

24 Pinnock to Grey, 12 December 1837, CO 384/ 44, p. 218, TNA.

25 Glenelg to Gipps, 14 December 1837, *HRA*, Series 1, Vol. XIX, pp. 205–06.

26 Elliot to Stephen, 18 February 1841, CO 384/63, p. 214, TNA.

27 Gipps to Glenelg, 28 July 1838, *HRA*, Series 1, Vol. XIX, p. 513.

28 Lonsdale to Colonial Secretary, 17 January 1839, PMPP series 1, p. 338, Public Record Office Victoria (PROV); Pinnock to Lonsdale, 6 April 1839, PMPP, Inwards Correspondence, PROV series 19, 39/68, PROV, quoted in Martin Sullivan, *Men & Women of Port Phillip*, Sydney, Hale & Iremonger, 1985.

29 http://sydneylivingmuseums.com.au/threads-of-connection/close-to-the-heart#data6792.

30 *Colonial Gazette*, 29 January and 5 February 1840.

31 Broeze, p. 23.

32 *HRA* Series 1, Vol. XXI, pp. 482, 517–18.

33 Paul Knaplund, *James Stephen and the British Colonial System 1813–1847*, Connecticut, Greenwood Press, 1953; 'Pinnock, James Denham (1810–1875)', *Australian Dictionary of Biography* (*ADB*), Vol. 2, Melbourne, Melbourne University Press, 1967, pp. 333–34.

34 Elliot, Torrens and Villiers to Stephen, 18 February 1841, CO 384/63, pp. 214–15, TNA.

35 A.G.L. Shaw, *Gipps–La Trobe Correspondence, 1839–1846*, Melbourne, Melbourne University Press, 1989, p. 182; 'Pinnock, James Denham (1810–1875)', *ADB*, pp. 333–34.

36 Michael Cannon, *Old Melbourne Town before the Gold Rush*, Melbourne, Loch Haven Books, 1991, pp. 145–6.

37 Willis to LaTrobe, with enclosures, 17 February 1843, PROV VPRS 16/12, 43/783, PROV, with thanks to Dr Janine Rizzetti for providing this reference.

38 In August 1842, Carrington and Ebden waylaid Willis to serve papers on him while he was walking with Pinnock to supervise the building of the new Supreme Court. Dr Janine Rizzetti to author, 21 October 2016, based on VPRS 16/12, 42/390 (367), LaTrobe to Deas Thomson, 22 March 1842 and DESP 210 Annexure E VI, PROV; see also *Port Phillip Patriot and Melbourne Advertiser*, 24 March 1842, p. 2.

39 John V. Barry, 'Willis, John Walpole (1793–1877)', *ADB*, Vol. 2, Melbourne, Melbourne University Press, 1967, accessed online at http://adb.anu.edu.au/biography/willis-john-walpole-2797.

40 'Garryowen', pp. 259, 267.

41 Gipps to La Trobe, 17 December 1842, quoted in Shaw, p. 182; http://www.auspostalhistory.com/articles/189.php.

42 John Batman's Will, 25 April 1842, VPRS 42/P000/3, Folder 148, PROV. As curator of intestate estates, Pinnock dealt with some notorious cases, including that of Sophia Lewis, whose murder is described in Ken Oldis's book, *The Chinawoman,* Melbourne, Australian Scholarly Publishing, 2008.

43 Perry to Deas Thomson, 18 December 1849, Melbourne Diocesan Archives. Two acres of this land eventually became the site of Bishopscourt, Clarendon Street, East Melbourne. See Elizabeth Rushen, *Bishopscourt Melbourne: Official Residence and Family Home*, Melbourne, Mosaic Press, 2013, pp. 32–6.

44 Pinnock to LaTrobe, 10 September 1842, VPRS 16/12 42/390 (367), PROV, with thanks to Dr Janine Rizzetti for providing this reference.

45 Pinnock to Latrobe, 10 September 1842, VPRS 16/12, 42/1687, PROV; LaTrobe to Deas Thomson, 7 April 1843, VPRS 16/12, 43/504, PROV; LaTrobe to Deas Thomson, 10 May

1843, VPRS 16/12, 43/783, PROV; LaTrobe to Deas Thomson, 6 June 1843, VPRS 16/12, 43/888, PROV.

46 'Garryowen', p. 123.

47 'Pinnock, James Denham (1810–1875)', *ADB,* pp. 333–4.

48 Mrs Andrew Lyell, 'Hawthorn', *Victorian Historical Magazine*, November 1936, vol. XVI, no.2, p. 51.

49 Gwen McWilliam, *Hawthorn Peppercorns*, Melbourne, Brian Atkins, 1978, p. 2.

50 James Bonwick, *A Sketch of Boroondara*, Melbourne, J.J. Blundell & Co., 1858, p. 5.

51 McWilliam, pp. 22 and 38.

52 Creswick did not buy all the land—some lots realised £6–8,000, while Pinnock still owned some lots in 1863. George R. Leggett, 'Early History of Hawthorn', MS 68/1, p. 7, Royal Historical Society of Victoria (RHSV); James Bonwick, *A Sketch of Boroondara*, Melbourne, J.J. Blundell & Co., 1858, pp. 21–2.

53 Leggett, p. 7.

54 Chris Pretlove, *David Boyle's Tree: The Baron*, Warrnambool, C. Pretlove, 1955, p. 59.

55 Alf Batchelder, *Playing the Greater Game: The Melbourne Cricket Club and its Ground in World War I*, Ms 29904, RHSV.

56 Peter Burness, *The Nek*, Sydney, Kangaroo Press, 1996, pp. 92–3, 100, quoted in Batchelder.

57 Bruce Trethowan, *East Melbourne Historical Society Newsletter*, September 2005.

58 Pinnock Diary, held in private hands in England.

59 *Argus,* 7 February 1856, p. 4.

60 Pinnock Diary.

61 In 1869, when Pinnock's eldest daughter, Lucy Mary, was nineteen and the family was living in Wellington Parade, East Melbourne, Lucy married Thomas Henty at what was then called Trinity Church East Melbourne. Thomas was the youngest son of the Hon. James Henty, MLC for Portland. Thomas was a member of the Berwick Shire Council from 1866 and shire president twice, and, like his father, he became a member of the Victorian Legislative Council. Lucy and Thomas had eight sons and two daughters.

62 'Pinnock, James Denham (1810–1875)', *ADB*, pp. 333–4.

63 *Argus,* 22 May 1875, p. 12.

Capital Punishment in Colonial Victoria: The Role of the Executive Council

John Waugh

Abstract:
Whether, and when, to carry out a death sentence in colonial Victoria was the responsibility of the governor and government ministers, who debated capital cases at meetings of the Executive Council. Its minutes, particularly between 1857 and 1866, record many details of their reasons and their disagreements. This article shows how the council took into account not only contemporary ideas of moral culpability, criminal responsibility and public policy, but also whether there were doubts about offenders' guilt. Secretive and unconstrained by due process, the council administered a distinctive final stage in the system of capital punishment.

In the period when capital punishment was part of the law of Victoria, from 1851 to 1975, passing sentence of death on a prisoner was not the end of a capital case but the start of another stage, one that was largely hidden from public view. Deciding whether to carry out a death sentence was the responsibility of the governor and government ministers. Ministers conferred together in cabinet and conveyed their advice to the governor in meetings of the Executive Council, where most of the many powers vested by law in the governor were exercised.

Deliberations of ministers in cabinet were confidential at the time and are largely lost to historians because systematic records were not kept until the 1980s. Minutes of the Executive Council were, however, kept. Its meetings, after the start of self-government in local matters in 1855, were usually formulaic, providing a channel for communication of decisions reached by cabinet or individual ministers that were implemented with little discussion by the governor. Decisions on death sentences, however, were unlike other matters that the council considered.

British government instructions to Australian governors made the reprieving or execution of prisoners sentenced to death their personal responsibility, a decision to be reached 'according to your own deliberate judgment'.[1] This excision from the scope of colonial self-government became controversial, with the result that it was ended by new British instructions in 1892, but, until that time, governor and ministers actively debated the capital cases brought before them in the Executive Council. Some of the minutes of the council contain revealing details of these deliberations. Members of the council took an oath of secrecy, and the minutes are the only detailed record of its meetings.

The most comprehensive study of the historical application of the prerogative of mercy in Victoria is a statistical analysis by Roger Douglas and Kathy Laster published in 1991. Their work is framed by contemporary debates about the abolition or retention of capital punishment, and they focus on 'the appropriateness of capital punishment as a sentencing option'.[2] They show that commutation of a death sentence became steadily more likely during the period of capital punishment. They also reflect on the failings of the system when measured against standards of due process and the rule of law—governor and ministers effectively acted as a sentencing body 'without the requisite impartiality and knowledge to do so', and the wide range of factors affecting the likelihood of execution made capital punishment 'death by lottery'.[3]

A study of the exercise of the prerogative of mercy in bushranging cases in New South Wales and Tasmania before the start of self-government has emphasised that it was 'a serious and considered process', while acknowledging contemporary criticisms of inconsistent outcomes.[4] In Queensland, the broad discretion embodied in the prerogative of mercy has been contrasted with the increasing value placed on certainty and consistency in the movement for the codification of criminal law.[5] Carolyn Strange's comparative study of mercy in New South Wales and Ontario highlights the interplay of discretion, rigid legalism and concepts of fair play.[6]

In England, in the second half of the nineteenth century, effective control of decisions to carry out death sentences became centred in the Home Office, where reports from civil servants guided a final decision by the responsible minister, the home secretary. Roger Chadwick has documented efforts within the Home Office to make consideration of death sentences more systematic and more governed by precedent. Staff tabulated capital cases, identifying the features that would affect final decisions, but Chadwick found that the Home Office avoided the formulation of 'fixed principles' that would allow outsiders to predict outcomes.[7] As in Victoria, discussion of the strengths and weaknesses of the process for reaching decisions on capital cases was bound up with debates about permitting greater judicial (as against executive) review of criminal convictions by establishing a court of criminal appeal, a step taken in England only in 1907.[8]

The process portrayed in Victoria's Executive Council minutes of the 1850s and 1860s is one in which flexibility was inherent and perceived as a virtue rather than a vice. Former premier Sir John O'Shanassy told parliament: 'Nothing can be more careful and humane than the consideration which is given in such a case before it is determined that the extreme penalty of the law shall be carried into effect'.[9] Rather than seek predictable and rule-bound procedure, members of the council acted on the assumption that whatever seemed relevant to moral culpability, criminal responsibility and public policy could properly weigh with them in their deliberations on death sentences. In doing so, they carried out their role in the system of capital punishment in a way that was significantly different from the defined and open procedures of a criminal trial. This article explores the process by which death sentences were confirmed or commuted in colonial Victoria.

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Following reforms introduced in 1864, the crimes punishable by death in Victoria were murder, rape, high treason and the related offence of treason felony, along with some forms of attempted murder, arson endangering life, sexual assaults on children, and robbery or burglary with wounding.[10] The death sentence was always mandatory but, in cases other than murder and high treason, the judge had the option of recording rather than pronouncing sentence of death. A recorded sentence reprieved the prisoner and effectively recommended that the sentence should be commuted.[11] Juries sometimes recommended mercy when they found a prisoner guilty of a capital crime but their recommendations had no legal effect.

In law, the sentence of the court provided the legal authority to hang a prisoner, but the governor had an overriding power to reduce the punishment or set it aside altogether using the prerogative of mercy. What was more, in Victoria the standard wording of the sentence of death left it to the governor to set the time and place of execution.

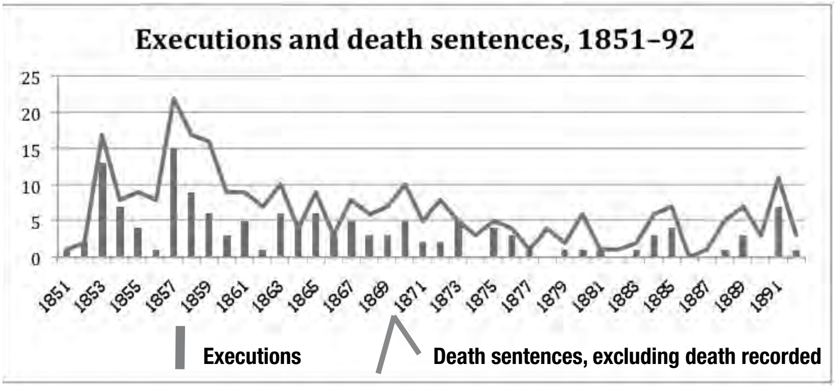
Review by the crown therefore did not depend on the lodging of a petition by or on behalf of a prisoner but was automatic, since an execution could not take place without a warrant from the governor.

The machinery of review did depend on notification from the trial judge that a prisoner had been sentenced to death. Justice Redmond Barry forgot to inform the Executive Council that he had recorded sentence of death in two cases in 1859–60, with the result that the two prisoners, George Whitehouse and John Valentine, waited in gaol for over a year until the sheriff (who was responsible for carrying out death sentences) asked about their fate. When the council discussed their cases, Governor Sir Henry Barkly forgot that he had already released Valentine on the ground that there was insufficient evidence for a conviction. It took another month for the council to work out that they were debating what to do with someone who was no longer in gaol.[12]

Sir Henry Barkly, Governor of Victoria, by Antoine Fauchery (Courtesy State Library Victoria)

The bulk of the business of the Executive Council concerned the very numerous and varied powers that were vested by law in the governor but were controlled in practice by cabinet or individual ministers, such as appointments to government offices and the making of regulations. Routine meetings of the Executive Council took place weekly but other meetings could be convened as required. Most items on the agenda were dealt with rapidly, as decisions advised by ministers were endorsed by the governor without discussion. At a meeting in 1868, the council got through an exceptionally long agenda, filling nearly nineteen pages of minutes, in less than an hour and a half.[13] Death sentences were, by contrast, some of the most time-consuming matters considered by the council, and special meetings were often convened to consider them.

From March 1857 the amount of detail in the council minutes concerning capital cases increased significantly. The change in practice followed the arrival of Governor Barkly in December 1856 and the appointment of a new clerk of the Executive Council, naval officer and scientist Joseph Kay, the previous month. Until mid-1866, after the departure of Governor Sir Charles Darling, the minutes of the council became more detailed and, when capital cases were considered, they frequently recorded not only the materials placed before the council, but also reasons for decisions to carry out or commute sentences. The period coincides with the high point of capital punishment in Victoria. The number of death sentences considered annually by the Executive Council peaked at 23 in 1859, and the number of executions peaked at 15 in 1857. Excluding the 83 sentences of death recorded (where commutation was automatic), the proportion of death sentences carried out from the establishment of the Executive Council in July 1851 to the end of 1892 was just over 52 per cent (142 out of 272).[14]



The British instructions that required the governor to consult the council on death sentences required the judge who presided at the trial of the prisoner to submit a written report on the case and attend the meeting at which it was considered.[15] Despite the instructions, judges were sometimes unavailable, usually because they were attending courts outside Melbourne. Then, only their written reports were considered.

Judges often chose not to attend when they had recorded rather than pronounced sentence of death. Whether or not the judge attended, the council had before it the judge's notes of the evidence at the trial, which were usually the only verbatim official record. Official transcripts of Supreme Court proceedings were prepared in only a few exceptional cases, such as the Eureka Stockade treason trials in 1855. Rather than pass the sole copy around (at least until typed copies came into use in the late 1880s), the council adopted the time-consuming practice of having the notes read aloud at the meeting. The judge answered questions about the evidence and the case as a whole, and often gave an opinion about whether there were doubts about the prisoner's guilt or (much more rarely) whether the sentence should be carried out or commuted. Judges always left the meeting before governor and ministers debated their decision.

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Cabinet as well as the Executive Council considered whether to carry out death sentences. Newspapers reported the consideration of death sentences in cabinet, although they did not always distinguish clearly between council and cabinet meetings. An indication of cabinet consideration first appeared in the council minutes in 1861, when ministers gave collective advice to the effect that new information supplied by the supporters of convicted murderer John Simmons had not changed their opinion that he should be hanged (they later changed their minds).[16] In the case of Christopher Harrison, in 1864, the minister of justice came to the council meeting with a lengthy memorandum setting out the reasons for the decision already reached by the majority of ministers to advise carrying out the sentence of death.[17]

One of the cardinal features of cabinet government, solidarity among ministers, did not apply when the Executive Council considered capital cases. Instead of reaching a decision in cabinet and then presenting a united front, as they usually did, in the council ministers expressed their individual opinions about such cases. Council minutes record some of their disagreements, although not consistently enough to produce reliable statistics showing the attitudes of individual ministers.

In almost all cases, the effective decision to carry out or commute a death sentence was made by the majority of the Executive Council.

However, a consequence of the governor's personal discretion was that it was within his power to override their advice. The British instructions to the governor indicated that this step was not to be taken lightly; in such a case, the governor was required to enter a statement of his reasons in the minutes of the council. In four cases in 1861–62, Governor Barkly overrode narrow majorities in the council, but he recorded the required statement of his reasons only in the case of John O'Dwyer (1861). In each case, Barkly exercised his discretion in favour of commuting the sentence.[18] Later ministers seem to have been unaware of Barkly's actions, owing either to the confidentiality of Executive Council proceedings or a lack of institutional memory, and even Chief Justice Sir William Stawell knew of only one such case.[19]

Shortly before the start of self-government in 1855, George Shawshaw (or Shangshaw) was convicted of carnal knowledge of a girl under ten years of age. The council unanimously advised that he should be executed, but Governor Sir Charles Hotham rejected their advice and commuted the sentence on the ground that Shawshaw, a Muslim man born in Madras, was 'without the same moral sense of wrong in violating the persons of women, as Christians unite in entertaining' and did not understand English sufficiently to know that sentence of death was being passed on him.[20] Shawshaw's commuted sentence was fifteen years' hard labour, the first three in irons. In 1873 the child he assaulted, Elizabeth Oliver, became, as Elizabeth Woolcock, the only woman to be hanged in South Australia, convicted of the murder of her husband.[21]

Through the second half of the nineteenth century, the influence of cabinet grew, and the governor's personal prerogative in capital cases became controversial. Its exercise in Queensland and New South Wales prompted widespread debate, and, in Victoria, judge (and former attorney-general) George Higinbotham objected to the roles prescribed by the royal instructions for both governor and trial judge.[22] The absence of cabinet records makes firm conclusions about the respective roles of cabinet and council elusive, but there are indications that, until new British instructions to the governor were issued in 1892, the final decision to carry out or commute a death sentence was not reached until the Executive Council met. Judges attended meetings of the council, not cabinet, to report on capital cases, and council minutes continued to record detailed discussion on some cases, along with occasional disagreements among ministers.

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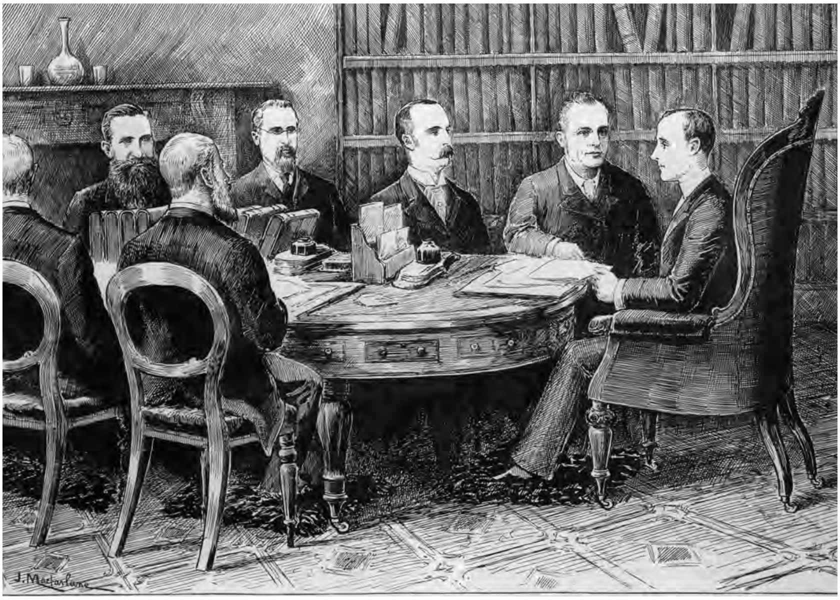

The Executive Council considering a death sentence, *Illustrated Australian News*, 1 June 1892 (Courtesy State Library Victoria)

The role of the governor and the Executive Council in dealing with capital cases was shaped in part by the colonial system of criminal justice. Until 1914, prisoners convicted of felonies (which included all crimes punishable by death, other than treason) had no right of appeal, although trial judges could refer questions of law to the full Supreme Court if they chose.[23] The system could operate with extraordinary speed by later standards; in May 1861 murderer John Simmons was tried, convicted and sentenced to death within ten days of the crime. Prisoners had no assurance of being adequately defended by legal counsel. Ah Keimin (or Kemin), a Chinese man, was tried for rape in 1859 without a lawyer, even though he spoke little English. He was convicted and sentenced to death, but so much doubt surrounded the case against him that ministers eventually advised Governor Barkly to release him.[24] A barrister present in court would sometimes volunteer, at the judge's invitation, to defend an unrepresented prisoner, and, from

1860 onwards, an annual budget allocation paid for barristers assigned by the judges to defend prisoners on capital charges.[25]

The Executive Council was often seen as making up for these shortcomings by conducting a retrial that was not available through the courts. 'We all know that the Executive claims the power to and does review the verdicts of the juries in cases of capital crimes, and that no man is hung who has not been to all intents and purposes tried twice', the *Ballarat Star* said in 1865.[26] Premier and Attorney-General George Kerferd said in 1875 that the council's consideration of death sentences amounted to 'a re-trial by a grand jury'.[27] Occasionally the council considered legal arguments that would in later times have been raised on appeal. When John Harris and John Fielder were convicted of murder after an attempted escape from the prison hulks at Williamstown with the bushranger 'Captain' Francis Melville, the Supreme Court quashed Melville's conviction on a technicality, finding a gap in the evidence needed to establish that he was in lawful custody at the time of the escape. The council advised the acting governor, Edward Macarthur, to commute the sentences of Harris and Fielder after hearing from the trial judge that the legal objection raised in Melville's case applied equally to them.[28]

In deciding appropriate punishments, the council routinely assessed not only the gravity of the crime but also how clearly it was proved. It usually relied on the notes of evidence at the trial and the judge's opinion about the soundness of the jury's verdict. Occasionally, however, it considered fresh investigations by the police or the law officers of the crown (the attorney-general and the solicitor-general). In the case of George Nial, convicted of murder in 1860, the council used 'a powerful magnifying lens' to decide for itself whether a piece of newspaper found under the body matched pieces found in guns in Nial's tent.[29] When a member of the public came forward after the trial to contradict a key prosecution witness, the council ordered an inquiry by the law officers; its inconclusive results raised sufficient doubt for Nial's death sentence to be commuted.

Unlike a court, the council was not bound by any rules of procedure or evidence. Kerferd portrayed this freedom as an advantage when he spoke about the role of the council, 'who', he said, 'are bound by no rules, who make all kinds of inquiries and investigations that suggest themselves to them, and who have no desire but to get at the truth, for the purpose of ascertaining whether, on the merits of the case, the law should take its course'.[30]

In Nial's case, the law officers' inquiry took place in the presence of Nial's barrister, who was allowed to watch and suggest questions, and the shorthand transcript was released to the newspapers.[31] The formality of this inquiry was exceptional. In other cases, the council considered fresh evidence in private, without the knowledge of the prisoners or their legal representatives. After John Simmons was convicted of murder in 1861, Attorney-General Richard Ireland made inquiries in person at the scene of the crime and presented the council with a lengthy analysis of the locality and the evidence, concluding that the jury would have convicted Simmons of manslaughter, not murder, if they had had the information he gathered. Simmons's death sentence was commuted.[32]

One of the most common kinds of additional evidence gathered by the council concerned the state of mind of prisoners whose sanity was in doubt. In this situation, unlike its other inquiries into capital cases, the council could follow a procedure laid down by law. Under statute, if two medical practitioners certified that a prisoner was insane, the governor had the power to move the prisoner to a lunatic asylum, effectively granting a reprieve.[33] Information about prisoners' states of mind came to the Executive Council not only from medical practitioners who had examined them but also from others who had encountered prisoners or read about them. In one of the later cases for which detailed minutes survive, that of James Johnston, convicted of murder in 1891, two doctors examined the prisoner around midnight on the night before his scheduled execution. One of them decided that Johnston was insane, and, after a flurry of urgent telegrams in the early hours of the morning, a telegram reprieving him was rushed from the post office to the Ballarat gaol by cab, just in time to stop the execution. However, a medical board appointed by the government concluded that Johnston was sane, and he was executed a week later.[34]

When the council decided that a guilty verdict was wrong, all it could offer the prisoner was a free pardon, which removed the sentence of death or imprisonment but did not reverse the verdict or overturn the conviction itself. In his magisterial *History of the Criminal Law of England*, James Fitzjames Stephen commented in 1883: 'To pardon a man on the ground of his innocence is in itself, to say the least, an exceedingly clumsy mode of procedure'.[35] Reducing a sentence from hanging to imprisonment because of doubts about the evidence against a prisoner was similarly incongruous. The *Argus* drew attention to this contradiction in the case of George Nial: 'The commutation of Nial's punishment is a palpable absurdity. It is acknowledging that, in the opinion of His Excellency's legal advisors, the man might have been acquitted, and this opinion procures him the boon of a life-long imprisonment, instead of death'.[36] The *Argus* would have preferred a new trial, but the crown had no power to order one.

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Premeditated killing was more likely to be punished with execution but assessing whether a killing was premeditated could be difficult. It took the council three meetings to decide the fate of Henry Haig in 1862, largely because of uncertainty about whether Haig killed his victim deliberately or as the result of a hasty blow in a drunken brawl. Six members of the council favoured confirming the death sentence, and five favoured commutation. Governor Barkly sided with the minority, citing the narrow council vote, weaknesses in the evidence, and the jury's mercy recommendation, which Barkly said he would have joined had he been on the jury.[37] By contrast, when in 1863 William Murrell beat his wife to death over the course of an hour, the council decided that his sentence should be commuted to life imprisonment because of his 'extreme jealousy & violent passion'.[38] One member dissented, saying he could only see it as 'a murder of prolonged brutality'.[39]

Occasionally the council would make an explicit comparison between two cases in order to reach a decision. Edward Hitchcock and Robert Jones were both convicted of murder in 1858, Jones for killing an acquaintance in a drunken quarrel, Hitchcock for killing his wife. The council had little difficulty coming to the unanimous conclusion that Hitchcock should hang, although the jury had recommended mercy on the ground that he was provoked by the discovery of his wife's adultery. The attorney-general thought that a commutation 'would be affirming the principle that the murder of a wife by her husband, would be a justifiable act in all cases of adultery, and he considered the affirmation of such a principle would be attended with the most dangerous consequences'.[40] Jones's lack of motive—or at least of a motive proportionate to the act—troubled some ministers, although they seem not to have been influenced by the fact that he had no legal representation at his trial and was reduced to cross-examining prosecution witnesses for himself. Lack of premeditation seems to have been the factor uppermost in the council's considerations when it concluded that a comparison with Hitchcock supported the commutation of Jones's sentence.[41] Hitchcock was hanged, Jones imprisoned.

For one offence, sodomy, the council developed a standard penalty that was routinely substituted for the sentence of death recorded: fifteen years' hard labour, the first three years in irons. The council reversed its decision to hang John Flannery for sodomy (for an assault on a thirteen-year-old boy) in 1859 when the attorney-general pointed out that no one had yet been hanged for the offence in Victoria. The council debated at length whether sodomy should still carry the death penalty since it was no longer a capital crime in England, or so they believed.[42] After James Thompson received a recorded sentence of death for sodomy in 1863, the council gave him the standard commuted sentence 'in accordance with former decisions in similar cases'.[43]

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The Executive Council was much more reluctant to confirm sentences of death on women than men.[44] Between 1856 and 1866, the council considered the cases of five women who had been sentenced to death but only one was hanged. The minutes say little about the council's reasons in these cases. Sarah Atkinson received a death sentence in 1856 for abetting a sexual assault on a child (as an accessory, she was liable to the same penalty as the assailant); it was probably the nature of her involvement in the offence that led the council to conclude that she should be imprisoned for just three years.[45] Rosanna Nicholls, convicted of murder in 1857, benefited from the opinion of the trial judge, Edward Williams, that she would have been convicted of the lesser offence of manslaughter if that option had been open. Her sentence was commuted to seven years' imprisonment.[46] In the case of Anne Hayes, convicted of murder in 1860, the jury recommended mercy because of her advanced age (between 50 and 60), but the trial judge advised that there were no grounds for doubting that the crime was premeditated. Her sentence was commuted to fifteen years' hard labour, the first three in irons.[47] Mary Malone, an unmarried mother convicted of the murder of her infant child in 1865, received a commuted sentence of ten years' imprisonment. Her jury recommended mercy because of her youth (she was about 23 years old) and because the father of her child had deserted her, but the council's advice to commute her sentence was not unanimous.[48]

The only woman hanged between 1851 and 1892 was Elizabeth Scott, convicted of murder in 1863, but the Executive Council minutes have little to say about her case. The lack of extenuating circumstances or arguments in her favour made execution more likely. The method of the council was often to look for reasons why a prisoner should not be hanged, and, if it found none, the execution was more likely to proceed. The trial judge, Chief Justice Stawell, told the council that he had 'no shadow of doubt' about the guilt of both Scott and her two co-accused.[49] The jury did not recommend mercy. A police report submitted to the council criticised Scott as 'cold-hearted and of coarse manner', and newspapers portrayed her as the instigator of an adulterous relationship with her co-accused, David Gedge.[50] A detailed petition from Scott's barrister had no effect on the council, and all three prisoners were hanged. At the same meeting, Stawell steered the council towards a commutation in another murder case, saying that the circumstantial nature of the evidence would have led many juries to acquit the prisoner.[51]

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Juries and members of the public were willing to take into account differences between Aboriginal and colonial law when considering the cases of Aboriginal men sentenced for murdering other Indigenous people in the 1850s and 1860s. Two Aboriginal men, identified by their European nicknames of Old Billy and Young Billy, were convicted in 1858 of the murder of another Aboriginal man. The jury 'strongly recommended the prisoners to mercy on the ground of their ignorance of our customs & the peculiar nature of their own'.[52] The trial judge, too, recommended mercy, but on the ground that the evidence against the two men was unsworn (admitted under a statute that allowed Aboriginal witnesses to testify without taking an oath) and uncorroborated. After the death sentences were commuted to seven years' hard labour, residents of Horsham petitioned for a further remission of sentence on the ground of 'ignorance of our laws on the part of the native tribes', but the seven-year sentences stood.[53] An Aboriginal man identified as Tommy Knuckledown received the same sentence for the murder of another Aboriginal man in 1865.[54]

Aboriginal law featured again when an Aboriginal man identified as Peter Gowrie (or Gourie) was sentenced for the murder of two Aboriginal women in 1862. The trial judge, Robert Molesworth, told the council that Gowrie had already been punished under Aboriginal law: 'the tribe to which the women belonged had inflicted in accordance with native custom a very severe chastisement upon the prisoner, and left him as they thought for dead'.[55] Influenced by the lack of any past execution of an Aboriginal person for 'murder produced by quarrels "inter se"', the council recommended commuting the death sentence to life with hard labour, the first three years in irons. The colonial authorities did not treat killings of Europeans by Aborigines so leniently. Of the eleven prisoners executed in the Port Phillip District before it was separated from New South Wales to form the new colony of Victoria in 1851, five were Aborigines executed for murdering European colonists.

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In their statistical analysis of capital punishment in Victoria, Douglas and Laster found that a recommendation to mercy from the jury was associated with a higher likelihood that a death sentence would be commuted.[56] However, a jury recommendation was not necessarily the reason for a commutation; ministers might have been responding to the mitigating circumstances that prompted the jury's recommendation, rather than to the recommendation itself. When judges and council members commented on their approach to jury recommendations, they revealed varying opinions. A recurring theme was that, if recommendations to mercy were consistently ignored, juries might be more reluctant to convict in capital cases. This was Governor Barkly's opinion in 1862:

> he thought there was a growing indication of unwillingness on the part of Juries to bring in Verdicts of "Guilty of Murder", and that if their recommendations to Mercy were disregarded by the Executive it would lead to their returning verdicts of Manslaughter only, except on occasions of premeditated murder.[57]

A mercy recommendation could be undermined if the judge disagreed with the jury. In the case of Luke Lucas, convicted of the murder of his wife Mary in 1854, the all-male jury recommended mercy on the ground that Mary had provoked him, referring to claims that she had cohabited with another man and stayed out at night drinking. When Justice Barry delivered the mandatory death sentence (with tears running down his face, if the newspapers are correct), he told Lucas that he could not agree with the jury's recommendation.[58] Lucas was hanged.

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The need to deter criminals led the council into some complex and uncertain assessments of the likely effects of their decisions. One problem its members confronted was that (especially before the number of capital crimes was reduced in 1864) the death penalty was imposed for a range of offences, some much more serious than others. When Andrew Pearson was convicted of burglary and assault with intent to murder in 1858, his recorded sentence of death was commuted to a mere twelve months' imprisonment.[59] Pearson had inflicted no injuries, and Justice Barry even told the jury that the crime no longer carried the death sentence; he corrected himself after they delivered their verdict.[60]

If prisoners were executed for lesser crimes, council members feared that criminals would make no distinction between lesser and more serious offences. In 1861 John Johnson was convicted of rape as an accomplice after he kept watch outside the room where his co-accused, Thomas Sanders, assaulted a young woman 'under circumstances of great atrocity'. The council members had little difficulty deciding that Sanders should be hanged but their opinions on Johnson were divided. Some pointed out that Sanders could not have committed the crime if Johnson had not kept guard. Others held that, if the two men were punished equally, 'it was to be feared that in any similar case which might occur, all those who might be in complicity at the time, would perpetrate the crime in succession, because no distinction had been made in the amount of punishment awarded on this occasion'. The council split by five votes to four in favour of executing Johnson, but Barkly took 'the responsibility upon himself of saving his life'. Johnson was sentenced to hard labour for life, the first three years in irons.[61]

Justice Molesworth reasoned in 1858 that hanging prisoners convicted of robbery with wounding might give future robbers an incentive to remove potential witnesses by killing their victims, rather than merely wounding them, since the penalty would be the same: 'His Honor questioned whether in regard to the lives of persons assailed it was expedient to punish robbery with wounding as severely as robbery with attempt to murder … the removal of the distinction would induce robbers rather to kill, than beat their victims and leave them to prosecute'.[62] His reasoning failed to sway the council. In view of the degree of violence used, the council decided that the robbers in question, William Jones and Edward Brown, should be hanged.

Yet, when Samuel Dwelly was convicted of the rape of a child in 1862, members of the council were pessimistic about the deterrent effect of hanging him:

> The Council are fully impressed with the fact that the crime of Rape is on the increase in the Colony and the majority of the members would recommend that the Law should take its course if they were satisfied that by so doing it would put a stop to such an outrageous offence. They feared however that such would not be the case.[63]

Dwelly's sentence was commuted. In the same year, ministers voiced concerns that leniency in commuting death sentences would lead to a rise in the murder rate, but Governor Barkly answered with statistics showing that there had been no increase.[64]

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Ministers' debates on sexual offences drew on contemporary thinking about the effect of the victim's background and character in assessing the gravity of the offence. John Young's death sentence for rape in 1855 was commuted to fifteen years' hard labour because of the Executive Council's opinion of his victim: 'the woman was not only not shewn to have made resistance to her assailer, but seems to have permitted the prisoner to take liberties which reputable females would repel:—and this in the presence of others to whom she might have appealed for protection, had she been so disposed'.[65] Governor Barkly's opinion in the case of Thomas Denham, sentenced to death for rape in 1857, was harsh: 'he thought an outrage had been committed, but that the nature of the outrage entirely depended upon the character of the woman who brought this charge'.[66] Evidence given by Denham's victim was discredited by the law officers, and Denham was freed.[67]

The most protracted debate about the relevance of the victim's character concerned the case of brothers William and George Gouge, convicted of raping Mary Sanderson in 1862, and Edward Shannon, convicted of aiding and abetting them. In a later report, Justice Molesworth said that he felt strongly 'the atrocity of the offence': a group of men raped Sanderson repeatedly over the course of more than an hour.[68] But he had told the Executive Council that Sanderson was 'a woman of loose morals & bad character & little better than a prostitute'. John Dennistoun Wood, minister of justice, retorted: 'the indifferent character of the woman should not be allowed to operate in mitigation of punishment'. The rest of the council agreed on 'the extreme atrocity of the outrage' and sought 'the severest punishment'.[69] Molesworth had recorded, rather than pronounced, the death sentence on the Gouge brothers, and ordering their execution was now beyond the council's power (a fresh order from the judge would be needed). Their sentences were commuted to life imprisonment, Shannon's to ten years.

The case became more tangled the following year when, at the instigation of William's mother, Sanderson retracted her accusation against him on her deathbed. Sanderson was destitute, and Mrs Gouge had paid for the visit of a doctor. William was freed, but petitions in favour of George Gouge and Edward Shannon were rejected.[70] Wood's successor as minister of justice, Archibald Michie, said that if (as the petitions claimed) Sanderson was a prostitute, that fact 'cannot affect the right which she has equally with every other person to be protected by the Law'.[71] Edward Shannon was released in 1869, George Gouge in 1870.

In rape cases, an argument for leniency often noted in the council minutes was that, since 1841, the offence no longer carried the death penalty in England. The Victorian parliament preserved the death penalty for rape in successive consolidations of the criminal law until 1949, but the sentence was carried out in only six cases, the last in 1876.[72]

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Where a police report provided evidence of previous good behaviour, a commutation was more likely, although council members occasionally wondered whether this approach was correct. In 1858 some members thought Robert Jones should be hanged 'even if the character of the prisoner was favourable, as that would rather aggravate the nature of the crime of which he had been convicted', as if turning to crime was even more reprehensible in the law-abiding.[73] Previous bad behaviour, on the other hand, generally counted against a prisoner.

When John O'Dwyer was convicted of murder in 1861, some ministers thought his prior conviction for manslaughter 'under circumstances, as gathered from the evidence, of great atrocity' (as Governor Barkly put it) strengthened the case for hanging him. Commissioner of Public Works James Grant, on the other hand, argued that 'no number of successive convictions for manslaughter amount to a conviction for murder, or justify either legally or morally the taking away of life'.[74] O'Dwyer's sentence was commuted when Barkly overrode the narrow majority that favoured carrying out the death sentence. Barkly set out his reasons: the jury recommended mercy; the judge thought such recommendations were 'entitled to attention'; O'Dwyer had been 'severely maltreated' by the victim and others before committing the murder; a persuasive petition from local residents testified to this provocation; there had been a long delay since the trial; the sentence would have been commuted if it had not been for O'Dwyer's prior conviction for manslaughter, which should not 'turn the scale in a question of life, or death'; and opinion in the Executive Council was narrowly divided.[75] Barkly concluded:

> I should be acting more in accordance with the spirit of the English Criminal Law; more in conformity with the dictates of humanity; and more in consonance with my own opinion respecting the case, if, where there was so much difference of opinion I gave the Prisoner the benefit of the doubt, and leant to the side of mercy.[76]

Such explicit leaning towards commutation was rare, although the minutes gestured at the gravity of the council's decisions in capital cases by recording that conclusions were reached after 'anxious and serious deliberation' or 'maturely and with great solicitude'.[77] These verbal formulas hinted at what must have been a psychological burden on at least some ministers. The rarity of expressions of feeling in the minutes only adds emphasis to Barkly's sigh of relief when he commuted the sentence of Robert Jones in 1858: it was 'always more agreeable to his feelings', he said, 'to be advised to commute a capital sentence'.[78]

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The effective removal of the governor's personal discretion in capital cases in 1892 was quickly reflected in the records of the Executive Council. The register of capital sentences kept in the council office now recorded that capital cases were considered in cabinet rather than in council, judges no longer attended council meetings to report on capital cases, and council minutes on death sentences became almost perfunctory. The governor's role became much the same as it was in other matters of government, constrained by the advice of cabinet and individual ministers.

There are fewer indications in Victoria than in England of systematic assessment of capital cases, or attempts at consistent decision-making. In Victoria there was no equivalent to the increasingly lengthy and reasoned Home Office reports on prisoners supplied to the English home secretary. Substantive input by the Victorian Law Department into decisions on death sentences was spasmodic, limited to cases where (as in the case of George Nial) inquiries were organised by the department on the initiative of ministers, and even then the secretary and staff of the department wrote no report and expressed no opinions. Their role was usually limited to gathering and passing on the documents that formed a dossier for the Executive Council, although the compilation of a central register of capital cases from the 1860s onwards supplied at least the raw material for comparison of sentencing outcomes.[79]

Frequent changes of government and regular changes of governor (usually every six years) undermined the development of institutional knowledge within the Executive Council, although the reappearance of individual ministers in successive ministries provided at least some degree of continuity, as did the long service of the council's clerks. The attorney-general and the solicitor-general occasionally took on special responsibilities in advising on cases, either in the course of a council meeting or by providing a more formal report to the council to help resolve a difficult case. The police had an accumulation of knowledge of capital cases, but their work in obtaining convictions made impartiality difficult, and their contribution to Executive Council deliberations usually went no further than reports on the background of prisoners and investigations into new pieces of evidence such as witness statements.

The judges of the Supreme Court had perhaps the best opportunity to develop a consistent approach to decisions on death sentences. Judges' reports came closest to the English Home Office reports on prisoners sentenced to death in that they summarised salient features of the case, highlighting strengths and weaknesses in the evidence along with issues such as premeditation and state of mind that were likely to affect the outcome. But the judges were individualists by nature, and, while they built up their own stores of personal experience, there were few signs in the Supreme Court of shared expertise or approaches to the evaluation of capital cases of the kind sought by the Home Office. The judges did not even agree on the basic question of whether it was appropriate for them explicitly to recommend commutation or execution. Nor do clear patterns emerge of either severity or leniency on the part of individual judges.[80]

The review of death sentences by the Executive Council was flexible but, by the same token, changing and unpredictable. The steps taken varied in response to the features of individual cases: a report from the police about new evidence, inquiries by the law officers, even detective work by a particularly keen attorney-general at the scene of the crime, as in the case of John Simmons in 1861. Defending Home Office methods in 1864, the English home secretary said that in dealing with the prerogative of mercy the office was 'not a Court of Appeal but a Court of Mercy'.[81] The prerogative could only be used to reduce, never increase, punishment, and the Home Office, like the Executive Council, looked as widely as it could for grounds for mitigation.

This emphasis on the merciful side of the prerogative downplayed the role of the authorities in ordering death sentences to be carried out. In Victoria, the confirming of a death sentence was just as much an exercise of the governor's power as was the commuting of one to a lesser punishment—and down to 1892, in most cases where a death sentence had been pronounced, execution followed. In a legal system that valued consistency and due process, the work of the Executive Council represented a different idea of justice, one in which ministers weighed responsibility, punishment and proof by whatever means they thought most relevant to the decision to take or spare a life.

Notes

1 'Governor's Commission and Instructions', Victoria, *Votes and Proceedings of the Legislative Council*, 1855, no. C 4, p. 4. This provision was repeated, with slight variations, in instructions to later governors.

2 R. Douglas and K. Laster, 'A Matter of Life and Death: The Victorian Executive and the Decision to Execute 1842–1967', *Australian and New Zealand Journal of Criminology*, vol. 24, no. 2, July 1991, p. 146.

3 Douglas and Laster, p. 155. See also Kathy Laster, 'Capital Crimes and the Supreme Court', in Simon Smith (ed.), *Judging for the People: A Social History of the Supreme Court in Victoria 1841–2016*, Sydney, Allen & Unwin, 2016, p. 215.

4 David Plater and Penny Crofts, 'Bushrangers, the Exercise of Mercy and the "Last Penalty of the Law" in New South Wales and Tasmania 1824–1856', *University of Tasmania Law Review*, vol. 32, no. 2, 2013, p. 301.

5 H.C. Tait, 'Convictism to Codification: The Prerogative of Mercy in Colonial Queensland', *Australian Bar Review*, vol. 38, no. 3, 2014, p. 319.

6 Carolyn Strange, 'Discretionary Justice: Political Culture and the Death Penalty in New South Wales and Ontario, 1890–1920', in Carolyn Strange (ed.), *Qualities of Mercy: Justice, Punishment, and Discretion*, Vancouver, UBC Press, 1996, p. 130.

7 Roger Chadwick, *Bureaucratic Mercy: The Home Office and the Treatment of Capital Cases in Victorian Britain*, New York, Garland, 1992, pp. 155–6, 382–3.

8 William Cornish and others, *The Oxford History of the Laws of England*, vol. 13, Oxford, Oxford University Press, 2010, pp. 131–3.

9 Victoria, *Parliamentary Debates*, vol. 26, Legislative Assembly, 10 October 1877, p. 1045.

10 *Criminal Law and Practice Statute 1864* (Vic.); *Treason Act 1817*, 57 Geo. 3, c. 6 (UK); *Treason Act 1795*, 36 Geo. 3, c. 7 (UK). These British statutes applied as part of the law of Victoria on separation from New South Wales.

11 *Criminal Law and Practice Statute 1864* (Vic.), ss. 288–90.

12 Minutes of the Executive Council, VPRS 1080/P0, unit 6, pp. 434–5, 449, 468–9, Public Record Office Victoria (PROV).

13 Minutes of the Executive Council, VPRS 1080/P0, unit 11, pp. 40–59, PROV.

14 Figures derived from VPRS 7583 Register of Decisions on Capital Sentences and VPRS 1080 Minutes of the Executive Council, PROV. VPRS 7583 omits two prisoners (Joseph Belcher and Stephen Lockey, commuted, 1852) and lists as executed one prisoner who committed suicide in gaol before execution (Chew-a-Key, 1859).

15 'Governor's Commission and Instructions', Victoria, *Votes and Proceedings of the Legislative Council*, 1855, no. C 4, p. 4.

16 Minutes of the Executive Council, VPRS 1080/P0, unit 6, p. 353, PROV.

17 Minutes of the Executive Council, VPRS 1080/P0, unit 8, pp. 353–9, PROV.

18 Minutes of the Executive Council, VPRS 1080/P0, unit 6, pp. 284–9, 295–7, 491–3, and unit 7, pp. 40–1, 113–18, 124–5, PROV.

19 See Victoria, *Parliamentary Debates*, vol. 21, Legislative Assembly, 30 June 1875, pp. 504–19; Stawell to Earl of Carnarvon, 28 December 1875, VPRS 4818/P0, unit 2, p. 319, PROV.

20 Minutes of the Executive Council, VPRS 1080/P0, unit 2, p. 122, PROV.

21 Dawn Ralfe, *Murders and Mayhem at Salt Creek: The True Story of Malachi Martin*, Canberra, Inspiring Publishers, 2013, pp. 150–1.

22 See J.M. Bennett, 'The Royal Prerogative of Mercy—Putting in the Boots', *Australian Law Journal*, vol. 81, no. 1, January 2007, p. 35.

23 Severin Woinarski, 'An Introduction to the History of Legal Institutions in Victoria', LLD thesis, University of Melbourne,1940, pp. 350–3; *Criminal Appeal Act 1914* (Vic.).

24 'Circuit Court', *Ballarat Times*, 19 October 1859, p. 2; Minutes of the Executive Council, VPRS 1080/P0, unit 5, pp. 260–1, 300–1, 353, PROV. On the complex significance of race in the exercise of the prerogative, see Douglas and Laster, pp. 152–3, 156.

25 'Additional Estimates of Expenditure for 1860', Victoria, *Votes and Proceedings of the Legislative Assembly*, 1859–60, no. B 3, p. 10.

26 Leading article, *Ballarat Star*, 22 November 1865, p. 2.

27 Victoria, *Parliamentary Debates*, vol. 21, Legislative Assembly, 30 June 1875, p. 510.

28 Minutes of the Executive Council, VPRS 1080/P0, unit 2, pp. 395–6, PROV.

29 Minutes of the Executive Council, VPRS 1080/P0, unit 6, p. 50, PROV.

30 Victoria, *Parliamentary Debates*, vol. 47, Legislative Assembly, 21 October 1884, p. 1869.

31 Minutes of the Executive Council, VPRS 1080/P0, unit 6, p. 60, PROV; 'The Case of Nial, Convicted of the Big Hill Murder', *Argus*, 14 September 1860, p. 7; 'The Big Hill Murder', *Argus*, 18 October 1860, p. 5.

32 Minutes of the Executive Council, VPRS 1080/P0, unit 6, pp. 353–5, PROV.

33 *Dangerous Lunatics Act 1843* (NSW), s. 2 (in force in Victoria on separation from New South Wales); *Lunacy Statute 1867* (Vic.), s. 6.

34 Minutes of the Executive Council, VPRS 1080/P0, unit 29, pp. 13–14, 37, PROV; 'Execution of Wilson', *Ballarat Star*, 12 May 1891, p. 4; 'The Ballarat Tragedy', *Argus*, 12 May 1891, p. 5; 'The Johnston Case', *Age*, 15 May 1891, p. 5.

35 James Fitzjames Stephen, *A History of the Criminal Law of England*, London, Macmillan, 1883, vol. 1, p. 313.

36 Leading article, *Argus*, 18 September 1860, p. 4.

37 Minutes of the Executive Council, VPRS 1080/P0, unit 7, pp. 113–18, 124–5, PROV.

38 Minutes of the Executive Council, VPRS 1080/P0, unit 7, p. 549, PROV.

39 Minutes of the Executive Council, VPRS 1080/P0, unit 7, p. 550, PROV.

40 Minutes of the Executive Council, VPRS 1080/P0, unit 4, pp. 444–5, PROV.

41 Minutes of the Executive Council, VPRS 1080/P0, unit 4, pp. 449–50, 452–3, PROV.

42 Minutes of the Executive Council, VPRS 1080/P0, unit 5, pp. 154, 161, PROV. In England, the death penalty for sodomy was removed by the *Offences against the Person Act 1861* (UK), s. 61.

43 Minutes of the Executive Council, VPRS 1080/P0, unit 7, p. 406, PROV.

44 See, generally, David Plater and Sue Milne, '"All That's Good and Virtuous or Depraved and Abandoned in the Extreme"? Capital Punishment and Mercy for Female Offenders in Colonial Australia, 1824 to 1865', *University of Tasmania Law Review*, vol. 33, no. 1, 2014, p. 83.

45 Minutes of the Executive Council, VPRS 1080/P0, unit 2, p. 155, PROV.

46 Minutes of the Executive Council, VPRS 1080/P0, unit 3, pp. 162–3, 190–1, PROV.

47 Minutes of the Executive Council, VPRS 1080/P0, unit 5, pp. 375–6, PROV; 'Sandhurst Circuit Court', *Bendigo Advertiser*, 1 March 1860, p. 2

48 Minutes of the Executive Council, VPRS 1080/P0, unit 9, p. 40, PROV.

49 Minutes of the Executive Council, VPRS 1080/P0, unit 8, p. 102, PROV.

50 Kathy Laster, 'Arbitrary Chivalry: Women and Capital Punishment in Victoria, Australia 1842–1967', *Women and Criminal Justice*, vol. 6, no. 1, 1994, p. 71.

51 Dee Gee, convicted of the murder of William Humphries. Minutes of the Executive Council, VPRS 1080/P0, unit 8, pp. 102–3, PROV.

52 Minutes of the Executive Council, VPRS 1080/P0, unit 4, p. 428, PROV. See, generally, Simon Cooke, 'Arguments for the Survival of Aboriginal Customary Law in Victoria: A Casenote on R v Peter (1860) and R v Jemmy (1860)', *Australian Journal of Legal History*, vol. 5, 1999, p. 201.

53 Minutes of the Executive Council, VPRS 1080/P0, unit 4, p. 459, PROV.

54 Minutes of the Executive Council, VPRS 1080/P0, unit 9, p. 256, PROV.

55 Minutes of the Executive Council, VPRS 1080/P0, unit 7, pp. 133–4, PROV.

56 Douglas and Laster, p. 149.

57 Minutes of the Executive Council, VPRS 1080/P0, unit 7, pp. 141–2, PROV.

58 'Supreme Court', *Age*, 20 November 1854, p. 5.

59 Minutes of the Executive Council, VPRS 1080/P0, unit 4, p. 366, PROV.

60 'Ballarat Circuit Court', *Star* (Ballarat), 25 June 1858, p. 2.

61 Minutes of the Executive Council, VPRS 1080/P0, unit 6, pp. 492–3, PROV.

62 Minutes of the Executive Council, VPRS 1080/P0, unit 4, pp. 130–1, PROV.

63 Minutes of the Executive Council, VPRS 1080/P0, unit 7, p. 22, PROV.

64 Minutes of the Executive Council, VPRS 1080/P0, unit 7, p. 141, PROV.

65 Minutes of the Executive Council, VPRS 1080/P0, unit 2, p. 51, PROV. See, generally, Amanda Kaladelfos, 'The Politics of Punishment: Rape and the Death Penalty in Colonial Australia, 1841–1901', *History Australia*, vol. 9, no. 1, April 2012, p. 163.

66 Minutes of the Executive Council, VPRS 1080/P0, unit 3, p. 179, PROV.

67 Minutes of the Executive Council, VPRS 1080/P0, unit 3, pp. 189–90, PROV.

68 Report of Justice Molesworth, 10 June 1870, VPRS 266/P0, unit 217, 70/4312, PROV.

69 Minutes of the Executive Council, VPRS 1080/P0, unit 7, pp. 223–4, PROV.

70 Report of Detective Secretan, 31 March 1863, VPRS 266/P0, unit 217, 70/4312, PROV; Report of Justice Molesworth, 31 August 1864, and attached papers, VPRS 266/P0, unit 98, 64/4304, PROV; Minutes of the Executive Council, VPRS 1080/P0, unit 7, pp. 449–50, PROV.

71 Minute by Archibald Michie, 24 August 1864, VPRS 266/P0, unit 98, 64/4304, PROV.

72 In addition, five men were executed for the offence of carnal knowledge of a girl under ten years of age. From 1891 juries had the option of finding defendants charged with rape guilty of the offence with mitigating circumstances, with a maximum penalty of ten years' imprisonment. See Greg Taylor, 'Rape with Mitigating Circumstances', *Australian Bar Review*, vol. 26, no. 3, September 2005, p. 331.

73 Minutes of the Executive Council, VPRS 1080/P0, unit 4, p. 453, PROV.

74 Minutes of the Executive Council, VPRS 1080/P0, unit 6, p. 296, PROV.

75 Minutes of the Executive Council, VPRS 1080/P0, unit 6, pp. 295–6, PROV.

76 Minutes of the Executive Council, VPRS 1080/P0, unit 6, pp. 296–7, PROV.

77 Minutes of the Executive Council, VPRS 1080/P0, unit 9, p. 185, and unit 10, p. 62, PROV.

78 Minutes of the Executive Council, VPRS 1080/P0, unit 4, pp. 452–3, PROV.

79 See VPRS 266/P0, unit 106, 65/1228, PROV. The case of Samuel Dwelly indicates that the register was not yet available to the council in 1862.

80 Douglas and Laster, p. 150.

81 Chadwick, p. 146.

The Legend of Lalor’s Arm: Eureka Myths and Colonial Surgery

Nicola Cousen

Abstract

The history of the Eureka Stockade in Ballarat on 3 December 1854 remains highly contested, and details of what happened to the injured stockade leader, Peter Lalor, together with the events surrounding his arm amputation, are particularly contested. Closer investigation of this medical emergency in 1854, the myths associated with it, and the doctors involved provides new and expanded insight into Eureka, colonial medicine and the role of doctors in colonial Victoria.

The Eureka Stockade has been seen as a foundation event in Australian history and many contested versions of its history and meaning exist. Geoffrey Serle argued that Eureka is best described as ‘a fight for freedom’ or as ‘a democratic protest against arbitrary government’.[1] John Molony described the heart of the struggle of the Eureka men as ‘the upholding of their human dignity’, and Weston Bate suggested that ‘Eureka released radical energies previously held in check by the basic loyalty and work-centredness of the goldfields community’.[2] Eureka has also been seen as ‘Australia’s greatest story’ by Andrew Leigh and T.W. Gibbings.[3] They note the elasticity of the event’s symbolism, which has been appropriated by opposing groups, and, similarly, Frank Bongiorno suggests that the Eureka legend has served Australians’ purposes well, particularly in the 1980s—an age of ‘rampant globalisation and assertive nationalism’.[4] Alternatively, David Llewellyn considers Eureka a useful reminder of the wastefulness and tragedy of physical force, arguing rather for Benthamite moral force as the ‘dominant and successful strategy for democratic change in Australia’.[5]

As an integral part of Eureka’s history, the stories relating to the amputation of Peter Lalor’s arm are bountiful. Lalor was a wanted man, so the secrecy surrounding the operation has left this part of the Eureka narrative particularly open to myths and claims. In particular, there are conflicting claims about where the surgery took place, who was present, and what procedures were undertaken. Some parts of the story must remain unknown and subject to speculation because so many years have passed, some details were not recorded and myths tend to be very persistent creatures. Nevertheless, a fresh examination of some of the claims and evidence found in both primary and secondary sources makes it possible to dismiss parts of the mythology about Lalor's arm and its treatment. It also makes it possible to be more definite about other aspects of the operation and subsequent events. Overall, the re-evaluation of evidence about Lalor's arm provided in this article will enable greater insight into Eureka, the state of colonial medicine and the role of doctors in colonial Victoria.

Fresh biographical details of each doctor's background, medical practice and life after Eureka help to contextualise the medical care administered to Lalor as well as the reasons that some parts of the myth persist. This research also shines new light on important players in the Eureka story who have hitherto been neglected in historical accounts. Eureka remains an important part of Victorian history and it continues to be part of our present through ongoing mythmaking and appropriation by various individuals and groups. Understanding this part of the uprising and the roles of particular individuals enriches our understanding of the motivations and commitment of those involved.

Injuries and Medical Care at Eureka

The military and police attack on the Eureka Stockade in the early hours of 3 December 1854 led to the death of both miners and soldiers, with many more wounded and some dying later from their injuries. Injuries were inflicted by guns, bayonets, swords, sabres, knives, pikes; some of the wounded were trampled by horses and some were burnt to death when troopers deliberately set fire to tents. The *Geelong Advertiser* correspondent, whom Raffaello Carboni thought must have been a fellow digger, asserted that once the soldiers had 'tasted blood they became violent, and had not the officers used every exertion, the prisoners would have been murdered on the spot'.[6] It was under these turbulent, emotional, dangerous and often traumatic circumstances that the Ballarat doctors provided medical assistance to the wounded of both sides of the battle.

There were at least 24 surgeons and physicians practising in Ballarat at the time of Eureka.[7] There were also qualified doctors residing in the area who had stepped away from medical practice to concentrate on mining or other activities. Some injured prisoners and soldiers were attended to in the Government Camp hospital and in an improvised facility in a shed at the Camp. The Government Camp was the centre for colonial administration for the Ballarat goldfields, where the police, military and gold-licensing officials were based and buildings such as the hospital and log gaol were situated. Some of the wounded were also taken to the London Hotel, which had been converted to a hospital under Dr Alfred Yates Carr's command, whilst others were attended wherever medical help could be found. Some travelled to Geelong and other safer districts seeking care.

Some doctors had gained the trust of the goldfields population. For example, weeks earlier George Scobie requested that Dr James Stewart perform an independent *post mortem* on the body of his brother, James Scobie, whose death was the fuse to the whole event. George and his fellow miners did not trust the conduct of those who performed the inquest (including Dr Carr) and believed that James had been murdered. As Molony points out, Scobie's 'was the first death of Eureka and after it there could be no turning back'.[8] Not all doctors helped in a way that would earn them trust from the miners. Carboni pointed out, for example, that although Dr Charles James Kenworthy was introduced to the digger, he was not there to help when he was actually needed.[9] And storekeeper Charles Wiesenhavern had charitably assisted Dr Emil Henry Levison but felt that he was 'not such an honorable man that I would believe his word'.[10] Carboni was also suspicious when Dr Carr was appointed to help the wounded stockade diggers, although he had not stepped foot inside the stockade prior to the massacre. The doctors gave their services gratuitously except for Carr, who sought compensation.

The Injured Stockade Leader and Associated Eureka Myths

In April 1855 Peter Lalor described his experience of Eureka in a letter published in the *Argus*.[11] About ten minutes into the battle on 3 December 1854 he was standing in the stockade calling pikemen to come forward when he was shot in his left arm. The arm was shattered and he lost a great deal of blood. According to his statement, he was concealed in a pile of slabs outside the stockade and later hid in the bush. At night-time he returned to the diggings and the next day his arm was amputated.

Peter Lalor (1827–1889), injured Eureka stockade leader (Reproduced with permission of the Victorian Parliamentary Library)

There have been various descriptions of where Peter Lalor's arm was amputated and which doctor or doctors were involved. Common stories surrounding the amputation involve the injured Lalor being taken to Father Smyth's presbytery at St Alipius. The amputation was said to have been performed without anaesthesia with Lalor given only a swig of whisky.[12] Dr Doyle amputated Lalor's arm with the assistance of Anastasia Hayes and Father Smyth, and then the arm was thrown down a mineshaft. Variations on this story include different locations, other doctors and other people involved. John Molony and W.B. Withers suggest that the operation took place on the night of 4 December, the day after Lalor was injured.[13] Bate asserts that Father Smyth was on his horse and took Lalor away from his hiding place in the slabs in amidst the smoke, bodies and confusion within the stockade.[14] Stephen Cuming's account in Withers states that he and his wife looked after Lalor with refreshments and dressed his arm but advised him that Father Smyth's was a safer place.[15] Keith Macrae Bowden, C.H. Currey, Keith Moore and Molony also suggest that Lalor was taken to Father Smyth's from Steve Cuming's hut.[16] Clare Wright omits this part of the Eureka story from her account as an empirical consideration she chose not to pursue.[17]

A number of historians contend that the amputation took place at Father Patrick Smyth's house or presbytery, as did the 1889 accounts of Stephen Cuming and Anastasia Hayes reported by Withers in 1896 in the *Austral Light*.[18] Cuming and Hayes were both in Ballarat at the time of Eureka and claimed involvement with the injured Lalor. Their accounts to Withers were, however, given over three and a half decades after the event. John Lynch was in the stockade with Lalor and, in 1894 (40 years after the event), stated that Lalor had stayed with Father Smyth.[19] R.S. Ross originally wrote that the operation was performed at Father Smyth's house but, in a later edition of *Freedom's Fight of '54*, noted that relatives of Steve and Mrs Cuming said that it occurred at Dr Stewart's residence, whilst Bill Gove, an old stockader, told him it took place in a dairyman's cellar.[20] An obituary for Dr Stewart in 1906 based on details provided by Harry Fynmore, Stewart's nephew, claimed that the operation was performed at Dr Stewart's with Lalor's arm amputated by lantern light in the doctor's coach-house.[21] The article further claims that an anonymous payment of £1,000 pounds was then forwarded to Stewart by the miners.

There are also differing claims about who was present at the operation. Anastasia Hayes, Currey, Ross and Withers (in his original history) mention only Dr Doyle as the amputating surgeon. Molony mentions Doctors Doyle and Stewart. Keith Moore suggests that Dr Doyle announced the need for the amputation and that Doctors Gibson and Stewart were present.[22] The account of Cuming's relative given to Ross has Dr Stewart performing the operation with Dr Doyle possibly present. Gove's very unlikely account suggests that it was a Dr Harrington who performed the surgery.[23] Cuming's account in Withers mentions that Dr Doyle amputated the arm and Doctors Gibson and Stewart were present during the operation. Ian Turner, in his *Australian Dictionary of Biography* entry on Peter Lalor, suggests that the arm was amputated by 'a party of doctors'.[24] Bowden believes that Lalor's arm was amputated by Dr Doyle with the assistance of Doctors Stewart, Gibson and Sutherland. Fifty years after Eureka, Martha Clendinning wrote that on the day of Eureka Dr Stewart had visited her husband (Dr George Clendinning) and borrowed his case of amputating instruments for Lalor's operation.[25]

Cuming claimed to be present during the operation, as did Anastasia Hayes in her account, but neither one mentioned the other being in attendance. Molony suggests that Father Smyth, Anastasia Hayes and Mrs Cuming were present at the operation to assist. Anastasia Hayes was a schoolteacher at St Alipius and the wife of the Ballarat Reform League chairman, Timothy Hayes. Jane Cuming's husband Stephen was a digger and they were Lalor's friends. According to Moore, Smyth, Anastasia Hayes and Thomas McGrath were present.[26] Others have claimed or have been reported to be present at the operation, which would have made the secretive surgery a very crowded affair.

Accounts of what happened during the operation are numerous too. Cuming claimed that he called for Dr Doyle, and the brave Lalor said, 'let's know the worst'. He further suggested that he was present with Doctors Stewart and Gibson while Dr Doyle amputated the arm. Anastasia Hayes claimed that Lalor lay across two tables that were placed side by side for the operation. A nervous Father Smyth asked her to hold the basin, and a timid Dr Doyle was encouraged by Lalor saying 'Courage, courage, take it off'. Doyle duly obliged. Lalor was then put in Smyth's bed and given some wine to drink. Withers gives no description of the operation but mentions that Alicia Dunne, Lalor's fiancée, saw a vision of him early in the morning of 3 December, which was 'a tolerably accurate picture of his actual condition'.[27] Molony contends that Doyle and Stewart performed the amputation after deciding it was urgent. He states that part of the legend includes Lalor saying 'Courage! Courage! Take it off' when he came to his senses during the operation and felt the doctor's hesitation. Bowden suggests that Doyle was assisted by Stewart, Gibson and Sutherland, and that the operation was performed under chloroform. He notes the oft-repeated story of Lalor coming out of the operation and exclaiming 'Courage doctor, take it off!' Bowden asserts that it was common for surgeons to consult with their colleagues before performing an amputation and that more than one doctor had to be present to administer the chloroform. He points out that there was no dissenting voice to the claim in Doyle's obituary in the *Ballarat Times* on

13 January 1858 that 'among his numerous surgical triumphs we may mention that he amputated Lalor's arm at the shoulder joint'.[28]

Cuming asserted that Lalor was kept in a small tent on Black Hill Flat, then stayed at Michael Hayes' tent until he was taken to Geelong. Gove's implausible account has Lalor kept for a month in a dug-out, where Gove and Dr Harrington regularly attended to him. Molony suggests he was moved from the presbytery to Michael Hayes's home, but Ross maintained that Lalor was hidden with various friends before reaching Geelong.

Cuming, Currey and Tommy Marks (from his account in Withers) stated that Lalor was taken to Geelong by Michael Carroll. Carroll, who was twelve years old at the time, related the incident 64 years later in 1918, recalling that he was driving drays with his father and his older brother John.[29] His father was called in to his customer Michael Hayes's tent at Brown Hill, where Lalor was lying on a stretcher and asked Carroll to take a letter to Alicia Dunne. The escape to Geelong was then organised. Carroll family descendants claim that, once in Geelong, Lalor was taken to the Young Queen Hotel and cared for by the hotel owners, the Moore family, until after the state trials. Moore family descendants also believe that Lalor was taken to the Young Queen Hotel.[30]

This summary is only a fragment of the stories and claims about the operation and escape by eyewitnesses, historians and others. For a more extensive list and discussion of people claiming involvement with Lalor's amputation and escape, readers should consult Anne Beggs-Sunter's PhD thesis, 'Birth of a Nation? Constructing and De-Constructing the Eureka Legend'.[31]

The eyewitness accounts of Stephen Cuming, Anastasia Hayes, Bill Gove, Tommy Marks and Michael Carroll were all recorded decades after the event. Both hindsight distortions and false claims were beginning to affect individual retellings of events but, as Alistair Thomson points out, every historical source is 'a constructed and selective representation of experience' and no source 'provides a direct, unmediated and uncomplicated access to the past'.[32] Withers was not actually in Ballarat in the lead-up to or at the time of Eureka and so relied on the accounts of other people. He considered his writing of Eureka's history to be 'free from the hot local entanglements of actual participation in the troubles of the time' but he nevertheless contributed his own mediated biases.[33] Ann Curthoys argues that the discipline of history lies uneasily between creative narration and belief in an objective past; it has been considered to be anywhere on that continuum by different historians, including at mutually exclusive extremes.[34]

Sometimes a person's own identity is tied closely to her/his possible connection with Eureka and Lalor as leader of the rebels. Memories can be unreliable, distorted and sometimes appropriated. Curthoys and John Docker argue that, from the very beginning, historical writing has involved a mix of truth and literary form.[35] Even when family myths and suspicions prove to be incorrect they often contain fragments of fact. These fragments can be the glue that gives coherence to and sustains myths for so long but, after many decades and the passing of generations, the holders of such family myths are often too distant from the event to judge which parts are closer to fact and which are closer to fiction.

The Amputation Operation

Lalor described some of what actually happened to him:

> About ten minutes after the beginning of the fight, and while standing upon the top of a hole, calling upon the pikemen to come forward, I received a musket ball (together with two other smaller bullets) in the left shoulder, which shattered my arm, and from the loss of blood I was rendered incapable of further action. Soon after I was assisted by a volunteer out of the enclosure and placed in a pile of slabs, out of view of the military and police. While in this position the latter passed several times within a few feet of me. I remained there about an hour, when, thanks to the assistance of some friends, I was enabled to leave it (the police and military having returned with the prisoners), and find my way to the bush, where I remained during the day. On the approach of night I returned to the diggings, and through the kindness of a friend procured the assistance of surgeons, who next day amputated my arm.[36]

Surgeons attended him on the evening of the stockade and amputated his arm the following day, 4 December 1854. Lalor used the plural 'surgeons', which almost certainly puts to rest the accounts that mention just one doctor performing the operation alone.

The best indication of the identity of the surgeons who assisted Lalor is found in a *Star* report about a similar operation performed on 60-year-old miner George Hoy in September 1858.[37] Hoy's arm was fractured and shot lodged in his neck, back and shoulder blade from the accidental discharge of a pistol. His arm had to be amputated at the Ballarat Hospital as his life was at risk. In recording the amputation, the

Star's reporters noted its similarity to Lalor's operation and said they were not aware of who had performed that procedure. The following day the *Star* claimed the article had been 'communicated' and inadvertently published. Part of their corrections included:

> Further, in alluding to the amputation of that gentleman's arm, it was stated that the medical gentlemen who performed that operation were unknown to the writer. We may state that these were Dr Stewart (the Chairman of the Western Municipality,) the late Dr Doyle, and Dr Gibson, who has returned to England.[38]

A response from 'Medicus' corrected the paper's claim that Hoy's was the second operation of its type in Ballarat but did not challenge the identity of the three doctors.[39] The similar amputation Medicus was referring to had been performed at the Camp by Dr Henry Mount on James Smith, whose arm was badly fractured from a pistol shot.

Like the 27-year-old Lalor, the three doctors who performed the operation were young men at the time of Eureka. James Stewart had just turned 25, Timothy Doyle was 30 and George Henry Gibson was about 32 years old.

Two of the surgeons who amputated Peter Lalor's arm after he was wounded at Eureka
Left: Dr James Stewart (1829–1906) (Courtesy City of Ballarat Historical Collection)
Right: Mr George Gibson (*c.*1820–1869) (Courtesy Wanganui Portrait Collection, Whanganui District Library, NZC14.1.31)

James Stewart was the son of Irish Presbyterian farmer Robert Stewart and his wife Mary Ann. He was born on 6 November 1829 in the parish of Donagheady, County Tyrone, and received his medical education at the Carmichael Medical School with some classes at Dublin University. He arrived in Australia as a ship surgeon on the *Rip Van Winkle* on 11 November 1852. Stewart came to Ballarat with the qualifications of L.M. (Licence in Midwifery) and L.R.C.S.I (Licence of the Royal College of Surgeons in Ireland) but later updated his qualifications with an L.K.Q.C.P.I. (Licence of the King and Queen's College of Physicians in Ireland) and F.R.C.S.I. (Fellow of the Royal College of Surgeons in Ireland).

In 1854 Stewart co-owned a twelve-bed tent hospital at Bakery Hill with Scottish physician James Sutherland. Stewart and Sutherland charged £5 a week for medical attendance, medicines and diet at the hospital. There was a second tent hospital at Red Hill run by Dr George Clendinning and his assistant, Dr Carr. Stewart was a founding member, secretary and treasurer of the Ballarat Medico-Chirurgical Society in October 1854. The society listed legally registered doctors on the goldfields to protect the public from quacks and scammers and also served to direct more business to the listed medical men. Doyle, Clendinning and Carr were also members of the society.

Timothy Doyle was also an Irish farmer's son. He was born to Timothy and Maryann Doyle in Kilkenny, Ireland, around 1824. The Roman Catholic Doyle arrived in Australia with the qualifications of M.B. (Bachelor of Medicine) and M.R.C.S. (Member of the Royal College of Surgeons England).[40] He travelled from Britain to Australia as surgeon aboard the *Lorena*. Also on board was Rosetta (Rosa) Scott, whom he married at Ballarat on 19 July 1853. Doyle practised medicine at Golden Point. Rosa gave birth to the couple's son Francis on 19 April 1854.[41] On the day of the stockade Francis was little more than seven months old. Rosa and Francis's safety would have played large on Doyle's mind during the events of the day and when weighing up the risk of operating on the wanted man.

George Henry Gibson was a surgeon who arrived in Australia in 1851. He worked as a miner at Forest Creek for twelve months and had been at Ballarat nearly two years at the time of Eureka.[42] He was a miner on the Gravel Pits gutter and was one of the first miners to slab his mineshaft throughout using frame and piles.[43] Although Gibson told the Goldfields Commission of Enquiry on 22 December 1854 that he was not practising as a surgeon at the time, instead working as a miner, he did provide medical assistance to some of the other injured from Eureka. He was the first medical man to assist Dennis Dinan, who was shot in the shoulder then struck on the head with a sword by troopers. Doctors Doyle and Stewart had registered with the Medical Board of Victoria as legally qualified medical practitioners in the colony by 24 January 1855 but Gibson had not.[44]

Carboni described the wounded Peter Lalor as 'in the agony of death'.[45] When Doctors Stewart, Doyle and Gibson first saw the injured Lalor on the night of 3 December, they would have cleaned and dressed his wound and given him pain relief and sedation in the form of laudanum or other opiates to see him more comfortably through the night. They might have ordered wine and nourishment to be given to Lalor as was often the case for patients with various injuries and illnesses. The amputation operation was performed the next day, and it is likely that the surgeons anaesthetised him with chloroform and continued the use of opiates for sedation and pain relief. The anaesthetic was possibly administered by soaking a piece of cloth in chloroform and holding it over the injured Lalor's mouth and nose, leaving a gap for him to breathe air. This method of anaesthesia was familiar and easy to use in the make-do operating theatre of a goldfields tent. After all, these surgeons were operating in goldfields tents and at the sites of mining accidents as part of their normal everyday duties.

Early Colonial Anaesthesia

The use of anaesthesia during operations spread rapidly after its discovery in the 1840s. It was recognised as an epochal innovation by some of its earliest users, as Stephanie Snow has established.[46] The first successful anaesthetic operation was performed in the USA on 16 October 1846, and on New Year's Day1847, just eleven weeks later, anaesthetic was used in Ireland at the Richmond Hospital.[47] The operation was performed using the anaesthetic ether by John MacDonnell, who was assisted by some medical colleagues including Richard Carmichael, a lecturer in surgery, anatomy and physiology after whom the Carmichael Medical School was named. Chloroform was first used at the Rotunda Lying-In Hospital in Dublin for a forceps delivery on 18 February 1848.[48] James Stewart received some of his education at the Carmichael Medical School and obtained his licence in midwifery from the Rotunda in 1850 and was thus trained in the use of anaesthesia. Timothy Doyle received his M.R.C.S. Eng. in 1852 and would have been similarly educated in the use of anaesthetics. George Henry Gibson would also have had experience with using anaesthetics prior to Eureka.

Both ether and chloroform were used for operations in Australia at least three years before the three surgeons arrived in Victoria. Sulphuric ether was first used in Australia by Dr William Russ Pugh (assisted by Dr Benson) at St John's Hospital in Launceston on 7 June 1847, just nine months after its first use in surgery in America.[49] Ten months later, on 11 April 1848, chloroform was used as an anaesthetic at the Sydney Infirmary, where Dr McEwan operated on a young girl after Mr Nathan administered chloroform anaesthetic.[50] It was seen as advantageous over ether as the patient did not suffer from the intoxication symptoms that sometimes occurred with ether.

Studies of nineteenth-century amputation cases at the Royal Berkshire and London Hospitals found that most amputations were performed on young males after trauma in the newly industrialised workplaces.[51] Not all findings from these studies of two English hospitals during the same period reflect similar operations on the goldfields. At the time of Eureka, the majority of such trauma in Ballarat was caused by mining accidents and there was no public hospital in Ballarat until 1856. Thus the Ballarat doctors were receiving their medical experience in very different circumstances.

Whilst studies of surviving records of amputation operations from nineteenth-century warfare trauma are abundant, amputations in civilian practice are rarely reported in much detail, as R.B. Galland and E.J. Chaloner, H.S. Flora and R.J. Ham point out.[52] For example, many records exist for the estimated 60,000 amputations performed during the American Civil War (1861–65).[53] Detailed amputation series for early colonial Australian medical practice are limited, however, and Eureka is no exception to this. Thus examination of reported operations performed by the doctors involved in Lalor's amputaton (and those performed by their goldfields colleagues) provide valuable details of the practices particular to Ballarat around the time of Eureka.

Dr Carr performed an amputation using chloroform anaesthesia two days after Eureka.[54] William Simpson Hardy's femur had been shattered from a musket shot. Carr gave him about three drachms of laudanum (a tincture of opium in alcohol) and put him under chloroform. Hardy's leg was amputated just below the hip joint with the assistance of Dr Mount and other doctors. Carr stayed by Hardy's side for twelve hours after the operation, administering twelve drachms of Battley's sedative solution of opium. Hardy had nearly recovered after six weeks but was struck with a recurrence of typhoid symptoms and died. Opium preparations like Battley's sedative solution were considered to 'act more kindly and certainly than opium', 'stimulate less, and cause less distressing symptoms in the head the day after'.[55] This reveals that chloroform was available and used in operations in Ballarat at the time of Eureka, opiates were used for sedation and pain relief, more than two doctors were present and assisting with the amputation operation, and more than six weeks were required for the amputation site to heal. Six weeks was also the time expected for George Hoy's arm amputation site to heal well enough for him to leave hospital in 1858, but, because of complications from shot remaining in the body, it was four months before he could leave hospital. If all went well for Lalor it would have been six weeks before he was well enough to travel because moving around during those first six weeks was likely to increase the risk to his health and life.

Doctors James Stewart and Robert Carr used chloroform in May 1856 in the presence of Dr Clendinning when they operated on Arie Verschoor to tie up his brachial artery.[56] The unfortunate Verschoor had only sought treatment for a blood nose but another doctor incorrectly bled him from his brachial artery and caused a false aneurism. Stewart and Carr found mortification in the arm and put Verschoor under chloroform a second time to amputate his arm. Doctors Doyle and Richard Jones Hobson were also present for some of the surgery. In February 1857 Dr Stewart amputated Mr Noonan's leg below the knee in the presence of Doctors Kenworthy, Hobson, Augustus Dimock and Thomas Hillas.[57] This operation was performed under chloroform and was over in about three minutes. Later that month Kenworthy removed part of a man's leg with Stewart and Hillas assisting. The man had a compound fracture that had led to an abscess, and an earlier amputation of part of the leg did not leave enough skin to cover the bone. He was administered chloroform through inhalation, and forceps were used to remove the diseased bone, which had suffered from continued exposure.

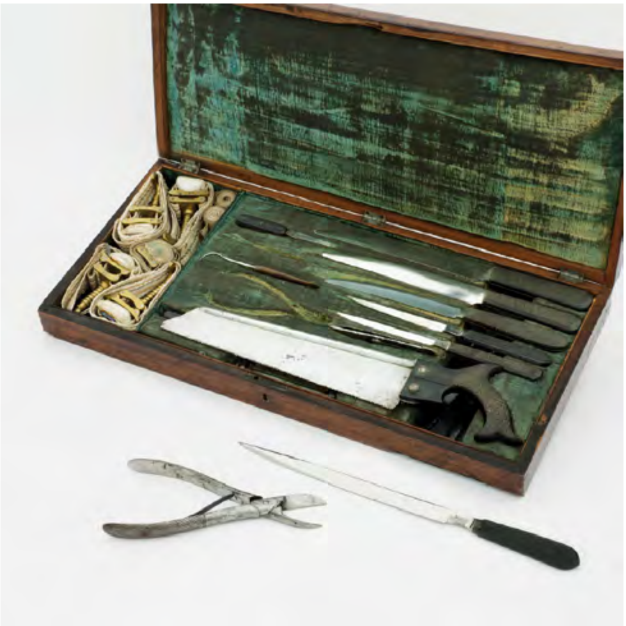
Dr Stewart amputated Edward Maynard's injured and diseased thigh on 18 March 1857 with the assistance of Doctors Doyle, Hobson and Hillas and in the presence of Doctors Dimock, Mount and George Nicholson.[58] Dr Doyle performed a lithotomy (the surgical removal of bladder and kidney stones) on a patient in October 1856 and, whilst the use of chloroform is not reported in this case, it was used on a patient who underwent a lithotomy nearly two years earlier in Geelong.[59] Dr Gibson amputated the leg of a man who had been administered chloroform in 1864.[60] He was assisted by another doctor with two other doctors present. Thus there is substantial and incontrovertible evidence that when these doctors amputated limbs and performed other serious surgery they used chloroform, they had other surgeons assisting them, and other medical practitioners were present. This refutes suggestions that anaesthetics were not being used at the time of Eureka.

Chloroform had its benefits and dangers. It saved patients from what Victor Robinson called the 'exquisite agony' of operations without anaesthesia. Many patients preferred death because the experience of surgery without such sedation 'meant severe nervous shock, followed by a long period of depression, conditions which interfered seriously with the healing of operative wounds and greatly protracted convalescence'.[61] In support of anaesthesia, Scottish surgeon James Syme wrote in 1854 that pain 'most injuriously exhausts the nervous energy of a weak patient'.[62] Death could occur under anaesthesia and the reasons for this were not understood until decades later. As Linda Stratmann contends, English physician John Snow was the first to realise that the difference between fourth-degree anaesthesia and a fatal dose is very minute—a difference of twelve minims or about 0.12 of a teaspoon.[63] The popularity of chloroform and ether varied in different countries at different times. Chloroform was faster to act than ether and could easily be carried around because only small amounts were required to anaesthetise a patient, but it also had a short shelf life in its pure form. Stratmann asserts that 'a sudden high concentration, caused by unsophisticated equipment, careless administration, or the deep inspirations of a nervous struggling patient, will stop the heart in an instant'.[64]

Other Surgical Risks

The risks involved in nineteenth-century amputations were not just limited to those associated with anaesthesia. B.A. Watson asserted in 1885 that the main fatalities from amputations came from shock, haemorrhage and exhaustion, with death from blood poisoning and 'secondary disease of a low type' not uncommon.[65] He attributed the main cause of fatalities in secondary amputations to development of septic diseases. Before Listerian antisepsis principles were introduced in 1867, doctors considered amputation a safer treatment for compound limb injuries because, without it, sepsis was a likely outcome, as Chaloner, Flora and Ham suggest.[66] Even after a successful amputation sepsis remained the main cause of postoperative mortality. Upper limb amputations tend to heal better and are considered to be less shocking to the system than lower limb amputations, as John Kirkup points out.[67] He also stresses the uniquely sinister problems associated with gunshot wounds. On top of bone and tissue damage, there can be contamination of the wound from foreign bodies such as clothing and other substances the shot came in contact with, which can lead to infection. This contamination can cause gas gangrene where *Clostridium* and other anaerobes build up quickly in necrotic tissue.[68] They secrete powerful toxins, destroy nearby tissue, generate a gas, turn the skin black and cause death within one to two days. Tetanus infection through the wound could also prove fatal. Watson further asserted that natural drainage of gunshot wounds was often rendered impossible and decomposition in the wound area frequently occurred.[69]

Lalor's operation would have had extra dangers because he had already suffered great blood loss. Carboni described seeing 'a stream of blood from under the slabs' where Lalor was first hidden after being injured.[70] This great blood loss and the time between his injury and when the doctors were able to attend him increased the need for the amputation. Minimising further blood loss during the complicated operation was paramount. Watson also stressed the need for properly qualified assistants during shoulder-joint amputations for controlling haemorrhaging.[71] Attempts to stem arterial blood flow and control haemorrhaging, through methods such as digital compression of the subclavian artery, would have been made more difficult by the damage to the soft tissue and bone in Lalor's arm and shoulder area.



Nineteenth-century amputation instrument set (Courtesy Medical History Museum, University of Melbourne, MHM00061)

The pain and trauma of the injury, operation and recuperation process would have been considerable for Lalor. He wrote to his brother Patrick in Ireland that he felt like he was dying for some days when his 'only earthly trouble was Alicia'.[72] He was referring to his beloved fiancée, Alicia Dunne. His arm was so damaged that, after the amputation, as he told his brother, 'the worst is that it is gone right out of the shoulder joint, consequently I can never get an artificial arm attached'.[73]

The presbytery would also have been a dangerous place for the wounded Lalor; as Father Smyth wrote to his friend William Archer ten days after Eureka:

> There is not on the Diggings here, one, I believe, who knows more about the late crisis here than your humble servant. And furthermore, not one came in for more suspicion and more peril than Father Smyth did. It was meditated at the camp to arrest him—at least so I hear; and it was decided at the stockade to shoot him;—of this last I am certain.[74]

Smyth was understandably angry after being told to leave the stockade when he was trying to tend to the wounded and dying men. He wrote that a man of his 'temperament and disposition who stakes his life for peace ... would stake it doubly for the weal of the dying'.[75] Smyth would have assisted Lalor in the same way as any of those injured and dying, despite his grave concern about those in the Camp wanting to cause him harm. Those who assisted the wounded and wanted men after Eureka did so at great personal risk. William McCrea of the Star Hotel took in the fatally injured Charles Ross, who was attended by several medical men. A man armed with a pistol searched the hotel for other insurgents and threatened to punish McCrea by not allowing his hotel licence to be renewed because he had helped Ross.

Furthermore, the doctors risked their financial security and status by choosing to help Lalor. The professional success of goldfields doctors was heavily reliant on their reputations, and the only professional opportunity available to them was private practice. There were no public medical positions in Ballarat, apart from the role of coroner, nor were there benevolent institutions or a public hospital with which to be associated. The newly founded Ballarat Medico-Chirurgical Society was yet to have any impact as a professional association 'for the mutual protection of their rights and privileges'.[76] In many cases, medical duty and ethics came second to financial survival and social standing. The Ballarat doctors generally assisted the sick and injured, but contemporary newspaper reports and inquest transcripts reveal many cases where doctors chose not to respond to medical emergencies. Dr Clendinning maintained that Dr Carr 'lost his private practice in a great measure' as a result of his behaviour during the events of Eureka when he 'became very unpopular and distrusted'.[77] Helping Lalor was a choice that some of Doctors Stewart, Doyle and Gibson's colleagues may not have made.

The surgery performed on Lalor's shoulder on 4 December 1854 was surgery to save his life; thus the doctors did not remove some bullets that were not considered dangerous. He required further surgery but had to wait for his health to improve sufficiently. Lalor told his brother Richard in 1855 that he had only just become well enough to have another operation after seven months and still had two small bullets remaining in his side and shoulder blade.[78] This second operation was performed in Melbourne where he wrote that he was only just able to sit up after the operation.

The Amputating Doctors after Eureka

The three doctors who performed Lalor's surgery—Stewart, Doyle and Gibson—remained associated with the Ballarat community and in one case with Lalor himself, although migration and death ended this connection, providing further comment on the rhythm of colonial medical careers.

Dr Stewart continued to practise medicine from Armstrong Street in Ballarat and contributed to numerous Ballarat institutions, including the Ballaarat Mechanics' Institute and Benevolent Asylum, many from their foundation. He was a director of the Ballarat Gas Company, banks, insurance and mining companies, a justice of the peace and a member of the Freemasons. Stewart was involved with Peter Lalor long after Eureka. Both men were local patrons of the Dana Street school, the first National school in the Ballarat township. Stewart was elected to the first Municipal Council of Ballarat, later becoming its second chairman. He and his fellow municipal councillors often called on Lalor, who was by then a member of the Legislative Council, as their government representative. Stewart married Annie Frances Taylor in Melbourne in 1860. They left Ballarat in 1869 and moved to London. Stewart died at Rickmansworth, Hertfordshire, in 1906, aged 76. He left generous bequests to many Ballarat institutions, the University of Melbourne Medical School, and Trinity, Ormond and Queens Colleges.

The clear need for a public hospital in Ballarat was heightened by the events of Eureka. When the Ballarat Miners' Hospital first opened in 1856, Doctors Stewart and Doyle were elected as two of the first honorary surgeons. Dr Doyle continued to practise medicine at Golden Point and was involved with various local groups including the Odd Fellows' Lodge and the Freemasons; he was also a director of the Ballarat Building Association. He and his wife had three children, Francis, Thomas and Ada. Doyle died on 11 January 1858, aged 33, from lung and kidney infections after an initial cold.

Soon after Eureka, Dr Gibson gave mining evidence at the Commission of Enquiry as he had been a miner since the start of the gold rush.[79] He returned to England, then travelled as a ship's surgeon to New Zealand where he was appointed medical officer and colonial surgeon for Wanganui, nearly 200 km north of Wellington, in 1858. Ten years later, in 1869, Gibson returned to England where he died of consumption a year later at Ramsgate in Kent, aged 49.

These doctors revealed little about the nature of Lalor's operation owing at first to the need for secrecy, as there was a bounty on Lalor's head, but later to a lack of opportunity. Within four years Dr George Henry Gibson had returned to England and Dr Timothy Doyle had died. By 1870, just sixteen years after Eureka, Gibson had also died and Dr James Stewart had returned to Britain. The three surgeons left no memoirs of Eureka, and many of the eyewitness accounts of Eureka appeared decades after the event, and decades too after the three surgeons were gone from Ballarat. None of the surgeons wrote about the details of the amputation in medical journals. In reference to a case from 1853, Dr Carr wrote that 'the result of this case ... would have been reported had there been at that time a Medical Journal in existence in the Colony'.[80] That the *Australian Medical Journal* began in Melbourne only in 1856 in part explains the difficulty for historians in procuring first-hand evidence.

Conclusion

Like all doctors in Ballarat on 3 December 1854, the three young surgeons assisted the injured after Eureka in any way they could under difficult circumstances. They put themselves at personal risk by aiding others. The medicine they practised involved performing surgery in a variety of circumstances and administering chloroform anaesthesia, opiate pain relief and sedation. Their medical practice was not as archaic as the stories of Lalor relying only on a swig of whisky would suggest. Through the ministrations of these Ballarat doctors, Peter Lalor received medical care similar to that received by others injured at Eureka, and he was kept safe despite having a bounty on his head. The democratic and liberal spirit of Eureka was continued through the actions of these compassionate and skilful medical men. They constitute an important part of the medical history of Eureka and Ballarat. The three doctors contributed greatly to their communities, and their lives and medical careers after Eureka were probably strongly influenced by their experiences in December 1854.

The fact that Lalor and his doctors were not turned in to authorities indicates that there was strong support for the miners' cause and its leader. Through understanding the circumstances of Lalor's medical case, we can conclude that it is unlikely that he was whisked away from Ballarat soon after such a dangerous operation. Over the following weeks he was in no physical state to escape, so, had he lacked support, his hiding place would easily have been discovered. In this context, it is evident that Lalor's doctors and those who kept him hidden during his recuperation were put at risk for longer than some have suggested.

Eureka was an event that involved more than the government, troopers and miners on 3 December 1854; the whole goldfields community was implicated. The Eureka doctors provide an example of the way that one part of this community was engaged in the event and its aftermath. As David Goodman contends,

> Eureka was an important turning point, but isolating the moment of rebellion from its context in a broader history of popular political discussion and agitation can distort its significance ... The goldfields, despite the absorption of most energies in mining, were politically active regions, with their concentrations of people with united interests.[81]

These united interests are clear in the doctors' experiences, through the expression of their ideals and beliefs in their treatment of others, and through their choice to risk their own safety. Eureka, according to Molony, 'had only begun'[82] when many thought it was over after the diggers were crushed. This is evident in the work of a substantial number of doctors whose actions went beyond the obligations of the Hippocratic Oath. Through their action in saving the rebel leader's life and putting their own lives at risk, and in the roles they took on soon after Eureka and the support they had from their community, the doctors played a significant part in the events and aftermath of the uprising and its continuing effects.

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The Political Economy of Victoria's Brushtail Possums, 1890–1975

Chris McConville

Abstract

Australian environmental history often takes the form of a narrative of leadership by a progressive and enlightened minority gradually changing popular and political awareness. Although there are grounds for identifying the influence of such a vanguard in emergent ecological awareness, especially from the 1960s, if the environmental campaigns are narrowed to those intent on wildlife protection, a more complex set of forces can be seen at work. This article questions the significance of any distinct and progressive ecological awareness and instead focuses on the explanatory power of rural labour relations, competing state bureaucracies, and commodity exporters. These factors are explored through conflict around open possum-killing seasons from 1920 to 1975, when the Victorian Wildlife Act extended protection for ringtail and brushtail possums.

Australian environmental history can readily appear as a tale of inexorable progress. Once the focus is narrowed to Victoria rather than the continent as a whole, this progress—towards both a popular environment awareness and legislative change—is even more pronounced. In such a narrative, nineteenth-century Victorian colonists figure essentially as destructive invaders, bringing with them ineradicable pests whilst destroying unique native creatures, to the point of causing mass extinction. Then, from the 1890s onwards, a small band of the environmentally aware begins to garner widening influence until, in the later decades of the twentieth century, a new ecological consciousness flourishes.[1] Only then can the damage of the previous two hundred years be reversed.[2]

In this narrative, characterising much environmental history writing, such progress is the work of an enlightened and distinctive minority, whose moral stance against annihilation builds inexorably over several decades. Eventually they are portrayed as shepherding Victoria's recalcitrant political leaders into the light, where there is no choice but to adapt to progressive, conservationist ideals.[3] Legislation to protect the environment generally, and native wildlife in particular, is seen to stem then from the efforts of a far-sighted minority and the broad-based environmental movements that they initiated. Drawn initially from amongst amateur naturalists, natural scientists and 'sanitarians', this educated and respectable elite, typically organised into voluntary associations and standing apart from other political movements such as trade unions, is depicted as holding back the complete destruction of wildlife. Hutton and Connors' history of Australian environmental movements thus explicitly distances the lobbying of birdwatchers and scientific societies from the demands of the 1890s labour movement.[4] The successes of these vanguard environmentalists are otherwise seen to be registered in legislative change driven by nationalism. Steven White is one who partially accounts for an incipient environmental awareness emerging between 1890 and 1914 by way of 'nationalist, unifying impulses'.[5]

There are, of course, very strong grounds for identifying a vanguard of the environmentally aware, whose ideals are ultimately central to a progressive, if incomplete, environmental consciousness in the later twentieth century.[6] In Victoria, as Libby Robin reminds us, the Little Desert controversy, 1969, and the subsequent creation of the Land Conservation Council together mark a moment of transition when an emergent ecological awareness changed Victorian politics. Novel perspectives on nature at state and local government level in Victoria, as well as social movements to prevent logging, shooting and rural subdivision, are certainly clustered towards the moment that Robin identifies as a turning point.

Scientists in the public sector, alongside members of new conservation groups, all played roles in campaigns to protect flora, fauna, landforms and waterways. But, once the array of environmental campaigns is narrowed to those intent on wildlife protection, perhaps a more complex set of forces can be seen at work, forces resting on a different historical sequence. The 1860s, after all, produced crucial animal protection into Victoria, and yet no flowering of environmental consciousness followed between 1870 and 1890.[7] Nor do game laws, introduced from 1890 onwards, typically reflect any debt to a gradually widening phalanx of enlightened and heroic environmentalists. Rather, wildlife protection had antecedents that were far more mundane, and often far less honourable, than the ideals implicit in a history of progressive environmentalism. These sit within a broader framework reflecting the political economy of property rights, unskilled employment, corporate lobbying and export trading. They were brought into popular focus in the Victorian parliament rather than through the certainties shared amongst an environmentally aware elite.

The story of security and destruction for Victoria's ringtail and, more particularly, brushtail possums sheds some light on the state's erratic journey towards wildlife protection. Turning points can be located in the *Game Act 1890* and in the revised version of 1928 and, ultimately, in the *Wildlife Act 1975*.[8] In the case of possums, these new controls were linked to chronic uncertainties about allowing open seasons or, alternatively, protecting these native animals from hunters, poisoners and trappers. This article explores the debates about closed and open seasons in Victoria from the 1890s to the 1970s, the era in which the precursors of the modern environmental movement were supposed to be building their influence. It questions the significance of any distinct and progressive ecological awareness through examining conflict around killing seasons from 1920 to 1975, when the new Victorian Wildlife Act extended the protection of ringtail and brushtail possums.[9] Distinguished scientists, amateur voluntary associations, and enlightened individuals certainly did lead delegations to the Victorian chief secretary to challenge open seasons for possum killing. More often than not, however, they were listened to politely before being sent away with no policies reversed or seriously modified. Far more significant were the demands of a rural employing class and the responses of their potential employees. Drew Cottle and Warwick Eather explored the means by which rabbit trapping disturbed employers' control of rural labour markets thus:

> trappers were able to earn considerably more money each week than any other manual occupation. The major beneficiaries were unskilled and semi-skilled workers who had been part of the reserve army of labour in rural areas when farming was relatively labour intensive and required large numbers of workers at peak times of the year.[10]

Open seasons for possums could dramatically reshape these labour relations since possums furs were far more valuable than rabbit skins (estimated at a ratio of 15:1 for the best skins in the 1920s). As a result, a shifting and politicised tension between rural property owners and their seasonal bush workforces, the unskilled and chronically unemployed urban working class, and competing state bureaucracies, as well as orchardists and commodity exporters, determined fluctuating levels of protection for possums.

Protection, Slaughter and Possum Farming: 1890–1918

In the mid-nineteenth century, possums (called opossums until at least 1950) could be found across the Australian continent, even in the inland arid zone.[11] Over several decades, arid-land drought, tree clearing in rangeland and introduced predators across the inland meant that the once ubiquitous possums were increasingly identified with Tasmania and Victoria's eastern ranges. Of the 70 species of possums and gliders *(phalangers),* the brushtail (*Trichosurus vulpecula*) and ringtail (*Pseudocheirus peregrinus*) responded most effectively to habitat erosion by transforming themselves into accomplished inhabitants of suburbs and orchards.

The brushtail possum remained the most commonly seen and most relentlessly slaughtered of these animals. 'In the course of the year there are thousands of opossums *spiflicated* in the moonlight nights for mere amusement', complained one trader hoping to sell furs to China.[12] By 1870, Victorian and Tasmanian legislators had gone further than other colonists in protecting game and fisheries.[13] Even so, hunters could treat even these Australian colonies as playgrounds, provided they restricted their targets to native animals. Only with a growing awareness of the rich export possibilities of pelts, and a reaction against the horrors of inhumane killing in the later nineteenth century, did new laws appear. Victoria's *Game Act 1890* listed specific native fauna for partial protection.[14] Unions representing fellmongers, along with working-class leaders like W.A. Trenwith and paternalistic employers such as G.H. Bennett, then proposed further limits on killing and levies on exporting sheepskins and furs. Fears about loss of jobs in the fellmongering firms of Richmond and Collingwood rather than concern for the marsupials of Victoria's forests drove their campaign. In any case, most of their claims for protection and export bans were readily countered by the major skin-trading firms.[15] It took another five years, to 1897, before 'Opossums' were added to the Game Act schedule.[16] The 'closed season' for killing opossums was made permanent in 1911.[17]

With snaring and shooting possums now outlawed, several naturalists insisted that itinerant trappers could be converted into farmers. Donald McDonald, the Melbourne nature writer, saw possum farmers as the basis for a new agrarian order, claiming that their only expense would be a six-foot-high galvanised iron fence surrounding trees.[18] Struggling labourers preferred the easy option of shooting and snaring to a farmer's drudgery. Possums, then, rather than emerging as the bedrock of a stable peasantry, remained targets, even if illegal ones, for the marginalised, whose dream remained that of a free life in the bush. These nomadic possum hunters were regularly compared to an older generation of gold diggers, as one observer from northern Australia reflected:

> Possum snaring and 'possum shooting became—owing to the price paid for skins—a very profitable occupation. As such it attracted men from ill-paid walks of life, and an army of scalpers was formed, which must number throughout Australia, thousands. Snaring became more seductive than gold digging, though the bane of social ostracism always shadows this calling.[19]

Between the Wars: Open Seasons and Cyaniders: 1918–39

This 'bane of social ostracism' remained uneven. Between the wars, and depending on the seasonal distribution of pastoral work, employers in northern Australia wanted possum seasons closed. In Tasmania, skins garnered export income and trapping was readily combined with seasonal fruit picking—the best furs were trapped in late winter and spring, whilst fruit was picked across summer months. From the end of the 1914–18 war onwards, Victorian politicians were often uncertain about just how to respond to calls for a renewed open season on possums. Parliamentarians representing rural electorates around the old goldfields often looked askance at possum hunters, whilst simultaneously wanting to protect struggling small farmers. In demanding a possum cull on behalf of soldier settlers around Ballan and Warrenheip, the Labor Party's Ned Hogan explained to colleagues, 'in my district opossums are so bad that a man cannot grow vegetables at all in his garden'.[20]

In the long run, two fears drove possum-snaring enthusiasts: first, concern about the destruction of orchards, although orchardists could already apply to kill possums interfering with trees; and, second, fears of rural unemployment.[21] However the declaration of an open season for April to June in 1926 alienated orchardists and drew inexperienced trappers from inner Melbourne.[22] These maladroit slaughterers frequently turned to spotlights or cyanide to find and kill possums. Newly licensed, they imagined they had a right to hunt across farmland whenever and wherever they pleased. With more than 460,000 skins collected in the short season and rising public concern about cruel killing methods, the new chief secretary and former Labor Party premier, 'Mick' Prendergast, announced that he was going to crack down on poisoning and trapping. A deputation of conservation groups met with Prendergast in June 1927 to oppose any new open season. As it turned out, Prendergast had already decided on how to deal with the legal and illegal trades in skins, although he did listen to the group, which included the Field Naturalists, the Australian Natives Association, the Town Planning Association and the Bird Observers Club.[23] He remained adamant that he would stick by the goals advocated by trade unionists in the 1890s seeking stricter controls on fur dealers and bans on the export of skins.[24] The *Game Act 1928* partially reflected these priorities.

As it turned out, Prendergast declared no open season between 1927 and 1929. Then, in 1930, stalked by ever-rising unemployment, the Hogan Labor government turned once again to possum killing. A 1931 open season reflected the demands of the unemployed for almost any livelihood, even one as ostracised as possum snaring. Rural landowners for their part were increasingly angered by these renewed intrusions of urban workers. In opening the way for slaughter once more, and thus giving new life to the ostracised class of possum snarers and 'chokers', the state also encouraged a more virulent assertion of property rights. 'Disgusted' of Yarrawonga exemplified the outrage of rural property owners. Thoroughly riled because the open season simply encouraged trespassing, he insisted that 'surely the landowner should have a permit to catch the pests which he has fed since last open season … It is another example of city-made laws'.[25] Conservative parliamentarians looked askance at the mass of snarers now unleashed on long-suffering farmers. Marcus Wettenhall, MLA for Lowan in the far west of the state and president of several wool and fruit-growing associations, warned that 'licences for trapping are being issued to inexperienced men, who may think it within their rights to go on to any man's property to kill opossums'.[26] In responding, Labor representatives sought some compromise between the rights of hunters and landowners.[27] So Mick

Prendergast returned to that not entirely discredited belief that possums could be farmed rather than hunted.[28]

Some inner-urban Labor MLAs, Tom Tunnecliffe for example, differed from Prendergast in hoping for an expanded possum-skin trade. In this way, they argued, the hunters could help reverse Victoria's failing trade balance. Tunnecliffe and others, despairing about the collapse of employment in exporting industries, were persuaded more by fears of commodity exporters than by hope for the unemployed. During the 1926 open season, an American 'keen demand' for possum fur had helped overcome opponents of the slaughter.[29] In 1930–31 trade again shaped decisions. Major skin-trading firms, finely attuned to price differentials, viewed the open season cautiously, for their commerce was already being reshaped.

After 1918 the core of the global fur trade shifted from Germany to London and New York, centres far more accessible to Australian exporters.[30] Outlawing of beaver trapping meant that American textile firms widened their demand for possum fur.[31] Usually carrying an exotic sobriquet rather than possum, Victorian furs found their way into British and American hats, gloves and coats. In the few years between 1919 and 1921 alone, James Barrett of the Town Planning Association estimated total Australian exports of brushtail and ringtail possum skins at 5.5 million. Possum skins far outnumbered exports of koala and wallaby combined.[32] But, with a downturn in world trade and a rise in numbers hunting possums by 1931, corporatised skin-traders warned about the dangers that poor-quality furs posed to their new export markets. These processors (they included Dalgety, New Zealand Loan and Mercantile, Younghusband and other names familiar across primary industries) were clustered in a series of plants in South Kensington in Melbourne's inner west, and were already in conflict with the Australian Workers Union.[33] They had scant enthusiasm for handling new volumes of skins, poorly prepared, from men with no experience and subject to little commercial supervision. So Dalgety wrote to game authorities in 1930 pointing out 'whilst it is a good thing to provide employment and collect revenue it is far more important to make enquiries beforehand as to the effect'. The fur market they insisted was already 'oversupplied'.[34]

With up to 500 would-be hunters applying for licences each day, masses of unemployed workers hoped to set out from Melbourne. Trades Hall advocates sought to further flood hunting grounds by demanding that licence fees be abandoned and a true open season declared. Inexperienced in bush trades, this mass of new hunters relied on illegal spotlights to find possums and knew nothing about skinning and curing. The ever-expanding band of trappers was drawn from a diverse mass. Rabbit trappers in country towns were amongst the first to apply for licences and probably made some money from possum skins. Sons of struggling small farmers often joined them and no doubt shared in some of the profits. But the bulk of applications for licences came from unskilled and semi-skilled labourers from the inner suburbs of Melbourne. Occasionally these men had tried their hands at rabbit snaring, often on the rocky paddocks to the north and west of Melbourne's industrial belt. A few did adapt these skills to their new targets in the more distant ranges.

Setting out for Gippsland on what usually turned out to be a lengthy expedition, many more were ill prepared and unsystematic. Not surprisingly, only a handful were successful. Whilst old bushmen may have turned competently from rabbit to possum snaring, few of these neophytes prospered to the extent that they were able to 'oversupply' any market. Albert Dunstan told parliament about two trappers he had come across. They had been in the mountain ranges for a fortnight and caught just 62 possums. With prices as low as three shillings a dozen, they only earned £4 8s 11d. A smart trader would have held back on sales but such unskilled men, he suggested, had no understanding of how commodity markets fluctuated, and, at any rate, they were desperate for cash. To resolve such problems he proposed a state-run skins pool.[35]

In reinforcing older assumptions about the moral failings of the possum hunter, open seasons exposed an extensive and illegal trade in skins, most of it relying on potassium cyanide. The *Game Act 1928* had consolidated prohibitions against the possum hunters' poisons and spotlights but apparently failed to curb the illegal trade. More insidiously, skins taken illegally in closed seasons were now brought back onto the open market, further depressing prices and quality. As one senior figure in Victoria's Fisheries and Game division pointed out:

> There are several men in this state who make practically all their living out of Opossum skins illegally obtained. They have been repeatedly caught by my officers and heavy fines inflicted … their profit is so large they are not deterred … It would not be so bad if these poachers

> adopted shooting, snaring or trapping … but the bulk of the skins illegally taken are obtained by means of cyanide.[36]

The cyaniders' crude and cruel techniques included pasting trunks of trees with flour and strychnine. Rather than tempting possums, the pastes killed prized stud cattle and, on at least one occasion, circus animals. Gangs soaked raisins in cyanide solution and scattered these around trees where sheep picked them up. Poachers did not care if they killed pregnant females or mothers with young during breeding season. Esmond Kiernan MLA, already on his way to endorsing employer–employee corporatism, warned that 'illegal trading in opossum skins is rampant'. Even though he acknowledged that experienced game inspectors could identify poisoning (skins changed colour once possums were poisoned), he still insisted that an open season was the 'surest way to encourage illegality'.[37]

Typically, the cyaniding gangs camped out in the higher ranges of Gippsland rather than in the open farmlands of western or northern Victoria where police could chase them down. Sale police on one occasion came across a car on the Rosedale Road with occupants hiding under blankets. A search found two pounds of cyanide and two possum skins in the padding of the back seat.[38] Most cyaniders collected many more skins than this. They worked in teams, camping in forests, where they skinned the poisoned possums. They drove their haul through the night, down back roads to inner Melbourne. Unscrupulous exporters then sent the skins down to the wharves hidden in wool bales or mixed in with loads of rabbit skins. Once the Victorian season closed, cyaniders headed north, hoping to sell ill-gotten pelts into the open season in Queensland. In their most successful entrapment of cyaniders, Victorian police arrested ten men trying to offload 1,000 skins originally intended for Queensland. Detectives had set out for the ranges disguised as skin buyers. 'Behind the success of the raids', the *Age* informed readers, 'is a story of meetings on lonely roads late at night and delicate negotiations with men who were notoriously suspicious'.[39]

By the end of the 1930s it appeared that possum culls had failed. Opponents of any open season may have felt vindicated by G.H. Knox, orchardist and Nationalist MLA for Upper Yarra, who warned that:

> Opossum killing has not been a profitable venture. The possum trappers did not make much money. Many of the skins were useless

> owing to bad skinning but there was an awful slaughter of joeys and ringtail opossums the skins of which are not valuable. It is terrible that this wholesale slaughter of harmless animals is allowed.[40]

The experiment of interwar open seasons had apparently achieved little more than heaping cruelty on defenceless animals. Most trappers won no steady income, export firms condemned butchered furs and weakened trade, whilst a more or less organised criminality had been stimulated. Open seasons reinforced the identity of trappers as a class apart, morally suspect, reliant on the cheap and cheating technologies of spotlights and cyanide, sadistically indifferent to the pain of animals, and with a casually anarchic attitude to the property rights of farmers. Unsurprisingly, the Victorian government decided not to declare open seasons later in the decade, although orchardists who demonstrated tree damage could continue to apply for permits to kill.[41]

Bringing Open Seasons to an End: 1940–1969

None of these fears had been fully exorcised by the time postwar Victoria cautiously revisited brushtail possum killing. Calls for a new possum seasons in 1940 and 1941 were speedily forgotten as wartime security measures reshaped Victorians' daily lives. Between 1951 and 1953 demands for further open seasons grew more strident until the state government declared a season for 1957, when over 200,000 possums were slaughtered.[42] A 1959 season produced only half as many skins.

Forestry officials were also leaning on directors of the Fisheries and Game (later Wildlife) division in the Chief Secretary's Department to declare an open season. For a time possums had not bothered forestry officials since they ate mistletoe, which, the foresters assumed, choked trees. In the decades after World War II, forestry officials contracted pilots to drop 1080 poison into conifer plantations, from where officials planned to collect and sell skins of poisoned 'vermin', meaning possums.[43] Officials justified poisonings by pointing out that softwood plantations meant lucrative timber sales. Possums nibbled at the tips of growing conifers so that trees grew crookedly, making timber unsaleable. The forestry division of State Rivers and Water Supply found allies amongst managers of irrigation canals in northern Victoria, who wanted to sell the skins of water rats (labelled as 'Australian Musquash').[44]

Wildlife divisional directors eventually turned to advice from London skin buyers as they mulled over a new season for 1961. Goad, Rigg and Company, London fur buyers, informed Victorian wildlife officials that at recent London sales the Hudson Bay firm had sold over 100,000 skins, of which the bulk was supplied by New Zealand exporters. 'Once again', they noted, 'there was marked interest for skins of good colour, quality and size', whereas skin destined for 'industrial purposes sold a little disappointingly'.[45] Before the end of the month the Victorian agent-general in London had weighed in, alerting Victorian officials to a dramatic change in the market for possum skins. The 1961 season, he predicted, would be 'the last occasion when consignments of opossums will be permitted to be shipped from New Zealand'.[46] New Zealand it seemed had decided to 'de-commercialise' possum hunting. A recreational hobby in shooting would soon replace a lucrative export industry. American buyers were also in touch. Allalemdjian and Poser, New York, were the biggest North American importers of New Zealand skins. The threat of decommercialisation in New Zealand meant that they were looking to alternative suppliers. With apparently little awareness of Australian interstate rivalries, they proposed that the states might coordinate possum hunting, taking turns in yearly open seasons so as to ensure 'a regular market and a maximum price' in selling into the American textile industry.[47] A shortage of 'wild' fur and consumer disdain for 'farmed' fur seemed auspicious. Australian fur occupied an additional niche in North America where it was used in spinning and weaving; Australian possum had begun to replace protected elk fur in silk production.

When further pressed to decide upon new open seasons, wildlife directors called on reports from their field officers around the state. They found only tepid enthusiasm for further carnage. A few field officers were dismayed by the cruelty to animals they had witnessed in previous seasons. Others had concerns about the sustainability of the possums in their regions. Summarising the reports from around the state, the department's research officer, Bob Warneke, reported that there was no widespread damage from possums outside Melbourne, and that the only reason for a new season lay in its economic benefits. Any localised damage could be handled by individual permits. Even the most detailed reports, however, could only give a 'rough indication of local conditions'. In truth, as Warneke hinted, his Melbourne-based directors did not really have a good grasp on possums.[48] Surveys continued with, at best, luke-warm support for a licensed season. For example, G. Foster, field officer in Alexandra, reported that, whilst some possums were killed by cars when they strayed onto the Maroondah Highway, he could find little sign of damage to trees or gardens. In any case licensed seasons had done little to reduce numbers in the past. 'There are at least as many possums in the red gum areas in the open country and mountain areas as there was before the licensed season commenced', he observed.[49]

In an odd reversal, it was now conservationists and scientists employed in state agencies and sitting on advisory boards who acquiesced in a new killing season, while the rural hunters, along with local game officers, opposed them. These old bush hands, whose outnumbering by the city's unemployed had been so lamented decades earlier, lent their voices to opponents of open seasons, frequently endorsing the comments of field officers. As one warned: 'this cruel and senseless open season should be investigated … even hardened hunters are becoming nauseated'.[50] Tim Flynn, an old trapper now living in industrial Carlton, wrote to deliver his 'emphatic protest' at any renewed slaughter. 'In my young days possums existed in thousands and no one ever moaned they were damaging gum trees or forests', he remarked. After interwar open seasons and whilst 'duffing a trail' for rabbits, he recalled, 'to my disgust … I experienced the gruesome spectacle of seeing many dead possums … never again for me after that'.[51] Other bush workers pointed out that possums were killed in routine clearing by forestry, and wondered why they were prevented from skinning the carcasses. As one Gippsland timber-cutter, a man who had contacted officials several times to obtain a licence to skin possums, explained, 'when we go into a gully to log the timber most of the possums in that gully are killed or maimed'.[52]

These tales from the bush, in the end, counted for little. Whilst wildlife officials were concentrating on possum numbers in forests and fending off calls for a cull from orchardists, the brushtail had already made its way into metropolitan Melbourne. In 1950 a visitor to the city had reported her delight on finding possums in the Fitzroy Gardens, where she fed the tame animals with Lifesavers, 'the little round hollow sweet or lolly which are [*sic*] peppermint flavoured'.[53] Thus fortified, possums continued their great migration, journeying from this city greenery to gardenesque suburbia in Melbourne's east and south. Here some suburbanites accepted possums as pets rather than pests and as domesticated rather than wild. *Truth*'s prewar portrait of the possum as 'a timid little bundle of fur with a big tail, sensitive ears, claw-like little hands, and two big, solemn eyes' had captured their affections.[54] And, yet, possums were both domestic companions and domestic destroyers. Nature writer Crosbie Morrison took a view contrary to *Truth,* charging that possums 'sleep there [in roof cavities] by day and gambol about by night, keeping people awake with their thumpings, making a mess that soaks through and stains the ceilings'.[55] Alf Dunbavin Butcher, director of Fisheries and Game since 1949, had to admit that these suburban colonists had his staff flummoxed: 'We have spent a lot of time thinking about it and we are stumped. Every second householder feeds the possums and treats them as pets. The others hate them because they spoil their ceilings and vegetable plots'.[56] This dilemma was captured in 1964 by one young correspondent. Peter (eight years old) wrote to Fisheries and Wildlife to ask about bottle-feeding his baby possum. He also sought advice about his pet's destructive capabilities. His dad had warned that the possum, when it grew, would 'wreck the place'. [57] 'Was that right?' Peter wondered.

State officialdom's ignorance of the possum's ecology ought not be that surprising. Leading figures in Fisheries and Game, with Alf Butcher the most obvious example, had built strong scientific reputations around research into fish and not forest animals like possums. They had supported a University of Melbourne possum study between 1958 and 1961, although this only covered restricted areas in Healesville and on the Mornington Peninsula. The survey area on the peninsula was burnt out and, in any case, the zoologists involved seemed more interested in the ringtail than brushtail possum.[58] In light of such limited knowledge, it is not surprising to find that Alf Butcher came to defend possum culls against charges of brutality by combining concerns about growth in numbers with economic fears. As he wrote:

> It must be recognised that some cruelty is inevitably associated with killing … the possum population has reached a high level and the animal population cycle will reduce the opossum numbers by disease if direct action is not taken. The serious economic damage to the state does not warrant the passive attitude which would permit the opossum population to find its own level.[59]

He was also unmoved by opponents of spotlight shooting. Even though spotlighting had been prohibited in 1928, 'there is no good reason why the use of spotlights should be prohibited during the licensed season', he commented.[60]

As concerns about a proposed 1969 open season mounted, field officers continued to report on possum numbers. Their reports showed few signs of any real need for an open season. K.J. Street reported from Bairnsdale that fire had caused heavy losses of wildlife. Perhaps because of this, he had received no recent complaints about possum damage. Although possum numbers were high in the Errinundra and Bendoc forests, 'prime possum country' and untouched by the fires, he still would not recommend a renewed possum season.[61] Victorian officials eventually turned for advice to NSW wildlife's chief guardian, Allen Strom, who headed that state's Fauna Protection Board. Strom, the doyen of NSW conservationists, proved himself more interested in a possum cull than were most of the Victorian field officers, writing:

> We are aware of the emotional opposition to a possum season, but the Panel believes the harvesting of the animal by a licensed season is sound wildlife management provided there is biological evidence to support the season. The important question at this stage is to ensure the establishment and maintenance of a high value for skins.[62]

Butcher eventually concluded that his staff had no 'biological information on which to base a decision' and relied on a subjective view that the possum population 'could stand a licensed season'. He went further to assert that the skin market had to be protected so as to avoid the mistakes of the interwar seasons. He then reflected on public attitudes, noting that 'it is almost certain that any proposed season for possums would revive considerable vocal opposition in Victoria'.[63] After contacting New Zealand counterparts, Victoria officials quickly realised that decommercialisation was not going to bring the possum trade from across the Tasman to an end. In response, Chief Secretary Arthur Rylah, who had already made his mark by cautiously liberalising a range of Victorian laws on social conduct, concluded that grounds for an open season in 1969 were 'far too tenuous'.[64] Victoria's brushtail possums, it seemed, had at last won near complete protection. Game inspectors returned to issuing cages to individual property owners troubled by possums in roof cavities, or offering advice on poisons such as 'Agzip'.

Possums in the Garden State: 1969–75

Several factors weighed on the public sector experts struggling to respond to animal welfare groups, old trappers, suburban homeowners, orchardists and forestry bureaucrats. Aware that few rabbit snarers continued in the fur trade after the war, game officials had sought to create a small band of licensed and supervised possum hunters rather than supporting a broader open season. Expanding suburbs and declining country towns then ushered in a different sensibility towards animals, both native and imported, for a modernising Melbourne no longer responded to rural concerns with any urgency. And one by one the powerful pastoral companies exporting possum skins were either bought out, amalgamated, or turned to new segments of agribusiness. Dalgety and New Zealand Loan and Mercantile, for example, merged in 1961, then ventured into food processing in Britain and North America before selling out of agribusiness entirely in 1993.

Eventually Liberal Premier Dick Hamer's emblematic 'Garden State' ensured far-reaching social and environmental change, to which the *Wildlife Act 1975* contributed. Hamer cleared a path for wildlife legislation by first controlling urban destructiveness in the *Historic Buildings Act 1974*, the critical 'turning point in Melbourne's history', according to his biographer.[65] Dick Hamer, supporter of feminism and gay rights, builder (or at least finaliser) of Melbourne's underground rail loop and opponent of expanded freeway construction understood that, as the city modernised, it was spawning 'quality-of-life' voters. In the Victorian parliament, such quality-of-life concerns were reflected in extended debates about protecting the Royal Botanic Gardens, securing suburban gardens from development, and ensuring that cruelty-to-animal laws were acted on, all of which favoured the life chances of brushtail possums. Hamer then enthusiastically cooperated with Whitlam's ALP government in Canberra, winning funds to restructure town planning and enact environmental laws and to create new civic spaces.[66] In the long run, wildlife protection formed only one relatively minor plank in his centre-right government's appeal to a 'Garden State' symbolism: an image through which he readied Victorians for their post-industrial future.

Alf Dunbavin Butcher, deputy director in Hamer's new Department of Conservation from 1973, had pioneered serious public sector research into Victoria's flora and fauna, played a role in defending the Little Desert wilderness, and emerged as an influential figure in shaping the *Wildlife Act 1975*. In justifying his research and environmental protection more broadly, Butcher often insisted that 'conservation of nature' was in reality 'conservation of man'.[67] In other words, the hallmark wildlife protection of 1975 reflected the needs of human society. This is a perspective quite distinct from the new environmental awareness supposedly so influential after 1969. Many years before, Butcher had undergone his own intellectual revolution. Whilst a student at the University of Melbourne in the 1930s and with world war looming, he discovered Marxism. As Butcher wrote to one confidant, he had turned very slowly towards left-leaning ideals. Family background (his father was a Western District Methodist clergyman) and an education at Geelong College left him suspicious of working-class organisations.[68] He did, though, join the Left Book Club in 1938 and thought it the best decision of his life. He then started work in fisheries research at Mooroopna—'a God-forsaken hole'—as he described the place. Here he cherished his Left Book Club membership even more fervently. It was, he wrote, 'an excellent thing'.[69] Butcher read Marxist critiques of science.[70] Although never entirely convinced, he thought 'good men' would apply the same principles in the natural sciences as Marxists.[71]

Governing much of his reflection on environmental law was the view that 'man, as a species, is as much a part of the ecosystem as any of those other things which each of us … consider[s] in our more limited concepts of conservation'.[72] Butcher, the onetime Marx-inspired student, consistently asserted this radical faith in a hybridised socio-nature. The broad sweep of this human ecology, and of a humanised environment in general, fitted readily with Hamer's emerging concern to protect the gardenesque landscapes of Victoria. The brushtail possum's decades-long odyssey from the forest to orchards and on to suburbia coincided then with the journey of influential Victorian politicians and civil servants—a transit from viewing their state as ripe for constant exploitation to faith in enhancing quality of life and seeing humans within their environmental setting, imagined as a comfortable and well-tended Garden State.

The possum's escape from near extinction to the security of near universal protection reflects both its geographic mobility and this idealism. Unionists and skin-exporting firms had battled each other in the 1890s over export levies on skins and fur. When possum slaughter was permitted decades later, these open seasons raised the spectre of a newly empowered rural working class able to threaten the control of rural employers. Fears about a criminalised class of poisoners bolstered attacks on these working-class hunters. Together these forces ensured open seasons came to a halt in Victoria in 1927. With their revival as a source of work for the unemployed in the 1930s, the fate of possums came to rest on opportunities for export and the price of pelts. Whilst orchardists recurrently demanded renewed carnage, over time they exercised less influence than highly capitalised export firms. Still, trade issues continued to shape resistance to open seasons, just as they had in the 1890s and 1925–1931. Even the new protections of 1975 were preceded by a change in commercial conditions and especially by a declining fur price driven by trends in popular taste.[73]

While forestry bureaucrats called for an open season after 1956, game management officials resisted. Social change favoured them. As the postwar boom lowered unemployment, few unskilled men remained in country towns to fill any reserve army of labour.[74] An urbanising society bent on modern industry, with little faith in unskilled rural work, was now even less inclined to see trapping as a worthy occupation. Suburban and bureaucratic modernity could promise a more secure future than could crude commodity exports garnered from slaughtering and skinning. As the fur exporters' commercial hold and the small farmers' cultural grip faded in the face of modernised suburbs and industries, so space was vacated for a new relationship with animals, urbanising possums in particular.

Conclusion

The life chances of possums, and for a time those of unemployed workers, rested simultaneously on quixotic state politics. Urban conservatives were inclined to support ambiguous responses to possums from suburban property owners. Inner-urban parliamentarians in the ALP, who at first endorsed possum hunting as an opportunity for the unemployed, sought to dampen down class antagonisms by then agreeing with pastoral exporters. Their intermittent Country Party allies, often doubling as spokespeople for growers' organisations, at first demanded possum slaughters. They then appeared unsettled by the arrival of an urban proletariat in farmers' paddocks. Postwar calls for possum culls did not win much support from bush representatives either, as they thought possums were now an urban rather than a rural problem. The *Wildlife Act 1975* was then debated in a distinct cultural and economic context, one in which a progressive Liberal Party premier, Dick Hamer, able to extract grudging support from both ALP rivals and Country Party allies, was intent on distinguishing himself from the developmentalism of his agrestic predecessor, Henry Bolte.

Certain themes in Australian environmental history did, naturally, play some part in licensed slaughter. At each stage in the chronology of open seasons, disdain for repellant cruelty and probable extinction, as well as a desire to protect the aesthetics of the Australian bush, had some impact. A sense of responsibility to nature (referred to as 'trusteeship') surfaced. This sensibility cannot be belittled but at the same time was not strong enough to outweigh or distinguish its believers from commercial imperatives. Nor was there any determining role for the scientifically aware, the historians' favoured defenders of the environment, whose concerns about proper management of an animal population were cast to one side or subsumed under a social rather than environmental responsibility. Horror at inhumane killing, faith in domestication and cuteness or, alternatively, a desire to be rid of pests counted for far more than ecological consciousness. Ultimately, the Wildlife Act was only possible because major skin-exporting firms were either radically restructured or dismantled entirely, the reserve army of rural labour shrank rapidly, and Melbourne modernised around gardenesque suburbs and technology-rich industry.

Alf Butcher remained fully aware of conflicting views about conservation and humane treatment of animals, both amongst the Victorian populace and between state bureaucracies. He also understood the popular aesthetics of wildlife and remained convinced that conservation must be grounded in social objectives. As he insisted, 'there is one logical basis for assessment of all our actions—the needs, the welfare of the community'.[75] These ideals, centred on human wellbeing and morality, were reflected directly in Dick Hamer's persuasive symbolism. Victorians now found themselves sharing a 'garden state', rather than any natural habitat, with possums.

Notes

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Mixed Fortunes: The Postwar Lives of East Melbourne's Great War Nurses

Janet Scarfe

Abstract

There has been considerable popular and academic interest in Australia's Great War nurses in recent years, but little attention to their lives after the war. This article partly redresses this omission by focusing on the experiences of 54 nurses connected with East Melbourne. It argues that the long-term physical, psychological and aspirational effects of the war on these women were complex and multiple. Some flourished professionally, but at least one, possibly two, committed suicide. Some endured chronic difficulties due to ill health, financial need and challenging marriages. At least a third returned overseas, typically combining work and travel. The most common pattern was continued nursing, sometimes in new specialisations or management, although many postwar careers were disrupted periodically by ill health or financial problems. These new understandings contribute to a more complicated interpretation of the long-term effects of the Great War.

Introduction

More than 2,700 Australian women served in army nursing services during the Great War of 1914–1918. The majority joined the Australian Army Nursing Service (AANS) (2,498), and most others the Queen Alexandra Imperial Military Nursing Service Reserve (QAIMNSR) (259).[1] The AANS members in particular have generated considerable interest in the lead-up to and during the war's centenary. More than twenty years after the two standard histories of the AANS, Rupert Goodman's *Our War Nurses* (1988) and Jan Bassett's *Guns and Brooches* (1992), has come publication of a number of major works, notably by Peter Rees, Kirsty Harris, Janet Butler and Ruth Rae.[2] Whereas Goodman and Bassett covered army nursing since the South African War (1899–1902), the more recent works have concentrated entirely on Great War nurses and nursing.

Great War nurses have also figured in the research undertaken by many local historical societies, schools, clubs, churches, hospitals and similar organisations into the men and women who enlisted from their community or institution. Details of their wartime service have appeared in various forms besides books, including websites, exhibitions, and commemorative events.[3] This focus on the nurses' war service has generally meant that attention to their lives before enlistment or after discharge has been minimal. This is hardly surprising given the ready availability of their war service records and most Australian army hospital unit diaries on the websites of the National Archives of Australia and the Australian War Memorial. In addition, government grants available to local groups for the Great War centenary targeted commemoration of war service in publications, exhibitions and memorials.[4]

Returned nurses have not had a high profile in studies of the postwar lives of Australians who served. Marina Larsson examined the devastating effects of the war on the subsequent lives of wounded and disabled soldiers and their families but did not include former army nurses.[5] In their recent investigation of soldier settlement in New South Wales, Bruce Scates and Melanie Oppenheimer devoted a chapter to women but concentrated mainly on settlers' wives.[6] The experiences of a few nurses who overcame major impediments and acquired a soldier settler block have been studied by both Marilyn Lake and Selena Williams, but their work by no means exhausts the subject.[7] And, although there is a large project currently underway—'Diggers to Veterans: Risk, Resilience and Recovery in the First AIF', led by Janet McCalman—its focus is on men's health and life courses in a particular population. The number of nurses was judged too small to include.[8]

There is some attention to postwar lives in the existing literature about army nurses. Janet Butler devoted several pages to Kit McNaughton's life after the war but it was not the focus of her study.[9] Jan Bassett explored the subject in a preliminary way through the records of organisations set up to assist army nurses in sickness, distress or difficult circumstances, in particular the Edith Cavell Trust Fund in Victoria.[10] Kirsty Harris used her extensive AANS database to examine the nurses' professional lives after the war; her approach was comprehensive with individual examples but essentially broad brush in its treatment of the subject.[11] Ruth Rae has also provided a valuable overview of army nurses' postwar legacy in various fields at home and overseas.[12]

There has been no full-scale biography of any significant army nurse. The *Australian Dictionary of Biography* (*ADB*) has entries on 42 Australian army nurses from the Great War but details about their lives after the war are cursory and based on limited sources. The *ADB* entry on Rachel Pratt MM, for example, was originally published in 1988. It described her after the war co-owning a rest home, holidaying in England, and living independently of her family in suburban Melbourne and the Dandenong Ranges till her death in Heidelberg Repatriation Hospital in 1954. Her photograph, according to the author, showed a 'gentle, somewhat wistful expression'.[13] A very different picture of Pratt's life emerged recently in the Monash University series '100 Stories'. 'No prospect of ending it' (her words) cited Pratt's medical records, which set out her war experiences and included details of ineffective treatments she endured and horrors that haunted her, including a suicidal neurosis that stayed with her until her death.[14] In that account she was tormented not wistful. The progressive release of medical and repatriation records should result in her biography and those of others attracting renewed critical interest.

Research on life after the Great War for Australia's army nurses has therefore to date been limited to hardship on the one hand and professional work on the other. For a more complete picture of their experiences, both individual and shared, we need detailed biographical studies of army nurses and in a sufficient number to constitute an identifiable group, for example nurses trained at a particular hospital or connected to a particular location.[15] Jan Bassett concluded that 'a large number of returned nurses found their hopes and dreams turn to fears and nightmares', but the picture was much more nuanced than that.[16]

East Melbourne's Great War Nurses

The postwar lives of one group of returned Australian army nurses have been investigated in detail in the East Melbourne Historical Society (EMHS) Great War project. The EMHS researched the men and women connected with East Melbourne at the time of their enlistment or commission, drawing on a database compiled by military historian Major-General Michael O'Brien (Rtd). Volunteers have to date (July 2017) written up the war service of 542 people, 69 per cent of the 781 identified. The accounts are freely available on the EMHS website emhs.org.au.

Fifty-five of the Great War nurses were found to have a connection to East Melbourne through family, employment, or church attendance at the time they enlisted, and as a result enjoyed a high profile in the project. They have had a high profile in the project. Their biographies cover their lives before enlistment and after demobilisation, as well as during the war.[17] These women were first represented in an EMHS exhibition in 2014, 'For King and Country', then became the focus of 'Gone to War as Sister,' an EMHS exhibition and publication of 2015. Before the project, only the highly decorated Matron Jessie McHardie White was relatively well known.[18] There was little known of the others beyond their family connections.

Available biographical information varied considerably from one nurse to another. Some were prominent or newsworthy, such as the one who had attracted widespread notoriety when she eloped as a teenager.[19] Some were familiar figures as, for example, a hospital matron in a country town. Others came from families sufficiently prominent in their community for their major and minor activities to be reported. All could be identified using genealogical resources such as birth registrations and electoral rolls.

All of these nurses lived or worked or worshipped in the small suburb of East Melbourne (including Jolimont), on the city's eastern edge. In 1914, the boundaries encompassed grand residences, terraces, workers' cottages and apartment buildings such as Cliveden Mansions and Queen Bess Row. Many of the larger residences had rooms for rent, a boon for nurses working in the various hospitals in East Melbourne or the city. East Melbourne was also the location of several large trained nurses' homes, which functioned as employment agencies for nurses. St Peter's Eastern Hill, the prominent high church Anglican parish in East Melbourne, had a branch of the Guild of St Barnabas, a social and devotional group specifically for nurses. Of the 55 nurses identified, 24 of them were parishioners of St Peter's or members of the Guild.[20]

Most of these nurses had come to East Melbourne from elsewhere, either from different parts of Melbourne, country Victoria or occasionally from further afield. They had been born in the 1870s and 1880s, the children of English Scottish and Irish immigrants who arrived in Victoria during the 1840s or came later during the population explosion that accompanied the 1850s gold rush. Most were raised in Victoria, although a handful came to Melbourne from elsewhere already trained as nurses. Some had comfortable upbringings because their fathers owned land, ran successful businesses or practised a profession. Others were born to parents who struggled to make a living in the boom-and-bust cycles of the 1880s and 1890s. A significant minority of these women were raised by their mothers, who had been widowed young and forced to support themselves and their children, for example by running their late husband's (struggling) business, taking in lodgers or operating a wine hall.

The majority were trained in one of Victoria's hospitals, such as the Melbourne, Women's, Children's, St Vincent's or the Homeopathic Hospital in the capital, or in a regional hospital such as Bendigo or Wangaratta. Several had trained elsewhere in Australia and one in England. Generally they had at least a decade of nursing experience behind them when they enlisted.[22] Their experience after training reflected nursing as it was in 1914: hospital work (public and private, general and surgical, adults and children) and private or home nursing.

Some of the enlisting nurses had held supervisory positions as sisters in Melbourne hospitals or had run country hospitals. Among the highly experienced was Jessie McHardie White, who owned and operated Crathie, a hospital in East Melbourne. Rosa Quarterman, Ethel Giddings, Clara Ross and Agnes King had all been hospital matrons in mining and farming communities, where accident victims and emergency cases were commonplace.[23] Others had specialised training in theatre or infectious diseases. Nothing in their professional experience, however, could have prepared them for their work in the war, either the daily churn of patients or the nature of the injuries they faced.

When they enlisted, most joined the AANS, although several enlisted in the Queen Alexandra Imperial Military Nursing Service Reserve (QAIMNSR) in England.[24] There were East Melbourne nurses among the AANS first appointed to go to the front in September 1914 and East Melbourne nurses in the last ships sailing just before hostilities ceased in November 1918. They served in virtually every location to which the AANS was sent for duty, including Egypt, the Western Front, England, Greece, Italy and India, as well as on hospital ships and troop transports. All serving East Melbourne nurses received at least one campaign medal. Eight were decorated with the Royal Red Cross for exceptional services in military nursing, while several of them and five others were also mentioned in despatches.[25]

Army nurses encountered danger and occasionally died from illness or injury. This was true for the East Melbourne nurses. One, Margaret Roberts, drowned with other nurses and personnel when their ship, the SS *Osmanieh*, sank after being torpedoed near Alexandria Harbour on 31 December 1917.[26] Others had narrow escapes. Patricia Blundell was rescued with all hands when the SS *Barunga* was sunk in the Bay of Biscay in July 1918. Helen Lawrence was fortunate not to be injured when the 1st Australian Casualty Clearing Station on the Western Front was bombed in July 1917; her colleague Rachel Pratt was awarded the Military Medal for nursing under fire.[27]

Between 1914 and 1918 the lives of these East Melbourne nurses changed almost beyond imagining. They treated horrific injuries in extraordinary numbers in extremely difficult conditions. They practised new techniques and specialities in theatres and on wards. As family members, some lost parents and siblings at home while they were overseas. Some lost brothers on active service, causing unremitting grief in the family. Some may have lost fiancés. Some returned ill even before the war ended. Many returned well but exhausted. Some were to have recurring health problems resulting from the war. Some had acquired a taste for travel and continued adventure. Most were single on their return; many remained so and needed a livelihood. The great majority had decades of life ahead of them: 44 of the 54 (81 per cent) lived beyond the average life expectancy of 51 for women born in the 1880s, with 24 (44 per cent) living into their 80s and beyond.[28] The vast majority returned home in 1919 and 1920, some having last seen Australia in 1914. This article examines the rest of their lives.

Life after the War

Fifty-four of East Melbourne's 55 nurses survived the war. Only Margaret Roberts had died on active service. A small number had been invalided back previously or were working in Australia when hostilities ceased. Most of the remaining 54 returned to Australia in 1919 and 1920. They were posted on duty on the hospital ships and troops transports that brought 250,000 Australian service personnel, wives and families back from England and Europe.

In 1923 the secretary of the Returned Army Nurses Club observed that 'many of our nurses are now following other callings besides the varied channels open to our profession ... Others have pursued the taste for travel engendered by war travel'.[29] Many of the East Melbourne nurses did indeed travel for work and/or pleasure soon after demobilisation and in subsequent decades. However, unless they married before or on their return, the East Melbourne Great War nurses resumed nursing. They continued to work in the profession until circumstances such as marriage, health problems, inability to gain a position or (occasionally) inheritance made work impossible or unnecessary.

Marriage

Less than a third (16 or 30 per cent) of the East Melbourne nurses married.[30] Several factors such as their age made marriage after the war relatively unlikely for these and Great War nurses as a whole. Most were by then in their 30s and even well into their 40s. Some may have lost fiancés during the conflict and had neither inclination nor opportunity to marry. However, as the East Melbourne nurses' lives showed, spinsterhood was not a foregone conclusion; several married in their 40s and/or married men younger than they were. Three had married during the war and resigned in accordance with army regulations.[31] Mary McKinnon fell in love with the purser on a hospital transport in late 1915. She transferred to nursing repatriated men in Melbourne, her civilian fiancé found a shore position, and they married in 1917. Two who were posted to English hospitals married patients. Margaret Ousley met Robert Mennie in a military hospital in Netley; within a few weeks they had decided to wed before his imminent return to the front. Ousley's matron was appalled at the loss of her 'excellent little nurse'. Mennie was a 'corporal ... a very plain Scotsman from Aberdeen', she wrote, while Ousley was impetuous due to her 'partly French' heritage. Undaunted, Mennie and Ousley married that month and lived the rest of their lives in Scotland.[32]

Marriage led to life in another country for several nurses. Constance Brooks and Major Charles Emil John Clerici CIE OBE married in Bombay in 1919, having met at the Officers' Club there. They moved directly to Baghdad in Mesopotamia (now Iraq, then a British protectorate) where Clerici was deputy director of the postal service. They escaped the major anti-British uprising there in 1920, leaving for Melbourne with their new baby shortly before it broke out. In 1921 they returned to India, and Clerici held senior positions in the Indian Postal Service in Bengal and Assam over the next decade. He and Constance regularly entertained and mingled with leading figures in the British Raj and Indian nabobs before finally returning to Melbourne when Clerici retired in 1931. Eileen Watson married in Fiji in 1921. Her husband, a veteran of the Western Front, was an executive with the Colonial Sugar Refining Company whom she had met the previous year when visiting her sister, herself the wife of a CSR executive. They lived in Fiji until 1937.[33]

Constance Brooks (front right) and Charles Emil John Clerici (front left) in Basrah 1919
(Family collection)

A handful of nurses married soon after their return to Australia. Some, like Lyla Stewart, married Australian or New Zealand soldiers they met during the war or on the ship home.[34] Lily Payne married soon after demobilisation, her husband being a much older grazier from the Wangaratta region where she had grown up. (Her twin, Violet, who returned from the war with her was left to care for their infirm mother.)[35] But marriage some years after their return was slightly more common among these nurses. In 1926, for example, Maud Frey married the overseer of a property near Menindie in New South Wales where she had worked as a bush nurse. The couple moved to Wentworth and became prominent in the local community.[36] Tasmanians Muriel Thompson and Ruby Hornsey both married in 1929. Thompson had returned from the war in indifferent health and cared for her aged parents in the 1920s. Soon after her Anglican clergyman father died, she married an Anglican clergyman twenty years her senior and lived the remainder of her life in New South Wales.[37] Hornsey wed a local widower 30 years her senior and comfortably off.[38] Ethel Giddings likewise married a widower living near her in Mildura; marrying in the mid-1940s, they were both in their mid/late 60s. Marriage brought her welcome companionship as well as much-needed financial security.[39]

Most (9 of the 13) nurses who married after the war wed men who had served overseas. In at least half of those unions the consequences of war-related injuries and illnesses emerged and worsened with passing years. Ada Rundell (the only physiotherapist in the group) married a soldier she had met in a military hospital overseas or in Brisbane. She was 46, he was 32 and tubercular when they married in 1921. He died two years later, and she continued her physiotherapy practice.[40]

Helen Lawrence married Ethelwyn Cobb in 1924 and moved to his soldier settler block in Red Cliffs, Victoria. Red Cliffs was hailed as a success but many settlers including the Cobbs experienced serious financial difficulties and health issues. Helen had severe rheumatism, thrombosis and cancer, her husband various respiratory complaints including pneumonia and emphysema. Both needed assistance: she at home and he on the block. Poor returns from the block in some seasons worsened their situation. The Edith Cavell Trust Fund, which assisted sick and needy Victorian army nurses, provided small grants on several occasions.[41]

The postwar married life of Winifred and William Watson was no less challenging. Winifred (née Smith) was a well-qualified, experienced and decorated nurse serving in England when she resigned in 1917 to marry Watson, a patient whose ill health rendered him unfit for service. Their postwar lives were wracked by illness, inability to work, accidents, financial hardship and disappointment, as well as by his chronic alcoholism and abusive behaviour. By 1947, Winifred was an 'old frail lady'. William died in 1948, she in 1951.[42]

More tragic was the story of Eileen Newton, who married Edgar Cullen in Melbourne in 1920. Cullen had had a chequered military career in the AIF and the Royal Flying Corps, including 141 days hospitalisation (and pay loss) with gonorrhea. They lived in New South Wales then Victoria, where Cullen managed Claude Neon Pty Ltd and where they apparently lived a busy social life. In October 1937, 48-year-old Eileen Cullen died at her home in Kew, poisoned. At the inquest her husband attested to her care with poisons in the home, and her sister and brother testified to her happy family life. The coroner returned an open finding on how and by whom the poison was administered. Eighteen months later Edgar Cullen quietly remarried.[43]

'Work Work Work'

Those East Melbourne nurses who did not marry almost without exception returned to their profession as soon as their health permitted. For a few, recovery took months if not longer. Muriel Robertson, for example, was bedridden for more than a year in Caulfield Repatriation Hospital.[44] These women needed to work to support themselves until they qualified for the aged pension at 60 or became eligible for a repatriation pension—a period of years, even decades. Few if any of them appear to have returned to their prewar positions; perhaps their health prevented it, perhaps the older forms of public hospital and private nursing no longer appealed. Certainly many were attracted to the new fields of nursing that had emerged, notably repatriation and infant welfare, and some moved between them.

Repatriation Nursing

At least 17 of the 54 East Melbourne returned nurses continued caring for sick and wounded soldiers at some time after the war.[45] Some did this for the rest of their professional lives. Ruth Cecil and Katie Fegan, for example, who had both served overseas since 1915, nursed at Caulfield Repatriation Hospital throughout the 1920s and 1930s.[46] Annie Kidd Hart and Agnes King enjoyed distinguished careers as matrons of large repatriation facilities. A veteran of Egypt, England and France and decorated for her services, Kidd Hart spent her postwar life at Randwick Repatriation Hospital in New South Wales where she was matron for ten years from 1927 to 1937. She died shortly after retiring at the age of 62.[47]

Agnes King had also served in Egypt, England and France. Her postwar career was entirely in repatriation hospitals, where she blended the ability she demonstrated before the war as a matron of country hospitals with her wartime work of nursing sick and wounded troops. On returning to Australia, she nursed at Caulfield Repatriation Hospital in Melbourne, then in 1927 was appointed matron of the Repatriation Sanatorium in Perth. After six years there she became matron of Keswick

Repatriation Hospital in Adelaide. In 1936 she was appointed matron of the Rosemount Repatriation Hospital in Brisbane. A keen motorist, she drove herself the 2,000 kilometres from Adelaide to Brisbane. In 1938, King returned to Caulfield Repatriation Hospital. She was matron there at the time of her unexpected death in 1942 at 58 from septicaemia. Agnes King had travelled throughout Australia, Egypt, France and England. By contrast, her two sisters had rarely left their home in Mansfield in Victoria's high country.[48]

Matron Agnes King and her car (Family collection)

Infant Welfare Nursing

Like repatriation nursing, infant welfare (or baby health) was another new and expanding field. Numerous baby health centres opened in Melbourne and country Victoria in the latter years of the war and the 1920s. For some returned nurses, this form of nursing was a welcome contrast to the horrific injuries they treated during the war. It was also usually light, physically, compared with hospital work.[49] Specialist training was required to work in infant welfare centres, however, and this was expensive. Bessie Johnson enumerated the costs thus: loss of salary for four months, an entrance fee, and two months' board while living out. The Edith Cavell Trust Fund provided Johnson and several other nurses with grants for training in infant welfare and sometimes midwifery.[50]

At least nine of the East Melbourne nurses trained or worked in infant welfare during the 1920s and 1930s. Generally they were former Children's Hospital (Melbourne) nurses and/or friends of Annie Purcell, an East Melbourne Great War nurse who was a powerful figure in the field. Most of them nursed in infant welfare centres in Melbourne, although Dora Macartney and Violet Payne spent several years in country towns. Payne later went to Africa as a missionary working with mothers and babies.

Purcell moved into the burgeoning field of infant health following two years in India after the war. After a year as sister at the Camberwell Baby Health Centre, she became matron of the Victorian Baby Health Training Centre in 1924, with 120 nurses in Melbourne and 50 in country areas under her authority. She threw herself into the work with passion. She did further training in Sydney, met Dr Truby King (the New Zealand health reformer regarded as the leader in the infant welfare field), lobbied determinedly for the cause, gave innumerable talks to mothers of new babies, and dispensed advice on every imaginable aspect of baby care through newspaper columns and on local radio. In 1929 she resigned to open a private residential mothercraft home and baby health centre in the Melbourne suburb of Brighton but it foundered in the Great Depression. Purcell did not return to infant welfare full time; rather, she became matron of the Geelong Grammar preparatory school. However, she continued to be a recognised authority on infant and maternal health. In 1938 she gave a stirring address to the Tasmanian maternal welfare conference in which she reflected on the progress and challenges confronting the Victorian movement over the previous two decades and the strategies adopted to deal with them. It was a striking analysis and, as usual, full of tips for the audience: educate *all* mothers, cooperate completely with the medical profession and lobby the government.[51]

Dora Macartney would have known Purcell from their Children's Hospital training days and as a fellow parishioner of St Peter's Church Eastern Hill in East Melbourne. After several years in repatriation nursing, Macartney was appointed to run two new baby health centres in western Victoria in 1924. She gave talks on baby care, nutrition, sleeping and any topic that focused on ways to benefit the health of babies and their mothers. She ran regular clinics in Camperdown and Terang and was an indefatigable home visitor to those who could not attend them, either riding a bicycle or being driven by the baby health centres' lady volunteers. The results were plain to see: far fewer cases of the dreaded and often fatal summer diarrhoea. Exhausted, Macartney resigned in 1928. An Edith Cavell Trust grant allowed her to take a break as she had no pension. In early 1929 she started up the baby health centres in Ringwood and Mitcham on the outskirts of Melbourne and remained there, doing the same work she had done so successfully in Camperdown and Terang, until ill health forced her to resign in 1934. She died soon after from tuberculosis.[52]

Hospital Management

During the 1920s and 1930s, many small private hospitals and convalescent homes were owned and operated by trained nurses. At least 11 of the 54 East Melbourne nurses turned to this means of income generation at some time after the war, with varying success. Emily Dilnot ran St Alban's Private Hospital in Oakleigh for nearly fifteen years until she retired in 1937; the position provided both Emily and her mother with a home.[53] Irene Bonnin returned from Adelaide in 1928 to run the prominent St Ives Hospital in East Melbourne.[54] Katie Brooke owned and operated St Leonard's Hospital in Berwick in the 1930s but apparently struggled to maintain it; it was in a very rundown condition when she died there in 1939.[55]

To operate a hospital a nurse needed patients to generate income, consistent good health (as she would likely staff it herself) and a good reputation to survive in a competitive environment and during a depression such as that of the 1930s. Ethel Giddings' brother in Mildura helped her set up her own hospital there soon after the war. She competed with the Mildura Public Hospital for some years until persistent ill health forced her to give up.[56] Minnie Hobler had to sell her recently purchased hospital in Kew at a loss in the early 1920s when her health problems forced her to seek an easier source of income.[57] Even Annie Purcell's experience and reputation in the infant welfare field could not protect her when she set up a private mothercraft home and baby health centre in 1929. The depression put paid to any prospect of financial success and, as her debts mounted, Annie turned to the Edith Cavell Trust Fund for assistance, as Hobler had and Giddings would. By 1932 she had given up the venture altogether.[58]

A handful of these nurses ran public hospitals in country Victoria or further afield. Sometimes they moved on quickly because of poor salaries or the lure of a better position. Eliza Rowan, for example, found herself in charge of a bankrupt private hospital in Deniliquin in the Riverina in 1929.[59] Two East Melbourne nurses, Clara Ross and Beatrice Keppel, were particularly successful as matrons. After returning from additional experience nursing paralysed patients in London, Ross became matron of Castlemaine Hospital from 1925 to 1927, then Kitchener Memorial Hospital in Geelong. Chosen from 29 applicants she remained there until she retired in 1939. She was a traditional matron, intensely hardworking but deferring to the authority of doctors and board members. She found time to be active in various military and civilian nurses' organisations in Victoria, including the Returned Nurses Association, the College of Nursing, the Nurses Board and the Matrons' Conferences.[60]

Beatrice Keppel returned to Melbourne after the war, nursing at the Women's Hospital in Carlton then in 1922 opening her own hospital in Melbourne. Originally from Queensland and perhaps looking for a larger professional canvas, Keppel accepted the position of matron of Stanthorpe Hospital in south-east Queensland in 1925. She made a strong impression on the hospital and the community with her kindness and organisational ability. Tragically Keppel died in 1932 when the car she was driving hit an embankment near Stanthorpe and overturned.[61]

Schools and Institutional Nursing

A nursing appointment in a school, university college or a hostel provided work that was less physically demanding than many alternative spheres and often came with accommodation. At least eight of the East Melbourne nurses held such positions either as a temporary respite or for the longer term. Minnie Hobler deliberately sought positions in Melbourne private schools after ill health forced her to sell her own hospital.[62] After years of arduous work and travel with the Victorian Bush Nursing Association, Edith Cameron was employed as a nurse with the Melbourne University Union from 1927 until 1934.[63] Jessie Gemmell spent much of her postwar working life in the 1920s as matron of the preparatory school at Geelong Grammar. Her receipt of a repatriation pension following her discharge suggests that her health ruled out hospital nursing.[64]

Housekeeping and even domestic duties were usually included when these positions were residential. Eleanor Kendall found this when matron of Ormond College within the University of Melbourne from

1931 to 1934 and at the Presbyterian Ladies Hostel in East Melbourne from 1934 to 1943.[65] Jessie Gemmell, a decorated Great War matron, detested these chores and reputedly sorted the soiled laundry of Geelong Grammar boys with fire tongs. Annie Purcell, who succeeded Gemmell at Geelong Grammar in the 1930s, finished her long and public career at The Friends School in Hobart. She died there shortly after taking up the post of matron, but she had been there long enough to apply the reforming zeal she had shown in the infant welfare sector to the school's housekeeping arrangements and to incur the wrath of the school's traditionalists.[66]

Travel

As the Returned Army Nurses secretary observed, war service had fostered a taste for travel in some of her members.[67] Her observation certainly held true for the East Melbourne nurses; at least 18 of the 54 who survived (33 per cent) travelled overseas on one or more occasions after the war. Like Australian women travellers before them, they 'embarked on many different voyages, for holidays and periods of recreation, for visits to family and ancestral homes ... for the experience of being there and ticking off the sights'.[68] The opportunity to revisit places in England and Europe where they had been during the war was an additional impetus. An enterprising nurse could combine work and overseas travel. Accompanying wealthy individuals or families on a long sea voyage as nurse or companion offered opportunities. Minnie Hobler accompanied a wealthy cousin on extended trips to Europe.[69] Estelle Lee-Archer had gone to England in 1925 keen to return to 'some of the old haunts during the War'. Employed to care for an invalid traveller, she visited many tourist locations in Europe. She had gone to England travelling third class but returned to Australia eighteen months later in first class, presumably with the same patient or another.[70]

For some the lure of working overseas again was irresistible. Clara Ross spent time in England in the early 1920s studying treatment methods for paralysis.[71] Annie Purcell went to Madras (Chennai) in 1920 to work with the Lady Ampthill Nursing Service, which provided nursing services to British expatriates and wealthy Indians. She stayed there two years. An unsigned article in the Victorian trained nurses' journal *UNA*, probably by Purcell, warned of the various pitfalls of such a posting.[72] Ruby Dickinson worked in England in the 1920s and visited again in the 1930s. She and her travelling companion, a former AANS colleague, returned to Australia via the United States in late 1939.[73]

Alice Searl and several other former AANS colleagues travelled to the United States in 1920 after returning to Australia in 1919. Wartime friendships with American nurses or troops and/or tales of life in America may have been the attraction. Alice remained there almost continuously for 25 years, working mainly as a private nurse/companion in California. Several members of her family visited and she herself travelled around mainland America and Hawaii. She returned to live in Australia in 1944.[74]

Nesta Edwards left Australia in 1921 to work in South Africa. Friendships with nurses from South Africa in wartime hospitals in France, freedom from family responsibilities, the climate, and love of travel were probably all contributing factors. She spent the remainder of her professional life there, returning to live in Melbourne only in 1947 at the age of 64. For most of these years she lived in Kearsney near Natal, first as a boys' school matron treating rugby injuries and dispensing cod liver oil and then as matron of the local hospital. Edwards retained her friendships in Victoria throughout and, during several bouts of ill health, was able to draw assistance from the Edith Cavell Trust Fund for Victorian army nurses. She also contributed articles about her travels in South Africa to the Victorian nurses' journal.[75]

After wartime nursing in India, Katie Brooke ran several country hospitals in Victoria. Perhaps she found that life dull because in 1922 she moved to Ocean Island near the equator. Ocean Island was part of the Gilbert and Ellice Island group, then a British crown colony and rich in phosphate. As the nursing sister with the British Phosphates Company, she ran a well-equipped, well-staffed hospital, which treated British, Chinese and locals as well as providing district nursing for the company's white employees. Brooke had ice supplies, electricity, sewerage, fresh and salt water, and company amenities. The colonial administrator lived on Ocean Island so there was an active social life. Her native servant, whom she described as 'a pearl above price', mastered her recipes for gem scones and mayonnaise, and was no doubt the reason Brooke could host five-course dinner parties comparable to those at a top hotel in Melbourne. Brooke stayed four years, from 1922 till 1926, twice the normal period for Europeans on the island. She returned to Australia and ran private hospitals until her death in 1939.[76]

Violet Payne spent most of her professional life after the war as a missionary sister in Africa. Hearing a sermon in 1926 on missionary work in Tanganyika (now Tanzania) so inspired the infant welfare nurse that she applied immediately to the Anglican Church Missionary Society to work there. After the requisite missionary training, she went to Tanganyika in 1928. Payne served in various mission stations including Buigiri, Kilimatinde and Berega, areas where leprosy and infant mortality were rife. She learnt Swahili (she had deliberately learnt French before joining the AANS). She worked with the famous 'jungle doctor', Paul White, whose team was credited with significantly reducing infant mortality in villages and rural areas. White's radio programs and engaging 'jungle doctor' books for children familiarised many Australians with the work. Payne might easily have been one of the 'white Sisters' who appear in his stories.[77] Payne's Christian faith linked together her nursing service in the Great War and in Tanganyika. She had long felt called to missionary work: 'I feel it is the same spirit that made me volunteer for service as a nurse in the World War, although I could have done work at home'. Age (66) and poor health finally forced her to resign from missionary work in 1946 after eighteen years in East Africa.[78]

Sister Violet Payne, CMS Missionary 1928–1946 (Church Missionary Society, Records, MS 13606, Courtesy State Library Victoria)

Hardship

Violet Payne returned to Melbourne and lived with her widowed twin sister Lily (also in the AANS), who now operated a convalescent home. She worked intermittently for several years until their diminishing health and inability to work brought closure of the home. Violet then nursed Lily and kept house for her, while Lily in return supported her from her own ever-shrinking resources. Violet inherited Lily's house on her death in 1957 but, despite receiving a repatriation pension, scarcely had the means to pay household expenses. The Edith Cavell Trust Fund noted she was 'in great distress and financial need', and made small grants on several occasions. By 1964, Violet was in 'necessitous circumstances' in a rooming house. She died in 1969 in a Melbourne hospital, aged 89.[79]

Violet and Lily Payne were just two of over 700 Victorian AANS who received assistance from the Edith Cavell Trust Fund (ECTF).[80] Thirty-one (57 per cent) of the East Melbourne nurses sought grants, usually when illness resulted in lost income and medical and pharmaceutical bills. Roughly one third of these made just one application, a third made between two and four, and a third made five or more applications. Hardship resulting from failed hospital ventures qualified for assistance, as when Minnie Hobler and Annie Purcell lost their hospitals and Eliza Rowan found herself running a bankrupt one. The ECTF also provided grants to nurses who faced expenses when training in midwifery or infant health such as fees, uniforms and accommodation on top of reduced income. The fund made a grant to Annie Purcell towards her time in India and to Violet Payne during her missionary training. It assisted Nesta Edwards in South Africa during two periods of illness; as a Victorian army nurse she was eligible for assistance.

The most frequent applicant among the East Melbourne nurses was Eliza Rowan. She made more than twenty applications between 1919 and 1959 and received assistance totalling £475. Rowan had returned from India in 1919 medically unfit, and she never regained full health. Influenza, depression, rheumatism and dental problems plagued her in the 1920s. She could nurse only intermittently but needed work for the accommodation it provided. Financial difficulties and the scarcity of suitable positions exacerbated her health problems, although in 1934 she had been working and living at Caulfield Repatriation Hospital for eighteen months. She had no repatriation pension. In 1950 Rowan, then caretaker of the ECTF's holiday house for nurses at Dromana, applied again. With worsening health, and despite the aged pension, she was unable to buy more than 'bare necessities in food and some medicine'—comfortable shoes, firewood and new glasses were beyond her reach. The ECTF provided her with £35–40 a year throughout the 1950s. A note on her ECTF file in 1953 described her as being 'in a sad plight'. Rowan's last application was dated September 1958. She died in Dromana in 1970, aged 85.[81]

Beryl Tucker applied for ECTF grants twice in the 1930s. She had been deemed unfit for general service in 1919 after duty in India and on a hospital transport ship bringing severely wounded Czech troops from Vladivostok to Singapore. After the war, she and another former AANS nurse ran a hospital in Sea Lake, an isolated rural town in the Victorian Mallee. She suffered 'a nervous breakdown' in 1937 and again in 1939 and received small ECTF grants towards recuperative holidays. In 1939, she was living in Stansbury, a small remote fishing village on Yorke Peninsula in South Australia. She died there on the night of 5–6 October 1941. The coroner deemed her death 'suicide by drowning'.[82] Her death and that of Eileen Cullen meant at least one and possibly two of the surviving 54 East Melbourne nurses committed suicide after the war.

Determination and Character

When war broke out in 1939 several of these nurses were living in England and determined to serve again in whatever capacity they could. Emily Dilnot, then in her mid-50s, applied to rejoin the QAIMNSR but was tactfully turned down.[83] Minnie Hobler worked as a nurse but possibly in a voluntary capacity. Her accounts of her hair-raising escapes during the Blitz were reported in her local Queensland paper.[84] Recovered after more than a year's hospitalisation following her Great War service, Muriel Robertson had been living in genteel poverty in London with her twin sister since 1928. She contributed to the new war effort, and was awarded certificates for anti-gas training, first aid, 'her splendid efforts as a Voluntary Poppy Day Worker' and her hospitality to overseas forces in England. It was a very different role from her nursing in India and the Persian Gulf during the previous war.[85]

Finally, an account of the postwar lives of East Melbourne nurses must include the mark some made on those who met them after the war. School boys remembered Jessie Gemmell sorting their dirty laundry with tongs and Nesta Edwards' stoic unflappability: 'Sister had been in the First World War and was therefore prepared to do things which some nurses wouldn't do'.[86] Annie Purcell so impressed the Prince of Wales when she met him at Caulfield Repatriation Hospital that he recognised her instantly two years later in Madras.[87] Agnes King's sisters at Caulfield Repatriation Hospital mourned their 'dear matron and friend' when she died in harness in 1942.[88] Queenslander Beatrice Keppel was celebrated when she died as a 'true type of that noble band of "women of the west"'.[89] Returned servicemen in Perth's repatriation hospital lauded Agnes King as 'a soldier's nurse'.[90] Those in Castlemaine described Clara Ross as a 'princess'; others regarded her matronship of Kitchener Hospital in Geelong as a 'generalship'.[91]

Conclusion

Most of the 54 nurses in this study had long lives ahead of them on their return from the Great War. Their postwar years were made up of mixed personal and professional fortunes and achievements. Some flourished, living happily and making significant contributions to the nursing profession or their community. On the other hand, one possibly two committed suicide, and there were chronic cases of hardship caused by ill health, financial need and challenging marriages. More usual, however, was the pattern of continued nursing interrupted periodically by ill health or financial problems. Annie Purcell, for example, received grants from the Edith Cavell Trust Fund in the 1920s and 1930s for her passage to India, midwifery training, business debts and recuperative holidays. In those same decades she was a formidable and influential figure in infant welfare in Victoria and matron in a prestigious school. Violet Payne's story was similar. She applied to the Edith Cavell Trust Fund at several difficult times in her life but also spent eighteen years in Tanganyika (Tanzania) where she made a major contribution to reducing infant mortality. Payne's life showed that there were many instances of professional success among these 54 women, as well as intermittent difficulties and even prolonged hardship. She and others flourished and became leaders in their field, among them Annie Purcell in infant welfare, the repatriation matrons Agnes King and Annie Kidd Hart, and civilian matrons Clara Ross and Beatrice Keppel.

This study of the postwar lives of 54 Great War nurses connected with East Melbourne has illustrated what can emerge when a local history project steps beyond the period of enlistment and follows up the fate of the people from their community or institution. The war service of these individuals was presented in the exhibition as a part of their lives rather than the sole focus. Some sense was thus gained of the war's varying impacts on particular individuals and across the cohort as a whole. Patterns, similarities and differences that appear in the experiences of a group as large and broad as the East Melbourne nurses provide important new perspectives and insights into the lives of Australia's Great War nurses over all. They also contribute to a more complex and nuanced understanding of the war's impact on Australian society generally.

Notes

1 Kirsty Harris, 'Work, Work, Work: Australian Army Nurses after the First World War', *When Australian Soldier Return from the War: November 2007 Conference Proceedings*, Brisbane, University of Queensland, School of History, Philosophy, Religion and Classics, 2009, p. 183. For Australian women serving in the QAIMNSR, see https://sites.google.com/site/archoevidence/home/ww1australianwomen/qaimns (accessed 4 July 2017).

2 Peter Rees, *The Other Anzacs: Nurses at War, 1914–1918*, Sydney, Allan & Unwin, 2008; Kirsty Harris, *More than Bombs and Bandages: Australian Army Nurses at Work in World War 1,* Sydney, Big Sky Publishing, 2011; Janet Butler, *Kitty's War: The Remarkable Wartime Experiences of Kit McNaughton*, Brisbane, University of Queensland Press, 2013; Ruth Rae, *The History of Australian Nurses in the First World War: An Australian College of Nursing Centenary Commemorative Trilogy,* Sydney, Australian College of Nursing, 2004–15; Rupert Goodman, *Our War Nurses: The History of the Royal Australian Army Nursing Corps 1902–1988*, Brisbane, Boolarong Publications, 1988; Jan Bassett, *Guns and Brooches: Australian Army Nursing from the Boer War to the Gulf War*, Melbourne, Oxford University Press, 1992. Rees, *The Other Anzacs* was republished in 2014 as *Anzac Girls: The Extraordinary Story of Our World War I Nurses* and became the basis of the award winning television drama series 'Anzac Girls' (2014).

3 A very small selection from Victoria includes Murray Poustie, *Remember Our Nurses: The Service and Sacrifice of Bendigo Nurses in World War I*, Bendigo, Bendigo Modern Press, 2014; Brian Membrey, *Women in Uniform: Nurses Who Served in the Great War 1914–1918*, http://www.ozsportshistory.com/wardeaths/WW1%20-%20Women%20In%20Uniform%20(WikiNorthia).pdf (accessed 26 January 2017); City of Moreland's exhibition *Moreland Remembers World War I: Sister Alice Kitchin*, http://www.moreland.vic.gov.au/globalassets/areas/librarieslib-4866/history/moreland-ww1-exhibition-banner-12.pdf (accessed 26.01.2017); commemorative activities organised by the Lemnos Gallipoli Commemorative Committee honouring Australian nurses on Lemnos, http://anzaccentenary.vic.gov.au/lemnos-gallipoli-commemorative-memorial/ (accessed 26.01.2017; 'Carlton in the War: Stories of the Men and Women who Served', www.cchg.asn.au/greatwar.html (accessed 26 January 2017); Christine McGinn, 'Exhibition Honours Work of WWI Nurses', *Monash Leader*, 3 November 2015, http://leader.newspaperdirect.com/epaper/viewer.aspx (accessed 26 October 2016).

4 See for example, the *Saluting Their Service* Community Commemorative Grants funded by the Department of Veterans Affairs, September 2016 allocation, http://minister.dva.gov.au/media_releases/2016/dec/va125.htm (accessed 24 January 2017); Victorian Veterans' Council Guidelines, http://www.dpc.vic.gov.au/images/Veterans_Affairs/Commemoration_and_Education_Grant_Program_-_Commemoration_and_Community_Education_Guidelines.pdf (accessed 24 January 2017)

5 Marina Larsson, *Shattered Anzacs: Living with the Scars of War*, Sydney, University of New South Wales Press, 2009.

6 Bruce Scates and Melanie Oppenheimer, *The Last Battle: Soldier Settlement in Australia, 1916–1939*, Melbourne, Cambridge University Press, 2016, pp. 204ff.

7 Marilyn Lake, ‘Annie Smith: “Soldier Settler”’, in Marilyn Lake and Farley Kelly (eds), *Double Time: Women in Victoria 150 Years*, Melbourne, Penguin, 1984, pp. 297–304; Selena Williams, ‘”Not Openly Encouraged”—Nurse Soldier Settlers After World War One’, MA Hons thesis, University of New England, 2010, available at e-publications@UNE.

8 https://www.facebook.com/groups/DiggersToVeterans/?pnref=lhc; communication with Janet McCalman, Lead Chief Investigator, Diggers to Veterans Project, 7 July 2017.

9 Butler, pp. 219–25.

10 Bassett, pp. 96–103. The Edith Cavell Trust Fund was set up with monies raised in Victoria to commemorate the execution by Germany of British Nurse Edith Cavell in 1915. Victorian army nurses could apply for grants from the Fund when sick or needy. See below, section ‘Hardship’. See also Katie Pickles, *Transnational Outrage: The Death and Commemoration of Edith Cavell*, New York, Palgrave Macmillan, 2007, pp. 133–6.

11 Kirsty Harris, ‘Work, Work, Work’, pp. 183–93.

12 Ruth Rae, *History of Australian Nurses in the First World War*, Volume 2, *Veiled Lives: Threading Australian Nursing History into the Fabric of the First World War*, Sydney, Australian College of Nursing, 2009, pp. 323–47.

13 Merrilyn Lincoln, ‘Pratt, Rachel (1874–1954)’, *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/pratt rachel-8099/text14137. See also the Australian War Memorial’s biographical notes on Pratt, at https://www.awm.gov.au/sites/default/files/pratt.pdf (accessed 6 January 2017).

14 ‘No prospect of it ending’ [Rachel Pratt], Monash University, *100 Stories*, future.arts.monash.edu/onehundredstories/the-hardships-of-war/ (accessed 6 January 2017).

15 See for example, Kirsty Harris, ‘In the “Grey Battalion”: Launceston General Hospital Nurses on Active Service in World War I,’ *Health and History*, vol. 10, no. 1, 2008, pp. 21–40.

16 Bassett, p. 96.

17 The nurses’ biographies were all written by Janet Scarfe, author of this article.

18 Perditta M. McCarthy, ‘White, Jessie McHardy (1870–1957)’, *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/white-jessie-mchardy-9076/text16001. McHardy was also spelt McHardie. Several other significant Great War nurses including Grace Wilson and Alice Ross-King were excluded as their connection with East Melbourne occurred well before or well after they enlisted.

19 http://emhs.org.au/person/priday/stella_muriel (accessed 26 January 2017). Throughout this article, the reference is to the relevant biographical essay at emhs.org.au, not to individual sources cited within the essay.

20 Their names were recorded on honour boards that still hang in the St Peter’s Eastern Hill precinct.

21 This overview of the prewar lives of the nurses was drawn from their biographical essays at emhs.org.au. The main sources were family birth, death and marriage data, digitised newspapers found at trove.nla.gov.au, and the nurses’ service records.

22 Nurses applying to join the Australian Army Nursing Service were asked to document their training and experience on the enrolment form that became part of their service record.

The Royal Victorian Trained Nurses Association Register of Members listed qualifications. The 1922 Register is available online at http://handle.slv.vic.gov.au/10381/234114 (accessed 20 July 2017). See also Harris, *More than Bombs and Bandages*, pp. 16–33.

23 http://emhs.org.au/person/quarterman/rosa_elizabeth_kate; http://emhs.org.au/person/giddings/ethel_may; http://emhs.org.au/person/ross/clara_louisa; http://emhs.org.au/person/king/agnes_wotherspoon (all accessed 26 January 2017).

24 Emily Dilnot, Margaret Ousley and Margaret Roberts had been brought up in England. Each returned there from Australia at her own expense to enlist in the QAIMNSR. See http://emhs.org.au/person/dilnot/Emily; http://emhs.org.au/person/ousley/marguerite; http://emhs.org.au/person/roberts/margaret_dorothy (all accessed 26 January 2017).

25 Campaign medals were the 1914–15 Star, the British War Medal and the Victory Medal. Jessie McHardie White, Clara Ross and Jessie Gemmell received the Royal Red Cross (1st Class), Estelle Lee-Archer, Annie Kidd Hart, Winifred Smith, Edith Cameron and Rosa Quarterman the Royal Red Cross (2nd Class). Some of them and others were mentioned in despatches. McHardie White was also made a Member of the British Empire and awarded the Greek Medal for Military Merit and the Serbian Order of St Sava.

26 http://emhs.org.au/person/roberts/margaret_dorothy (accessed 26 January 2017).

27 http://emhs.org.au/person/blundell/madeline_patricia_petrie; http://emhs.org.au/person/lawrence/helen_ruth (both accessed 26 January 2017).

28 http://www.aihw.gov.au/deaths/life-expectancy/ (accessed 4 July 2017).

29 *UNA*, vol. XXI, no 4, 1 June 1923, p. 80.

30 Bassett estimated at least half of the nurses returning from the war remained unmarried, a far higher percentage than women in the Australian population as a whole. Bassett, p. 101. According to Harris, 'many' nurses married, including 185 during the war. Harris, 'Work, Work, Work', p. 186. Two of the East Melbourne group were widows when they enlisted: Jessie McHardie White and Stella Priday.

31 This was 5.45%, slightly less than the figure of 5.98% for the AANS as a whole cited in Bassett, p. 95.

32 http://emhs.org.au/person/mckinnon/mary; http://emhs.org.au/person/ousley/marguerite (both accessed 27 January 2017).

33 http://emhs.org.au/person/brooks/constance_jessie; http://emhs.org.au/person/watson/eileen_marriott (both accessed 27 January 2017).

34 http://emhs.org.au/person/stewart/lyla_ferguson (accessed 27 January 2017).

35 http://emhs.org.au/person/payne/lily_may (accessed 27 January 2017).

36 http://emhs.org.au/person/frey/maud_josephine (accessed 27 January 2017).

37 http://emhs.org.au/person/thompson/muriel_edith_lucy (accessed 27 January 2017).

38 http://emhs.org.au/person/hornsey/ruby_millie (accessed 27 January 2017).

39 http://emhs.org.au/person/giddings/ethel_may (accessed 27 January 2017).

40 http://emhs.org.au/person/rundell/ada_sophia (accessed 27 January 2017).

41 http://emhs.org.au/person/lawrence/helen_ruth (accessed 27 January 2017). See below on 'Hardship' for more on the Edith Cavell Trust Fund assistance to nurses connected with East Melbourne.

42 http://emhs.org.au/person/smith/winifred_jane (accessed 27 January 2017).

43 http://emhs.org.au/person/newton/eileen_catherine_kearney (accessed 27 January 2017).

44 http://emhs.org.au/person/robertson/gertrude_muriel_norton (accessed 27 January 2017).

45 Harris found that only 189 AANS who served overseas worked in repatriation hospitals. Harris, 'Work, Work, Work', p. 186.

46 http://emhs.org.au/person/cecil/edith_ruth; http://emhs.org.au/person/fegan/catherine_agnes (both accessed 27 January 2017).

47 http://emhs.org.au/person/hart/annie_kidd (accessed 27 January 2017).

48 http://emhs.org.au/person/king/agnes_wotherspoon (accessed 27 January 2017).

49 Harris, 'Work, Work, Work', p. 187.

50 http://emhs.org.au/person/johnson/bessie_shircliffe (accessed 27 January 2017).

51 http://emhs.org.au/person/purcell/annie_watkins_bennett_vize (accessed 27 January 2017).

52 http://emhs.org.au/person/macartney/dora_lynette (accessed 27 January 2017).

53 http://emhs.org.au/person/dilnot/Emily (accessed 27 January 2017).

54 http://emhs.org.au/person/bonnin/irene_gertrude_hiller (accessed 27 January 2017).

55 http://emhs.org.au/person/brooke/katie_winifred (accessed 27 January 2017).

56 http://emhs.org.au/person/giddings/ethel_may (accessed 27 January 2017).

57 http://emhs.org.au/person/hobler/Minnie (accessed 27 January 2017).

58 http://emhs.org.au/person/purcell/annie_watkins_bennett_vize (accessed 27 January 2017).

59 http://emhs.org.au/person/rowan/eliza (accessed 27 January 2017).

60 http://emhs.org.au/person/ross/clara_louisa (accessed 27 January 2017).

61 http://emhs.org.au/person/keppel/beatrice_emma (accessed 27 January 2017).

62 http://emhs.org.au/person/hobler/Minnie (accessed 27 January 2017).

63 http://emhs.org.au/person/cameron/edith_clare (accessed 27 January 2017).

64 http://emhs.org.au/person/gemmell/jessie_ross (accessed 27 January 2017).

65 http://emhs.org.au/person/kendall/eleanor_jane (accessed 27 January 2017).

66 http://emhs.org.au/person/purcell/annie_watkins_bennett_vize (accessed 27 January 2017).

67 *UNA*, vol. XXI, no 4, 1 June 1923, p. 80.

68 Ros Pesman, *Duty Free: Australian Women Abroad*, Oxford, Oxford University Press, 1996, p. 9.

69 http://emhs.org.au/person/hobler/Minnie (accessed 27 January 2017).

70 http://emhs.org.au/person/lee-archer/estelle_frances (accessed 27 January 2017).

71 http://emhs.org.au/person/ross/clara_louisa (accessed 27 January 2017).

72 http://emhs.org.au/person/purcell/annie_watkins_bennett_vize (accessed 27 January 2017).

73 http://emhs.org.au/person/dickinson/ruby_droma (accessed 27 January 2017).

74 http://emhs.org.au/person/searl/alice (accessed 27 January 2017).

75 http://emhs.org.au/person/edwards/ernestine_mabel (accessed 27 January 2017).

76 http://emhs.org.au/person/brooke/katie_winifred (accessed 27 January 2017).

77 'A History of Dr Paul White', http://www.jungledoctorcomics.com/?page_id=66 (accessed 27 January 2017).

78 http://emhs.org.au/person/payne/violet_minnie (accessed 27 January 2017).

79 http://emhs.org.au/person/payne/violet_minnie; http://emhs.org.au/person/payne/lily_may (both accessed 27 January 2017).

80 Bassett, p. 97. Grants were typically £10–40 between 1920 and the 1950s. Name index cards to applicants for grants of Edith Cavell Trust Fund, M291 (Whole Series), National Archives of Australia, Melbourne (NAA).

81 http://emhs.org.au/person/rowan/eliza (accessed 27 January 2017).

82 http://emhs.org.au/person/tucker/beryl_may (accessed 27 January 2017).

83 http://emhs.org.au/person/dilnot/Emily (accessed 27 January 2017).

84 http://emhs.org.au/person/hobler/Minnie (accessed 27 January 2017).

85 http://emhs.org.au/person/robertson/gertrude_muriel_norton (accessed 27 January 2017).

86 http://emhs.org.au/person/edwards/ernestine_mabel (accessed 27 January 2017).

87 http://emhs.org.au/person/purcell/annie_watkins_bennett_vize (accessed 27 January 2017).

88 http://emhs.org.au/person/king/agnes_wotherspoon (accessed 26 January 2017).

89 http://emhs.org.au/person/keppel/beatrice_emma (accessed 26 January 2017).

90 http://emhs.org.au/person/king/agnes_wotherspoon (accessed 27 January 2017).

91 http://emhs.org.au/person/ross/clara_louisa (accessed 27 January 2017).

HISTORICAL NOTES

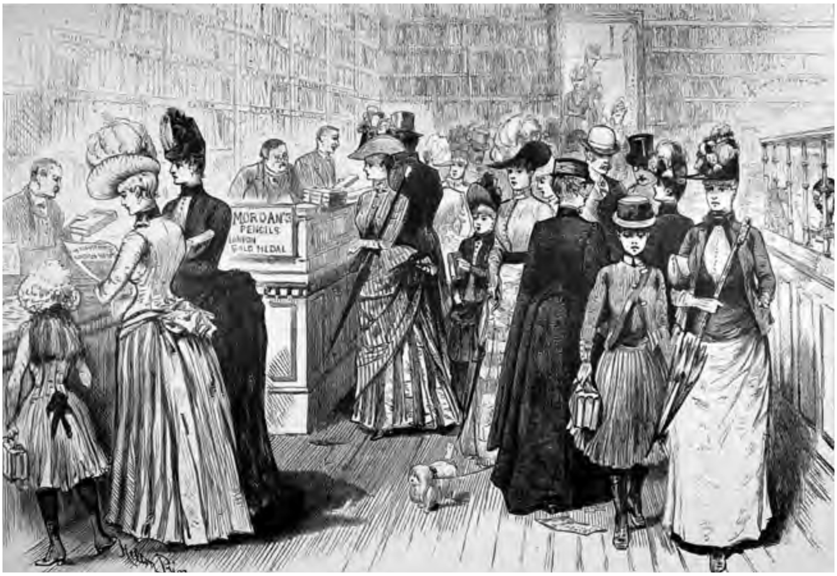
Ladies and Libraries in Nineteenth-century Melbourne

Margaret Bowman

Abstract

Nineteenth-century records of Melbourne's earliest and longest-serving subscription library, the Melbourne Athenaeum (formerly Mechanics' Institution), show that from its establishment in 1839, it was very much a men's club. No woman was even an employee until 1916 and there were no women on the committee of management until 1973. And, despite deliberate efforts in the 1870s to attract women subscribers, it never matched Mullen's (commercial) circulating library as a centre of fashionable reading. Nevertheless, during the nineteenth century, as the number and variety of its women members increased, the library made a significant contribution to the cultural opportunities available to middle-class women in Melbourne.

A magazine illustration from the 1880s depicts Samuel Mullen's Circulating Library as a fashionable centre for the ladies of Melbourne. The library was conveniently close to the chic Café Gunsler on the Collins Street Block, and the drawing shows a throng of stylish women and girls against a sketchy background of bookshelves and deferential male library assistants. This was clearly a place to see and be seen. The bundle of books carried by the haughty young woman at centre stage was as much a fashion accessory as the pet dog behind her. To belong to this library may have been as much to claim membership of 'society' as to borrow the latest novels but, in Melbourne as in London, middle-class women were hungry for the books that they could not afford to buy but to which the subscription libraries gave them access.



The 'Mudies' of Melbourne (Mr Samuel Mullen's Circulating Library Collins-Street East)
(*London Illustrated News,* 19 January 1889, p. 87)

Melbourne Mechanics' Institution

Samuel Mullen had opened his highly successful bookshop/library in 1859 and, by the time that Melbourne had become 'marvellous', it was much favoured by the social and intellectual elite of the day.[1] Mullen's may have been the most fashionable library of nineteenth-century Melbourne but it was not the only library available to women; the Melbourne Pubic Library (now State Library Victoria) opened in 1854 to both men and women. Nor was Mullen's the only subscription library. The Melbourne Mechanics' Institution, established in 1839, included a lending library, which, renamed the Melbourne Athenaeum in 1872, continues to thrive. Established by a group of settlers 'for the diffusion of scientific and other useful knowledge', it was entirely run by the men of the colony largely in their own interest.[2] Not that women were formally excluded from membership but, as might be expected in a gendered society, it was left to any individual subscriber who wished to do so to share his borrowed books with the ladies of the family or even borrow something on their behalf.

The Melbourne Institution was modelled on a successful British organisation designed to use existing educational resources to provide further instruction for Britain's growing industrial working class.[3] In the Port Phillip colony at that time, with a population of no more than 3,000, there was both a very small pool of possible educators and very few 'mechanics' eager for intellectual self-improvement. This meant that, although the Institution did its best to provide some lectures, classes and a museum as well as a library, from the outset it was more a middle-class cultural centre than an organisation for the education of working men. The rules of the Institution were gender neutral, the founders undoubtedly confident that there was no risk of there being many women takers. Indeed, the male domination of the organisation became so ingrained that it was not until 1973 that women were, for the first time, members of the committee of management, and they did not appear even as employees before 1916.[4]

The Melbourne Mechanics' Institution got off to a shaky start, lacking government subsidy, independent finance and internal cohesion. However, thanks to a canny secretary, it managed to build its own premises.[5] Having space to rent to other organisations (including Melbourne's first Town Council) helped to sustain the Institution during its early financial difficulties and ensure its long survival.

Women Members 1839–1851

When the first woman subscriber, Mary Anderson, joined the Institution in 1847, she was the only woman among a total membership of 344. In line with the patriarchy of the day, she was always (except in her death notice) named 'Mrs Col[onel] Anderson', a colonel's wife rather than an individual. Her husband, Colonel Joseph Anderson, was a career British officer who settled as a successful pastoralist in the Port Phillip District and went on to serve briefly as a member of the appointed Legislative Council. He was also a member of the committee of the Mechanics' Institution from 1847 to 1853. Mary Anderson was the archetypal army wife on whom the British imperial enterprise so much depended; wife, daughter (and later, mother) of a colonel, her background was British, Anglican and army. She had shared a variety of overseas postings with her husband, including some years on the Norfolk Island penal colony, and was clearly an old hand as colonial wife. She appears to have had cultural interests—it was she, not the colonel, who imported a piano from London. Perhaps one of the attractions of the Mechanics'

Institution of her day was the art school run by its secretary/librarian, George Alexander Gilbert.[6]

Three years later, Mary Anderson was joined by Mrs Curr, who was also the wife of a member of the colonial political elite: Edward Curr pastoralist and activist. However, her family could not have been more different from that of Mrs Anderson. Elizabeth Curr was from Yorkshire and a Catholic; the marriage, it is said, brought her husband money, which may well have enabled him to settle successfully in Van Diemen's Land before moving to Port Phillip in 1842. The Currs built St Heliers, a house on the Yarra adjoining that of Andrew and Georgiana McCrae, leaving the running of their pastoral properties to their sons. While her husband threw himself contentiously into the public affairs of the colony on the side of Catholics and conservatives, finally gaining the title of 'Father of Separation', his wife must have been kept busy at home; there were eleven surviving children when Edward Curr died in 1850.

Given that we know about these women almost entirely through the public careers of their husbands, we can only guess why they subscribed to the library. The decision to become an individual subscriber suggests that Mary Anderson was an independent woman—and we know she travelled alone several times to Sydney where a married daughter was living. As she maintained her membership until 1852, two years after the death of her husband, it is reasonable to assume that she had literary tastes and was personally satisfied with the service the Institution provided, mainly the library and reading room. In the case of Mrs Curr, it is possible that her membership was a wifely rather than a personal choice as it lasted only for the year 1850, during her husband's final illness, when she may have been acting on his behalf in going to the library. Her membership did not continue after her husband's death. It is conceivable, however, that she gained some private satisfaction from flaunting a library membership in order finally to scotch malicious rumours that she had been her husband's cook and was illiterate.[7]

Mrs Sceales, subscriber from 1849 to 1852, remains no more than a name, bur her membership is of particular interest as it was accompanied by those of Miss Sceales, James and John. Is this a rare instance of a family concerned to provide opportunities for its younger members to have access to the best cultural resources then available?

Library Services

In 1847, when Mrs Anderson walked up the few steps into the Mechanics' Institution building in Collins Street, she would have found on the ground floor a library with over a thousand volumes and a reading room that included a collection of curiosities, the nucleus of a museum. She would have had direct access to the shelves, noting any borrowings in a book for that purpose and returning them when it suited her. The reading room may well have been particularly attractive to a British woman eager for news from home; there was a collection of 27 British newspapers (including Scottish, Irish and provincial English papers), 14 colonial papers, and 17 mainly literary journals.[8]

Lack of money meant that the original book stock of the library was for the most part donated by subscribers, including most of the library of young Henry Fyshe Gisborne (1813–1841) when he left the colony.[9] Complete records of the holdings have not survived, but a supplementary booklist of 1846 shows the predominance of more serious works.[10] For subscribers looking for fiction, the 1848 annual report offered a more cheerful prospect as the £50 sent to London the previous year had helped to add 131 new novels and romances as well as 67 non-fiction titles. Looking through the list, one is struck by the extent to which it is British; only two titles had any direct relevance to Australia. One was a treatise on vine and orange growing, the second Leichhardt's account of his overland expedition from Moreton Bay to Port Essington.

1852–1868

After the discovery of gold, Melbourne's population and wealth grew dramatically, with a consequent increase in the size of the Institution and of its library. In 1856 membership had grown to 590 (from 384 in 1850), while, according to the 1856 annual report, there were 12,345 volumes and 1,010 magazines 'in circulation'.[11] One of the few catalogues to have survived is for 1856. This shows that the library still catered predominantly for the serious reader, only about a third of the collection being classified as fiction. Although no more than about 7 per cent of the titles was in the category 'Mechanics, Mathematics, Science, Architecture, Engineering and Useful Arts', the list of journals for that year reflects the Institution's emphasis at that time on science and education.[12] Under the influence of William Edward Hearn, committee member and inaugural professor in the then new University of Melbourne, the Institution had made its brave but unsuccessful bid to become a kind of *de facto* working men's college with systematic, credentialled courses.[13] The list of periodicals in the 1856 annual report includes such technical titles as *Mechanics' Magazine*, *Pharmaceutical Journal*, *Lancet*, *Builder* and *Chemical Magazine*.

It was also during these years that the Institution was joined in Melbourne by other libraries for public use: first, the Melbourne Public Library (now State Library Victoria) in 1854, followed by Mullen's commercial lending library and bookshop in 1859. While Mullen's catered primarily to the tastes of society ladies, the Public Library provided on a larger scale and for all adult residents the sort of library hitherto only available to Mechanics' Institution subscribers. Intended by the enlightened Sir Redmond Barry to be a kind of public university, it was open to all, women as well as men. Such was the novelty of the experience, at least for some of the younger women, that Clara Aspinall, then visiting the colony, remarked that: 'I observed, too, a compartment partitioned off where sat some young women reading. I noticed suppressed little fits of merriment bursting from them, probably at the novelty of their situation'.[14] This comment neatly shows how limited women's access to community cultural resources had previously been in the colony, while pointing to the potential value of the Public Library for their further enlightenment.

The Melbourne Athenaeum 1872

Although never specifically stated in the surviving documents, the competition from the Public Library and Mullen's Library would have stimulated the committee of the proudly renamed Melbourne Athenaeum to actively seek women as well as men as new subscribers. When in 1866 subscriber lists had returned to the annual reports, the population of Melbourne had grown to 140,000 and had become even more diverse, with increasing numbers of professional and educated citizens ready to support the Institution. The time was ripe for a substantial improvement in its facilities and in its efforts to increase the subscriber base.

In 1872, when the extensively renovated building and renamed Melbourne Athenaeum opened its doors, it had much to offer the public.[15] A vigorous advertising campaign increased subscriber numbers from 640 in 1872 to 1,129 the following year, while, after the creation of a special 'Reading Room for Ladies', the number of women members grew from 10 in 1872 to 52 the following year. It was the beginning of a steady increase in their number, which reached its peak of 153 (including two life members) in 1887.[16] The Athenaeum, like so much else in Victoria, suffered during the economic slump of the 1890s; indeed it is possible that it was the presence of the few additional women members that boosted its depleted revenues just enough to ensure its survival.

The committee was proud of its Ladies' Reading Room, promoting it with 2,000 flyers as well as press advertisements, including one from the *Argus* on 20 December 1872, describing 'a ladies' reading room with lavatory … provided with all the suitable newspapers and periodicals'. According to the 1872 annual report, those papers regarded by the male committee as suitable included *The Young Ladies' Journal*, *Vanity Fair* and *The Englishwomen's Magazine*. The Ladies' Reading Room had a curtained doorway, either to protect the ladies in cosy seclusion or to maintain the club-like atmosphere of the adjoining room for gentlemen. Membership of the Athenaeum's reading room was made the more attractive by being available as a stand-alone subscription at half the price of full membership. However, the Athenaeum Library would not become a serious competitor to Mullen's either for fashion or fiction.

The only surviving catalogue for this period is for 1873, and, although it is not possible to make any strict comparisons with 1856 as neither the categories nor their use are sufficiently consistent, some trends can be noted. The library continued to serve the needs of the subscriber seeking 'self-improvement' but there was a notable increase in the reading of novels. According to the annual report of 1864 the proportion of fiction had increased to 64 per cent 'of the circulation of volumes of the past year'.[17] And that proportion grew to 75 per cent in 1899 with subscribers' increasing appetite for fiction.[18] At the same time, the number of volumes in the category 'Useful arts etc.' was reduced from 143 to 90 volumes between 1856 and 1873, and 'Geography' and 'Biography' both grew respectively from 426 to 601 and 225 to 481 as the library responded to changing tastes.

Subscribers

Although women members increased in number they remained a very small minority and tended not to retain their membership for long. Of the 54 who joined in 1873, only 6 were still members three years later. The retention rate was better in the 1880s with about a quarter of the

1885 members continuing for the following five years. By contrast, more than half the 1886 male subscribers were still members in 1890, and, for some like the multi-office-holder George Lush, a member for more than 60 years, the Melbourne Athenaeum became almost a way of life. For the men, it provided a club-like environment with a smoking room and chess club. Open from 8 am to 10 pm, the Athenaeum's facilities could be used for both recreation and networking by those working in the city. For the ladies, almost all of whom would have had home duties, using the library and reading room would have required a special trip into the city, perhaps combined with shopping.

However, as the population of Melbourne diversified, a few women were to be found increasingly active in the economy and in some aspects of public life, and this is reflected in the subscriber lists. In 1873 a third of the women subscribers were listed as 'Miss'; three years later it had grown to half of the women listed. These were independent subscribers not associated, by name at least, with any man on the subscriber list of the Athenaeum, but there is nothing to tell us how many were economically independent. We know for certain that two of them were businesswomen: Miss Ollis and Miss Oliver. Both were members during the years 1873–1879; Miss S.G. Oliver had been the licensee of the Otago Hotel in Flinders Street from 1866 to 1870 and went on to run Oliver's Cafe in Collins Street, while Miss Eliza Ollis presided at the Apollo Inn in Russell Street between 1871 and 1874. Another independent woman member was Miss MacLean, who ran her own school in Hawke Street, West Melbourne.

During the last two decades of the century, the subscriber lists of the Athenaeum also began to reflect the growing number of young women having the benefit of further education. A comparison of the list of women subscribers with that of women at Melbourne University shows sixteen young women to have been members of both institutions. Nonetheless, probably most of the women subscribers during the period 1872–1900 would have been women busy with domestic responsibilities. Many, like Mary Ann Templeton, who joined in 1878 with her daughter, were mothers of large families; she had five daughters and seven sons, and her businessman husband, William, was very active in charitable and municipal circles. His long obituary illustrates the public invisibility of too many wives, for it contains no mention of Mrs Templeton or of their children.[19] For women like Mrs Templeton, private reading at home, which could be fitted into spare moments, could well have been one of their few personal pleasures, while reading aloud fitted well with the upbringing of their daughters.

However, even women who were primarily wives and mothers were beginning to gain some public recognition for their voluntary service. The other Mary Templeton, wife of an actuary busy in public life, was a subscriber from 1873 to 1881 and again from 1889 to 1892. A member of the family of George Lush, doyen of the Athenaeum, as well as being wife of a committee member, Mary Templeton had many close family links with the organisation; she was also recognised as making a personal contribution to the life of her community. At her funeral in 1903, which was well reported, the minister of the Baptist Church, to which she had devoted 'unwearying labour and gifted service', spoke of her 'abounding kindliness'. Mrs Templeton was also active beyond the home and mission fields of her church, being a supporter of both the Seamen's Mission and the Ladies' Aid Society of the Homeopathic Hospital.[20]

There would have been many other women subscribers to the Athenaeum who were part of that group of 'solid citizens' who, without public recognition, contributed so much to the civility of the Melbourne of their day. However, although libraries and their women users have tended to have a very good press, being associated with quiet respectability and good works, not all those who used libraries were in comfortable circumstances or were fully accepted in their community. Libraries also offered solace to the distressed, support for the contrarian, opportunity for the marginalised. The sad story of Mrs Rapiport, a subscriber between 1883 and 1885, is a case in point; it also illustrates the social divisions within Melbourne's middle classes.

Marie Rapiport, a woman of independent means and wife of Bear Rapiport 'the blind magistrate' and city councillor, was a member of the Athenaeum from 1876 to 1877 and 1883 to 1885. From reports of her trial it appears that she was accused by the wife of MLC Simon Fraser (also a member of the Athenaeum) of having stolen her gold watch and chain while sharing a bathing box at the beach.[21] Mrs Rapiport had gone there in the hope of improving her nervous condition. Pleading not guilty, the defendant was acquitted on grounds of ill health, but the fact that the matter went to trial instead of being quietly settled out of court suggests that Mrs Rapiport, an unhappy and unwell woman, was not seen to be ‘one of us’ by the self-styled ‘respectable’ mainstream of the middle class.

Conclusion

The Melbourne Mechanics’ Institution was set up by the men of Port Phillip to help meet what they saw as the cultural needs of the infant colony. Careful to be socially inclusive, at least formally (Melbourne being too small for it to be sectarian), the organisation’s rules were also gender neutral. However, although actively recruiting women subscribers as part of the renovated and re-branded Melbourne Athenaeum after 1872, it remained a bastion of male dominance. Women may have been given a helping hand to become part-subscribers, but they were never fully embraced as members. They remained throughout the period a small minority of the membership, afforded the sort of service that the entirely masculine management decided was adequate for them.

Notes

1 Mullen was following the pattern of George Mudie, who had opened his ‘Select Library’ in Oxford Street in 1852.

2 Henry Biers, quoted in ‘The Melbourne Athenaeum’, *Argus*, 20 November 1872 , p. 7.

3 A Quaker professor, George Birkbeck, founded the first Mechanics’ Institute in 1821, based on a program he developed at the Andersonian Institution (later Strathclyde University) in Glasgow. Australian Institutes soon followed: in Hobart in 1827 and the Sydney Mechanics’ School of Arts in 1833.

4 The first (unsuccessful) attempt to have women on the council was in 1946. See Minutes of the General Committee, 11 November 1946. At last, Mrs E. Handfield and Mrs E. McInnes were elected in 1976. See Annual Report of the Melbourne Athenaeum, 1976.

5 Failing to gain a government grant, the then secretary bought two blocks of land in Collins Street at the upset price, sold one of them and used the proceeds of the sale to finance the building.

6 For details of the life and work of Gilbert, see Margaret Bowman, *Cultured Colonists,* Melbourne, Australian Scholarly Publishing, 2014.

7 Brenda Niall, *Georgiana: A Biography of Georgiana McCrae, Painter, Diarist, Pioneer,* Melbourne, Melbourne University Press, 1994, p. 157.

8 Annual Report of the Melbourne Mechanics’ Institution, 1847.

9 Marnie Bassett, *Henry Fyshe Gisborne and Once Upon a Time*, Melbourne, Royal Historical Society of Victoria, 1985.

10 The ‘Supplementary Catalogue’ lists 2 volumes on Agriculture; 17 Biographies; 13 Geography, voyages and travel; 14 History; 7 Miscellaneous; 2 Philosophy; 5 poetry and drama; 2 Politics and Political Economy; 3 Religion; 16 literary periodicals and novels. Annual Report of the Melbourne Mechanics’ Institution and School of Art, 1848.

11 This is not the number of volumes but the total number of times the book stock was borrowed.

12 2,906 titles (not volumes) listed in the 1856 library catalogue in the archives of the Melbourne Athenaeum.

13 See Annual Report, 1857, and also lecture given by Professor Hearn (*Mechanics' Institutes: A Lecture on the Proposed Formation of Adult Educational Classes*, Melbourne, Wilson, MacKinnon & Fairfax, 1856).

14 Clara Aspinall, *Three Years in Melbourne*, London, L. Booth, 1862, p. 67.

15 The renovated building included a splendid new hall with a capacity of 1,000, a small hall, and a refurbished library and reading room.

16 In the same period, the total number of subscribers increased from 640 to 1,129.

17 Annual Report of the Melbourne Mechanics' Institution and School of Art, 1864.

18 See Guinevere L. Griest, 'A Victorian Leviathan', *Nineteenth Century Fiction*, vol. 20, no. 2, September 1965, pp. 103–12.

19 Obituary of Mr William Templeton, *Argus*, 23 September 1890, p. 9.

20 *Argus*, 16 September 1903, p. 15.

21 *Argus*, 24 July 1888, p. 5.

The Victorian Letter Sheets from the 1840s to about 1865

John Lancaster

Abstract

This article provides an insight into social philately, a branch of philatelic collecting and exhibiting. The value offered to historians from this specialised area of collecting is evident in items such as letter sheets and the letters accompanying the News Letter of Australasia*, a publication printed monthly in the colonies and intended for distribution overseas by mail. While social philately also includes many other aspects of colonial life such as rare correspondence associated with nineteenth-century trade and exhibitions, the letter sheets and letters discussed here provide intimate insights into the lives of individuals living in the colonies, separated from friends and extended family.*

Introduction

In philatelic terminology a 'letter sheet' may be considered postal stationery. In some instances they have been issued by postal authorities, and in the eighteenth and nineteenth centuries—before the advent of the envelope—the letter sheet was a sheet of folded paper, usually sealed, most often with sealing wax. Letter sheets derive from the form in which written correspondence was made up before the mid-1800s, when letters were written on one or more sheets of paper that were then folded, with the folds being tucked within and sealed, in such a way that the address could be written on the outside. They were literally a letter on a sheet of paper, much like a modern aerogram.

Envelopes were not used much before the late nineteenth century because most country's postal rates included an extra postal charge for the additional sheet of paper that made up the envelope, thereby increasing the cost of mailing when an envelope was used. Pre-paid letter sheets issued by postal operators were postal stationery as they bore imprinted stamps, or indicia, indicating pre-payment as opposed to adhesive stamps, which were only printed by postal authorities. Letter sheets that required stamps to be applied were produced by private firms and usually had no authority for pre-paid indicia, so postage had to be paid by normal means at normal postage rates. Most country's postal authorities issued true letter sheets at some stage. Most have long since discontinued their use, except in the form of an aerogram, owing to the popularity of envelopes.

The earliest Australian letter sheet was the New South Wales embossed sheet of 1838 to prepay postage within Sydney town—reputedly the world's first true postal stationery. However, this has been disputed, since the first postal stationery item issued by a government is now thought to be the coat of arms of Venice on a 1608 letter sheet.[1] In 1790 Luxembourg produced a 25-centime letter sheet. British newspaper publishers printed colourful stamps on paper supplied by the government between 1712 and 1870. And, during the American Civil War period in 1863, two different-size letter sheets with the same stamp design were issued by the United States Postal Service.

Prepaid letter sheets were introduced in the United Kingdom at the same time as the first postage stamps were available for use on 6 May 1840. Rowland Hill's postal reforms included the introduction of prepaid letter sheets and envelopes designed by the artist William Mulready. Just as the first postage stamps were issued in two values (penny black and twopenny blue), so too were both the letter sheets and envelopes issued in penny and twopenny values, and in the same black and blue colours as the corresponding postage stamps.

Victoria: The *News Letter of Australasia*

The *News Letter* published landscape images and pictures of notable buildings as well as engravings of major colonial events. Below is a woodblock print of the Yarra at Hodgson's Punt published in July 1857 (Figure 1). As the explanatory note tell us, Hodgson's Punt communicated between the suburbs of Collingwood and Boroondara, about two and a half miles from Melbourne, 'situated at a most picturesque part of the river where a high and rugged bank on side fronts richly stocked gardens on the other'.[2]

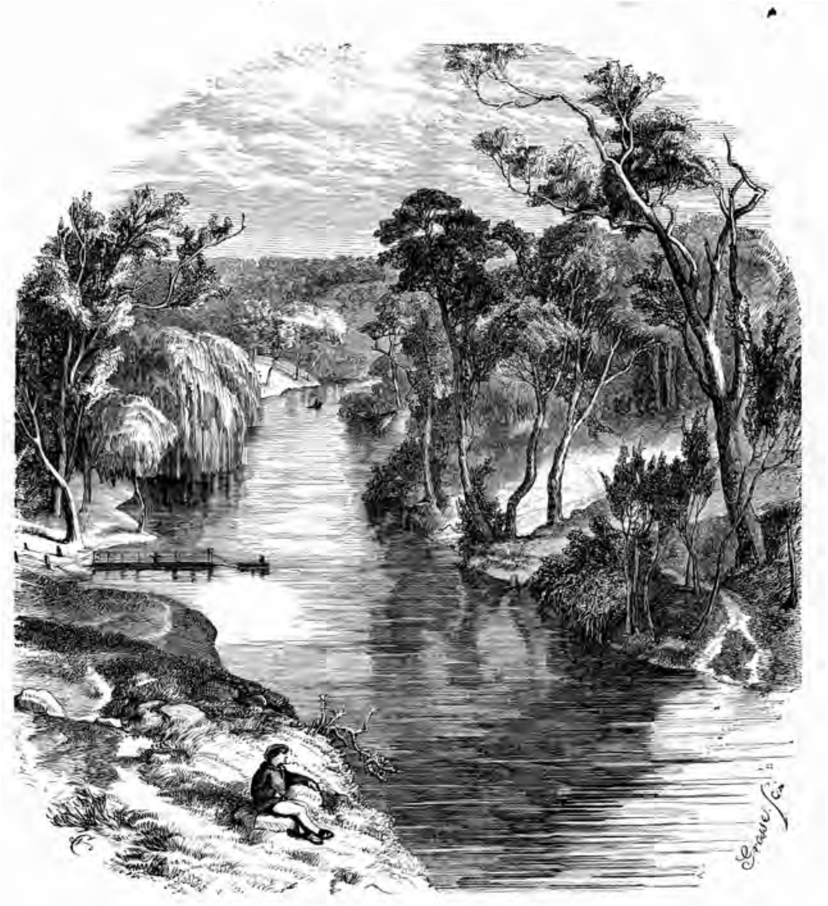


Figure 1: View of the Yarra (*News Letter of Australasia*, no. 13, July 1857)

From the December 1861 edition of the *News Letter* comes an evocative tribute to the ill-fated Burke and Wills venture, including an engraving at Menindie (Figure 2) from a drawing by Ludwig Becker. Becker died (from scurvy and dysentery) during the expedition in April 1861, near Cooper's Creek.

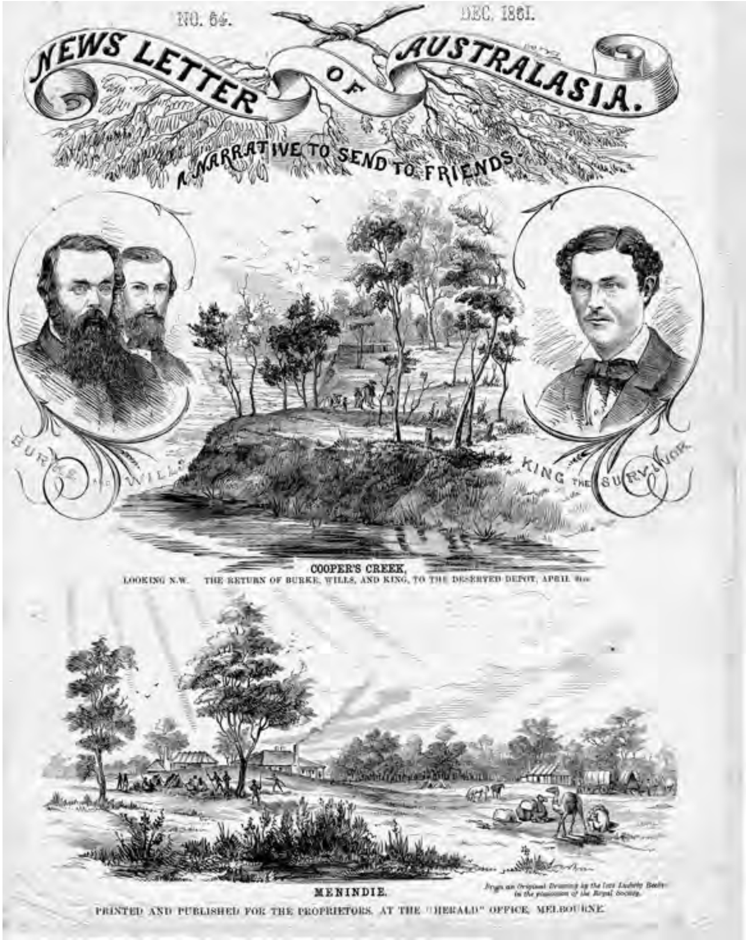

NO. 64.
DEC. 1861.
NEWS LETTER OF AUSTRALASIA.
A NARRATIVE TO SEND TO FRIENDS.
BURKE AND WILLS
KING THE SURVIVOR
COOPER'S CREEK,
LOOKING N.W. THE RETURN OF BURKE, WILLS, AND KING, TO THE DESERTED DEPOT, APRIL 21st
MENINDIE.
From an Original Drawing by the late Ludwig Becker in the possession of the Royal Society.
PRINTED AND PUBLISHED FOR THE PROPRIETORS, AT THE "HERALD" OFFICE, MELBOURNE.

Figure 2: 'Cooper's Creek' and 'Menindie' (*News Letter of Australasia*, no. 64, December 1861)

The *News Letter of Australasia* was published monthly and was intended as a summary of colonial news for absent friends and family living abroad. The letters accompanying copies of the *News Letter* enhanced their value as historical documents—and as collectable items for the social philatelist. For example below (Figure 3) is an extremely rare example of actual usage as an entire letter written from St Kilda on 15 July 1857 by Charlotte Ainslie to her mother in Norham.[3] It is a poignant commentary upon her daily life and that of her husband James:

The English mail has not come in yet, so there is no letters for us this month yet. I weary very much for letters, I am so much alone. I have plenty of time to think of you all at home you are all ways seeing some one or other but I havnt [*sic*] heard from them since I wrote you last. You will have pleasant weather just now, and be looking forward to be all together again. Tom and Isabella will be both at Northam just as the weather is very cold and wet. We had to get another chimney built last week, there was no fireplace in the bedrooms, and the rain falls so heavily that our room gets quite damp. James hesitated a good deal about the expence [*sic*] but he thinks it well laid out now in the extra comfort.

My dear Mother I have no news we are very quiet here but still not dull. I havn't [*sic*] been out for a month one day just passes like another. James comes home regularly every night at six o'clock, last week however he was in the office every night till twelve, but that was making up his books, so that we are a very domestic couple. Mr Rutherford still seems to be very well pleased with him. I had a visit of Mrs Rutherford last week. She came in her new carriage quite a grand turn out, both she and Mr R are very pressing for me to come and spend a week with them again. I don't like leaving the house alone but I have promised to go soon for they might think me ungrateful for their kindness. James does not care about Mrs R but I get on very well with her. She is very quiet but she was exceedingly kind to me when I was there, and I think James likewise himself very much too.

I wonder my dear Mother of when we will pay you a visit. James mentioned writing when he will be able to do that the other morning when I awoke him, he said oh! Why did you awake me, I was dreaming I was at Norham and I saw them all at the old house, but it was only a dream. I hope we will get a letter soon from you dear Mother. I like to hear about you all and all the people about. I did not think Miss Parton would have been so faithful to her beau. I don't think Australia the place for either the one or the other, for if they want to get on they will both require to work, for even if you keep servants, they are so ignorant and dirty, there is no comfort with them. I am obliged to keep one just now for I have never properly regained my strength again, and after what happened I am afraid to risk it again, but if spared to get better, and my strength returns again, I will do without a servant, for we were as comfortable when we had none, besides the expence [*sic*].

I hope this will be in time for I have to post it in St Kilda. I did not think it was so far in the month till I saw it in the paper. I will send you some papers with this. I think James is rather neglectful that way now, but he is always so busy. We have had no letters from Isabella, Katie or Tom for a very long time—give my kindest love to them all and wish the same to yourself believe me

Dear Mother
Your affectionate daughter

Charlotte Ainslie

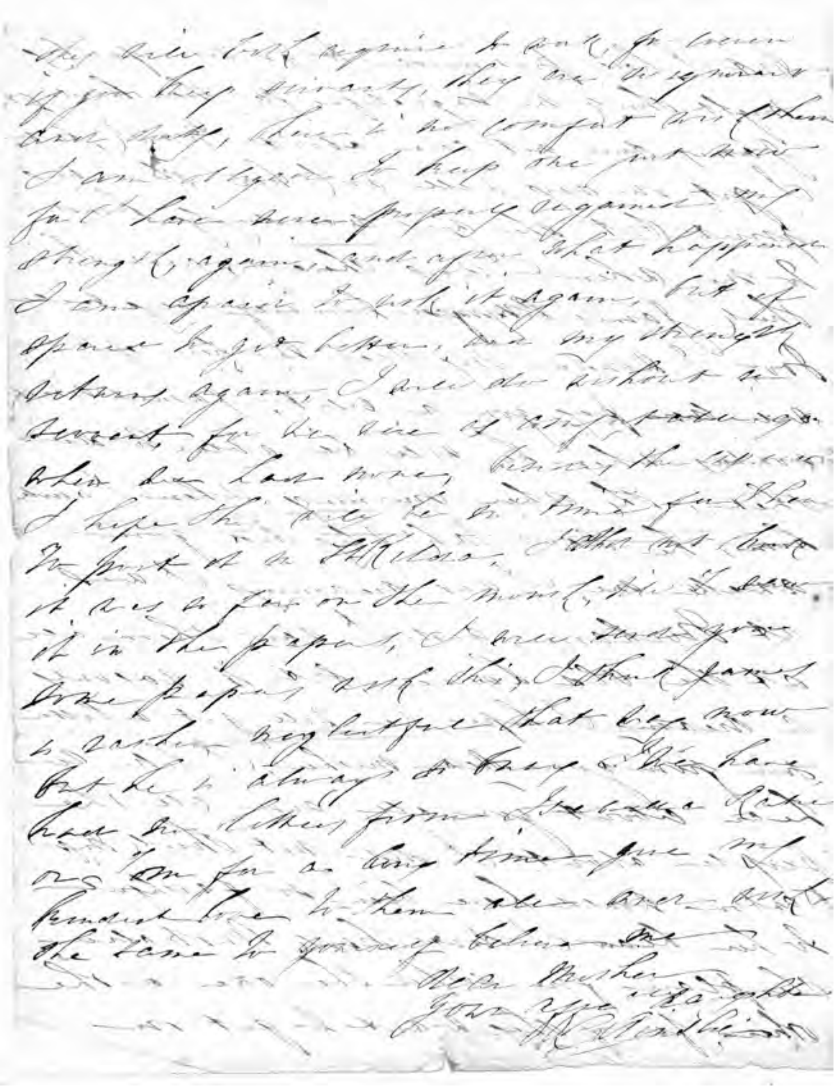


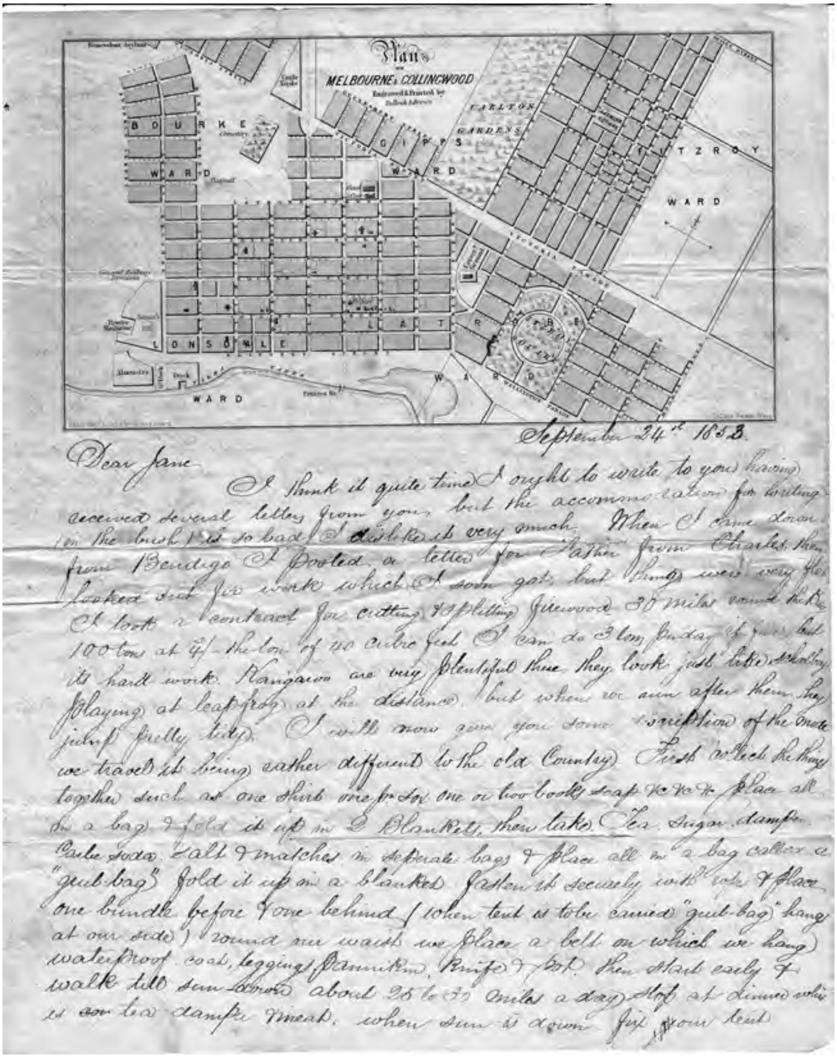
Figure 3: Letter from Charlotte Ainslie

Letter Sheets

In 1856 the Melbourne publisher J.J. Blundell advertised the availability of 46 varieties of letter paper, each illustrated with a variety of lithographic views of rural scenes, public buildings, mining activities etc. of Victoria. The illustrated writing paper was extremely lightweight and popular, since it was affordable and provided visual impressions of life in the new colony that might otherwise have required extensive written descriptions. Artists such as Samuel Calvert, S.T. Gill and Frederick Grosse lithographed these scenes. They are very uncommon and of significant historical importance since not too many appear to have survived.

In addition to scenes, the letter sheets were also illustrated with maps of the new colony. Opposite (Figure 4) is a letter, illustrated with a letterhead showing a street plan of Melbourne, Fitzroy and Collingwood and titled 'A Plan of Melbourne and Collingwood'. It was printed by Tulloch and Brown, dated 24 September 1853, and appears to be the only copy in existence. The author of the letter was Gale Barnard, who was writing to his sister Jane in England telling her about his life in the colonies: how much he earned cutting and splitting fire wood; wage rates for different jobs; the clothes he wore; and an unusual observation that Kangaroos were like 'schoolboys playing at leapfrog'. The letter read:

> Dear Jane,
>
> I think it quite time that I ought to write to you having received several letters from you but the accommodation for writing (in the bush) is so bad, I dislike it very much. When I came down from Bendigo I posted a letter for father from Charles then looked out for work which I soon got, but things were very flat. I took a contract for cutting and splitting fire wood 30 miles round the Bay. 100 tons at 4/- the ton of 40 cubic feet. I can do 3 tons per day if fine, but its [*sic*] hard work. Kangaroos are very plentiful there, they look just like schoolboys playing at leapfrog at the distance, but when we run after them they jump pretty tidy. I will now give you some description of the mode we travel it being rather different to the old Country. First collect the things together such as one shirt, one pr sox or two books soap etc etc etc in a bag and fold it up in 2 Blankets, then take Tea, sugar, damper, carbe [*sic*] soda, salt and matches in separate bags and place all in a "grub bag" fold it up in a blanket fasten it securely with ropes one bundle before and one behind (when tent is to be carried "grub-bag"


Plan of MELBOURNE & COLLINGWOOD
Engraved & Printed by
BOURKE WARD
GIPPS WARD
FITZROY WARD
LONSDALE WARD
LATROBE WARD
CARLTON GARDENS

September 24th 1853.

Dear Jane

I think it quite time I ought to write to you having received several letters from you, but the accommodation for writing in the bush is so bad I dislike it very much. When I came down from Bendigo I posted a letter for Father from Charles, then looked out for work which I soon got, but things were very flat. I took a contract for cutting & splitting firewood 30 miles round the Bay 100 tons at 4/- the ton of 40 cubic feet. I can do 3 tons per day if fine but its hard work. Kangaroos are very plentiful there they look just like schoolboys playing at leapfrog at the distance, but when we run after them they jump pretty tidy. I will now give you some description of the mode we travel it being rather different to the old Country. First collect the things together such as one shirt one pr sox one or two books soap &c &c & place all in a bag & fold it up in 2 Blankets, then take Tea Sugar damper Carb soda Salt & matches in seperate bags & place all in a bag called a "grub bag" fold it up in a blanket fasten it securely with rope & place one bundle before & one behind (when tent is to be carried "grub-bag" hangs at our side) round our waist we place a belt on which we hang waterproof coat, leggings, pannikin, knife & pot. then start early & walk till sun down about 25 to 30 miles a day stop at dinner which is ~~our~~ tea damper & meat. when sun is down fix your tent

Figure 4: First page of the letter from Gale Barnard to Jane Barnard, 24 September 1853

hangs at our side) round our waist we place a belt on which we hang waterproof coat, leggings, pannikin, knife and pot. Then start early and walk till sun-down about 25 to 30 miles a day, stop at dinner which is tea, damper and meat, when sun down fix your tent and make a large fire, open the "grub bag" and then commence. I've had nothing but tea, damper and meat for a month together 3 times per day, rather different to raspberry and currant pie isn't it? Yet I wouldn't change places with [name illegible].

I must now tell you how we dress. Felt hat, blue or red serge shirt, moleskin trousers, and boots all up our legs in winter. I've seen people go into the mud up to their waist (in winter) but I've never been lower than my knees, and creeks I've had to walk through several times (rather unpleasant with a "swag").

If [name illegible] notion of coming out still continues tell him to come only with a carpet bag, and that not a large one we can be [*sic*] things cheaper than they are made for in England (few things excepted). It's the best thing he could do, only he will have to rough it and "no gammon". Lindsey and Co ships seems to come out as well as the most of them and if he waits till the ship is just going he will go cheaper. A man at Bendigo told me that his mate got £10 per week for slaughtering bullocks 4 and 5 £ with board and lodging they get in Melbourne the least knowledge of business is sufficient. As soon as new diggings open the prices rise and so do wages, in fact masters are obliged to go round to the tents to ask the "New Chums" to come and work.

For another month wages will rise still on account of the railway works and farmers. Masons get 35/- per day, carpenters 30/-, stonebreakers 11/- per yd, wood cutters 15/- per load of 50 cubic feet. I like the Gold Diggings very much. I think I shall have look for my large nugget some day, it's still in the ground I don't know exactly where to look for it. There is nothing so nice as stooping over a cradle and picking out large specks and nuggets, not even a "City dinner".

I am quite use [*sic*] to roughing it now, they say use is [?] second nature and I think that is quite true.

Fortunes are still being made in Melbourne. I saw an advertisement the other day of the goodwill of a house in Melbourne to be sold, bringing in clear £8,000 a year the owners leaving for England. Copper money is very scarce, several firms make their own. One side is like an English penny, the other with the name of the firm that issues it. Very little amusement is to be had in Melbourne, there is one circus, one theatre and two or three concert rooms but no first rate singers. There are also some first rate buildings now. The London Chartered Bank is in full operation and is a very nice place it must have cost something handsome. I can't think of anything else except the letter we ought to have received in August was taken by someone of our name and hadn't the honesty to take it back. There are several Barnards here and one G Barnard here so please put our name in full as usual.

> [indecipherable] both well I believe but I haven't seen Charles since I left him but I should soon hear if any things [*sic*] was ill. There are all sorts of people here. Any nation you like to mention I think I could find men.
>
> People don't eat so many notes now, but it was the case that men lighted their pipes with them when they had had a "lot" brandy. I know two or three who saw it done.
>
> With love to Father and Mother sisters and brothers and all enquiring friends not forgetting yourself. Rest assured
>
> I remain
> Your affectionate brother
> Gale.

In the field of wood engraving, Samuel Calvert was not merely a competent craftsman, he was also a most accomplished artist and engraved the first woodblock stamps of Victoria. The reproduction over the page of an example of his decorative work (Figure 5) gives—more than do his postage stamps—some idea of the delicacy, fluency and elegance of his engravings. These folded sheets were published by the *Herald* at regular intervals and were printed on rice paper, with two sheets under ½oz. Engravers' names can usually be perceived at the foot of the page, slightly to right of centre.

Collecting Letter Sheets

The rare items referred to above provide a unique perspective on Victoria's colonial past, and they also have considerable value in the arcane world of social philately when offered for auction. Following their recent donation to the State Library Victoria, they also now have importance as part of the library's collection of rare letter sheets and editions of the *Newsletter of Australasia*.

Since the 1980s, the author has collected these letter sheets as part of his broader interest in the 'Genesis of Commerce' collection detailed in *Colonial Customs and Beyond* and *Exhibit Yourself: Australia's Trade Built upon Exhibitions*.[4] These volumes are now held in the RHSV library and are available for perusal by members and researchers interested in learning more about the role social philately can play in providing unexpected insights into Victoria's history.

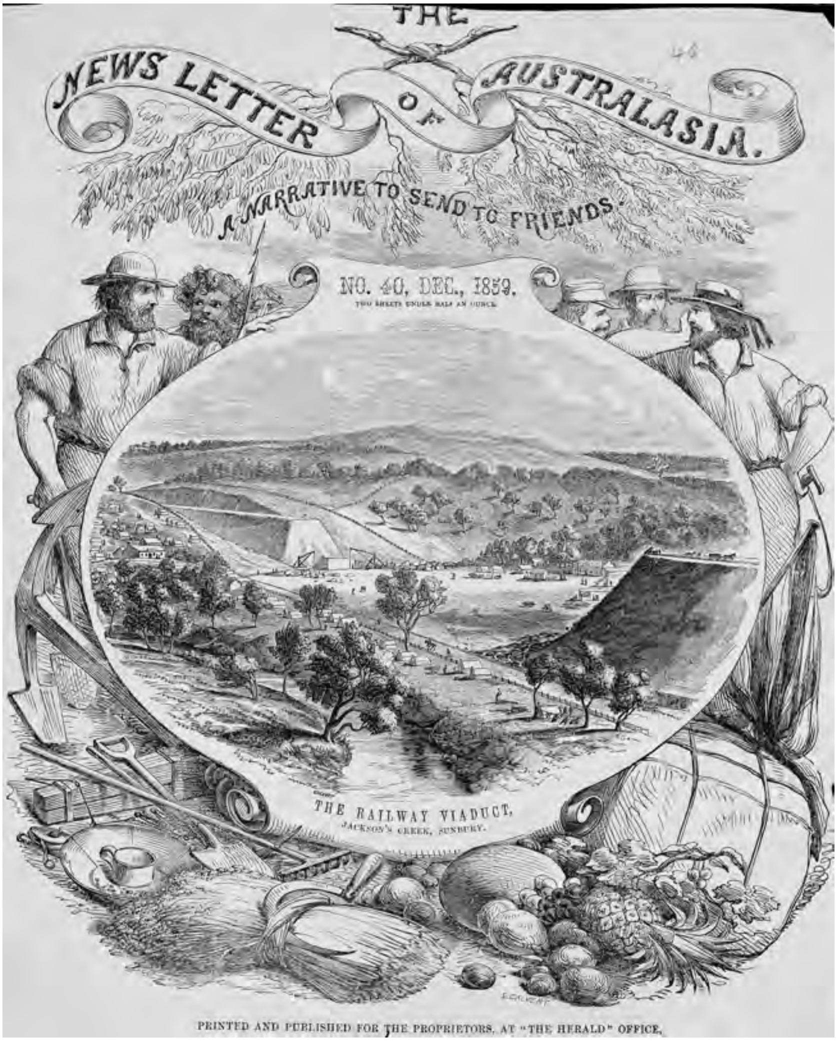

THE
NEWS LETTER OF AUSTRALASIA.
A NARRATIVE TO SEND TO FRIENDS.
NO. 40, DEC., 1859.
TWO SHEETS UNDER HALF AN OUNCE
46
THE RAILWAY VIADUCT,
JACKSON'S CREEK, SUNBURY.
S. CALVERT
PRINTED AND PUBLISHED FOR THE PROPRIETORS, AT "THE HERALD" OFFICE,

Figure 5: The Railway Viaduct, Jackson's Creek, Sunbury, engraved by S. Calvert, printed and published for proprietors at the Herald Office, 9 Bourke Street East, Melbourne (*News Letter of Australasia*, no. 40, December 1859)

To reduce the cost of postage, letter sheets were made from fine paper, probably rice paper, but, because of their fragile nature, they are now quite scarce. Although they would have been freely available at the time when they were used, most found now—unless they have been in the care of a collector—are not in good condition. Accordingly, the items discussed in this short essay are valuable not only for having survived in generally good condition but also for providing a rare insight into the lives of colonists who would otherwise have remained silent in the historic record.

Notes

1 New York Historical Society, *Guide to the Pictorial Lettersheet Collection ca. 1840–1890*, New York, New York Historical Society, 2011.

2 Marjorie J. Tipping, 'Becker, Ludwig (1808–1861)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography-ludwig-2961/text4309.

3 Norham is a parish/village in the hundred of Norhamshire, Northumberland, 13 km southwest of Berwick-upon-Tweed.

4 John Lancaster, *Colonial Customs and Beyond*, Melbourne, Eastern Press Pty Ltd, 2017; and *Exhibit Yourself: Australia's Trade Built Upon Exhibitions*, Melbourne, Eastern Press Pty Ltd, 2016.

REVIEWS

Sullivan Bay: How Convicts Came to Port Phillip and Van Diemen's Land

By John Currey. Colony Press (for the Banks Society), Melbourne 2016.
Pp. 359. $59.95, paperback.

In London in December 1802, Secretary of State for the Colonies Lord Hobart decided on a change of plan for the British warship then preparing to transport the next batch of convicts from the Woolwich and Portsmouth hulks to New South Wales. HMS *Calcutta* would now deliver the prisoners to a camp to be established at Port Phillip rather than proceed through Bass Strait and up the east coast to Sydney, as had been the custom since 1788. Hobart's decision signalled the start of European occupation of what would later become the state of Victoria.

Parts I and II of John Currey's book *Sullivan Bay* look in turn at the circumstances behind this decision by the British government: at the detailed planning for the expedition carried out by Lord Hobart and his brother-in-law, Colonial Office undersecretary John Sullivan; and at the difficulties of the long voyage to Port Phillip. Part III covers the provisional 'Hobart Camp' settlement at Sullivan Bay 1803–04 and its eventual abandonment in favour of relocation to a new 'Hobart Town' on the Derwent River. Part IV takes the story beyond the Sullivan Bay of the book's main title and deals in addition with resettlement of the Collins camp in Van Diemen's Land. The book thus encompasses the early European settlement of two territories (and eventual states), north and south of Bass Strait. In this light, Sullivan Bay in Victoria is interpreted as a stepping stone to the colonisation of Tasmania.

Years of meticulous research and reflection, combined with the author's clear writing, have produced a book on early colonial history that is at once comprehensive and full of interest. Currey has dug deeply into the archives and teased a persuasive story from the material. Along the way he presents us with considered views regarding the historical controversies associated with that story. The decisions to land and settle the Port Phillip expedition at Sullivan Bay, and to decamp to the Derwent so soon after, attracted criticism of Lieutenant Governor David Collins from earlier historical writers. Currey quotes G.W. Rusden, for example, whose view was that Collins had committed a serious error by selecting Sullivan Bay for the camp. James Collier in 1910 averred that the decision by Collins to abandon the settlement indicated a lack of nerve in a man he described as 'weak-kneed'. Manning Clark judged Sullivan Bay settlement to be an 'incredible folly'. Curry's research leads him to qualify and reject those various judgments.

The later exploits of two of the people at Sullivan Bay are the basis of the chapter, 'Port Phillip Revisited'. These provide continuity to a Victorian story that is otherwise interrupted by the fact that the settlement was transferred to Tasmania. Convict William Buckley made a sensational appearance in Melbourne at the time of that city's foundation, more than 30 years after the Sullivan Bay settlement. Buckley did not come via Tasmania. He had absconded from Sullivan Bay before the settlement's removal to the Derwent and managed to survive for three decades at Port Phillip, living with the local Aboriginal people. This is a potent story, now etched into Australian folklore. One other to gain a place later in popular imagination was John Pascoe Fawkner, who was eleven years old at the time he accompanied his convict father to Sullivan Bay. Unlike Buckley, he did go to the Derwent in 1804, but later achieved fame back in Port Phillip as one of Melbourne's most important pioneers.

Currey in his final chapter refers to current heritage projects at the Collins Settlement Site. One is an archeological investigation being undertaken by the Nepean Historical Society with assistance from the Mornington Peninsula Shire. The purpose is to locate the cemetery containing the graves of the nineteen or so convicts and early settlers known to have perished at the settlement in 1803–04. Such a discovery would further public appreciation of Sullivan Bay and its historical significance.

Currey also mentions the linking by coastal pathway of the two beaches of the site. At the public Independent Panel Hearing in 2001, John Currey was notably the expert witness supporting the shire's successful case for recognition of the heritage status of the site and its incorporation into the Mornington Peninsula Planning Scheme. Regrettably, the shire did not proceed with some of the other recommendations of the panel, including completion of the public clifftop walk across the Eastern Sister headland down to the Sullivan Bay beach. It approved instead a proposal for private development of the headland, and this has had adverse effects on the opportunities for public access and viewing. In 2017 the shire did, however, commence construction of a seawall around the base of the Eastern Sister promontory. It was designed primarily to protect against sea erosion of the cliffs but will be paved on top to link the site's two beaches and so allow still greater opportunity for proper recognition of this heritage site in Victoria's history.

Frank Hindley

Up Came a Squatter: Niel Black of Glenormiston 1839–1880

By Maggie Black. NewSouth Publishing (in association with State Library Victoria), Sydney 2016. Pp. x + 302. $49.99, paperback.

The Enterprising Mr MacGregor: Stockbreeder and Pioneer Pastoralist

By Fay Woodhouse. Arcadia, Melbourne 2016. Pp. ix + 189. $39.95, paperback.

It is not a criticism of any historian to say that s/he does not quite measure up to Margaret Kiddle. None of us measures up to Margaret Kiddle. Her masterpiece *Men of Yesterday* is as fresh, luminous, insightful and courageous today as it was when she completed the manuscript 60 years ago, just before her early death after a long illness. Indeed it shines all the more because of its scrupulous fair-mindedness. We historians these days are always watching our step, one way or another. Margaret Kiddle just stepped out into the light.

It was Kiddle who introduced readers to the paradoxes inherent in the fascinating and infuriating Niel Black (1804–1880), one of the most powerful of the pastoral squatters who appropriated and pioneered vast acreages in Victoria's Western District. He and his fellow squatters displaced the original inhabitants, resisted other would-be claimants to the land, and became, through rapidly acquired wealth and political influence, the would-be aristocracy of Australia.

Kiddle had access to company and private papers of Niel Black, and through them she deftly painted a memorable pointillist portrait of a complicated man. His Scottish origins explained much, but these require a nuanced understanding. He came to Australia as a practical countryman, the son of a tenant farmer in Argyllshire, which was a much more prosperous beginning than it might sound—but in social rank it placed him at a disadvantage in company with the three business partners who provided most of the capital for his Australian venture.

With Kiddle, Black is just one of the many characters—though the most fully realised—in her wide-ranging social history of the Western District. Now Maggie Black, an English historian and great-granddaughter of Niel Black, has written an engaging full biography of her enterprising ancestor. Her book is a pleasure to read and adds greatly to our understanding of the man and of the challenges he faced. Niel Black brought an essentially pre-Victorian view of the world from rural Scotland to the colonies (he arrived in the Port Phillip District in 1839). If Kiddle gives the broader context, Maggie Black provides further insights into the life and into the quarrelsome, stubborn personality.

The dynasty founded by Niel Black has now almost gone. The mansion he built at Mount Noorat was completed just two years before he died. It survived only some six decades before his grandson's widow had it demolished as an expensive burden. In his prime, Niel Black and his Scottish business partners had squatting rights, and later ownership, over parts of prime Western District properties Glenormiston, The Sisters, Mount Noorat and more. He nurtured some of the best herds of cattle and flocks of sheep that brought lustre and wealth to Victoria. It is an awkward truth that the prosperity in which all present-day Australians share, to a greater or lesser extent, is based on the enterprise of such pioneers.

Only in one chapter does Maggie Black seem to struggle for clarity—understandably enough. Even the saintly Kiddle did not manage fully to explicate the politics and practice of the 1860 Land Act—the first that tried to open pastoral leaseholds to general sale for potential smallholders—and of its successor acts of parliament in 1862, 1865 and 1869. Maggie Black titles this chapter with Niel's own phrase, 'We are full of corruption from head to foot'. The conclusion seems to be that everyone, 'selectors, squatters, agents, "capitalists" and even local worthies all conspired to evade the law'.

Kiddle, as a historian, was way ahead of her time in her understanding of the encounters and clashes between Aborigines and various classes of immigrants, and also in the prominence that she gave to the place of women in the colonial period. Maggie Black is able to build on both of these strengths. We now, for instance, have a much fuller understanding of the role of Grace Leadbetter, the woman whom Niel Black prevailed upon to marry him when he travelled back to Scotland in the 1850s to find a bride. She was 22, he was 30 years her senior. We have more appreciation, too, of the thankless position into which he placed his unstable young nephew, Archie, whom he left in charge of the burgeoning pastoral empire for five tough years. We have a clearer view of the poisonous dispute between Black and one of his partners, Alexander Finlay. Niel Black is hardly a loveable character, yet at the end of Maggie Black's biography we come to share compassion and admiration for the man. Kiddle's original 'men of yesterday' title came from Black's own lament that he and his fellow squatters seemed doomed to become anachronisms in a democratic, urban-dominated society. Maggie Black never allows her lively account to be overshadowed by the earlier work but she acknowledges it generously at the end: 'Any author of a book about squatters or the squatting era in Victoria owes a huge debt to Margaret Kiddle'. *Up Rode a Squatter* is a fine work, best appreciated with Kiddle in the other hand.

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Fay Woodhouse is an indefatigable researcher. She faced a daunting challenge in trying to make sense of the complicated life and career of Duncan MacGregor (1835–1915), whom she characterises as 'stockbreeder and pioneer pastoralist'. Thirty years younger than Niel Black, MacGregor attempted to replicate the initiative of his fellow countryman but on a new frontier and on a much vaster scale. Where Black measured his Western District domains in tens of thousands of acres, MacGregor at the height of his career calculated his squatting runs in outback Queensland and New South Wales in hundreds, sometimes thousands, of square miles. Unlike Black, he was ultimately unable to convert any of these to freehold or secure tenure. Interestingly, MacGregor maintained his base and effectively operated his empire from his mansion near Melbourne, travelling constantly over the huge distances between the colonies, often with stock. He diversified with a property near Western Port Bay, won from the Koo-Wee-Rup swamp, a damp contrast to his parched cattle stations in the outback. Woodhouse concludes that the Federation drought, the depression of the 1890s and Queensland land laws combined to destroy Duncan MacGregor's fortune. His litigious nature also helped drain his purse.

Woodhouse also delves deeply and often interestingly into the family life of this very Victorian, very Scottish, paterfamilias. Unfortunately her book has all the hallmarks of being rushed to publication before it was ready. It desperately needed structural and professional editing, and indeed proofreading. There are even production flaws, or maybe mine was a rogue copy, repeating one of the sets of photographic plates. Apart from the good quality of the images, none of this reflects well on Arcadia, the general books' imprint of a publisher that prides itself in the name Australian Scholarly Press. Woodhouse's endnotes show that she has searched and read widely. One telling omission from her extensive bibliography is a much-needed mentor in her quest: Margaret Kiddle's *Men of Yesterday*.

Andrew Lemon

A Handful of Sand: The Gurindji Struggle, After the Walk-Off

By Charlie Ward. Monash University Publishing, Melbourne 2016.
Pp. xxxii + 352. $29.95, paperback.

The 1966 Wave Hill walk-off is of considerable historical significance. Run by the British Vesteys pastoral company, the remote Wave Hill Station in the Northern Territory employed Gurindji people, who were its traditional but not legal owners. As a protest against their poor working conditions and wages, they went on strike in August 1966. Under Vincent Lingiari's leadership, and with many non-Aboriginal supporters, the strikers and their families camped at Wattie Creek (later Daguragu). Their campaign expanded to include a demand for the return of their traditional lands. They attracted widespread and growing public sympathy throughout Australia. Finally, on 16 August 1975 at Daguragu, Prime Minister Gough Whitlam transferred leasehold title to the Gurindji. While doing so, he picked up a handful of sand that he symbolically poured into Lingiari's hands. The Gurindji struggle is widely seen as a key factor resulting in the Commonwealth's 1976 land rights legislation.

Charlie Ward is not the first author to deal with these events and their implications. Frank Hardy's *The Unlucky Australians* (1968) provided much detail of the early stages of the Gurindji campaign from a participant's perspective. More recent historians have also considered the walk-off. Bain Attwood in his *Rights for Aborigines* (2003) highlights its crucial role in a century-long movement for Aboriginal rights.

Ward's account greatly adds to previous studies. He was well equipped to write about the walk-off. Now living in Darwin, Ward worked in Gurindji communities before becoming a researcher with the Stolen Generations' Link-up program and an oral history interviewer with the National Library of Australia. *A Handful of Sand*, his first book, is based on particularly extensive research of primary sources, including unpublished archival materials and numerous interviews. It stands out from other accounts in convincingly explaining why the Gurdndji faced an even greater struggle following the 1975 land transfer than before it.

Ward concentrates on the 1966 to 1986 period but also covers events prior to and after then. Part One, 'The Quest for Justice 1930–72', reveals how Lingiari and his group began their struggle. Until the election of a federal Labor government in 1972, their strongest opponents were non-Labor politicians. During the late 1960s and early 1970s, though, a diverse network of supporters, of whom Frank Hardy was the best known, assisted the Gurindji. Part Two, 'Making a Fist of It 1973–78', examines the Whitlam government's efforts to obtain land for the Gurindji. While this came as a pastoral lease in 1975, full land rights took another ten years to achieve. In the meantime, problems developed with the Gurindji cattle operation, disunity emerged within the Gurindji community, and some non-Aboriginal advisers and helpers exacerbated these difficulties. Part Three, 'The Harder Road 1979–86', considers how the new Northern Territory government decisively acted against Gurindji interests and how Gurindji elders' authority continued to decline. The short 'Afterword' contends that recent local government reforms in the Territory were a disaster for the Gurindji, but their new corporation is designed so that they can reassert local control.

A Handful of Sand is impressively readable. It is clearly expressed and logically organised. Careful judgments are well supported with appropriate evidence. Although Ward is obviously sympathetic to the Gurindji and their principal aspirations, he is not afraid to illuminate their setbacks. In discussing the late 1970s, he observes that, because 'ideals of Aboriginal independence and cultural integrity were central to working in the spread of organisations established by

Whitlam, Aboriginal hiccups, obstacles and outright failures were rarely acknowledged' (p. 235). There is fascinating detail about the extraordinary array of *kartiya* (white people), the 'activists, cattlemen, wharfies, patrol officers, nurses and missionaries' (p. xxix) from many parts of Australia, who were part of the Gurindji story. Monash University Publishing has produced a well-designed volume that includes striking images, footnotes where they should be at the bottom of pages, a bibliography and an index.

There are just two criticisms. The first concerns insufficient engagement with other scholars who have written about the Gurindji. Ward uses and properly acknowledges their work but rarely mentions it otherwise. Minoru Hokari's pioneering scholarship is referred to but there is no discussion of his most substantial publication, the critically acclaimed *Gurindji Journey* (2011). The second, more minor, criticism is that the motives persuading people to become actively involved in the Gurindji struggle are sometimes only sketchily described. In one quite typical instance, Lyn Riddett's initial decision to work with the Gurindji, all Ward tells us is that she was a school teacher in Sydney 'perplexed by Australians' denial about the Aboriginal situation' who felt 'she could help teach Gurindji children' (p. 74). But, despite these concerns, *A Handful of Sand* deserves a wide readership. It tells a compelling story that is central to a better understanding of the complex relationship between Aboriginal and non-Aboriginal Australians.

David Carment

The Vagabond Papers: Expanded Edition

By John Stanley James. Edited and introduced by Michael Cannon, with G. Flippen and Willa McDonald. Monash University Publishing and State Library Victoria, Melbourne 2016. Pp. liv + 278. $34.95, paperback.

After a relatively quiet entrée into Victorian journalism in late 1875, 'Julian Thomas', aka 'a Vagabond', became an overnight sensation with the publication of the first of a series of 'undercover' journalistic exposés of life amongst the underprivileged of Melbourne. 'A Night in the Model Lodging-House', published in the *Argus* on 15 April 1876, introduced comfortable Melburnians to a new voice—the evidently educated, conservative but unconventional, voice of a commentator who was both participant in and observer of the unsettling events he chronicled. Speculation began immediately about his identity and background. As 'a Vagabond' worked his way inexorably through the institutions of Melbourne life—from the Immigrants Home, to the Benevolent Asylum, Melbourne General Cemetery to Pentridge Prison—uneasy administrators speculated about where he might turn up next and how they might recognise him if he did. Some condemned his undercover methodology as 'immoral', but he swiftly assumed a place in Melbourne's cultural life, appearing in fictional form in *Melbourne Punch* and inspiring a character in the Christmas pantomime. But who was he? This was a question that intrigued his contemporaries and continued to puzzle historians, even as they cited his work.

In his preface to this new edition of selections from *The Vagabond Papers*, Michael Cannon, editor of the original volume, admits to a sense of self-satisfaction in 1969 in tracing the identity of the Vagabond to one John Stanley James, errant son of an English solicitor. But he was aware that there were unaccounted gaps in the chronology of James' life—notably a period in the United States, when James hinted at acquiring a wife but gave few details. Also puzzling was his change of identity. The John Stanley James who left England for America in 1873 had become 'Julian Thomas' by the time he arrived in Sydney in 1875 'sick in body and mind, and broken in fortune'. There was no sign of a wife. Part of this mystery is unravelled in an introductory chapter to this new edition of the Vagabond's work contributed by public historian Robert G. (Bob) Flippen, whose interest in an historic house near his home led him to uncover part of the Vagabond's activities in Virginia during these missing years.

Flippen's research suggests that James enjoyed early success in America. He acquired a reputation as a man of letters, assisted no doubt by assuming the persona of 'Dr' J.S. Stanley-James, and settled ultimately in Farmville, a small town in Virginia. Here he helped to establish an Immigration Society to attract English migrants to Virginia, and was elected to the board of a local bank. He also married a local heiress, Mrs Caroline Lewis, identified as a wealthy plantation widow, and together they set about building a 'mansion' situated within 90 acres on the edge of town. 'Stanley Park', a two-storey house with an imposing tower, was described in some detail in the local press when it was built in only ten weeks by local craftsmen. 'Dr' Stanley-James and his wife advertised it as a school in September 1875, then he disappeared abruptly. His name was removed from the records of the bank board and his wife sold up the house with all their possessions, including clothing—a common indication of bankruptcy. There is some implication that James may have left both the bank and his wife with considerable debts. He later hinted that he was not cut out to be a banker. Nothing further is known of his wife or her children. When James arrived alone in Sydney shortly afterwards, he was travelling as 'Julian Thomas'.

As Julian Thomas he set about rebuilding a career in journalism in Melbourne. But spectacular success there was not followed by similar acclaim in Sydney when he followed his former patron at the *Argus,* Hugh George, to the *Sydney Morning Herald.* In 1878 George sent him to New Caledonia to report on a rebellion of the local Kanaks against their French colonial overlords. This period informs the second new introduction to the papers, contributed by journalist/historian Willa McDonald. In his reports on the rebellion and the harsh reprisals by the French authorities, James/Thomas recovered some of his old style. Sydney readers were shocked by his sympathetic account of the execution of five rebels, including a 13-year-old boy put to death by firing squad for killing pigs. As McDonald points out, despite his obvious sympathy with general imperial ambitions and his underlying racism, James developed an empathy for the Kanaks, who, he wrote, 'perished like heroes'.

These two new essays add considerably to our knowledge of the Vagabond's life, but leave us with other unsettling questions. Cannon's description of 'our hero' as 'that eccentric but lovable scribbler', sits uneasily with this feminist historian, who would now like to know the fate of the woman he evidently wooed and abandoned in America before constructing yet another new identity in Australia.

Margaret Anderson

Mary Gaunt: Independent Colonial Woman

By Bronwen Hickman. Melbourne Books, Melbourne 2014. Pp. 304. $29.95, paperback.

Mary Gaunt (1861–1942) was not one of Australia's literary luminaries. Unlike her contemporaries Rosa Praed or Ethel Turner (with whom she corresponded), she did not produce works that feature in the literary canon. And yet by the standards of her time she lived a remarkable life, supporting herself by her writing (with some help from family) and travelling as an unaccompanied white woman in Africa and China in conditions of considerable difficulty and some danger. Her output over a long writing life was considerable—26 books and numerous articles—and she continued writing almost until her death at the age of 81. Her biographer Bronwen Hickman argues that both her life and her fictional heroines provided 'great role models' for the period's 'new women' seeking to live independent lives.

Mary Gaunt was born into a comfortable, middle-class family in goldfields Victoria. Both her parents seem to have been determined, energetic and resilient people, although it is her father, William Gaunt, goldfields administrator and later judge, who is credited by Hickman with encouraging the young, rebellious Mary to seek a wider horizon. Mary showed early talent as a scholar and, after matriculating in 1876, waited five years to gain admission to Melbourne University. With another woman, she embarked on a degree in 1881, only to fail her first year. Hickman implies that she led an active social life and neglected her studies. Back within the family circle, she chafed at the 'dull' domesticity of her life before a family friend came to the rescue, encouraging her to develop an early talent for 'composition', and providing her with an opportunity—a book review that was accepted (and paid for) by the *Age*. An article, based on her brother Guy's experiences in the navy in New Guinea, followed. In this modest way, she embarked on a career as an author.

Like many Australian authors and artists at this time Mary determined on a visit to the centre of publishing in London. Her stories had earned the (for her) princely sum of £100, and with this newfound wealth she set sail in February 1890. It was to be the first of many journeys. In England she met up with her brothers, joined the Society of Authors and persisted with writing in the face of repeated rejections. Her breakthrough came finally with another story based on Guy's adventures. Looking back, Mary reflected that she should have remained in London at this point, but she returned home in November as planned, albeit with a new literary agent in London. Her first book, *Dave's Sweetheart,* was published in London in 1892. It earned her £50.

In 1894 the unexpected happened. Visiting Warrnambool to stay with friends, she met and fell in love with a widowed doctor, Hubert Miller. They married, to the great relief of her mother, in August and Mary moved to live in Warrnambool. Her situation was far from ideal, with a determined mother-in-law in residence, but Mary made the best of it and, by her own account, was happy. She continued writing but recorded in an interview years later: '[t]hough critics in London were putting on record that they considered me distinctly promising, I was content and more than content, to make a home for one man in the little town of Warrnambool'. She was conscious of the irony. The novel that Hickman describes as 'her novel of independence', *Kirkham's Find*, was published in 1897 and dedicated in loving terms to her husband. But within two years Hubert was dead, almost certainly of tertiary syphilis, and Mary was alone once again. She determined to return to London.

Mary left Australia in 1901 never to return. After a bleak period in London re-establishing contacts, she found the voice that suited her—a combination of adventurous romances and travel writing. In 1908 she first visited Africa ('its savagery called me'), although she had already written several books set there with the assistance of a co-author. Her formula was the lone white woman travelling in dangerous lands, an approach she used again later when travelling in pre-war China. As Hickman points out, Mary was neither alone nor friendless; she made ruthless use of her colonial contacts and stayed at a succession of official residences. But the journeys she made were intrepid by any standards and, for a white woman travelling without (white) male escort, extremely unusual. Her books sold well.

Bronwen Hickman has given us a detailed account of the public life of a remarkable woman. Of her more private life we see glimpses, but the absence of the usual sources for biographers—personal letters and diaries (all destroyed by the author)—made her task a difficult one. The woman who emerges from these pages is focused, determined, assertive and competent rather than brilliant. Unquestionably racist by contemporary standards, Mary Gaunt had a naïve belief in the benefits of British imperialism, which pervades her writing. One acquaintance described her as self-centred but she could also be both generous and loyal. All in all she commands our admiration.

Margaret Anderson

Moments in Time: A Book of Australian Postcards

By Jim Davidson. National Library of Australia, Canberra 2016.
Pp. 208. $44.99, paperback.

Anyone over 40 will almost certainly have sent or received a postcard. Before the digital revolution, along with aerogrammes, they were the main way of keeping in touch with family and friends while travelling. You could purchase a postcard featuring Buckingham Place or the Eifel Tower, scribble a few words on the back—'weather is lovely, wish you were here'—buy a stamp and put it in the nearest postbox. Depending on where it was posted, the card usually was delivered to the addressee before you arrived home. As a means of simple communication, postcards have been virtually replaced by Facebook, roaming mobile phones, WhatsApp and the Twitter message. And yet, in their day, they were the combined Twitter and Facebook image post. Depending on the size of your handwriting, your postcard text could be about the same length as the 140-character Twitter message.

In this attractively produced book, Jim Davidson, a long-time postcard collector but better known as a biographer and historian, has written an informative text to accompany the bountiful reproductions of (predominantly) Australian postcards held by the National Library of Australia, supplemented by some from his own collection. He provides a general introduction to the postcard phenomenon and then brief commentary on the various subject categories of illustrated postcards that make up the bulk of the book.

The postcard was a phenomenon. The first, as a letter card, was produced in the late 1860s. Australian ones appeared a decade later. Initially issued as black-and-white images, postcards began to be produced in colour in the 1890s. German printers initially dominated the market but were soon joined by British and United States producers. Using photographs or sketches provided from western countries, these firms produced thousands and thousands of postcards for worldwide distribution. Their golden age was the first two decades of the twentieth century. The Brownie Box camera joined them in their silver age from the 1920s to the 1950s, followed by the Kodak 35mm colour slide. These allowed owners to take their own family and holiday shots and were arguably the first selfies.

Davidson gives some extraordinary statistics showing the popularity of the postcard. In 1909 the British Post Office sold 833 million stamps for postcards, nearly twenty for every single person in the United Kingdom. In Sydney in 1902 over 1.7 million postcards were sold, but by 1906 the figure had risen sevenfold to a staggering 12.6 million. In 1910, Melbourne, then the capital of Australia, had four mail deliveries a day, Sydney three, making the postcard the effective email of the time.

As a young boy growing up in the 1950s and 1960s, I well remember the Rose series of black-and-white postcards depicting views of Australian cities, towns and holiday resorts. The Rose Stereograph Company archive is now held in the State Library Victoria and consists of some 11,000 images.

Postcards survive today in two main forms—as giveaways in cafés and bars promoting festivals and publicising causes, and as images/reproductions of paintings and sculptures that one buys after viewing a special exhibition or just visiting a gallery. Otherwise, postcards today are predominantly of interest to collectors and, to a lesser extent, social historians and book designers. An eBay search under 'Vintage Postcard' bought up some 400,000 entries, while just over 29,000 entries came up under 'Postcard Australia'. And they form a good proportion of the stock offered at ephemera fairs and the like.

The subjects illustrated and introduced in *Moments in Time* cover 47 areas arranged in alphabetical order beginning with 'Aboriginal People' and ending with 'Women in the World'. Ten have subsections, with 'Military' having the most, reflecting the number of Australians who were overseas for the first time during the two world wars and their morale-boosting need to communicate with loved ones back home.

Not only are the images from postcards reproduced here, but sometimes also the texts written by the sender. Victor Friberg (Frieberg in the book), an Australian soldier in France, wrote the following to his parents on the back of a postcard he sent them, dated 14 May 1916: 'Will most likely be going into the trenches on my birthday so have post-dated this'. Victor Friberg was probably spared from the trenches on his birthday as Australian involvement in the battlefields of France did not commence until a few weeks later. But he died in early September of wounds suffered in combat, only a few weeks after his postcard would had been delivered to his parents back in Melbourne.

Given that so many Australian postcards were produced overseas, the geographical correctness was sometimes rather loose. A German-produced one of a steamship in Sydney Harbour looks realistic until your read Davidson's caption pointing out that North Head and South Head are transposed, making the direction the ship is steaming forward nonsensical.

The main market for *Moments in Time* will be the gift and coffee table one. The book is ideal as a father/mother's day (better still grandfather/grandmother's) present. But, with its erudite commentary and theme arrangement, it would actually be a good book to introduce young readers to some of the major themes of Australian history, living proof of the old adage that a picture (postcard) tells a thousand words.

John Arnold

A Historian for All Seasons: Essays for Geoffrey Bolton

Edited by Stuart Macintyre, Lenore Layman and Jenny Gregory. Monash University Publishing, Melbourne 2017. Pp. xx + 345. $39.95, paperback.

Geoffrey Bolton ('Geoff' to many of us) died in 2015. This posthumous tribute, which includes a career bibliography, does fine justice to his varied interests and his dynamic approaches to writing history. In an overview, Stuart Macintyre praises Geoff's 'erudition, prodigious memory and literary grace' (p. 39). In an elegant sketch, Carol Bolton—a literature student and later career psychologist—outlines how she would discuss the nature of evidence with her husband. She tells, too, an anecdote of early contact at a dance, where he asked her not to waltz, but whether she had any family papers.

As a working historian, Geoff's importance can be seen not just in his publications but through the evolution of his historical methodology, from archives-based postgraduate training to the challenges of asking wider questions—and of writing history through the eyes of the people who generated few documents. Graeme Davison points out that Geoff never called himself a public historian: 'From his perspective, there was no other sort' (p. 71). He wrote about the Perth suburb where he grew up, and pioneered the use of oral history material to reconstruct Western Australia in the Depression. (When I arrived in Canberra in 1972, I found established ANU historians alarmed by *A Fine Country to Starve In*.) Andrea Gaynor and Tom Griffiths show that *Spoils and Spoilers* (1981) was not just a pioneering work about plundering the bush but an attempt to comprehend urban Australia within a national ecology. Carl Bridge argues that his 1973 *Britain's Legacy Overseas* foreshadowed discourse around the British World theme. Alan Atkinson reminds us that Geoff examined two elements that radical and secular historians are inclined to blot out of the Australian past, the idea of a colonial gentry and the role of the Anglican Church.

Mark McKenna's discussion of political biography in modern Australia stresses the new importance of cabinet diaries, enabling subjects to control portrayal of their political in-fighting. This source was not prominent in Geoff's two major contributions, on Barton and Hasluck, but his determination to penetrate character with 'wit, insight and compassion' (p. 49) still meets a felt public need for assessment of its leaders. Tim Rowse and Elizabeth Watt point out that the evolving search for a northern Australian past has challenged Geoff's early approach to writing history. His initial work on the Kimberley and north Queensland relegated Aborigines to a minor role, cheap labour casualties of a successful pastoral frontier. More recently, Geoff was well aware that 'The North' must be seen as a meeting place between multiple indigenous cultures and incomers from both Asia and Europe. The problem, to an archives-trained scholar, was to find the Aboriginal voice. Mary Anne Jebb explores the art of Jack Wherra, a Ngarinyin man. As a source, this is part documentary—stories carved on boab nuts—and part oral history, since his reminiscences were recorded by an anthropologist. Symbolically, Geoff did not meet Jack Wherra when he first visited the Kimberley in 1953—the artist was in prison.

In his *Oxford History of Australia* volume, Geoff noted that mid-twentieth-century Australians, young and free in national self-image, were increasingly facing the challenges of old age. Pat Jalland uses Vance and Nettie Palmer as a poignant case study of later-life problems. Lenore Layman combines themes of gender, regionalism and class in a sketch of Deborah Hackett. Socialite, philanthropist, enthusiast for Westralian history, she was also a mining investor, thanks to her three marriages to wealthy husbands—two of which took her interstate.

To understand Geoff Bolton, you must ask not just 'who?' but 'where?'. Jenny Gregory's chapter on 'Sense of Place' is important here. When Geoff entered the Australian history profession in the 1950s, a Melbourne–Canberra axis was emerging to counterbalance the centre of imperial gravity in Oxford. Geoff served apprenticeships at ANU and Monash, but his outlook was rooted in suburban Perth. His career spanned Australia's periphery, taking in Brisbane and three of Western Australia's universities, with occasional forays to the deep hinterlands of Oxford, Dublin, Canterbury and London. He was ideally equipped to understand Paul Hasluck's ambivalence towards Canberra. Critics sometimes disagreed, but Geoff never ceased to remind us all that his home state was Australian, though in subtly different ways.

My only regret is the obvious one that Geoff himself cannot read these essays. He would have approved, even where contributors identify his limitations. His history was not just work in continuous progress but an endeavour to be sustained by collective, friendly debate. These essays show that Geoff Bolton will endure because others will take that work forward.

Ged Martin

Catch and Kill: The Politics of Power

By Joel Deane. University of Queensland Press, Brisbane 2015. Pp. 368. $32.95, paperback.

Joel Deane's *Catch and Kill* does not purport to be a history of the Bracks–Brumby Labor government in Victoria from 1999 to 2010, nor simply an insider's view of that government. It does not set out to analyse the reasons for the unexpected electoral success of the Labor Party in 1999, nor the enduring success of the party at two subsequent elections in 2002 and 2006. But Deane does achieve an amalgam of these goals.

A poet, novelist and journalist, Joel Deane had worked first as press secretary to John Brumby as leader of the opposition, then as press secretary to ministers Rob Hulls and Keith Hamilton and, from 2004, as Premier Steve Bracks's and then John Brumby's chief speech writer. It was at former premier John Brumby's request, made soon after his party's defeat at the 2010 election, that Deane wrote the story of the Bracks–Brumby government.

Deane admits that he was reluctant, at first, to take on the task. However, his fascination with the 'shifting nature of power' persuaded him. The result is a mixture of personal memoir, extended quotations by the impressive array of players that Deane interviewed for the project, and reflections on the nature of power. Interspersed with these are the odd revelations of bad behaviour and language.

The book is written in an easy, readable style. For me, it is at its best when Dean reverts to story-telling—both his own personal political story and, more compellingly, the stories tracing the trajectories of the four key players in the Labor government of the era: Bracks, Brumby, Attorney-General Rob Hulls and Deputy Premier John Thwaites. The crux of the book lies in the relationships between these key players, who, during the late 1990s Kennett era, carefully planned a return of the Labor Party to power in Victoria. While it was accepted public wisdom that Bracks's success in toppling the Kennett government in 1999 was a surprise, Deane shows us that this was far from the truth. Although mastery of the machinations of Labor's thicket of factions was obviously critical to the process, as a reader I found the explanations of the factional manoeuvrings less than compelling. Nevertheless, the nature of the relationships between the four key players, and the flavour of caucus, cabinet and government under both Bracks's and Brumby's leadership are well fleshed out. If anything, these themes are over-emphasised, with some repetition in emphasising the dominant characteristics of the leading players at the expense of other government and party members and the philosophies behind major policy initiatives. There are, however, extensive endnotes, which provide some background to key policy initiatives.

Readers seeking a chronicle of the achievements of the Bracks–Brumby government in office may be disappointed. While some of the legislative reforms and major projects—such as the regional rail project—are discussed, they tend to be viewed within the prism of the ebb and flow of party politics and political advice. Much space is devoted to the relationship between the premier's office and that of Department of Premier and Cabinet head, Terry Moran, and, while Steve Bracks as premier is credited with authorising Moran to develop a policy and agenda for reform of federal–state relations, it is also made fairly clear that Moran was the mastermind of the nuts and bolts of that policy.

There is a certain unevenness to the book as a whole, as if the author cannot quite decide what to leave in and what to leave out. Readers who progress to the very end will discover the reason for this and for the fact that four years intervened between Brumby's idea for the book and its publication. To my mind, that delay was unfortunate because it meant that developments at federal Labor level, including the elections of Rudd and Gillard and the Labor Party's subsequent loss to the Abbott government in 2013, cast their shadow over what purports to be a history of a Victorian Labor government.

Political memoirs are often written from a partisan viewpoint. Although he worked for the Labor Party and subsequent Labor government for a number of years, Deane establishes early in his book that he was far from a rusted-on Labor supporter when he took on this employment. This does lend his account a certain amount of objectivity. Nevertheless his admiration for the central characters of the Bracks–Brumby governments is clear. This behind-the-scenes study of a significant period in Victorian politics is interesting reading, but would be well complemented by a sober reflection on the achievements of that government.

Jill Barnard

Notes on Contributors

Margaret Anderson FFAHS researches and writes on women's history, the history and demography of the family and on aspects of public history and museums. She has held senior positions as a public historian in South Australia, Western Australia and Victoria, and is currently general manager of the Old Treasury Building, Melbourne. She is a Fellow of the Federation of Australian Historical Societies and a member of RHSV Council, the Board of the History Council of Victoria and of the International Council of Museums (ICOM) Standing Committee on Museum Definitions and Futures.

John Arnold is an honorary associate professor with the Faculty of Arts at Monash University, having retired in 2013 after more than twenty years working there attached to the National Centre for Australian Studies. He has been the editor of the *La Trobe Journal* since 2008.

Jill Barnard has worked for over 25 years as a consultant historian, with publications in diverse areas of Australian history but particular interests in welfare history. She is a partner in Living Histories. Jill represents the Professional Historians Association of Victoria on the RHSV's Publications Committee and is currently president of Professional Historians Australia.

Margaret Bowman started out by teaching politics at Monash University, followed by some years at the Ballarat CAE and a variety of research projects. In retirement, after a PhD in art history and volunteering at the Athenaeum Library, she discovered the pleasure of inquiry into the early history of Victoria and was fortunate to be awarded a Creative Fellowship at the State Library Victoria in 2011.

David Carment AM FFAHS is emeritus professor of history at Charles Darwin University, where he was also dean of the Faculty of Law, Business and Arts. He is the author of many publications, particularly on Northern Territory history and politics. Actively involved in community and professional activities, he is a former president of the Historical Society of the Northern Territory, the Australian Historical Association, the Royal Australian Historical Society and the History Council of New South Wales. In 2017 he was senior judge for the NSW Premier's History Awards.

Nicola Cousen is a PhD student at Federation University. Her thesis is a biography of goldfields physician, surgeon and philanthropist Dr James Stewart (1829–1906), and her research involves the Ulster Presbyterians, nineteenth-century Irish immigration, Eureka, the goldfields doctors in Ballarat, and medical practice in Victoria during the 1850s and 1860s. Nicola has completed a Master of Cultural Heritage at Deakin University and has contributed to the recent publications *Scots Under the Southern Cross* (2015) and *Ludovic de Beauvoir's Visit to Australia* (2016).

Frank Hindley completed a higher degree (1972) in Comparative Education, involving public policy in different political, economic and social settings. Until retirement, he was principal lecturer at the Melbourne College of Advanced Education and later at the University of Melbourne. He now convenes the Heritage and Planning Working Group for the Nepean Historical Society, which has a special interest in monitoring development proposals affecting significant heritage sites in the historic Sorrento–Portsea–Blairgowrie area, including Point Nepean and the 1803 Collins Settlement Site at Sullivan Bay.

John Lancaster worked in international marketing before joining the Department of Foreign Affairs and Trade. His involvement in organised philately commenced when he was invited to join the Royal Philatelic Society of Victoria in 1974. In the late 1980s he became interested in Social Philately, and formed a world-class collection, 'Commerce and Trade', highlighting the evolution of commerce in Australia from 1788. He has recently published *Colonial Customs and Beyond* (2017) and *Exhibit Yourself: Australia's Trade Built upon Exhibitions* (2016).

Andrew Lemon FRHSV is a former president of the RHSV, an independent professional historian and author of many books, most on aspects of the history of Victoria. Andrew edited the *Victorian Historical Journal* from 1990 to 1999.

Ged Martin studied at Cambridge where he completed his PhD in 1972. He spent the next five years as a research fellow in history at the Australian National University in Canberra. He is now an emeritus professor of the University of Edinburgh and an honorary adjunct professor of history at the National University of Ireland Galway, as well as at the University of the Fraser Valley, British Columbia. He has published widely in the history of leading Commonwealth countries, and of Britain and Ireland since the late eighteenth century.

Chris McConville is currently lecturing at the Footscray Campus, Victoria University, Melbourne. He has published widely on social outcasts in Melbourne, the Irish in Australia, and the history of the Australian pub. His current project is a history of Hanging Rock, to be published late 2017.

Liz Rushen is chair of the History Council of Victoria, an adjunct research associate at Monash University, a member of the Professional Historians' Association and the former executive director of the RHSV. She has published widely in the field of business communications, as well as writing a social history of Bishopscourt (2013) and many books on immigration history, including *Single & Free: Female Migration to Australia 1833–1837* (2003, second edition 2011). Her most recent monograph is *Colonial Duchesses: The Migration of Irish women to New South Wales before the Great Famine* (2014).

Janet Scarfe (PhD Toronto) is an independent historian whose biographical essays on the 55 Great War nurses of East Melbourne appear on the website emhs.org.au. She also curated the East Melbourne Historical Society's 2015 exhibition, 'Gone to War as Sister: East Melbourne Nurses in the Great War'. She is the co-editor of and a contributor to *Preachers, Prophets and Heretics: Anglican Women's Ministry* (2012), essays to mark the twentieth anniversary of the ordination of women in the Anglican Church in Australia.

John Waugh is a senior fellow in the Melbourne Law School at the University of Melbourne. His publications on Australian legal and constitutional history include a chapter on nineteenth-century judges in *Judging for the People: A Social History of the Supreme Court in Victoria 1841–2016*, and *First Principles: The Melbourne Law School 1857–2007.*

Douglas Wilkie is an independent historian and an honorary fellow with the School of Historical and Philosophical Studies at the University of Melbourne. He has written numerous articles and books on aspects of colonial life in Australia and Victoria, in particular investigating 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. He has also written extensively on aspects of the Victorian gold rushes of 1851, especially their forgotten and ignored origins.

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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2. The submission of original scholarly articles is invited following the journal's *Guidelines* available at *http://www.historyvictoria.org.au/publications/victorian-historical-journal.*
3. Articles from 4,000 to 8,000 words (including notes) are preferred.
4. The VHJ also publishes historical notes, generally of 2–3,000 words. A historical note contains factual information and is different from an article in not being an extended analysis or having an argument. Submitted articles may be reduced and published as historical notes at the discretion of the editor and the Publications Committee, after consultation with the author.
5. The review editor(s) commission book reviews—suggestions welcome.
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