

LA TROBEANA



Journal of the C. J. La Trobe Society Inc.

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The C J La Trobe Society Inc was formed in 2001 to promote understanding and appreciation of the life, work and times of Charles Joseph La Trobe, Victoria's first Lieutenant-Governor.
www.latrobesociety.org.au

La Trobeana is published three times a year: in March, July and November. The journal publishes peer-reviewed articles, as well as other written contributions, that explore themes in the life and times of Charles Joseph La Trobe, aspects of the colonial period of Victoria's history, and the wider La Trobe family.



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FRONT COVER

Thomas Woolner, 1825-1892, sculptor
Charles Joseph La Trobe, 1853
Bronze portrait medallion showing the left profile of Charles Joseph La Trobe, diam. 24cm.
Signature and date incised in bronze l.r.: T. Woolner Sc. 1853: / M
La Trobe, Charles Joseph, 1801-1875. Accessioned 1894
Pictures Collection, State Library Victoria, H5489

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A Word from the President

It comes as no surprise that, yet again, we have a diverse range of topics covered in this mid-year edition of *La Trobeana*.

Dr Ashleigh Green's presentation in April of the AGL Shaw Lecture for 2023 is published here as 'Law and Order Under La Trobe: The First Prisons of Port Phillip'. As the 2022 La Trobe Society Fellow at State Library Victoria, her article reveals the untold stories of the state's very first penal institutions, giving insights into imprisonment in Port Phillip from the 1830s to Separation in 1851.

Irene Kearsy's paper on 'John Arthur: Melbourne's First Botanical Gardener' provides us with the detail of La Trobe's active role in the selection of the site of Melbourne's Botanic Gardens, and his personal appointment in 1846 of John Arthur as first 'Superintendent Gardener'. An emigrant who sailed from Greenock in 1839 on the *David Clark*, the life of this talented and hard-working man, and his contribution to what was to become Melbourne's Royal Botanic Gardens are expertly described.

Lorraine Finlay's investigation of the intriguing life of settler Benjamin Baxter and his wife Martha shows the highs and lows of life in Port Phillip around the time of La Trobe's arrival. Baxter and his family came by way of Sydney to Melbourne in 1839 where he was appointed Clerk of the Bench and Postmaster. His eventful career took him into many facets of colonial life including land speculation until, in 1840, he secured a depasturing licence for what became the property *Carrup Carrup* on the Mornington Peninsula.

Robert Christie has given us a carefully documented analysis in his article 'Angus McMillan: A Convenient Scapegoat' of the positions taken in the past about one of the most controversial figures in the history of Gippsland, and his role and that of numerous other settlers who played a significant part in the destruction of the Gunaikurnai people. Rob's forthcoming book on the subject will be of great interest.

It is with great sadness that I record the deaths of two of the Society's long-standing and esteemed members. The distinguished Melbourne academic, local government researcher and writer Dr Margaret Bowman OAM died in February at the age of 103. Hers was a distinguished and fulfilling life. After she and her academic husband raised seven children,

Margaret commenced her own academic life, being awarded a PhD from Monash University in Politics, and in retirement a PhD from the ANU in Art History. Many of you will recall her biographical work, *Cultured Colonists: George Alexander Gilbert and His Family, Settlers in Port Phillip* (2014), on the colonial artist who worked in Melbourne during La Trobe's time. Over the years, Margaret contributed three articles to *La Trobeana*.

Despite an extraordinarily busy working life, Melbourne barrister Kingsley Davis OAM was a dedicated member of the La Trobe Society and the Friends of La Trobe's Cottage until his death in April 2023. Kingsley was admitted to the Bar in 1969 and practised almost exclusively in Family Law and Commercial Law with great renown for more than fifty years. A longstanding and dedicated member of the National Trust, he provided eminent service as a member of its board for many years, and Chairman of the Labassa Management Committee from 1990 to 2004. Kingsley also offered exemplary service to the Scouts Victoria Board over many years. His encouraging and perceptive personality will be greatly missed.

It is with great pleasure that we congratulate two of our long-time members whose contributions to the community were recognised in the 2023 King's Birthday Honours. Kristen Stegley was appointed a Member of the Order of Australia (AM) 'for significant service to heritage advocacy, and to the community'. Among many other achievements, Kristen was Chairman of the National Trust of Australia (Victoria) 2016-2022 having served as a board member since 2003 and, since 2012, she has been President of the National Trust Foundation.

Dr Madonna Grehan, the La Trobe Society Fellow at State Library Victoria in 2014, was awarded the Medal of the Order of Australia (OAM) 'for service to nursing and midwifery history, and to the community'. An independent historian since 2009, Madonna has published impressive articles on women's health in various journals including *La Trobeana*, at the same time as being in great demand as a researcher, writer and exhibition curator on nurses and nursing in some of the peak bodies in Australia recording our history.

Diane Gardiner AM
Hon President
C J La Trobe Society

Law and Order under La Trobe: the first prisons of Port Phillip

By Dr Ashleigh Green

Ashleigh is a tutor in classics and archaeology at the University of Melbourne and the author of the book, *Birds in Roman Life and Myth* (Routledge, 2023). She has worked as a volunteer guide for the National Trust at Old Melbourne Gaol, and more recently as an historical tour guide throughout Melbourne and at Old Geelong Gaol. As the 2022 La Trobe Society Fellow at State Library Victoria, she researched the untold stories of the state's very first penal institutions. She is currently working on a book that explores the prisons and prisoners of Port Phillip from 1835 to 1857.

This article is an edited version of the 2023 AGL Shaw lecture delivered to a joint meeting of the C J La Trobe Society and the Royal Historical Society of Victoria on 18 April 2023.

Shortly after the Port Phillip District separated from New South Wales to become the independent colony of Victoria on 1 July 1851, a cartoon was published called 'Hail Victoria the Free'. This cartoon (next page) features a cannon of 'public opinion' lit by the flame of 'liberty' firing cannonballs of 'anti-transportation' at a convict ship. In case there was any doubt as to the meaning of the piece, it is accompanied by some lines of verse which read in part:

By public voice alone she strives,
Eschewing dread wars rattle;
Those who should spend in gaol their lives
Shall never tend her cattle –
So Pentonville or Parkhurst bay,
Or Vandemonian Pet,
Adieu your wished Victorian joy,
No living here you'll get.

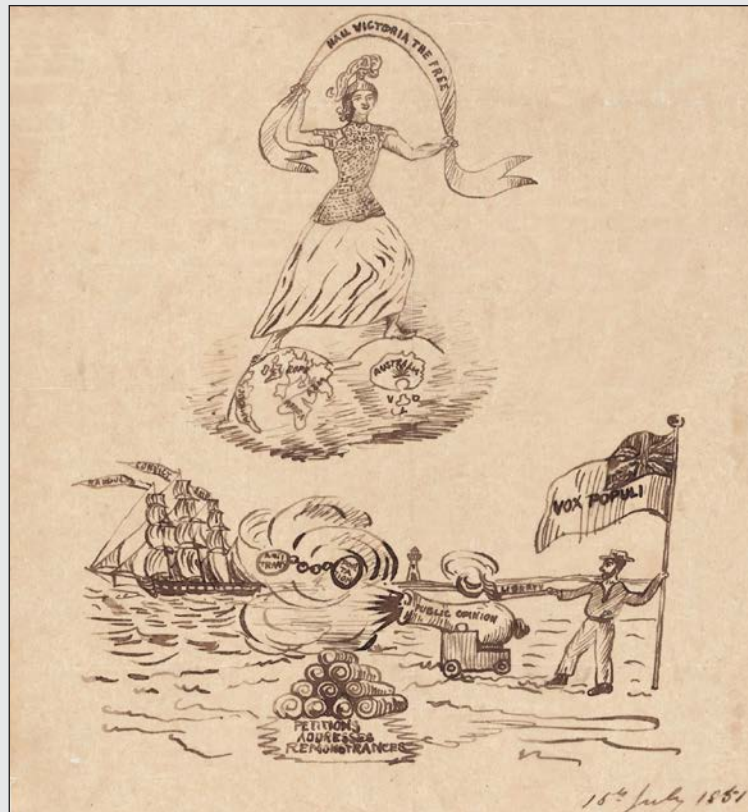
Melbourne, 15th July 1851¹

This piece tells us a great deal about the culture of the Port Phillip District: it reminds us that transportation was still very much ongoing, and that free colonists fiercely opposed convict labour and the 'convict stain' being brought to their communities.² Yet, from the beginning, convicts, ex-convicts, and ticket-of-leave workers formed a huge part of the workforce

in the District and were an essential part of the economy.³ This paper will interrogate the idea of 'Victoria the Free' put forth by the colonists by exploring the first prisons of Port Phillip that were constructed in the city of Melbourne, using the physical buildings as touchstones to craft the narrative.

The story begins in 1835 with the arrival at what became Melbourne of John Batman (representing the Port Phillip Association), John Pascoe Fawkner and other Vandemonians. These men were officially trespassing on Crown Land, as well as invading the lands of the Kulin Nations. Richard Bourke, Governor of New South Wales, recognised that what was done could not be undone, and so the colonisation of the land south of the Murray began.⁴ On 29 September 1836, HMS *Rattlesnake* arrived, bearing Captain William Lonsdale and three police constables: Robert Day, James Dwyer and William Hooson. Lonsdale had military and civil authority over the District. The military initially played a huge role in keeping order, while Lonsdale's civil constables were supported in their efforts by the ex-convict William Buckley, who had escaped from the failed Sullivan Bay penal settlement in 1803 and lived among the Wadawurrung people for thirty-two years. A bonded convict Edward Steel was also employed as a scourger for the cost

Charles Norton,
1826–1872, artist
**Hail Victoria the
free, 15th July 1851**
Brown ink on buff
coloured paper
Pictures Collection,
State Library Victoria,
H88.21/87



of one shilling a day. Lonsdale, three policemen, a runaway convict and a bonded scourger comprised our first police force! So it was that ‘law and order’ came to Port Phillip.⁵

At this stage, the only gaol in Melbourne was an insecure thatched hut on John Batman’s sheep run, close to the location of Southern Cross Station today.⁶ There were no court facilities, so any serious criminal charges required the offender to be transported to Sydney by ship to stand trial. Lonsdale opined that people ‘would often rather hide a crime when they know they must go to so great an expense, loss of time and inconvenience in travelling so far to prosecute the offender’. He begged for a Court of Quarter Sessions to be established and also requested the appointment of magistrates, a matron for female prisoners, and ‘as soon as possible... a Gaol, Solitary Cells, Court House, Prisoners Barracks and Hospital’.⁷ With a lack of gaol facilities, petty offences that Lonsdale had jurisdiction over were often dealt with on a summary basis through the use of fines and placing men (and some women) in the stocks. The stocks were a particularly colourful part of early Melbourne. Garryowen describes them for us, saying they were ‘intended for the feet instead of the head and hands’ and that ‘only offending ticket-of-leave convicts and incorrigible drunkards used to be condemned to this pillory’. On the

rare occasions that a woman was ‘stocked’, the concession was made in the lady’s favour ‘that only one of her feet was shackled, and she could kick away as she liked with the other’.⁸

Many convict workers lived in Melbourne around this time, usually sent down from Sydney to clear the land, pull out stumps, and build roads.⁹ Serious lawbreakers among this population were typically flogged by Steel the scourger, who was kept very busy in the early months, though he too found himself at the mercy of the law. One of the first arrests in the colony was of Steel himself, fined ten shillings for being in the tent of a female without a lawful reason.¹⁰ Steel’s inauspicious start set the pattern for Lonsdale’s policemen, and all three of the original constables were dismissed in disgrace: Dwyer and Day in early 1837 for repeated drunkenness, and Hooson in late 1837 for accepting bribes.¹¹ Day was replaced by John Batman’s brother Henry Batman, but he too was discovered taking bribes and died of alcohol poisoning. Finally, in August 1838, a man named William Wright took over as Chief Constable. Better known as ‘The Tulip’ for his bright red face and green uniform, he was a former convict himself. Tulip was “‘fly” to every dodge of a reputed or actual rogue”,¹² and a pillar of authority in the community, the first constable to retire with a spotless record. The gaolers were



Wilbraham Frederick Evelyn Liardet, 1799–1878, artist
An escape from the first gaol (1838), 1875

Watercolour, pencil, pen and ink
 Pictures Collection, State Library Victoria, H28250/4
 Liardet's view of the thatched hut turned gaol

initially little better than the first constables. The first, a man named Thomas Smith, was fired after just a few months for neglect of duty and repeated drunkenness. It is no surprise that escapes were common at this time, and Smith's description of an escape impresses upon us how insecure the gaol truly was. He writes, 'Henry Smiley, a prisoner... made his escape from the gaol on Monday morning at 2 o'clock the 24 July by breaking through the straw roof and shifting one of the slabs'.¹³ After Smith's dismissal, the next gaoler was a man named James Waller. Though Waller promised Lonsdale his 'utmost exertions, vigilance, sobriety and integrity', Lonsdale unfortunately reported that 'on the day I told him of his appointment... he went to the lowest public house in the town, got very drunk and made a public exposure of himself'.¹⁴ With the gaolers unfit for duty, it often fell to the constables to run the gaol. The few gaol records from this time were made by constables Hooson and McKeever, granting us insight into the nature of the prisoners there. About half were convicts and half were free men (and women); the most common crimes were petty theft, drunkenness (including being drunk and disorderly), and breach of contract, with insolence and disobedience also common among the bonded population.¹⁵ It is worth acknowledging how frequent incidences of drunkenness were: huge amounts of alcohol were produced and consumed by the colonists, and much of the working male population consisted of itinerant ex-convicts, single men who had no families or social support. They often thought of nothing except spending their earnings on liquor.¹⁶

Milton Lewis tells us that in 1841, 1,603 males and 59 females were convicted of drunkenness in Melbourne at a time when the population of the town was around 6,000.¹⁷ Drunkenness, addiction, and alcohol withdrawals were all huge problems; in addition, drinking bad liquor, or being 'hocussed' could lead to insanity or death, presumably due to methanol or other contaminants poisoning the spirits.¹⁸

At the beginning of 1838, Mr George Wintle was appointed the new gaoler. He held the position for many years, resulting in the Melbourne Gaol gaining the nickname 'Mr Wintle's hotel'.¹⁹ Wintle was not without his controversial moments, but Garryowen in the 1880s only had good things to say about him, implying that whatever had gone on behind the gaol walls, the general population remembered him fondly. Not long after Wintle's appointment came the first big shock to the prison system. In early 1838, George Langhorne, who operated the first Aboriginal mission on the south side of the Yarra (near the modern-day Botanic Gardens) reported that a number of Aboriginal men had been caught stealing potatoes because they were 'very hungry' and had been fired at by colonists.²⁰ Two men, Tullamarine and Jin Jin, were arrested and sent to gaol to await transportation to Sydney for trial. They managed to break free by setting fire to the gaol, and while Tullamarine escaped into the mountains with his wife and child, Jin Jin was recaptured, and he explained that Tullamarine accomplished the feat by getting 'a long piece of reed which he thrust through an opening in the partition



William Strutt, 1825–1915, artist
The old lock-up, police station and stocks (1839), 1850
 Pencil and wash

Victoria the Golden, plate 6, Parliamentary Library of Victoria
 Located in Market Square behind the Customs House

By this time a new police office and watch house had been built at Eastern Hill

between the place he was confined in and the guard room, and after lighting the reed by the guard's candle he drew it back and set fire to the thatch roof.²¹ Fortunately, no-one was hurt, but the gaol and some of the government stores were destroyed.

While Lonsdale waited for a new gaol to be planned and erected, he was obliged to rent a building owned by John Batman to house prisoners. The rented gaol was located at the modern-day junction of Flinders and William Streets, and was described as a 'brick and mortar habitation, 12 x 12 [13½ square metres], with about room enough to swing a cat round'.²² Garryowen describes it as 'a small brick building, said to be a store, but more like a stable with a hay-loft overhead. The entrance was end-ways from Flinders Street and access was to the second story [*sic*] by means of a step ladder... a high ti-tree paling or stockade was put up all round'. Such a building hardly sounds secure, but Garryowen adds: 'There were always a couple of military sentries as an outer guard with loaded guns, on the watch and ready for action at any hour of day or night'. He also provides the additional detail that men were confined on the ground floor, and women in the upper storey.²³

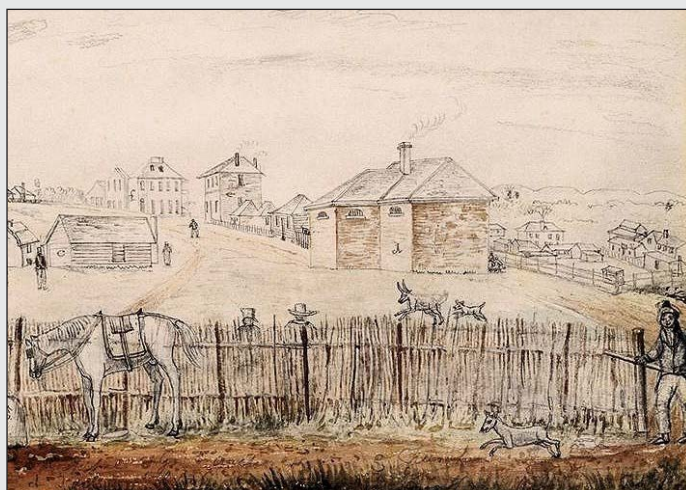
Melbourne's first Court of Quarter Sessions took place in April 1839. Commentary leading up to the date declared: 'The gaol is crowded, and the hands of the Bench will be full of cases for trial'.²⁴ The Quarter Sessions did not do enough to alleviate pressure on the gaol, however; vociferous complaints continued as to the gaol's crowded state. One man wrote, 'We possess a Jailer [*sic*], who upon a salary of £100 a year, and single handed without even a turnkey, in a miserable building, has to guard fifty prisoners!'²⁵ To ease the situation, Lonsdale

received permission to build a gaoler's hut and a watch-house on the Market Reserve formed by 'William Street and the lane' – very near to the rented gaol.²⁶ Around this time, tenders for the new gaol – which would eventually become Melbourne Gaol – were called for, though no suitable tenders had been received when Lonsdale was suddenly informed that he could no longer rent the current gaol from Batman, as the property had actually already been leased for a period of seven years, and the lessee had returned unexpectedly and was demanding use of the building.²⁷

This, then, was the tumultuous world into which Charles Joseph La Trobe stepped when he arrived as Superintendent of Port Phillip on 3 October 1839. In his reply to the address of welcome, La Trobe set the tone for his term in office by declaring 'Let us remember, that religion is the only great preventative of crime, and contributes more, in a far more endurable manner, to the peace and good order of society, than the Judge and the sheriff – the gaol and the gibbet united'.²⁸ La Trobe would go on to be heavily involved in the administration of justice and the construction of courts and gaols throughout his tenure. As the senior public servant in the District, prisoners also wrote to him for clemency and relied on him to intervene and order inquiries when abuses in the prison system came to light. One example is the story of a twelve-year-old boy who unwittingly breached liquor licence laws while working at his father's shop and was fined the vast sum of thirty pounds. He was then committed to gaol until the fine was paid. The boy's father appealed to La Trobe, and La Trobe wrote to Governor Gipps in Sydney to waive the fine so the father could secure his release, which the colonists approvingly said was a credit 'both to his head

**Robert Hoddle,
1794–1881, artist
Melbourne, Port Phillip,
from Surveyor-General's
Yard, 1840 (detail)**

Pencil and watercolour
Pictures Collection, State
Library Victoria, H258
The temporary gaol (1839),
complete with bars on the
windows and stocks at the front
facing Collins Street West



and to his heart'.²⁹ Another example occurred in 1843 when the gaol was so desperately overcrowded that Wintle wrote to La Trobe for assistance. La Trobe personally inspected the gaol and, working with the resident judge, discharged eighteen prisoners who had been imprisoned under the *Hired Servants' Act* and for non-payment of fines.³⁰

La Trobe's first task was to deal with the fact that in a few short weeks there would be no gaol in Melbourne at all; the rented gaol had to be returned to its lessee, and the planned gaol would take far too long to construct. Working with Lonsdale, La Trobe authorised the immediate construction of a temporary gaol at the intersection of Collins and King Streets with the use of convict labour. While it was being built, prisoners were moved from the rented gaol to the recently-built watch house nearby, where they were guarded by soldiers.³¹ These were a difficult few months; the new turnkey resigned over low wages, the gaol sentries frequently left their posts, and on New Year's Day the prisoners in the yard somehow managed to procure spirits and get drunk.³² In response to the sentries' misconduct, La Trobe lamented that 'The whole has arisen from the unsuitable nature of the place used as a prison, but I hope that within a few weeks the completion of the new gaol will assure the safety of the prisoners, and render the duties of the parties in charge more clear and definable'.³³

In February of 1840 the temporary gaol was completed and occupied.³⁴ This small, brick, T-shaped gaol would serve as the Melbourne Gaol until the permanent edifice was completed. Extra cells and other improvements were made in the ensuing months, and a penal treadmill was also installed for those undergoing the sentence of hard labour, although it broke almost as soon

as it was installed and was almost always in a state of disrepair.³⁵ The temporary gaol was a truly wretched place, with one description declaring that 'The prisoners are huddled together at night in this miserable hole' with no distinction as to the severity of their crime or sentence. During the day they were 'driven out to the street in front of the gaol, and there kept in custody by a guard of soldiers'.³⁶ Conditions were particularly intolerable during summer. One man confined there wrote to La Trobe, desperate for help: 'I was yesterday doomed to this miserable hole, closely confined during the whole night with two others in a room scarcely ten feet [three metres] square with disgusting atmosphere and the heat about 120 [49C] degrees – the room filled with vermin of all descriptions'. He reports that ninety people were crammed into the gaol and that owing to his ill-health 'the doctor will certify that he believes a few days confinement in this place might cause my death'.³⁷

Around this time a new watch-house was erected at the eastern end of Little Collins Street (at the Eastern Market, corner of today's Exhibition Street), called the Eastern Hill Watch House. Partly because this building had a wall around it, and partly due to the gaol overflowing, it was converted from a watch-house to a 'house of correction' in January 1842.³⁸ Typically it housed short-term prisoners, drunks and 'lunatics', while serious offenders with hard labour sentences stayed at the temporary gaol.

In the meantime, the permanent Melbourne Gaol was beginning to take shape at the intersection of La Trobe and Russell Streets. Although this is in the central business district today, in the early 1840s it lay on the very outskirts of town, looming over the settlement. The locals, ever wary of anything to do with convicts and convictism, initially grumbled at

**Charles Nettleton,
1826–1902, photographer
View of Melbourne looking
east, 1860 (detail)**
Photograph, albumen silver
Pictures Collection, State
Library Victoria, H2497
The Gaol's first cell block may
be seen on the upper left



the size of the new gaol. Others staged outright protests, venting their fury at how huge and costly it was. It was by far the most imposing building in the district at a time when it was difficult to get the New South Wales government to spend money on any public works. It had more or less taken shape at the end of 1842, and an observer described it as having walls 'of the most massive description', 'cells for the reception of 150 persons', including forty solitary – and being three storeys high, 169 feet (51.5 metres) long and with a gaoler's compartment at the end.³⁹ The cell block was often described as brown owing to it being made of ironstone (limestone with iron oxide deposits), a soft and much-inferior stone to the sturdy and familiar bluestone that would dominate Victoria's prisons in later years. Though the first cell block was torn down in 1907, remnants of the ironstone wall can still be seen at the Old Melbourne Gaol Museum complex, forming part of the wall of the women's yard of the old city watch-house.

At this time in Britain, a 'model prison' known as Pentonville, had just opened. This prison featured the latest innovations, including separate cells and a strict regime that imposed silence, order, and penance on prisoners. It was a prison designed to reform and change minds, a 'mill grinding rogues honest'.⁴⁰ Other 'model' prisons included Millbank, Wakefield, Preston and Parkhurst. The prison system was undergoing considerable change in Britain in the 1840s, and while the Pentonville model would come to dominate Victoria's prison system, for Port Phillip the immediate consequence of Pentonville's construction was the exile system.⁴¹ Exiles were men aged between eighteen and twenty-five whose sentences were for not more than fifteen years. They spent eighteen months housed in solitary confinement at Pentonville or Millbank in a bid to reform them. After this

they were shipped to the colonies, where they received pardons on the condition that they did not return to Britain before the end of the original sentence.⁴² To the people of Port Phillip, exiles were transported convicts by another name. Many residents were furious that they should be shipped to a place that was *not* a penal colony, some declaring: 'We should duck the scoundrels if they attempt to set foot in a country of free men and send them back as they came to the greater scoundrels who sent them hither'.⁴³

Yet this was not the only opinion. While ordinary labourers wanted to keep wages high and the exiles out, landowners desperately wanted cheap labour, and with a chronic shortage of labour throughout Port Phillip, La Trobe initially welcomed the exiles.⁴⁴ Despite misgivings from the labouring class, all exiles were snapped up into employment virtually as soon as they landed. From 1844 to 1849, just over 1,700 'Pentonvillains', as they were called, arrived at Melbourne, Geelong and Portland.⁴⁵ Unsurprisingly, these Pentonvillains would go on to form a significant portion of the District's prison population. Prison records specify whether prisoners were free, convicts, or exiles, and if exiles, which prison in England they came from.⁴⁶

Returning to the first cell block at the Melbourne Gaol, the internal fittings were finally completed and the gaol was occupied on 1 January 1845. It is interesting to consider some of the characters incarcerated in the Melbourne Gaol or watch-house. On one night 'the sly-grog sellers, brothel keepers, and other disorderly characters' were visited by the Chief Constable and his force. They arrested 'a dozen of both sexes of the worst characters in town, who were marched to the watch-house, headed by a little hump-backed woman, drawing out sundry

**Charles Nettleton,
1826–1902,
photographer (attrib.)
View from the roof of
the Exhibition Building,
Carlton Gardens, c.1883
(detail)**

Photograph, albumen silver
Pictures Collection, State
Library Victoria, H4570
Shows the walls of the first
cell block
On the right, the rest of the
Melbourne Gaol complex
has been completed

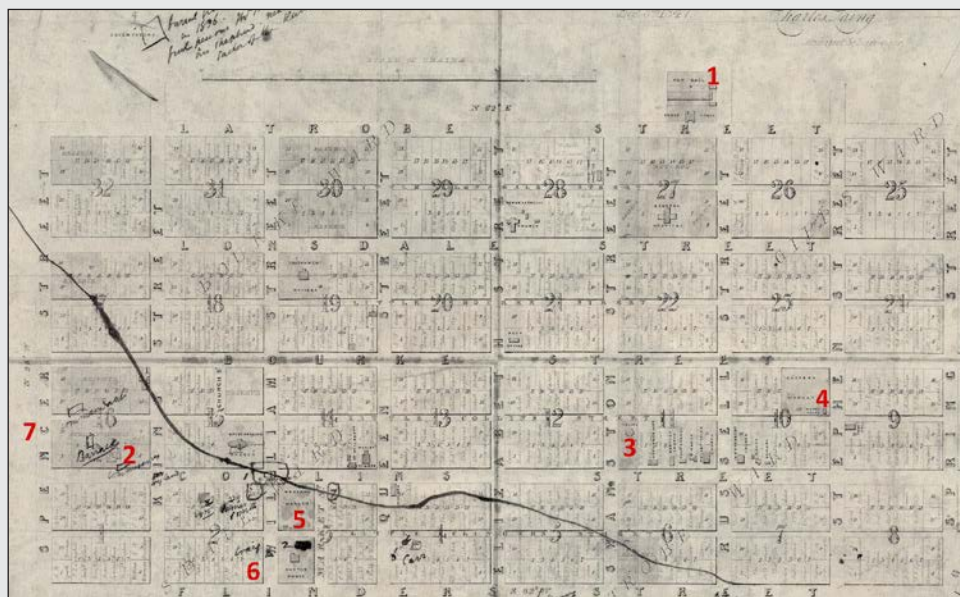


sounds from a tambourine, which caused her also being locked up'. In the morning 'they exhibited a most motley group' and received 'various terms of imprisonment, the lady with the tambourine receiving one week for her share'.⁴⁷

On a single day in 1847 there were three more illustrative examples: the first was a Mr James Dunro of Moonee Ponds who 'plunge[d] into a waterhole with the intention of committing suicide'. He was rescued and committed to gaol for seven days, where it was said he would be 'treated kindly' and receive 'the benefit of medical treatment'. The second case was 'Nanguan, an Aboriginal man of the Yarra tribe' who was charged with being a 'dangerous lunatic' after allegedly attacking the Assistant Protector of Aborigines, Mr Thomas. The third was the case of Mrs Jane Worthy who had been deserted by her husband. She was charged with being drunk and disorderly and sentenced to forty-eight hours in gaol; as she had two children, 'one at the breast', they were sent to gaol with her. The Chief Constable personally intervened in this case. While he left the infant in Jane's care, he employed someone to look after the older child, saying he would 'pay whatever cost might be incurred'.⁴⁸ Obviously the gaol was performing many roles; it disciplined petty lawbreakers, functioned as a tool of colonisation, incarcerated hardened exiles and convicts, and even functioned as a social safety net, providing shelter and medical care to those who had nowhere else to go. Until Yarra Bend Asylum was completed in 1848, 'lunatics' comprised a significant part of the prison population, a fact that the colonists deeply resented.⁴⁹ The Eastern Hill Watch House actually served as the lunatic asylum for a time, and vagrants and drunks were often confined there too, sometimes explicitly just to feed and shelter them or provide them with medical care.⁵⁰

After the first cell block was completed, further improvements were made piecemeal over the following months. The notorious treadmill also made the journey from the temporary gaol, and great pains were taken to install it at the new facility. Penal treadmills were revolving iron staircases that prisoners under sentence of hard labour would climb continually for hours on end. In a young colony where there was a chronic need for labour, it raises the question of why prisoners were not used for road-making or bluestone-breaking as they were in later years. As early as January 1843, La Trobe raised this very point and suggested to the Council that they could apply for prisoners 'to assist in the improvement of the town'.⁵¹ This suggestion was taken badly, as it was seen as promoting convict labour over free labour, and the councillors declared that prisoners should never be employed while free men were available.⁵² In mid-1845, the Deputy Sherrieff raised the idea again, saying prisoners might be used for road-making, but this time the Public Works Committee replied that it would simply cost too much to appoint overseers or deliver stone to the gaol. And so the treadmill, which produced nothing at all except sweat and misery, was resorted to for those who were under sentence of hard labour.

In the early years of Melbourne Gaol, much of the action seemed to coalesce around the treadmill. The first incident occurred with the very installation of the machine. It was almost a year after the cell block opened that the outer walls and gates were completed, and a contractor installed the treadmill directly into the new wall. People were most gratified to hear that the treadmill was working, but the optimism quickly wore off as the treadmill soon 'ceased its operations, in consequence of the wall within which it was erected having been condemned because the mortar was compounded of loam



Charles Laing, 1809–1857, artist
Plan of North Melbourne, 1847 (detail)

'Exhibiting its subdivision into wards, blocks and allotments, with the names of the original purchasers of all sold lands, the position of public buildings and other valuable topographical information, Decr. 8th, 1847.'

Manuscripts Collection, State Library Victoria, MS 8452, F 4797/16

La Trobe's original annotated copy, presented by Marcel Godet, Berne, 1934

Diagonal line, 'Track to the Saltwater River and Geelong', as marked on

Robert Russell's *Map shewing the site of Melbourne*, 1837

Another version accessible at <http://handle.slv.vic.gov.au/10381/262139>

Law and order institutions: 1. New Gaol, 2. Old Gaol, 3. Police Office, 4. Watch House,

5. Old Police Office, 6. Rented gaol, 7. First gaol, approximate location

and lime, instead of sand and lime'.⁵³ The shoddy contractor, Daniel Rooney, took the government to court over non-payment for his crumbling wall while the Clerk of Works scrambled to repair the damage. Many more months passed before the walls and treadmill were finally repaired, and once repaired the treadmill yard became a key feature of the gaol, a place of punishment and exercise. Executions were conducted in the treadmill yard, the scaffold being constructed and dismantled as needed.

Around this time rumours about Wintle the gaoler, who was accused of selling goods made by prisoners, embezzlement, and mistreatment of prisoners, began.⁵⁴ One particularly egregious incident concerned the mistreatment of 'lunatic' prisoners. Dr Cussen, the Colonial Surgeon, visited the gaol to care for some prisoners. With Wintle escorting him, he 'first visited a Mrs Jones' and agreed to let her out for fresh air. Wintle took prisoners out to the treadmill yard where 'another female lunatic named Jessie Miller was confined, and not relishing Mrs Jones' company, seized a piece of wood – a portion of the gallows, as Cussen supposed – and gave her a smart blow on the arm'. Wintle then 'seized the heavy log of wood, and beat her unmercifully on the head'. Dr Cussen was horrified and

reported the incident to La Trobe, who duly appointed a board of investigation, though Wintle was eventually cleared of all charges.⁵⁵ The incident caused much controversy and conversation about cruelty in the Melbourne Gaol; many anonymous reports were sent to newspapers implicating Wintle.⁵⁶ Critics agreed that Dr Cussen was a kind, hard-working and trustworthy man, however, and reports of people, particularly vagrants, being sent to gaol specifically to receive the benefit of medical treatment at his hands have been found.⁵⁷

The treadmill yard was also the focal point for a high-profile prison break by Pentonvillains John Collins and William Booth. They managed to conceal themselves behind the treadmill while the overseer was escorting the prisoners under sentence of hard labour back inside. Details reveal that 'those who have visited the Gaol are aware that the roof of the treadmill is within five feet of the height of the stone wall, surrounding the prison', so Collins and Booth climbed atop the treadmill, jumped to the wall, and then to the roof. Passers-by spotted the men and alerted the sentry, and while Booth managed to make a clean getaway, Collins was recaptured.⁵⁸ Not long after this a mass breakout was attempted, organised by a 'notorious and uncontrollable ruffian

named Lovell'. The story went that 'Harris, the executioner, entered the treadmill yard to prepare for the erection of the gallows, and under the mill he fancied he noticed something buried'. Upon digging it up he discovered ropes made from torn and knotted blankets, one over seven metres and the other nearly five metres in length. An enquiry uncovered a conspiracy of twenty-two prisoners, with Lovell as the ringleader. Lovell was sentenced to fifty lashes, and Harris the executioner officiated as flagellator.⁵⁹ The flogging caused an uproar in the town, as many objected to the use of flogging on moral grounds. *The Argus* summed up the crux of the debate, writing, 'It is difficult to see what else could be done, but flogging is a nasty remedy, and ought to be left to the penal colonies'.⁶⁰ Most, however, were more sympathetic towards Wintle than the prisoners, with one newspaper declaring, 'the 107 prisoners now confined in the Melbourne Gaol, are about as fine a set of ruffians as can be well imagined', the result of 'a mixture of "convictism" and "exileism," so that with Sydney and Van Diemen's Land on one side, against Pentonville and Parkhurst on the other, it is not to be wondered at, what plot, or desperate act, should be attempted'. It continues, 'To control this "mob" there are seven persons within the gaol' – Wintle, the treadmill overseer, and five turnkeys, one of whom was Harris the executioner.⁶¹

With similar incidents increasing, in January of 1849 disquiet at the Melbourne Gaol reached a climax. The attempted runaway, Collins, spent days complaining of how fatiguing the treadmill was in hot weather and finally snapped, attacking the treadmill overseer along with a band of other prisoners, with 'brutal ferocity'. One of the turnkeys came to the overseer's assistance and Collins turned on him, seizing him 'in the breast with his teeth'. The disturbance was so great that the military was called in to restore order.⁶² Collins received fifty lashes as punishment, and this decision also sparked debate about corporal punishment.⁶³ It was plain that the treadmill was not a viable option for diverting the energies of men under sentence of hard labour, and with transportation and the exile system winding down, it seemed the culture was shifting to allow for the useful employment of prisoners. Commentators began addressing La Trobe to advocate for just this, saying 'we could have our roads mended... and there would be no necessity for Treadmills'.⁶⁴

La Trobe was, in fact, busy planning the instalment of a stockade that would set prisoners to work quarrying stone and building roads at a place called Pentridge Village, just off Sydney Road to the north of Melbourne. Throughout 1850 he hired overseers and co-ordinated the establishment of wooden buildings to house prisoners, and on 5 December 1850, a crowd gathered to watch the first procession of prisoners march from Melbourne Gaol to Pentridge, some of them handcuffed, some shuffling in leg irons, and all with the letters PRG – Pentridge Road Gang – emblazoned on their backs. La Trobe personally supervised the drawing up of rules and regulations for the stockade, and the road gang was kept busy under a watchful guard.⁶⁵ During the first twelve months of operation, Pentridge housed, on average, sixty-eight prisoners on any given day, who collectively laid out and metalled over 1,850 square metres of road and cut, formed, or partially metalled over 18,500 square metres of the main road between Pentridge and Melbourne. The stockade itself was improved, culverts and drains were dug, and a bluestone quarry opened – in all, over £2,000 worth of labour if they had employed free men.⁶⁶

The firm establishment of Pentridge Prison brings us back to the point of Separation in 1851, where the subject of this paper began with the concept of 'Victoria the Free'. Shortly after Victoria became an independent colony, gold was discovered, marking the beginning of a radically different chapter in Victoria's prison history. Yet, in the first primitive buildings of Port Phillip, glimmers can be seen of the system that would come to dominate the later nineteenth century – the model prisons with their emphasis on reform, silence, and separation; the importance of useful hard labour for breaking bluestone and mending roads. This concept of 'Victoria the Free' may now be questioned, and perhaps the proud colonists were right, or perhaps the convict and prison population of Port Phillip was of more importance than they cared to admit.

Endnotes

- 1 Charles Norton, *Hail Victoria the Free*, Pictures Collection, State Library Victoria, H88.21/87. The Separation Bill came into law on 15 July 1851.
 - 2 Thomas Rogers, *The Civilisation of Port Phillip*, Melbourne: Melbourne University Press, 2018, pp.94-123.
 - 3 A.G.L. Shaw, *A History of the Port Phillip District: Victoria before Separation*, Melbourne: Miegunyah Press, 1996, pp.85, 204; Margaret Kiddle, *Men of Yesterday: a social history of the Western District, 1834-1890*, Melbourne: Melbourne University Press, 1967, p.52; Martin Sullivan, *Men and Women of Port Phillip*, Sydney: Hale and Iremonger, 1985, p.135.
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- 4 An Act to Restrain the Unauthorised Occupation of Crown Lands was passed in July 1836 authorising the issue of depasturing licences for grazing stock on vacant Crown land outside the limits of settlement (beyond the boundaries of the original Nineteen Counties near Sydney). The first licences were issued in July 1838.
- 5 'Origins of the Victorian Public Service in 1836', *Historical Records of Victoria*, Vol. 1: *Beginnings of Permanent Government* [hereafter *HRV1*], ed. by Pauline Jones, Melbourne: Victorian Government Printing Office, 1981, pp.77-79; Marjorie J. Tipping, 'Buckley, William (1780-1856)', *Australian Dictionary of Biography*, (accessed online 18 May 2023), Robert Keith Haldane, *The People's Force: a history of the Victoria Police*, Melbourne: Melbourne University Press, 1986, pp.1-13.
- 6 It was declared a common gaol and placed under the jurisdiction of the Sheriff in late 1836, *New South Wales Government Gazette*, 21 December 1836, p.976.
- 7 William Lonsdale to Colonial Secretary, 13 March 1837, *HRV1*, pp.118-119.
- 8 Garryowen, *Chronicles of Early Melbourne, 1835 to 1852: historical, and anecdotal and personal*, Melbourne: Fergusson and Mitchell, 1888, Vol.1, pp.97-98.
- 9 Michael Cannon, *Old Melbourne Town, before the Gold Rush*, Main Ridge, Vic.: Loch Haven Books, 1991, p.16; Sullivan, p.51.
- 10 Haldane, p.9.
- 11 *Ibid.*, p.11.
- 12 Garryowen, Vol.1, p.51. According to Garryowen, Wright resigned in 1841 and was reinstated for a short period in 1842 (pp.52-53).
- 13 Thomas Smith to Sheriff, 5 August 1837, *HRV1*, p.503.
- 14 James Waller to William Lonsdale, 3 October, *HRV1*, p.506; William Lonsdale to Colonial Secretary, 6 December 1837, *HRV1*, p.507.
- 15 'Weekly reports of all the prisoners received into HM Gaol, Melbourne', from 14th October to 27th November 1837, by Joseph W. Hooson, Gaoler, and Patrick McKeever, Acting Gaoler, *HRV1*, pp.508-510.
- 16 Shaw, pp.78-79. Shaw points out, however, that Port Phillip was not exceptionally drunken by the standards of the time; per capita consumption was more than in the United Kingdom but less than Sydney.
- 17 Milton Lewis, *A Rum State: alcohol and state policy in Australia, 1788-1988*, Canberra: AGPS Press, 1991, pp.4-6, 15.
- 18 For one example of being 'hoccussed', see *Melbourne Daily News*, 20 December 1848, p. 2; *Argus*, 19 December 1848, p. 2. For general fear about 'temporary insanity' brought on by liquor, see: *Port Phillip Gazette and Settler's Journal*, 4 April 1846, p.2.
- 19 T. Macquoid to William Lonsdale, 20 February 1838, *HRV1*, p.512. For the nickname, see *Melbourne Daily News*, 14 May 1849, p.2.
- 20 G.M. Langhorne to Colonial Secretary, 30 April 1838, *Historical Records of Victoria*, Vol. 2A: *The Aborigines of Port Phillip*, [ed. by] Michael Cannon [and] Ian MacFarlane, Melbourne: Victorian Government Printing Office, 1982, pp.213-214.
- 21 William Lonsdale to Colonial Secretary, 26 April 1838, *HRV1*, p.512.
- 22 *Port Phillip Gazette*, 27 October 1838, p.3.
- 23 Garryowen, Vol.1, p.184.
- 24 *Port Phillip Gazette*, 20 April 1839, p.2.
- 25 *Ibid.*, 15 May 1839, p.3.
- 26 Colonial Secretary to William Lonsdale, 17 January 1839, *HRV1*, p.517.
- 27 Call for tenders: *New South Wales Government Gazette*, 13 March 1839, p.303. The lessee: William Lonsdale to Colonial Secretary, 9 August 1839, *HRV1*, p.522.
- 28 *Port Phillip Patriot*, 7 October 1839, p.4.
- 29 *Port Phillip Patriot and Melbourne Advertiser*, 25 February 1841, p.2.
- 30 *Ibid.*, 14 March 1842, p.2.
- 31 Security at the watch house was improved before prisoners were moved there: William Lonsdale to Colonial Secretary, 16 September 1839, *HRV1*, p.524.
- 32 George Vinge to C.J. La Trobe, 2 December 1839; La Trobe to Captain C.F.H. Smith, 11 December 1839; George Wintle to C.J. La Trobe, 2 January 1840, *HRV1*, p.525.
- 33 La Trobe to Captain C.F.H. Smith, 13 November 1839, *HRV1*, p.524.
- 34 M.W. Lewis to Colonial Secretary, 4 February 1840, *HRV1*, p.525.
- 35 The treadmill broke because, according to Mr Richard Dawson of the Australian Iron Foundry of George Street, Sydney, the shaft of the treadmill 'was too great a length for the diameter, without any support but at the two ends... The casting was perfectly sound, and had it been nine inches diameter instead of six, it would have answered every purpose'. Owing to this fault in the casting, all attempts to fix the treadmill were foredoomed, *Port Phillip Patriot and Melbourne Advertiser*, 25 August 1842, p.2.
- 36 *Ibid.*, 5 April 1841, p.2.
- 37 Mr H.N. Carrington to Superintendent C.J. La Trobe, 27 January 1843 (PROV VPRS 19, Inward registered correspondence, box 41: file no. 43/160).
- 38 *Port Phillip Gazette*, 8 January 1842, p.3.
- 39 *Melbourne Times*, 10 December 1842, p.2. The original plan was much grander, but Gipps curtailed it to reduce costs, Governor's minute, 12 December 1838 to M.W. Lewis to Colonial Secretary, 5 December 1838, *HRV1*, p.517.
- 40 Millbank was the first to be constructed, a prototype that was 'a disingenuous modification of an idea put forward by Jeremy Bentham... badly planned and extravagantly built'. Pentonville was an improvement and was officially designated a 'model prison' soon after it was finished. Separate and solitary confinement typified all these prisons. Charles Campbell, *The Intolerable Hulks: British shipboard confinement, 1776-1857*, Maryland: Heritage Books, 1994, p.91.
- 41 On how the Pentonville model influenced colonial prisons in Victoria, see Peter Lynn and George Armstrong, *From*

- Pentonville to Pentridge: a history of prisons in Victoria*, Melbourne: State Library of Victoria, 1996.
- 42 A.G.L. Shaw, *Convicts and the Colonies: a study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, Melbourne: Melbourne University Press, 1978, pp.312-334.
 - 43 Quoted in Alan Gross, *Charles Joseph La Trobe: Superintendent of the Port Phillip District 1839-1851*, Lieutenant-Governor of Victoria 1851-1854, Melbourne: Melbourne University Press, p.69 (from the *Port Phillip Patriot*).
 - 44 La Trobe reported to Gipps that he had a meeting with squatters (pastoralists) who supported the exile scheme; a week later he met with the 'lower classes' who vehemently opposed it. The shortage of labour tipped his opinion in favour of the squatters, A.G.L. Shaw (ed.), *Gipps-La Trobe Correspondence 1839-1846*, Melbourne: Melbourne University Press, 1989, p.297 – letter 291 n3.
 - 45 In 1849, the situation had changed enough that La Trobe resisted exiles being brought to Port Phillip. Ships carrying exiles were not allowed to dock in Sydney and Melbourne, and were forced to land their convicts in Moreton Bay, Queensland. This effectively ended convict transportation to New South Wales, including the Port Phillip District. See Lorraine Finlay, 'The Randolph: "a harbinger of evil"', *La Trobeana*, vol.18, no.2, July 2019, pp.5-12. On the Pentonvillains, see Ian Wynd, *The Pentonvillains*, Newtown, Vic: Ian Wynd, 1996.
 - 46 Gross, p.70; *Melbourne Daily News*, 13 August 1849, p.2.
 - 47 *Port Phillip Gazette*, 8 January 1842, p.3.
 - 48 *Melbourne Argus*, 26 January 1847, p.2.
 - 49 Newspapers abound with such complaints; as one puts it, 'the Government is inexcusable for delaying so long to establish an asylum or Hospital for the insane'. *Port Phillip Gazette and Settler's Journal*, 4 April 1846, p.2.
 - 50 As in the case of an 'unfortunate man' in a state of 'physical debility' who was confined in the Eastern Hill Watch House; the newspaper judged that 'cleanliness, attention and proper treatment would go far towards altering the patient from a raving lunatic to a quiet and healthy, if not lucid, man'. He was treated by the Colonial Surgeon Dr Cussen, *Port Phillip Gazette*, 26 March 1842, p.3. Then there was a 'poor half-starved' man called James Nugent who was charged with vagrancy. The constable who made the arrest stated that he had taken Nugent into custody 'that he might be provided with shelter from the inclemency of the weather', *Port Phillip Patriot and Melbourne Advertiser*, 1 July 1845, p.2.
 - 51 *Port Phillip Gazette*, 14 January 1843, p.2.
 - 52 *Melbourne Times*, 21 January 1843, p.2.
 - 53 *Geelong Advertiser and Squatters' Advocate*, 25 March 1846, p.2.
 - 54 Throughout 1847, the mistreatment of 'lunatics' at the gaol seemed to be in the news almost constantly. An anonymous correspondent going by the name 'Nemo' frequently wrote to the *Port Phillip Gazette* with intelligence about alleged abuses occurring there.
 - 55 *Port Phillip Gazette and Settler's Journal*, 1 January 1848, p.2. A separate inquiry was previously ordered by La Trobe following the death of a 'lunatic' prisoner by the name of Thomas George Bolton, but Wintle was cleared of all charges then too: *Geelong Advertiser and Squatters' Advocate*, 28 May 1847, p.2; *Melbourne Argus*, 11 June 1847, p.2.
 - 56 For two such examples, see *Port Phillip Gazette and Settler's Journal*, 9 June 1847, p.3, and 23 June 1847, p.3.
 - 57 As one commentator said, 'Dr Cussen... is an attentive and I think humane man – coming at all hours of the night' when prisoners needed medical attention, *Port Phillip Gazette and Settler's Journal*, 12 Aug. 1848, p.2. See also note 50 above.
 - 58 *Port Phillip Patriot and Morning Advertiser*, June 8 1848, p.2.
 - 59 *Geelong Advertiser*, 10 August 1848, p.1.
 - 60 *Argus*, 9 January 1849, p.2.
 - 61 *Geelong Advertiser*, 12 August 1848, p.2.
 - 62 *Melbourne Daily News*, 3 January 1849, p.2.
 - 63 *Ibid.*, 6 January. 1849, p.2.
 - 64 *Port Phillip Gazette and Settler's Journal*, 17 April 1849, p.3.
 - 65 Lynn and Armstrong, pp.26-29.
 - 66 Denton Prout and Fred Feely, *50 Years Hard: the story of Pentridge Gaol from 1850 to 1900*, Adelaide: Rigby Limited, 1967, pp.1-22.

John Arthur: Melbourne's first botanical gardener

By Irene Kearsey

Irene Kearsey is a La Trobe's Cottage guide and an integral member of the volunteer team at Gulf Station, the historic farm at Yarra Glen managed by the National Trust. As a member of the La Trobe Society, she participated in the project at Public Record Office Victoria (PROV) indexing the Inward Correspondence to La Trobe, 1839-1851. Irene is a long-term volunteer at PROV and continues to work on projects to preserve and digitise records of state significance.

During his first few years as Superintendent of the Port Phillip District of New South Wales, Charles Joseph La Trobe was active in the establishment of numerous facilities and organisations which still form the heritage of all who now live in Victoria. One of these is Melbourne's Royal Botanic Gardens. Evidence of La Trobe's interest and expertise in botany and horticulture is being expanded by Helen Botham's recent and ongoing work that demonstrates his international contacts and reputation in this area.¹ It is therefore not surprising that La Trobe would be sympathetic to the settlers' wish to establish public parks and botanic gardens on the European model in the Port Phillip District. An original objective of such gardens would have been the acclimatisation of plants known to the settlers to enable the creation of familiar landscapes.

Choice of a site and an overseer

In September 1840, a letter to the editor of the *Port Phillip Patriot* was seeking to know, 'Is there any spot fixed upon as yet for a Botanic Garden'.² The selection of an appropriate piece of land delayed the establishment of a botanic gardens, but another issue for La Trobe was the appointment of the right person as overseer and curator.

An enthusiastic contender for the position was botanist Daniel Bunce (1813-1872): he wrote to La Trobe in December 1840 putting himself forward. He also proposed that, before

official establishment of the gardens, he be allowed to 'pitch his tent' on land which might in future form the gardens, here to cultivate consignments of plants he was expecting for his profit but unsold plants would remain.³ Although Bunce was a botanist and horticulturalist, his suggestion was not taken up and nothing came of his claim in February 1842 that the position had been promised to him,⁴ and he wrote again in July 1842 seeking a reply.⁵ Trobe would not have been impressed by the sensational court case a few weeks earlier when Bunce and his wife were charged with violent assault by John Stephen, Secretary of the Mechanics' Institute.⁶ Bunce's reported application for the position in November 1845 was unsuccessful;⁷ nor was he appointed when, in 1849, the position was again open.⁸ It was awarded then to John Dallachy.⁹

Ferdinand von Mueller is often thought to have been the man who established Melbourne's Botanic Gardens because he is usually referred to as 'the first Director'; he was the first man whose title was 'Director', whereas his two predecessors were generally called 'Overseer'.

Once the site on the south bank of the Yarra River had been identified late in 1845, La Trobe established a committee of management. By February 1846 the site was secured, and at its first meeting the committee (among other business) recommended that it 'was thought desirable that Mr Arthur's services... should be engaged with all practical despatch.'¹⁰ This implies John Arthur had been identified before this date as the best person to establish the

Nicolas Cammillieri,
1762/73–1860, artist (attrib.)
Ship 'David Clark' coming into
the harbour of Malta, 1820
Watercolour and ink on paper
Private collection Lance Pymble



gardens. Apart from his horticultural abilities, Arthur had a character that would have appealed to La Trobe: a hardworking Presbyterian with a young family. There would have been numerous opportunities for Arthur to come to La Trobe's attention before his appointment.

John Arthur's early life

John Arthur was born at Dunkeld, Perthshire, in 1801 or 1804.¹¹ He studied botany and landscape gardening at the Scottish university in Edinburgh, gaining a degree with honours.¹² Arthur was also awarded a prize that included kilts, bagpipes and twenty pounds.¹³ There is no portrait of Arthur but his daughter Grace later described him as 'a tall man with sandy hair'.¹⁴ For five years he was head gardener to the Duke of Argyll at Inveraray Castle, later becoming head gardener at Dumbarton Castle, a military school. On 21 August 1826 Arthur married Elizabeth Stewart in Edinburgh,¹⁵ and they had five children: Elizabeth (born 1827), John (1829), Alexander (1831), Robert (1833) and Grace (1837) – all born at Dumbarton, except Elizabeth, born in Edinburgh. On Mrs Arthur's death certificate, Alexander is recorded as having died, presumably in infancy.¹⁶

In 1839, the Arthurs decided to take bounty places to the Port Phillip District, sailing on the *David Clark* from nearby Greenock. It may have been that others in Dumbarton were emigrating as the register of immigrants created in Melbourne lists all eight people from Dumbarton consecutively, immediately followed by the Arthurs.¹⁷ Another possibility is that John Arthur knew John McEwin, another head gardener to Scottish nobility, who also embarked with his family (except his eldest son, who instead went to Adelaide).¹⁸ The two families certainly worked cooperatively later when both settled in Heidelberg.¹⁹

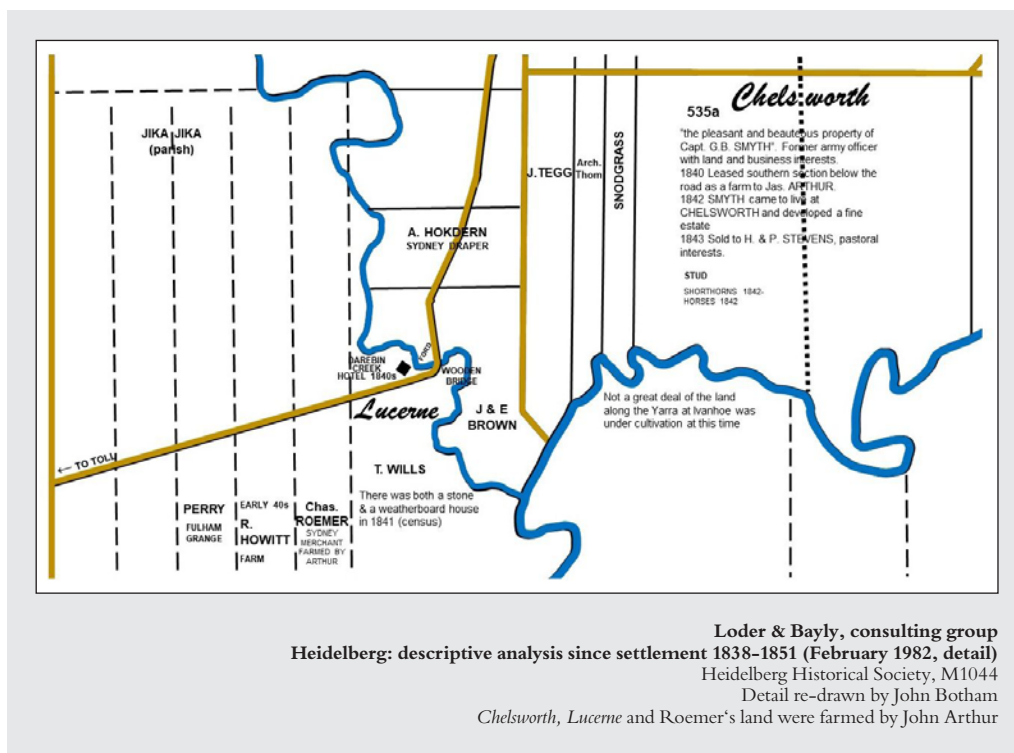
As the *David Clark* sailed on 13 June 1839 with 229 passengers, Arthur played the Scottish lament *Lochaber No More* on his bagpipes. After a voyage of 134 days, the ship anchored at Williamstown on 27 October, and the passengers landed at Sandridge Beach (Port Melbourne) two days later.²⁰ Most moved into the tents erected for them on the south bank of the Yarra. That evening some of the group walked along the river to where there was a corroboree on a traditional meeting ground; a newspaper reported that one passenger played the bagpipes to mix with the sound of the didgeridoo,²¹ – surely John Arthur? Coincidentally, the corroboree site was part of the future Botanic Gardens.

All the emigrants looking for employment were quickly engaged; John Arthur took a well-paid position at Captain George Brunswick Smyth's estate 'six miles in country' for the high wage of £80 a year with rations.²² The estate, called *Chelsworth*, was in Heidelberg; the specific area is now called Ivanhoe. The bullock-cart journey of the Arthurs, with probably at least some members of the McEwin family, was reported as:

eventful, fording creeks and bumping over rough tracks... Late in the day one of the bullocks dropped in his tracks. Bullocky threw himself across the carcase in a flood of tearful, drunken sorrow, and he lay all night embracing the dead animal. Fortunately... work was proceeding on the Heidelberg Road. At a surveyor's camp, the children obtained shelter.²³

John Arthur's early business

Arthur, having brought seeds and cuttings from Scotland, solved the problem of getting them quickly planted and tended by employing



another *David Clark* passenger, the gardener James Joiss, at weekly piecemeal rates with rations (suggesting he lived with the Arthurs).²⁴ Thus, Arthur was free to fulfil his duties at *Chelsworth*.

In 1840, Arthur took over the southern 296 acres (120 hectares) of *Chelsworth* for £200 per annum. By the 1841 census, there were fourteen people living there, seven being adults, some possibly being members of the McEwin family.²⁵ Soon Arthur's business included not only the plants he raised himself but also seeds imported from Scotland. He had his own shop in Melbourne at 1 Cleveland Terrace, Little Bourke Street (the area now the south side of Her Majesty's Theatre); there he sold seeds 'reared within a few miles of Melbourne' and imported seeds 'all since proven in this colony', promoting that the resulting plants would cope with the local environment.²⁶

Arthur's landlord for his shop was George Isaac Porter (1899-1848), who also had a Heidelberg estate, *Cleveland*, to the north of *Chelsworth*. As a young man, Porter had been recruited as overseer of the Calcutta Botanic Gardens and later superintendent of a botanic garden in Penang; after making a fortune there as a merchant, he came to Sydney in 1835 where he was quickly appointed to the committee to superintend Sydney's Botanic Garden.²⁷ Once sale of land in Melbourne began, Porter purchased the Heidelberg estate and other Melbourne town lots to become a property

developer; his family came to live in Lonsdale Street. Among his many civic activities in the Port Phillip District, Porter is almost certainly the 'Mr Porter' listed among the gentlemen forming a committee in 1842 to establish a botanic garden at Batman's Hill.²⁸ George Porter perhaps recommended Arthur as a suitable man to establish the planned botanic garden.

Sometime in 1842, Arthur had taken a ten-year lease of about forty acres (sixteen hectares) between the Yarra and the Heidelberg Road, from the Sydney merchant Charles William Roemer (1799-1874).²⁹ The Arthurs had thus merely moved from the eastern boundary of *Lucerne*, the estate of Thomas Wills (1800-1872), to *Lucerne*'s western boundary. The portion on Arthur's own western boundary was owned by the Howitt brothers: Richard Howitt and Dr Godfrey Howitt. The Howitts' western neighbour was Mr Perry; Eugene von Guerard's 1855 painting of Mr Perry's farm might indicate what John Arthur's lot looked like, although Mr Perry did not begin his planting until around 1849.³⁰ However, at that time, the new farm was said to be in Heidelberg, the area is now known as Alphington.

On 25 September 1842, the Arthurs' eldest daughter Elizabeth married Richard McCruddon, both giving their address as 'Lucerne'; possibly they were employed by Thomas Wills. The two witnesses, Colin McLaren (also a *David Clark* passenger, a farm worker) and Catherine Harkins, gave their



Eugene von Guérard, 1811–1901, artist
The farm of Mr Perry on the Yarra, 1855

Oil on canvas
 Private collection, England
 Perry's *Fulham Grange* may be seen on the
 left-hand side of the accompanying map

addresses as *Chelsworth*.³¹ The ceremony was at St James's Church in Melbourne, a few days before the building was officially opened for worship on 2 October, the foundation stone having been laid by La Trobe on 9 November 1839. It is strange that the wedding was a Church of England one, rather than Presbyterian.

In October 1842, the Yarra flooded at Heidelberg, as it had the previous year, affecting the farms of Captain Smyth, Thomas Wills, John Arthur and many others, but it is not clear whether this was Arthur's part of *Chelsworth* or his new lease from Roemer. His business recovered, however, and he was advertising fruit trees in 1845.³²

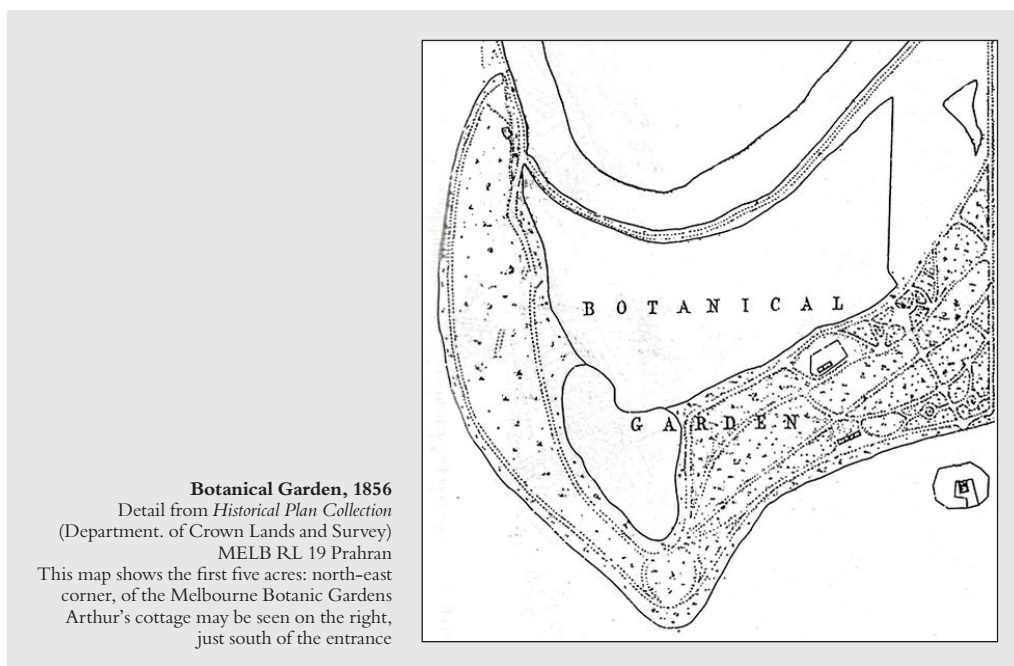
Arthur took an active interest in horticultural matters. On 25 November 1848, a public meeting was held by the Society of Market Gardeners to discuss the possible formation of a Horticultural Society.³³ At 11 o'clock on a Saturday morning, with John Fawkner in the chair, John Arthur encouraged the undertaking and seconded the motion proposing the formation of what is now the Royal Horticultural Society of Victoria.³⁴ The motion was proposed by 'Mr Duncan' who is possibly David Duncan, fellow *David Clark* passenger, who was then active in the Port Phillip Farmers' Society, now the Royal Agricultural Society of Victoria.

Melbourne's Botanic Gardens established

By December 1845, after several years of debate, the site for Melbourne's botanic gardens was finally agreed: the south side of the Yarra, just up-river from the town.³⁵ The original size was five acres (two hectares).

In considering how La Trobe came to appoint John Arthur to establish the Botanic Gardens, it is possible that La Trobe had patronised John Arthur's seed shop when he first established his *Jolimont* garden with non-indigenous plants.³⁶ Another factor is that Arthur was known to several significant men in La Trobe's circle, including George Porter (Arthur's shop landlord), Thomas Wills (Arthur's eastern neighbour) and the Howitt brothers (Arthur's western neighbours). However, Arthur's daughter Grace recalled that her father 'with his pipes, lead [*sic*] the first protest meeting in 1845... for a suitable place for a botanical garden'.³⁷ Grace also said that La Trobe asked John Arthur 'to find a suitable place for a garden',³⁸ but no other support for either claim has been found.

Late in 1845, La Trobe formed a Gardens committee; Dr Godfrey Howitt was a member. The minutes of 17 February 1846 record Arthur's appointment to the position of



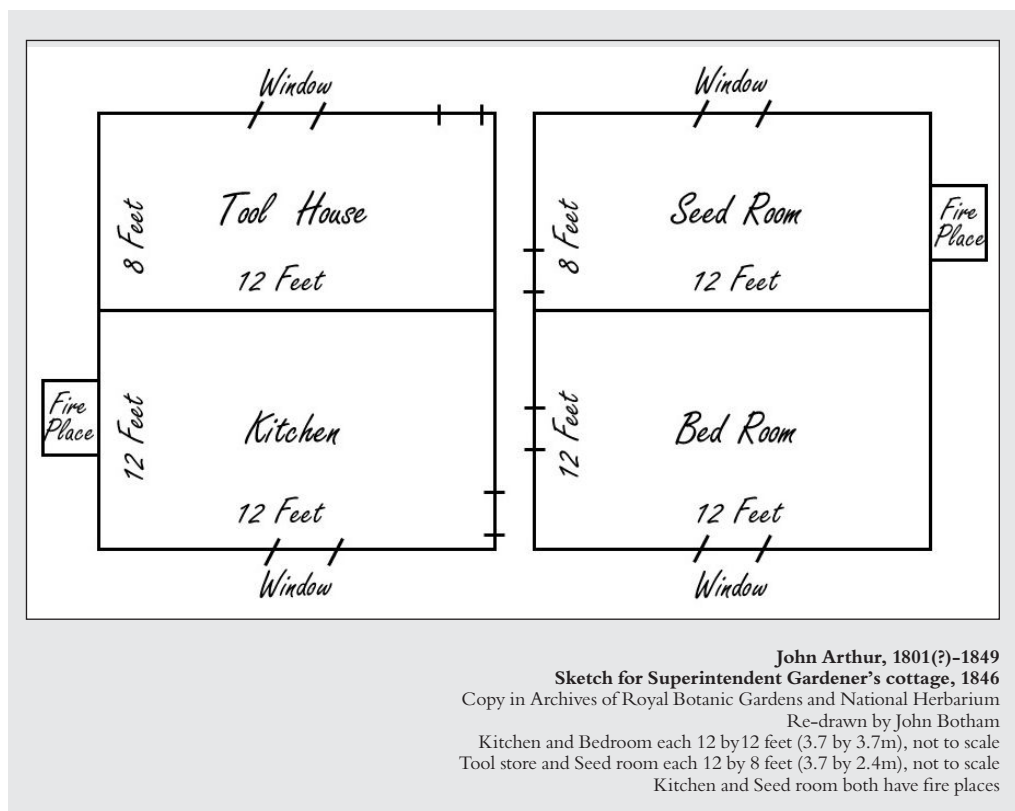
‘superintendent gardener’ at a salary of £100 per annum (for comparison, that year, the Inspector of the General Market and the Inspector of the Cattle Market were each paid £90 per annum).³⁹ The appointment was effective from 1 March, although Governor Gipps’ approval of the Gardens was dated 16 March. A later Director of the Gardens noted, ‘La Trobe, with typical initiative and shrewdness, made sure that he would not lose the man he needed.’⁴⁰ Notwithstanding, the establishment of the Gardens was not without ill-feeling from the Melbourne Town Council, which believed it should be represented on the Gardens committee.⁴¹ La Trobe took ‘good care’ to keep the project under his own control,⁴² but there is no indication Arthur was involved in the dispute.

Apart from Arthur’s salary, other lines in the Gardens’ budget covered the appointment of two assistant gardeners (£40 per annum each) and Arthur’s cottage (to cost £150). In total, the 1846 budget was £750; the balance (£420) covered fencing, trenching, clearing both dead timber and part of the lagoon, plus tools, water cart, cart, frames and one horse.⁴³

Before the superintendent’s cottage was built, Arthur camped in a tent within the gardens whilst his family lived in temporary quarters on the site of the present Hotel Windsor;⁴⁴ that would appear to have been only Mrs Arthur and Grace, as John, now seventeen years old, was presumably maintaining Arthur’s farm during the week, with his father’s input at weekends; Robert, aged thirteen, was probably with his brother as there is no record of either boy moving into the gardens’ cottage. In February 1846

tenders were called for a ‘cottage residence and offices.’⁴⁵ However it was not until 23 May that Arthur sketched a plan, see next page, for a four-roomed building (bedroom, kitchen, a seed room and a tool room).⁴⁶ The tender, when called, was for a building designed by the noted architect Samuel Jackson (1807–1876).⁴⁷ On the same date as the sketch (23 May) Arthur asked La Trobe to approve an additional hut needed ‘for the proper preservation of seeds, tools etc.’; it is not clear whether Arthur’s sketch is suggesting adding the tool and seed rooms to a planned two-room house or he is requesting another hut in addition to the four-roomed house.⁴⁸ The tender for the building was finally approved, on 7 August, to builders Farrell and Henry, the actual cost being £169. The Clerk of Works, on 22 July, called for tenders for certain artificers’ work connected to the cottage.⁴⁹ The specifications included that it be built of slabs and brick nogged, and the bedroom and seed room were to be floored with boards and each room was to have a window.⁵⁰ The site of the cottage (not surviving) was near where the Eastern Gate now is on Anderson Street, South Yarra. However, it was not until December 1846 that tenders were called for ‘a privy building.’⁵¹ The workshop was down the slope, closer to the lake.⁵² A greenhouse seems to have been added by 1847.⁵³

Tenders for fencing had been called for in December 1845,⁵⁴ and for trenching of the boundary lines the following March.⁵⁵ On 6 March, Arthur wrote to La Trobe outlining his proposal for the formation of the gardens, and asking for tenders to be advertised for the ‘grubbing and trenching’; trenching to be 2 feet (60 cm) in depth and surface soil to



10 inches (25 cm) to be preserved, with all roots and stones to be eventually removed, the work to be completed by 1 June.⁵⁶ The same day he also asked permission to employ 'two labouring men' and to buy tools: axe, adze, augur, hammer and nails, grubbing hoe and two spades, all of which La Trobe approved.⁵⁷ Land preparation started on the ground around the lagoon and early planting included four elm trees, *Ulmus procera*, on what is now the Tennyson Lawn.⁵⁸ On 4 June 1846, Arthur reported he had had to sack all the men because of unsatisfactory work and asked approval to employ four men for two months and two men for the remaining seven months at 18 shillings per week; La Trobe approved only the employment of the four men.⁵⁹ But Arthur also had enthusiastic help from his daughter Grace, aged nine in 1846. Grace remembered that Arthur's practice was to plant trees in the evening to give them the best chance to recover from the transplanting.⁶⁰

Progress on the Botanic Gardens

Seed collecting commenced soon after establishment of the Gardens. In August 1846 a Mr Shadforth⁶¹ sent Arthur seeds that had been collected by Friedrich Wilhelm Ludwig Leichhardt on his Port Essington expedition,⁶² and the following month George Augustus Robinson, Chief Protector of Aborigines, sent seeds collected by Charles Sturt on his inland expedition.⁶³

Favourable comments were made on the 'taste and judgment' shown by La Trobe in his suggestions for the Gardens.⁶⁴ Within a few months of their establishment, the Gardens were thought suitable by La Trobe for a vice-regal garden party to be held there.⁶⁵

The plantings of both Arthur and his successor John Dallachy followed plans drafted by Henry Ginn, in his role as secretary to the Botanic Gardens committee.⁶⁶ Arthur and Dallachy seem to have exploited the natural aspects of the land and successfully incorporated the existing indigenous plants, as William Howitt noted.⁶⁷ The lagoon was always a feature of the Gardens, money being allocated in the original 1846 budget for 'cleaning out a portion of the lagoon'; Arthur then planted the 'Lagoon Walk.' Total expenditure for 1846 was £623.⁶⁸ In 1847 Arthur purchased a boat to 'work around the lagoons,' costing £28.⁶⁹ In that year, expenditure also covered 'greenhouse lights' as well as notice boards, six garden seats, 'hand lights' (small glazed shades to protect tender plants) and repairs to the 'hut' (possibly Arthur's house).⁷⁰ In 1847 more tenders were called for trenching a further one acre.⁷¹ Supplementary estimates for 1848 covered more fencing and books.⁷²

Grace Arthur recalled that, in 1848, La Trobe gave a garden party for Arthur and his family to mark the great progress he had made with the Gardens (no other confirmation of this

has been found).⁷³ In November 1848, a strange item appeared in *The Argus*, the newspaper that had published detailed reports of the Melbourne Town Council's dispute with La Trobe regarding its exclusion from management of the Gardens, and the editor of which vilified La Trobe on other occasions.⁷⁴ Significantly, only one other newspaper republished in summary this satirical item about a howling Bunyip in the lake that might become an exhibit in the museum of the Mechanics' Institution.⁷⁵ It may be concluded that *The Argus* was referring to La Trobe as the Bunyip.⁷⁶

Garryowen recorded that Arthur 'had worked so zealously' that the nursery was well underway within two months, the gardens open to the public from 6 am to sunset, with legal consequences upon anyone picking flowers, and dogs banned. The gardens 'reflected credit upon Arthur's skill and industry.'⁷⁷

Arthur's work ceased when on 6 January 1849, he died suddenly, possibly of cholera, after drinking water from the Yarra or the lagoon. No death certificate survives, only a burial record,⁷⁸ but newspapers supposed cholera to be the cause.⁷⁹ Arthur was buried in the Presbyterian section of the Old Melbourne Cemetery on 12 January. The same day, his job was advertised.⁸⁰ Fellow Scot John Dallachy was not appointed until April.⁸¹ The person in charge during the gap was described as 'trustworthy and fully competent'; Grace Barr said this was John McEwin.⁸²

The Arthur family

John Arthur died intestate, leaving an estate of less than £100. In her husband's probate papers, to 10 February 1849,⁸³ Mrs Arthur's address was still the Botanic Gardens, but she and Elizabeth had to leave the cottage, returning to the Heidelberg farm. Here John Arthur junior had been taking part in public life: sitting on a jury,⁸⁴ and donating £5 for the building of a school,⁸⁵ both activities in company with other passengers of the *David Clark*. John junior was also listed as an elector in 1851.⁸⁶

Andrew Ross, the school-master at Kangaroo Ground, in his diary recorded stopping at the Arthurs on his journeys to and from Melbourne in 1853, 1854 and 1857. He also recorded separate visits to Kangaroo Ground by Mrs Arthur and Grace, both in 1856.⁸⁷ Kangaroo Ground was another place where several *David Clark* families had settled. In 1857 he noted that John junior and Mrs Arthur had brought some cows to Kangaroo Ground, using land to the south of Weller's Hotel. In 1860 and 1861, Mrs Arthur was also renting a hut from Ross, possibly living there.⁸⁸

The Arthurs' social ties with Kangaroo Ground residents resulted in the marriage of Grace to William Barr, son of John and Janet Barr (*David Clark* passengers) who had settled at Kangaroo Ground by 1851; William Barr, a carpenter and cabinetmaker, was two years younger than Grace. At the wedding on 2 April 1861, witnesses were Andrew Ross and Grace's sister Elizabeth McCruddon. Ross's diary notes the wedding and that 'the Arthurs leave' (presumably back to Heidelberg).⁸⁹ That would indicate Mrs Arthur and Elizabeth, although one or both sons may also have been present.

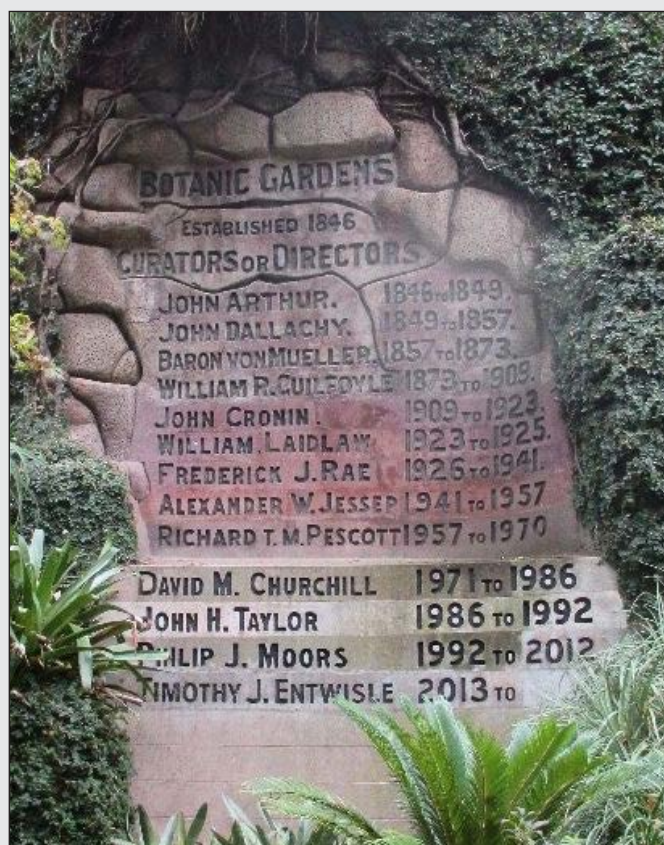
Grace and William Barr lived in Richmond, having six children. By 3 October 1864, Mrs Arthur was living with them, as the Barrs' Crown Street house is recorded as her address on her death certificate.⁹⁰ Living in Richmond was convenient for Grace to visit the Botanic Gardens, the last time in 1920 when staff member Ambrose Neate recorded her memories and other context. After William Barr died in 1910, Grace lived with her daughter Agnes (Mrs Doggett) in East Brunswick, dying there (aged eighty-nine) on 9 June 1926.⁹¹

Elizabeth and Richard McCruddon lived in Oakleigh, having eleven children, but the marriage had its problems. In 1876, Richard advertised that he would not 'be responsible for any debts my wife may contract'.⁹² Elizabeth died on 10 December 1891, aged sixty-four) at Cairns District Hospital. She had been with one of her daughters who lived at Cairns (unidentified on the death certificate).⁹³

Grace Barr said, as recorded by Neate, that her brothers had gone to the Gold Rush in 1852 and were 'never heard of again'.⁹⁴ However, this same document records one of the brothers by the wrong name (Robert is called William) and 1852 is possibly too early for the brothers to have disappeared; Grace was aged eighty-three at the time and her memory may have faltered, or Neate (or the typist) may have made errors because both brothers are recorded in Heidelberg later than 1852. It was in April 1853 that John junior made his donation towards the school.⁹⁵ In 1859, a Robert Arthur is listed as an elector in East Bourke, the constituency covering Heidelberg (although this may be another man of the same name).⁹⁶ However, the two men do seem to disappear after these dates.

There is a death in 1897 which might be John junior; on the death certificate the age (seventy-five years) and country of birth match but the parents and time in Australia are 'not known'. This John Arthur was a gold miner who had been found on the floor of his hut at Queen's Gully (Moliagul, Vic), having been ill

Irene Kearsey, photographer
Royal Botanic Gardens
Melbourne directors wall, 2021
Rockface near the Northern Gate,
Alexandra Avenue



and alone for some days; he had been sent to the Inglewood Hospital by train,⁹⁷ where he died a month later, on 19 October 1897.⁹⁸

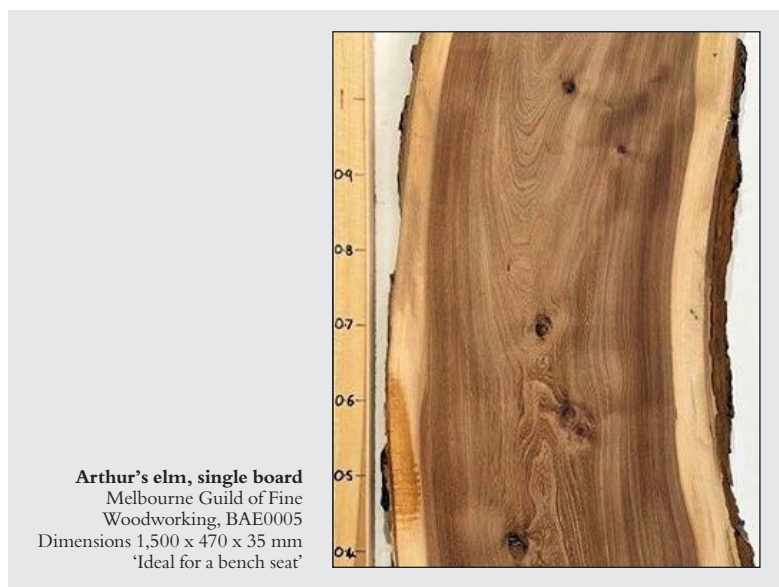
There is no doubt about Robert's death; he died on 12 June 1913, in Warwick General Hospital, Queensland, his occupation being recorded as 'labourer'. His other details on the death certificate (his age of seventy-nine, parents' names, place of birth and years in Australia) all match.⁹⁹ His death followed a fall from a dray. Some newspaper reports say he was from Warwick, and others, from Inglewood.¹⁰⁰ The sale of Robert's property (he died intestate) included eleven horses, a farm wagon and a plough, suggesting he may have moved between Warwick and Inglewood. If the John Arthur death above is correct, the place name Inglewood makes a sad link between the brothers, albeit that these two Inglewoods are in different states.

John Arthur's legacy

There is no record of either of John Arthur's sons leaving any children, although both his daughters raised numerous children and, today, there are descendants who are proud of their ancestor. Unsurprisingly, Arthur's bagpipes, which survived to be played at the 1901 Federation ceremonies,¹⁰¹ and at the 1939

centenary gathering of *David Clark* passenger descendants,¹⁰² are no longer existing. However, Arthur's work in establishing what has become Melbourne's Royal Botanic Gardens is a legacy for everyone. One of the four elm trees planted by Arthur is still alive today and even those that have died provided seedlings which have been replanted. The latest of Arthur's elms to die is even available as planks for purchase by craftspeople.¹⁰³ (picture next page)

Although the objectives of Melbourne's Botanic Gardens have changed since 1846, the original 'bones' of the gardens remain, and John Arthur's name is clearly memorialised at the top of the 'Curators or Directors' list carved into a rockface for all to see.



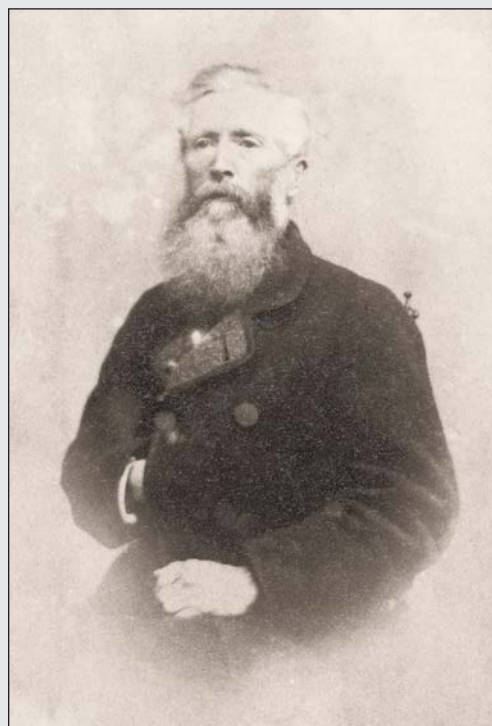
Endnotes

- 1 Helen Botham, 'C J La Trobe: Jolimont Plantsman', *La Trobeana*, vol.21, no.1, March 2022, pp.6-18.
- 2 *Port Phillip Patriot and Melbourne Advertiser*, 7 September 1840, p. 3. Letter from Rusticus, pseudonym of W. Snell Chauncy.
- 3 Daniel Bunce to C J La Trobe, 4 December 1840, PROV, VPRS 19, P0000, Unit 9, Item 1224/1840.
- 4 *Port Phillip Gazette*, 16 February 1842, p.3.
- 5 Bunce to La Trobe, 1 July 1842, PROV, VPRS 19, P0000, Unit 32, Item 40/1842.
- 6 *Port Phillip Gazette*, 12 March 1842, p.3 and *Port Phillip Patriot and Melbourne Advertiser*, 14 March 1842, p.2.
- 7 Bunce to La Trobe, 13 October 1845, PROV, VPRS 19, P0000, Unit 75, Item 1728/1845.
- 8 *Argus*, 12 January 1849, p.1.
- 9 R.T.M. Pescott states 'Dallachy' is the correct spelling, not Dalachey, in *The Royal Botanic Gardens Melbourne: a history from 1845 to 1970*, Melbourne: Oxford University Press, 1982, p.21.
- 10 Pescott, p.15, citing Minutes of the Botanic Gardens Committee, 17 February 1846, No. 484, Department of Lands, 1846, Archives of Royal Botanic Gardens and National Herbarium. (No longer in the Archives, not found at PROV, whereabouts unknown.)
- 11 No document recording Arthur's birth or baptism has been found so far. In Arthur's time, because documents recorded a person's age, not birthdate, a calculation is required for an approximate birth year. The register of David Clark passengers, PROV, VPRS 14/P0000, Book No.1 (lines 197-198), implies 1804 as Arthur's birth year, whereas his burial record implies 1801. For Mrs Arthur's birth year, the passenger list implies 1805, and the two year calculations from her death certificate imply 1806 (age at death) and 1798 (age when married).
- 12 For details of Arthur's life in Scotland, I rely on the memories of Arthur's daughter Grace Barr recorded in 'Life history of John Arthur, as told to Ambrose Neate by Grace Barr in 1906,' MS 10315, Box 4497/6, State Library Victoria. However, some of Grace's reminiscences, as they were recorded, are clearly incorrect. Another valuable resource is the unpublished writing of Arthur descendant Clive Meaker.
- 13 Some sources say the prize was awarded by Queen Victoria. This seems unlikely as Arthur's graduation would have been no later than the 1820s, when Victoria was still a child; she did not visit Scotland until 1842, after Arthur sailed for the Port Phillip District.
- 14 Barr, 'Life history of John Arthur', p.2.
- 15 Parish 685/1 Ref 630355 Church of Scotland.
- 16 Elizabeth, 6 March (or May) 1827; John, 27 March 1829; Alexander, 1 September 1831; Robert, 6 May 1833; Grace, 11 August 1837. In Barr's 'Life history of John Arthur', Robert is incorrectly called William.
- 17 PROV, VPRS 14/P0000, Book No.1. The sequence of names is not alphabetical but seemingly random; however, research has found connections between one name or group of names and the next, suggesting passengers came up to be registered in groups that had connections. In the Register, Dumbarton passengers are numbers 189-196, the Arthurs are 198-202. The 'native place' of each passenger is not recorded in the PROV volume but is in the version of the list (in a different order) in Sydney, New South Wales State Archives and Records, Reel 2143A, [4/4813], p.1a.
- 18 PROV, VPRS 14/P0000, Book No.1. Passengers number 154-163.
- 19 Barr, p.2. The family seemed to settle on the spelling of their surname McEwin after arrival although it appears as McEwen in some published sources.
- 20 For details of the voyage and some of the passengers, see Irene Kearsey, 'La Trobe's First Immigrants: the 1839 voyage of the "David Clark"', *La Trobeana*, vol.12, no.2, July 2018, pp.16-21.
- 21 *Port Phillip Gazette*, 6 November 1839, p.6.
- 22 PROV, VPRS 14/P0000, Book No.1 (line 197). The location of the land then called 'Chelsworth' is now identified as Ivanhoe but the whole area was then referred to as Heidelberg.

- 23 Alfred Stephen Kenyon, *Heidelberg: the city of streams, 1834-1934 centenary*, Heidelberg, Vic: City of Heidelberg Centenary Celebrations Committee, 1934, p.86.
- 24 Mis-spelt in the Register as 'James Joyce' – PROV, VPRS 14/P0000, Book No.1 (line 13). Joiss later established his own horticultural business in the Brighton area (*Argus*, 19 March 1879, p.8).
- 25 New South Wales Census of the year 1841 no.5.
- 26 Advertisements, *Port Phillip Patriot and Melbourne Advertiser*, 4 October 1841, p.1; *Port Phillip Gazette* 25 May 1842, p.2.
- 27 *New South Wales Government Gazette*, 15 June 1836, No. 226, p.451.
- 28 *Port Phillip Patriot and Melbourne Advertiser*, 3 March 1842, p.2.
- 29 Portion 120, Parish of Jika, being south of what is now Heidelberg Road in the area now identified as Alphington.
- 30 *The Farmer's Journal and Gardener's Chronicle*, 23 May 1863, p.13.
- 31 Marriage record, Reg. No. 4626/1842. (Sometimes in newspapers McCruddon was spelt McCrudden.)
- 32 *Port Phillip Gazette*, 13 August 1845, p.3, 'Fruit trees... from one of the best orchards near Sydney'.
- 33 *Port Phillip Gazette and Settler's Journal*, 15 November 1848, p.3.
- 34 *Ibid.*, 27 November 1848, p.2,
- 35 *Ibid.*, 6 December 1845, p.3. The story of this selection is covered in Pescott's history, pp.3-9.
- 36 Reviewing Trove, before John Arthur's first advertisement, sales of seeds and plants were either consignments for auction or consignments on sale in a general shop, rather than a specialist shop.
- 37 Barr, p.2.
- 38 *Ibid.*
- 39 *Melbourne Courier*, 24 November 1845, p.2.
- 40 Pescott, p.16.
- 41 *Ibid.*, p.12.
- 42 John Barnes, *La Trobe: Traveller, Writer, Governor*, Canberra: Halstead Press, in association with State Library Victoria and La Trobe University, 2017, p.165.
- 43 Minutes, Botanic Gardens Committee, 17 February 1846, quoted by Pescott, p.15.
- 44 Pescott, p.18.
- 45 *Melbourne Courier*, 18 February 1846, p.3.
- 46 PROV, VPRS 19, Box 81, Item 788.
- 47 See the *Australian Dictionary of Biography* for information on Samuel Jackson.
- 48 Pescott, p.18, citing Arthur to La Trobe, 23 May 1846, letter 46/788, Archives of Royal Botanic Gardens and National Herbarium. (No longer in the Archives, not found at PROV, whereabouts unknown.)
- 49 *Melbourne Argus*, 31 July 1846, p.1. An 'Artificer' was a skilled or artistic worker or craftsman.
- 50 Pamela Jellie, *Chronological Landscape History of the Royal Botanic Gardens Melbourne*, Melbourne: Royal Botanic Gardens, 1996, p.3.
- 51 *Melbourne Argus*, 22 December 1846, p.4.
- 52 Personal communication, Mary Ward, Past-President, Friends of the *Royal Botanic Gardens*, 6 February 2022.
- 53 Jellie, p.3.
- 54 *Melbourne Courier*, 24 December 1845, p.3.
- 55 *Melbourne Argus*, 23 March 1847, p.3.
- 56 Arthur to La Trobe, 6 March 1846, PROV VPRS 19/P0000, Unit 208, Item 408/1846.
- 57 *Ibid.*, Item 409.
- 58 Jellie, p.3.
- 59 Pescott, p.19, citing Arthur to La Trobe, 4 June 1846, letter 46/869, Archives of Royal Botanic Gardens and National Herbarium. (No longer in the Archives, not found at PROV, whereabouts unknown.)
- 60 Barr, p.3.
- 61 Possibly Robert William Shadforth (1810-1900), appointed an associate to the New South Wales Chief Justice, later associate to Mr Justice Jeffcott, coming with him to Melbourne in the early 1840s; later a police magistrate, <https://oa.anu.edu.au/obituary/shadforth-robert-william-22103> (accessed 16 November 2022). *Port Phillip Gazette*, 20 December 1843, p.2.
- 62 *Port Phillip Gazette and Settler's Journal*, 26 August 1846, p.2.
- 63 *Ibid.*, 2 September 1846, p.2.
- 64 *Spectator*, Sydney, 1 August 1846, p.333.
- 65 Philip Crosbie Morrison (ed.), *Melbourne's Garden: a descriptive and pictorial record of the Botanic Gardens, Melbourne*, Melbourne: Melbourne University Press, 1957, p.21.
- 66 Allan F. Willingham, 'Ginn, Henry (1818-1892)', *Australian Dictionary of Biography* (accessed online. 14 November 2022).
- 67 Jellie, p.4, with reference to William Howitt, *Land Labour and Gold: or, Two years in Victoria with visits to Sydney and Van Diemen's Land*, London: Longman, Brown, Green and Longmans, 1855, Vol. 1, pp.27-29.
- 68 *Melbourne Argus*, 18 May 1847, p.2.
- 69 Nigel Lewis Richard Aitken Pty Ltd, *Royal Botanic Gardens, Melbourne: conservation analysis and conservation constraints*, prepared for the Royal Botanic Gardens, Melbourne, 1992, p.96.

- 70 Jellie, p.3.
- 71 *Melbourne Argus*, 23 March 1847, p.3.
- 72 *Port Phillip Gazette and Settler's Journal*, 27 May 1848, p.1.
- 73 Barr, p.2.
- 74 Dianne Reilly Drury, *La Trobe: The Making of a Governor*, Melbourne: Melbourne University Press, 2006, p185.
- 75 *Argus*, 21 November 1848, p.2, 'Some unknown animal... for several nights past has disturbed the rest of the residents... by his unearthly howling'. Summarised *Geelong Advertiser*, 23 November 1848, p.2.
- 76 On the question of bunyips, see Ian D. Clark, 'A Fascination with Bunyips: Bunbury, La Trobe, Wathen and the Djab Wurrung people of Western Victoria', *La Trobeana*, vol.17, no.1, March 2018, pp.30-32.
- 77 Garryowen, 'The Botanic Gardens', *Herald*, 5 January 1883, p.3.
- 78 Record of Presbyterian Burial, Old Melbourne Cemetery, Registration No. 2148/1849. <https://my.rio.bdm.vic.gov.au/efamily-history/632bca834e56292236dad2ec/results?q=efamily> (accessed 15 November 2022).
- 79 *Argus*, 9 January 1849, p.2. Burial Certificate, Victoria, John Arthur, Reg. 2148/1849.
- 80 *Ibid.*, 12 January 1849, p.1.
- 81 *Ibid.*, 13 April 1849, p.2.
- 82 Barr, p.3.
- 83 PROV, VPRS 28, P0, Unit 3, Item A238.
- 84 *Melbourne Argus*, 17 December 1847, p.4.
- 85 *Ibid.*, 16 April 1853, p.12.
- 86 *Melbourne Daily News*, 9 July 1851, p.3.
- 87 Andrew Ross, *The Diary of Andrew Ross, 1828-1895...* [edited by Mick Woiwod], Kangaroo Ground, Vic.: Tarcoola Press in association with the Andrew Ross Museum, 2011, pp.85, 88.
- 88 Eltham Road Board Registers for 1860 and 1861, courtesy of Eltham District Historical Society.
- 89 Ross, p.109.
- 90 Death Certificate, Elizabeth Arthur, Victoria, 10 October 1864, Reg. No. 1985/1864.
- 91 *Argus*, 10 June 1926, p.1.
- 92 *Ibid.*, 3 October 1876, p.7.
- 93 Death Certificate, Elizabeth McCruddon, Reg. No. 822.
- 94 Barr, p.3.
- 95 *Argus*, 16 April 1853, p.12.
- 96 *Ibid.*, 15 August 1859, p.7.
- 97 *Ibid.*, 4 September 1897, p.10.
- 98 Death Certificate, John Arthur, Victoria, Reg. No. 1276/1897.
- 99 Death Certificate, Robert Arthur, Queensland, Reg. No. 1002/1913.
- 100 *Darling Downs Gazette*, 16 June 1913, p.4, and *Daily Standard*, Brisbane, 25 July 1913, p.2.
- 101 Personal communication Lance Pymble (descendant), who has a photograph of James Frederick Nichols playing the bagpipes and annotated with details of the event.
- 102 *Age*, 28 October 1939, p.28.
- 103 Melbourne Guild of Fine Woodworking, <https://www.mgfw.com.au/timber-shop> (accessed 15 November 2022),

Schroeder & Co., Sydney, photographer
Benjamin Baxter, c.1860
Manuscripts Collection, State Library
Victoria, MS 14884
From George Baxter Pritchard papers,
SLV MS Box 54/1(c)



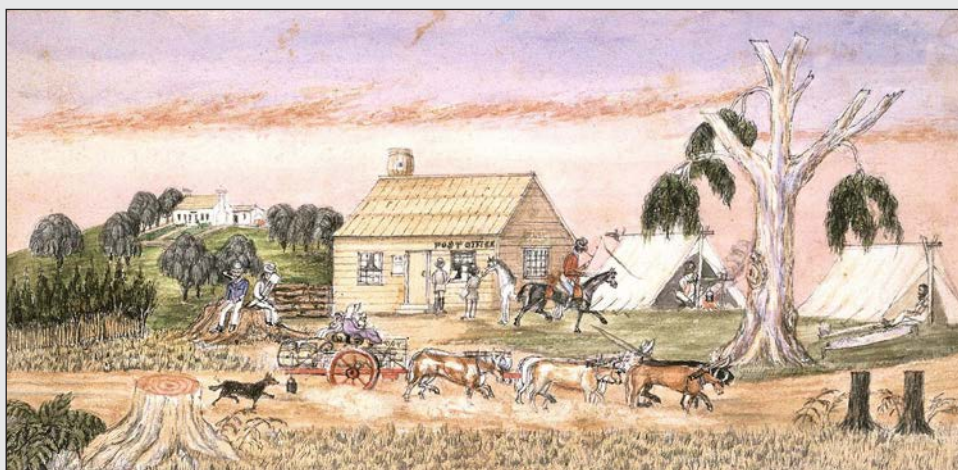
The Baxters of 'Carrup Carrup'

By Lorraine Finlay

Lorraine Finlay, a member of the La Trobe Society, is the former Volunteer Property Manager of La Trobe's Cottage and a graduate of Monash University in Visual Arts and History, with an MA in Australian Studies. The history of early Port Phillip and the era of Charles La Trobe's governorship and his legacy continue to be of special interest.

Benjamin and Martha Baxter had become well-known identities in Melbourne as postmaster and postmistress, and Benjamin's dual role as Clerk of the Bench in the eighteen months prior to Charles Joseph La Trobe's arrival to take up his appointment as Superintendent of the Port Phillip District on 3 October 1839. Garryowen in his *Chronicles of Early Melbourne* described Benjamin Baxter as 'a smart, gay, good looking fellow, more at home in the club-room, on the race-course, or running private theatricals, than the Post Office hole, and the sorting and delivery business consequently, in the main, devolved upon his wife who was much more complaisant and civil-tongued to her window visitors than some of our young lady hands are said to be now-a-days'.¹

Benjamin Baxter was born c.1805 in Fermoy, County Cork, Ireland. His father, also Benjamin Baxter, was a quartermaster with the British 50th Regiment of Foot; his mother was Barbara Woods. Fermoy, approximately 35 kilometres north of the city of Cork, was a garrison town and contained extensive barracks. By the 1830s it was the largest military establishment in Ireland. (The barracks were destroyed in the civil war of 1922.) Benjamin joined his father's regiment at age nineteen in 1825 as an ensign. He initially served in Jamaica and India. Following his return to Britain he met and formed a relationship with Martha Ainscow, who became known as Mrs Martha Baxter. Martha was born in Bolton, Lancashire, in 1812. Her father was Robert Ainscow, a plumber and glazier; her mother was Martha



Wilbraham Frederick Evelyn Liardet, 1799–1878, artist
The first Post Office (1840) 1875
 Watercolour with pen and ink and pencil
 Pictures Collection, State Library Victoria, H28250/2

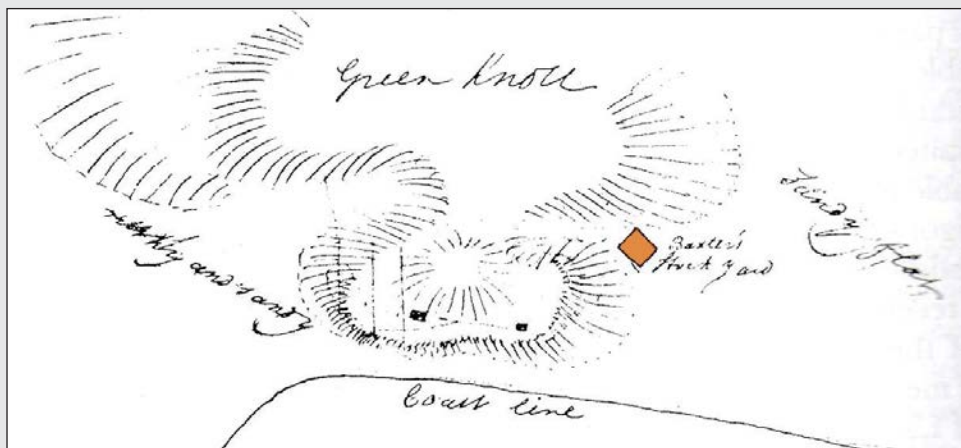
Holden. Benjamin and Martha may have met in Bolton or Manchester – both towns had military establishments. By 1832 Benjamin was serving in Ireland and two children were born to the couple, Maria Matilda in 1832 in Trim, County Meath and Barbara Gertrude in Athlone, County Westmeath, in 1834. At that time both towns contained British barracks.

In November 1836 Baxter, now a Lieutenant, was assigned to be in charge of the convicts aboard the *Prince George*. The ship was bound for Australia and set sail from Gravesend on 22 November with 250 convicts, a guard of twenty-nine of the 80th Regiment, eight women and three children. The ship arrived in Sydney on 8 May 1837. Martha and daughters arrived separately on the merchant ship *Hope* a few hours before the *Prince George*.² The Baxters remained in Sydney for the next seven months. However, unwilling to be deployed to India, Benjamin decided to resign his military commission and applied for a government position in the Port Phillip District.³ He was appointed as Clerk of the Bench on a yearly salary of £150. In addition, he was to take on the duties of postmaster and to receive twenty per cent on the income received from all postage.⁴ E.J. Forster was the first postmaster in Melbourne appointed on 13 April 1837 and he also performed the role of Clerk of Petty Sessions. The position of postmaster was then taken by a Mr Eyre, a storekeeper prior to the Baxters' arrival.

Governor Bourke instructed Benjamin to proceed to Melbourne by the steamer the *James Watt*. The steamer left Sydney on 7 January 1838 and travelled via Launceston arriving there on 16 January. Whilst in Launceston Benjamin spent

a few days visiting his younger brother Andrew Baxter. His visit was recorded in the journal of Andrew's wife Annie Baxter.⁵ Benjamin arrived in Melbourne on 20 January 1838. Martha and the children joined him soon after. They set up the post office and their dwelling in a cottage leased from John Fawcner. The cottage was situated at the far western end of Flinders Street, and close to the river.⁶ Martha described the building as a small wooden structure of two small rooms with a loft above and skillion (kitchen) at the back. One room was partitioned off with sheets and in a corner was an area for the post office which contained a small table where the mail was sorted. Deliveries were made through a hinged window which was opened as required. Although the opening hours were from 10 to 12 and from 3 to 5 she found her duties onerous as people came at all hours of the day and night, and when the mail arrived the whole township would often turn up at the window. She remembered the lower section of Flinders Street as being damp, muddy and constantly flooded after heavy rain.⁷

Martha dispatched the first mail directly to London. (Prior to this mail had been forwarded to Sydney for onward posting.) The mail left Melbourne on 15 January 1839 on the *Thomas Laurie*, the first wool ship to sail from Port Phillip to London; she also sent the first mail bag from Melbourne overland to Sydney.⁸ A notable visitor to the cottage in Flinders Street was the Reverend William Waterfield, a minister with the Congregational Church. He recorded a visit to the post office on 4 October 1838 when he baptised Barbara Gertrude and Jane (born 4 June 1838), the daughters of Benjamin and Martha.⁹ Benjamin and Martha may have switched



Robert Hoddle, 1794–1881, surveyor
Sketch of ground (St Kilda), 1842

From Field book, No.1158a, Surveyor-General of Victoria
 Berres Hoddle Colville, *Robert Hoddle: pioneer surveyor, 1794–1881*, p.224
 Baxter's stock yard is highlighted, above the coast line

religious affiliations for they were married two years later on 28 December 1840 at St James' Anglican Church, Melbourne.

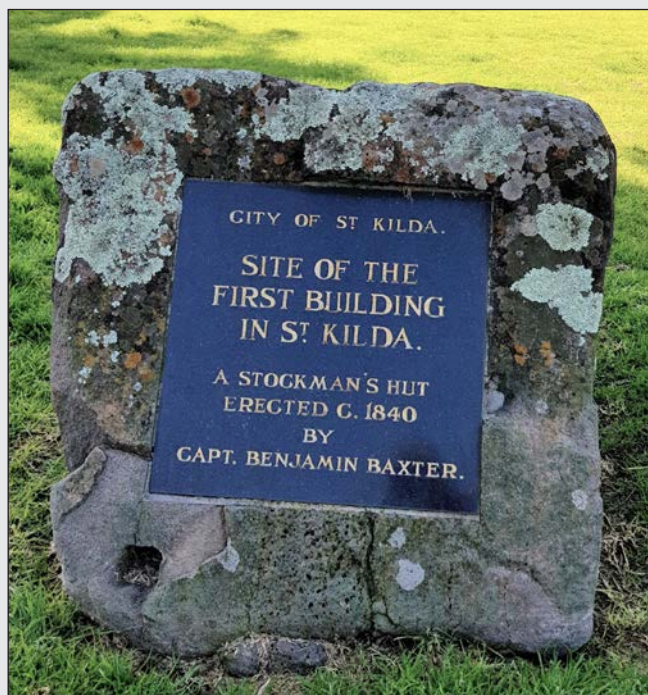
During those first years Benjamin became involved with a number of committees and clubs. In November 1838 he was a founding member of the Melbourne Club. By 1840 he was a member of the Pastoral and Agricultural Society, a trustee of the Port Phillip Bank, on the Regatta Committee and steward for the Amateur Theatricals in Bourke Street.¹⁰ The family began to partake in other aspects of the social activities of the developing township. The Baxters' eldest daughter Maria recorded her memories of early Melbourne and recalled the first race meeting held in a hollow below Batman's Hill, as well as the first cricket match and the laying of the foundation stone of St James' Church. Maria said that her school was kept by Mrs Cooke, a widow, in a wooden house on the corner of Flinders and Swanston Streets which belonged to John Batman. She remembered that Mrs Cooke always dressed in black silk stockings and dainty sandal shoes and that she wore her hair in curls about five or six inches (14 cm) long on either side of her face and used a gold-rimmed eye-glass.¹¹

Benjamin resigned his position as Clerk of the Bench in early November 1838 and then as postmaster in March 1839. Skene Craig, a merchant, then undertook the role of postmaster and moved the business to his own premises on the corner of Collins and King Streets. Benjamin was disillusioned with his remuneration as a clerk and postmaster, mainly concerned that he had to pay £40 a year for their rent out of his salary.¹² Following his resignations, he made a

dramatic change from his former professional occupations and applied for a depasturing lease on 14 November 1838 in order to graze livestock close to Melbourne. He may have retained this lease until late 1842 or early 1843.¹³ The area encompassed land from south of the Yarra River to Emerald Hill (South Melbourne) and St Kilda including the foreshore up to Point Ormond. Baxter employed George Castle to manage his herd of cattle for more than five years. Today a plaque in Alfred Place on St Kilda's Upper Esplanade marks the spot of Baxter's herdsman's hut, picture next page. A sketch by surveyor Robert Hoddle in his field-book shows a green knoll and to the south a rectangle marked 'Baxter's stock yard'.¹⁴ He also established by November 1838 a brick-making pit on the brickfields on the south bank of the Yarra (today, close to the site of Hamer Hall) and was assigned two convicts to work for him. Baxter's workman's hut and brick pit was close to the punt on the Yarra. The punt would have ferried the bricks to the north bank. It is not recorded whether the bricks were for commercial sale or for his own use. A devastating flood in Melbourne on Christmas Day 1839 swept away the brickfields and huts, and the water from the Yarra rose to cover most of Flinders Street.¹⁵ The brickfields were reinstated and existed until 1849 when they were removed.

The possibilities of economic advancement from easily-obtained credit to buy town allotments in Melbourne and larger blocks of land in recently-surveyed inner suburbs, as well as outer districts, most probably prompted him in 1839 to begin his move into what later transpired to be the risky venture of land speculation. Following his initial purchase

Lorraine Finlay, photographer
Benjamin Baxter plaque, 2022
 'Site of the first building in
 St Kilda, a stockman's hut erected
 c.1840 by Capt. Benjamin Baxter'
 Alfred Square, corner
 Upper Esplanade, St Kilda



of allotments in Melbourne's early land sales he began building cottages. A condition of the purchase of land in 1839 was that a permanent building worth at least £20 had to be constructed within a year. Baxter built and leased one of his semi-detached cottages at the corner of William and Little Collins Streets to Charles Joseph La Trobe in early 1840 for use as his office, and the adjoining rooms were used by William Lonsdale as the treasury.¹⁶

The Baxters appear to have continued living in the cottage which had previously served as the post office in Flinders Street until mid-1840. Following the death of John Batman in May 1839, the trustees of his estate were permitted to lease his house and land for a year. It was then to revert to the ownership of the colonial government. The Baxters secured the lease and moved into Batman's house, residing there from about June 1840 until August 1841. Whilst living on Batman's Hill and prior to the end of their lease Benjamin built a two-storey brick house for the family on an allotment close to the corner of Lonsdale and Spencer Streets. They called their property *Woodbine Cottage*.¹⁷ Robert Hoddle built his house in 1841 on the corner of Spencer and Little Bourke Streets. His two storey Georgian brick house was reputedly the same as the Baxters' house one block away in Lonsdale Street. The two families became connected through marriage many years later.¹⁸ In early 1842 La Trobe and Lonsdale moved out of Baxter's leased cottage and established their government offices in Batman's former property.¹⁹

A second depasturing licence was issued to Baxter in 1840 for land 'beyond the limits of Melbourne'.²⁰ This became the property *Carrup Carrup* on the Mornington Peninsula. Baxter made arrangements for John Sage, who later became his overseer, to move cattle overland from Sydney to Port Phillip. Sage drove the herd onto the pastures at *Carrup Carrup*.²¹ The leased area consisted of 15,360 acres (6,216 hectares) and was later listed as holding 500 cattle. The land was close to a track leading to the Cape Schanck Road and Western Port Bay.²² Today the beginning of the original *Carrup Carrup* run lies approximately seven kilometres south-east of Frankston on the Hastings Road.

Land sales

1839 was an extremely busy year for Benjamin. He was recorded as purchasing Lot 4, Block One in Flinders Street for £455; this was a quarter-acre (1,011 square metres) allotment containing the building he had leased from Fawkner as the post office. He also purchased Block 22, Lot 13 for £355 in Little Bourke Street between Russell and Swanston Streets.²³ In May he added to his portfolio Lot 49 (25 acres, 10 hectares) in Newtown (Fitzroy) but then sub-divided it into allotments and re-sold them in October 1839 and July 1840. This area covered parts of Gertrude Street up to Victoria Parade.²⁴ On 3 October 1839 he acquired a further 25 acres, Lot 25, for £525 in an area of the Merri Creek, north-west of Melbourne.²⁵

He continued buying land throughout 1840 and 1841. In February 1840 he purchased 950 acres (384 hectares) which fronted onto the Yarra River for £1,448 in the Parish of Nillumbik (today Lower Plenty and Montmorency). Also listed on 9 September was the purchase of 602 acres (243 hectares) for £727 in Waurin Ponds in the Parish of Barrabool. He bought three allotments in Bourke and Little Collins Streets in about 1840/1841. These allotments were recorded as being auctioned in 1844 (see next paragraph). On 13 January 1841 he acquired Lots 3 and 25, both quarter-acre blocks in Melbourne. One of these allotments may have been the site, close to the corner of Lonsdale and Spencer Streets, where they built the family home in 1841.²⁶

Insolvency

As the prices of wool and other commodities dropped, an economic depression worsened during 1842; during that year 114 insolvencies with liabilities amounting to £212,805 were recorded.²⁷ Banks and other creditors began to demand the repayment of loans, and many of the bankruptcies occurred amongst those who had borrowed heavily to purchase land. A notice appeared in the *New South Wales Government Gazette* on 9 January 1844 that Baxter had been officially declared insolvent by William Verner, Chief Commissioner of the Supreme Court and he was placed under sequestration orders. The sequestration order by the court declared him bankrupt and a trustee, Archibald McLachlan, was appointed to manage his assets.²⁸ Notices appeared in the *Port Phillip Government Gazette* throughout 1844 for him to meet his creditors at the office of the Supreme Court. Baxter also applied twice during this time for a certificate requesting insolvent relief and not to be imprisoned for his debts. Not only was he declared bankrupt, but was also disqualified as an assessor for the Bourke Ward. (Assessors were appointed to evaluate property for taxation purposes.) The *Melbourne Weekly Courier* published the details of his debts and assets on 6 January 1844. His debts amounted to £5,484 and, although he had assets that included property and stock in trade, his outstanding mortgages amounted to a deficiency of £4,036.²⁹ A public auction was announced for three properties as part of his insolvent estate: Allotment 7 in Block 13 in Little Collins Street, which contained a leased cottage, and Allotment 7 in Block 18 which also contained a leased dwelling; also allotment 13 in Block 9 with a frontage onto Bourke Street. The terms of the sale were payment by cash. The remittance from these sales may have gone some way to satisfying his creditors.³⁰

Carrup Carrup

A notice appeared in the *Port Phillip Herald* on 8 November 1844 stating that Benjamin Baxter had been issued with a certificate that declared him to be officially solvent.³¹ The next phase of the Baxters' life became more financially circumspect. A year earlier, in mid-1843 the family had already left their home, *Woodbine Cottage* in Lonsdale Street, and were reduced to living in basic accommodation on their leased land at *Carrup Carrup*. Charles La Trobe recorded an excursion, in the company of Frederick Powlett, the Commissioner for Crown Lands for Western Port, to Point Nepean on the Mornington Peninsula. They visited the Baxters on 12 August 1843 and he wrote that 'Baxter had then a comfortable hut on the edge of the forest'.³² Maria Baxter remembered La Trobe and Powlett's visit on that occasion and said that they went kangaroo hunting. Kangaroos were still prolific in the bushland of the Western Port district prior to the years of more intensive settlement.

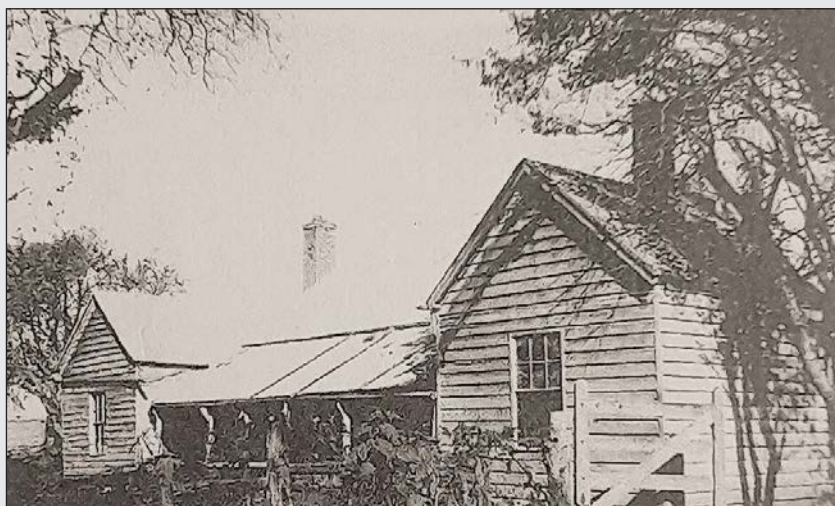
A map of 1848 of *Carrup Carrup* indicated that Baxter still retained the lease of 15,360 acres and their homestead is marked as situated at the far north-east of the property.³³ An Order in Council of 1847 allowed settlers a pre-emptive right to purchase up to 640 acres of land surrounding their homestead. Prior to this act the leaseholders of crown land did not have security of tenure. Under the new regulations Baxter bought 320 acres which encompassed a part of their pastures and dwelling.³⁴ He had been issued with permission to strip bark and cut timber on his leased land; this may have provided them with the timber to build a more substantial home. A house was completed by 1848 and originally constructed of slabs; weatherboards were added some time later. It consisted of five rooms with plastered walls. There were verandahs back and front and a large attic under a shingled gabled roof. The outbuildings included a kitchen and a large brick building used as an office. They retained their first dwelling the 'hut' which had been constructed in 1842 and visited by La Trobe. Their income came from a combination of cattle, sheep and crops. At some stage they drained a swamp and planted wheat and oats.

During the first years at *Carrup Carrup* Martha Baxter recalled that the local Indigenous people visited the homestead. These would have been the Bunurong people of the Kulin nation who inhabited what became known as the Mornington Peninsula. The Baxters may have used an Aboriginal description to name their property *Carrup Carrup*. Martha mentioned having 'assigned servants' (convicts) who initially did most of the work on the farm.³⁵ Due to their

Baxter Homestead, 1939 (Source details, see next page)



The front of the homestead



The back of the homestead



Benjamin's Baxter's office and back of the homestead
The original hut, used for implements and carriages, may be seen in the background, extreme left



Unknown photographer
Martha Baxter, 1850s
Manuscripts Collection, State
Library Victoria, MS 6269
From George Baxter Pritchard photo
album, 1870, SLV MS Box54/1(a)

isolation, and out of necessity, the family were self-sufficient and killed their own meat and made butter, bread and candles. They also had an orchard and vegetable garden. Their bullock wagon would journey to Melbourne every two to three months, taking several days to collect extra stores. Martha often ran the station whilst Benjamin and John Sage were away. Despite the distance she did make visits to Melbourne, sometimes riding or in later years driving their buggy or pony phaeton. She went shopping and attended functions at Government House. The family also took part in the social activities of the local district. Benjamin was the president of a horse-racing club which was founded in May 1856 and a track was established on the Baxters' property known as Baxter's Flat Racing Club.³⁶

Baxter maintained the lease of his original 15,360 acres until about 1860.³⁷ A year later the situation had dramatically changed and he no longer had the pastoral lease. However he still owned the 320 acres surrounding the homestead which he had acquired as a condition of his pre-emptive right. He also possessed a further 122 acres south of the main property. The loss of the lease occurred at a time of the introduction of the *Land Acts* in 1860. The government had been under pressure to sub-divide crown land that had been leased to pastoralists and to distribute smaller allotments of land for sale for closer settlement and more intensive agriculture.

Bankruptcy was obviously not an impediment to any official government position. La Trobe appointed Baxter as an Assistant Commissioner for Crown Lands for the gold districts of Buninyong and Ballarat on 30 October 1851. He spent only a year in this role. A second appointment followed as a magistrate for the District of Melbourne in February 1852, and a later appointment as a magistrate for the Frankston district in 1873.³⁸ He was a member of the Mount Eliza District Roads Board that operated from 1860 to 1871. This was later replaced by the establishment of the Mornington Shire Council. He became a shire councillor and was appointed shire president in 1875.

In 1888 the Baxters were offered £866 as compensation for the acquisition of approximately nine acres (3.64 hectares) of land on their property for the construction of a railway line to Stony Point.³⁹ The line ran through the middle of the property and may have caused considerable disruption to any farming during construction and an intrusion once the railway began operating. By the time of Baxter's death on 15 May 1892 *Carrup Carrup* had been reduced in size. According to a list of his assets in his will at probate he owned 311 acres at *Carrup Carrup* and a further eighteen acres (Lot 26), both in the Parish of Frankston. His estate was valued at £1,488.⁴⁰ This was a modest legacy considering the wealth he had accumulated from the purchase of land and property within those first years following their arrival in the early settlement. Martha inherited the property and continued living at *Carrup Carrup* until her death in 1906. Two younger unmarried daughters, Arabella and Matilda, retained the estate. Arabella died in 1919 and following Matilda's death in 1939 *Carrup Carrup*, which included the homestead, was auctioned in December 1939. At the time of the sale it consisted of 326 acres and sold for £10.10 shillings an acre. The homestead was eventually demolished, in 1950-51.⁴¹ The present town of Baxter and the National Trust property of *Mulberry Hill* on Golf Links Road, Baxter, are located within the original 15,360 acres of land granted to Benjamin Baxter as a depasturing lease in 1840.

Baxter Homestead, 1939

Photographer: W. H. Barnes
Source: John H. Barnes, *The Life and Times of Benjamin Baxter: a look at the early days of Port Phillip and the Baxter Family*, 1992 (unpublished).
Courtesy of the Hastings and Westernport Historical Society.

Endnotes

- 1 Garryowen, *Chronicles of Early Melbourne, 1835 to 1852: historical, and anecdotal and personal*, Melbourne: Fergusson and Mitchell, 1888, Vol.1, p.57.
- 2 Free Settler or Felon – Newcastle and Hunter Valley Convict and Colonial History, <http://www.freesettlorfelon.com> (accessed 30 November 2022). Also 'Shipping Intelligence', *Sydney Monitor*, 8 May 1837, p.2. Benjamin Baxter was often referred to as 'Captain Baxter' during his lifetime. However the highest military rank he achieved was lieutenant.
- 3 Maria Sage of Euratta, Mornington Junction, November 1917. Entry in Register of Early Colonists who arrived in Victoria before 21 November 1856, Royal Historical Society of Victoria.
- 4 *Historical Records of Victoria*, Vol. 1, *Beginnings of Permanent Government* [hereafter *HRV1*], edited by Michael Cannon and Pauline Jones, Melbourne: Victorian Government Printing Office, 1981, pp.208–209.
- 5 Coastal Passengers to Port Phillip 1838, https://www.portphillipdistrict.info/1838_Coastal_Passengers.htm (accessed online 30 November 2022). See Lucy Frost. *A Face in the Glass: the journal and life of Annie Baxter Dawbin*, Melbourne: William Heinemann Australia, 1992, p.8. Andrew Baxter was born in Portugal in 1813. He joined the 50th Regiment in 1833. Annie Baxter (née Hadden) born 1816 in Devon: they married in 1834 and then left for Van Diemen's Land. Andrew Baxter was stationed in Launceston 1834–1838, then sent to Sydney where he resigned his commission. They took up land near Port Macquarie until 1844, then Andrew and Annie moved to Port Phillip and took up a depasturing lease *Yambuck* near Port Fairy, 1844–1851. There was some financial arrangement between Benjamin and Andrew concerning the grazing of cattle at *Yambuck*. Benjamin had cattle at *Yambuck* from 1841 and paid for the employment of an overseer prior to Andrew taking up the lease.
- 6 *Historical Records of Victoria*, Vol. 3, *The Early Development of Melbourne* [hereafter *HRV3*], edited by Michael Cannon and Ian MacFarlane, Melbourne: Victorian Government Printing Office, 1984, p.48. Note: the *Map of Melbourne* in 1838 by M.L. Hutchinson, published in 1888: index number 34 in Flinders Street is entitled 'Baxter's Store'.
- 7 *Herald*, 14 November 1904, p.2, 'An Old Colonist'. The Baxters processed 7,424 letters and 2,795 papers, with a revenue of £232, from January 1838 until May 1839. Of this amount they were allocated 20% of the income.
- 8 Martha Baxter, Letter to the Post Master General, 16 December 1887, SLV, MS Box 29/1(b). See Garryowen, Vol.2, p.568 reference to the *Thomas Laurie*. Joseph Hawdon was awarded the contract on 1 January 1838 to convey mail from Port Phillip to Sydney overland, Garryowen, Vol.1, p.57.
- 9 *HRV3*, p.544. Six more children were born; Benjamin (Benny) 1840 in Batman's Cottage, Fanny Agnes 1842 in Lonsdale Street, Anne Marie 1844, Mary Blanche 1846, Agnes Matilda 1849 and Arabella 1851. The last four daughters were all born at *Carrup Carrup*.
- 10 Paul de Serville, *Port Phillip Gentlemen: and good society in Melbourne before the gold rushes*, Melbourne: Oxford University Press, 1980, pp.212–213.
- 11 *Argus*, 29 October 1921, p.4, 'An 84 Years Resident: Interesting Anniversary'. Interview with Maria Sage (née Baxter). Nichola Cooke established the first ladies' academy in Melbourne in August 1838. Entitled Roxburgh Ladies Seminary, it was situated in a cottage initially owned by John Batman on the corner of Flinders and Swanston Streets. She operated the school on that site until about 1851; no record found of the children's education after relocating to *Carrup Carrup*. They were possibly home schooled. Younger children may have attended a primary school first established in Frankston in 1855. Settlers built a church/school in Lower Somerville in 1863. Two of the youngest Baxter daughters appear in the school register: Arabella (11) and Agnes (13). See the register in Valda Cole, *Western Port Pioneers and Preachers*, Melbourne: Hawthorn Press, 1975, pp.203–204.
- 12 *HRV1*, p.211 and p.209.
- 13 *New South Wales Government Gazette*, 14 November 1838, p.994. See *Port Phillip Herald*, 8 August 1843, p.4. Benjamin Baxter's manager, George Castle testified against William Underwood who was charged with the theft of one of Baxter's heifers from the St Kilda leasehold. This would indicate that Baxter still held the lease of 1838.
- 14 Berres Hoddle Colville, *Robert Hoddle: pioneer surveyor, 1794-1881*, Vermont, Vic.: Melbourne: Research Publications, 2004, p.224.
- 15 *Adelaide Chronicle and South Australian Advertiser*, 4 February 1840, p.3. An article by E. Rowland, 1979, p.38, held in the Mornington Peninsula Family History Archives claims that Martha Baxter and her children were rescued by boat from the post office in Flinders Street during the flood.
- 16 Michael Cannon, *Old Melbourne Town before the Gold Rush*, Main Ridge, Vic.: Loch Haven Books, 1991, p.193. See also Lorraine Finlay, 'A Convenient Public Office Ought to be Provided': La Trobe's Government Offices, 1839 to 1854, *La Trobeana*, vol.19, no.3 November 2020, p.8.
- 17 *Kerr's Melbourne Almanac, and Port Phillip Directory, for 1842*, compiled by William Kerr, Melbourne: Kerr and Thompson, 1842. See also *List of Burgesses in the Town of Melbourne for the year 1842*, Melbourne: The Patriot Office, 1842.
- 18 *Herald*, pp.269–270. See also *Argus* interview of 1921 with Maria Sage; 'Captain Baxter built a two-storey brick house on the corner of Lonsdale and Spencer Streets'. Former Surveyor-General Robert Hoddle married Benjamin and Martha Baxter's daughter Fanny Agnes on 14 July 1863. Hoddle was sixty-nine and Fanny was twenty-one. Hoddle's first wife Mary had died some months before. Robert and Fanny eventually had four children. Benjamin Baxter became Robert Hoddle's father-in-law. Robert Hoddle died age 87 in 1881 and left an estate valued at £28,000 to his wife Fanny, PROV, Probate, VPRS 22/930, 17 November 1881.
- 19 See Finlay, *op cit*.
- 20 *New South Wales Government Gazette*, 9 September 1840, pp.863–864. See also: PROV, VPRS 8168/P0002, CS81A; Tangenong Creek to Arthurs Seat, Smythe, 1841. 'Baxter's Station Carep Carep' is marked on this map.
- 21 John Edward Sage born 1821 in Devon. Arrived in Sydney to work for his uncle in 1835. Engaged by Baxter to drive cattle overland to Port Phillip in 1840. John Sage married the Baxters' eldest daughter Maria in 1853. They built a cottage called *Euratta* on land adjoining *Carrup Carrup*. The cottage still stands and is known as *Sages Cottage*.
- 22 PROV, VPRS 8168/P0002, Run 543, Carrup Carrup, 1848; See also *Port Phillip Government Gazette*, 4 October 1848, p.395.
- 23 *Plan of Town of Melbourne, 1837 A.D.: first land sale held in Melbourne on 1st June & 1st November 1837*, Melbourne: H.E. Badman, c.1892.

- 24 Mike Moore, 'Naming Brunswick and Gertrude Street', in *Brunswick Street Lost and Found: proceedings of a seminar at Fitzroy, 20 May 2012* / editor, Miles Lewis, [Melbourne]: Fitzroy Historical Society; Faculty of Architecture, University of Melbourne; National Trust of Australia (Victoria), 2012, pp.18–21.
- 25 Cannon, p.406.
- 26 Nillumbik: *New South Wales Government Gazette*, 9 September 1840, p.865. See also a map of the Nillumbik property, PROV, VPRS 8168/P0002, Sydney N4; Nillumbik, Hoddle, 1840 (this property sold to the Bell family in 1848). Barrabool, Waurin Ponds: he purchased two properties in Barrabool, both later sold to Richard Talbot in 1841 (see Mount Duneed History Group). See Deeds granted for Lots 3 and 25 in Melbourne, *New South Wales Government Gazette*, 9 April 1841, p.492.
- 27 Garryowen, Vol.1, p.91.
- 28 *Port Phillip Herald*, 30 January 1844, p.3.
- 29 *Melbourne Weekly Courier*, 13 January 1844, p.3, Notice of his disqualification; and 6 January 1844, p.2, Details of debts and assets.
- 30 *Port Phillip Herald*, 20 February 1844, p.3.
- 31 Ibid, 8 November 1844, p.3. He retained some land and properties following his certificate of solvency. He leased a cottage in Melbourne in mid-1850s, see *Vendors Index Land Memorials*, Register Generals Office. See also Letter from Laurence Kinane of 11 November 1857 wishing to purchase land from Benjamin Baxter in Brunswick, Papers of Benjamin Baxter, National Library of Australia, MS 893, item 13.
- 32 Dianne Reilly (ed.), *Charles Joseph La Trobe: Australian Notes 1839-1854*, Yarra Glen, Vic: Tarcoola Press in association with State Library of Victoria and Boz Publishing, 2006, p.116.
- 33 PROV, VPRS 8168/P0002, Run 543, Carrup Carrup, 1848. See also *Squatters' Directory*, Melbourne: Edward Wilson, 1849.
- 34 PROV, VPRS 8168/P0002, Roll 31, Frankston and Moorooduc, Hunter, 1855; *Port Phillip Herald*, 15 November 1844, p.3.
- 35 *Herald*, 14 November 1904, p.2, 'An Old Colonist'.
- 36 Register of Early Colonists who arrived in Victoria before 21 November 1856, op cit; *Herald*, 14 November 1904, p.2, *Argus*, 29 October 1921, p.4.
- 37 *Victorian Government Gazette*, 25 November 1859. By 1861 Baxter no longer had the lease and had purchased 320 acres, see map at PROV, VPRS 8168, Sale, Callanan, 1861. Baxter's pre-emptive right marked on the map.
- 38 *Victorian Government Gazette*, 5 November 1851, p.715. He held the Assistant Gold Commissioner role until 30 September 1852. Magistrate position, see *Government Gazette*, 18 February 1852, p.174; Magistrate for Frankston, *Government Gazette*, 13 June 1873, p.1045.
- 39 Letter from Engineer-in-Chief, Railway Department, 13 June 1888, with an offer of £866 for compensation and for damage in the execution of works, Papers of Benjamin Baxter, National Library of Australia, MS 893, item 16; Colville, p.276, sketch of the railway line crossing the Baxters' property.
- 40 PROV, Probate, 49/477, 4 July 1892. No debts, but an outstanding loan to Fanny Hoddle/Buxton (née Baxter) of £1,000. Martha was named as the beneficiary of his estate. See *Frankston Standard*, 8 December 1939, p.4, Notice that Carrup Carrup had been auctioned a week earlier.
- 41 *Argus*, 7 January 1954, p.22. 'The historic old building stood until about three years ago, when it was demolished.'

Angus McMillan: a convenient scapegoat

By Robert Christie

Rob Christie, a former secondary teacher of history and a primary school principal, has lived in Gippsland for the past forty years and in that time has written a number of books specialising in Victorian high country goldfields history, and most recently *Life on the Dargo Crooked River Goldfield* (2022). His book on Angus McMillan and the Gippsland massacres is forthcoming in 2023.

When James Cook in 1770 looked from the deck of the *Endeavour* across the water to the south-eastern corner of Gippsland, his ship was observed by members of the oldest race on earth, the Gunaikurnai. Little were they to know that within 100 years their environment and culture would be drastically transformed, and their numbers decimated by people with limited concern for the land or its original inhabitants. Angus McMillan has been the focus for much of the censure associated with the treatment of the Gunaikurnai, his name reinforced in memory by the monuments that record his exploration across Gippsland.

The British did not acknowledge they were invading ground that belonged to Aboriginal people. The term ‘terra nullius’ meaning ‘nobody’s land’ was later used to justify the occupation of the continent. Jan Morris when discussing the British Empire says the Industrial Revolution gave the British a sense of material superiority, while evangelical Christianity bolstered their attempt to civilise what they considered the ‘baser cultures’.¹ It was expected that the Indigenous population would recognise and adopt the ‘benefits’ of European civilisation. Relations were cordial initially, but deteriorated when the Indigenous people showed no interest in embracing a new lifestyle.

In the decades after 1788, British settlement spread south from Port Jackson to Van Diemen’s Land, north to the Hunter valley and

Moreton Bay and across the Blue Mountains to the western plains. The Gippsland coastline was first mapped in 1797. Sealers based on offshore islands, bays and beaches were the first Europeans to make contact with the Gunaikurnai people. It was not a positive experience, as Robert Hughes depicted in *The Fatal Shore*. The area afforded constant shelter and secure retreats for ‘runaways and villains of the worst description... the rapparees and bolters who formed... island colonies kidnapped hundreds of black women from their tribes not only because they needed sex, but because many coastal Aborigines were expert seal hunters.’²

Permanent settlement around the extensive bay named Port Phillip was seeded by John Batman’s so-called treaty with the Wurundjeri people in 1835 and the Yarra village that developed named Melbourne in 1837. When Charles Joseph La Trobe arrived there in October 1839 it was described as a town of ‘no very attractive appearance. It had but few houses, many of these of wood, with large, vacant spaces between most’.³

Overlanders on the eastern front

The eastern portion of the Port Phillip District, isolated by rugged terrain, had for thousands of years been inhabited by five clans of the Gunaikurnai (and east of the Snowy River by the Bidwell) who lived in harmony with their environment.⁴ Change loomed when prolonged drought on the Monaro forced settlers to push



Alfred Bock, 1835–1920,
photographer, attrib.
Angus McMillan, c.1864 (detail)
 Coloured sennotype
 Sale Historical Society
 It also holds a portrait in oils
 attributed to Bock, 1872

south in search of pasture, dispossessing the Indigenous people and ending their traditional way of life.

Edward Baylis, one of the first Europeans to visit the region, travelled as far as the Gippsland Lakes in 1838, followed in 1839 by the Scotsman, Angus McMillan who was hailed as a hero during his lifetime but faced ignominy following the 1987 publication of *Our Founding Murdering Father*.⁵ Its author Peter Gardner, a former secondary school teacher, blamed McMillan for massacres of the Indigenous population in Gippsland.

McMillan was born into a farming community at Glenbrittle on the Isle of Skye in 1810. His father was a tacksman,⁶ and the family were strict Scots Presbyterians. During his journey to Australia in November 1837 McMillan compiled a list of twenty-seven resolutions based on the scriptures by which he vowed to live his life.⁷ He arrived in Sydney in February 1838 with letters of introduction to Lachlan Macalister, one of the largest pastoralists in New South Wales, and commenced work as an overseer on his property *Clifton* near Camden on the Goulburn Plains.

In February 1839 he moved 500 head of cattle south to James MacFarlane's property on the Monaro called *Currawong*, where he 'first met a tribe of native blacks'.⁸ According to his friend and supporter John Shillinglaw, McMillan spent considerable time around the campfires of the Aboriginal people and learnt something of their history and traditions. Writing in 1874 Shillinglaw commented that, 'His discreet conduct and amiability of character... won the confidence of the neighbouring tribes of blacks

and in a few months he mastered a good deal of their language'.⁹ Nevertheless, McMillan's attitude like most Europeans was condescending. He referred to 'the abject wildness, the childlike intellect and the simplicity of rude nature that I found in the natives when I first broke ground amongst them'.¹⁰

The treatment of the Port Phillip Indigenous population was of concern to the government. Superintendent La Trobe had specific instructions from the Colonial Office for 'the prevention as far as possible of collisions between them and the Colonists'.¹¹ In La Trobe's eyes, only the law and Christianising the Aboriginal people would ensure peaceful co-existence.¹² However, having had no close association with any Indigenous group in the remote east, there was no way that he could ensure that Colonial Office policy could be enforced there.

During McMillan's explorations in 1839 and 1840 on behalf of Macalister, he encountered the feared Gunaikurnai, although most disappeared on his approach. The country so impressed him that he called it 'Caledonia Australis' as it reminded him of Scotland. He believed that it was 'a country lying dormant capable of supporting all my starving countrymen', informing Macalister, who eventually took up the *Boisdale* run, that 'with all the friends he ever had he could not half stock it'.¹³ Macalister wanted to exploit the new country for himself rather than share it, but to be viable, a port for shipping stock to the Van Diemen's Land market was needed. Whilst McMillan was searching for a route to the coast, the Polish Count Strzelecki was pioneering a route through the area which he referred to



Eugene von Guérard, 1811-1901, artist
 Panoramic view of Mr Angus McMillan's station,
 Bushy Park on the River Avon, Gippsland Alps, Victoria, 1861
 Oil on canvas
 National Library of Australia, NK1926A, on loan to the National Gallery of Australia
 One of two panels, Part A depicting cattle the foreground

as Gipps Land, the name officially adopted by La Trobe for the region.

Strzelecki's account of his journey, published soon after reaching Melbourne in May 1840, combined with the discovery of a harbour at Corner Inlet following the wrecking of the steamship *Clonmel* in January 1841, and McMillan's arrival at the coast a month later, provided the stimulus needed for settlement. The establishment of Port Albert and the ensuing influx of pastoralists led to conflict with the local clans,¹⁴ and some resultant massacres.¹⁵

Gardner argues that Angus McMillan was primarily responsible for leading and participating in these massacres.¹⁶ However, no primary documentation exists to justify these assertions and only one personal account by McMillan has survived that links him to an incident at *Nuntin*.¹⁷

Battle of Nuntin and Boney Point massacre

In late 1840 McMillan, Alexander Arbuckle and Thomas Macalister, on behalf of Lachlan Macalister, brought four hundred head of cattle from the north to the west bank of the Avon River, south west of present-day Stratford, and established a station there called *Nuntin*, later part of *Boisdale*. McMillan left four men to look after the cattle and build a hut while he returned to Macalister's outstation *Numbla Munjie* on the Tambo River, south of today's Omeo. On McMillan's previous journeys he had little interaction with the Gunaikurnai, but their attitude to the invaders introducing cattle that degraded their lands marked a change.

As McMillan's party passed Clifton Morass near present-day Bairnsdale, they were attacked by about eighty Gunaikurnai. Only Arbuckle and McMillan were armed and McMillan fired both barrels of his shotgun. After throwing their spears the attackers quickly dispersed with McMillan commenting that 'some of them might have received a few drops of buckshot'.¹⁸ No mention was made of any deaths. McMillan later said the attackers thought the gunshot report came out of the horses' nostrils.

After reaching *Numbla Munjie* McMillan received news that the men at *Nuntin* had also been attacked. With a party of eight men, he headed back 'armed with plenty of ammunition'.¹⁹ On arrival, expecting further trouble, the hut was moved away from the creek running into the Avon, and rifle ports were cut in the walls. On 22 December 1840, whilst Dr Arbuckle was killing a wild dog near the creek, he was rushed by the Gunaikurnai and only just escaped back to the hut. As the warriors approached carrying green boughs McMillan assumed this was a sign of peace, so went out to meet them, putting down his weapon, as did the Aboriginal leader. However, the latter then picked up his spear with his toes, a move not noticed by McMillan, but noted by his men who were further away. Realising the danger, they fired, the 'native leader' fell dead and the others 'made a bolt of it in great confusion'. McMillan said that this 'bold skirmish gave them a lesson which frightened them from attacking the station again'.²⁰ Whether others were killed or injured is not known.

Gardner asserts that the incident did not end there but that McMillan and some of his party followed the group approximately forty



Eugene von Guérard, 1811–1901, artist
Panoramic view of Mr Angus McMillan's station,
Bushy Park on the River Avon, Gippsland Alps, Victoria, 1861

Oil on canvas

National Library of Australia, NK1926B, on loan to the National Gallery of Australia
 One of two panels, Part B depicting Aboriginal people in the foreground

kilometres to the confluence of the Perry and Avon Rivers (Boney Point) at Lake Wellington and there shot them. It is difficult to believe that a small party, assuming some men were left at *Nuntin* to guard the hut and stock, would travel so far through unfamiliar country in pursuit of a party of Indigenous people who greatly outnumbered them. After the initial *Nuntin* attack, John McDonald had proposed to go after the Gunaikurnai but no one would accompany him since they were not confident of pursuing them into the bush.²¹

An alternative explanation for the Boney Point massacre is that it occurred after the area was occupied by William Odell Raymond in 1842.²² In 1907 a correspondent for the *Gippsland Times* related how two shepherds and a 'blackfellow had a hut on a high bluff above a narrow flat between it and the river' (namely, at the confluence of the Perry and Avon Rivers). When one of the shepherds was found dead with the hut pillaged, the sheep scattered or left with broken legs, the surviving shepherd reported what had taken place. The next morning a party of men set out and found the Gunaikurnai eating the sheep not far from the hut. The writer then says, 'a curtain is best drawn over what followed'.²³

If this account is correct, then Raymond is the obvious person to have led a reprisal, possibly assisted by adjoining stockholder Frederick Taylor, who had travelled with Raymond into Gippsland in June 1842.²⁴ Taylor had a disturbing background having been involved in the killing of an Aboriginal man near Geelong in 1836. Then, when managing *Strathdownie* station (later *Glenormiston* north of present-day Terang) in 1839, he organised a party of shepherds who

massacred approximately thirty-five Aboriginal men as reprisal for them killing a number of sheep.²⁵ Taylor fled Port Phillip after a warrant was issued for his arrest but returned to the eastern district in early 1842.

Two accounts of human remains being found on Lake Wellington may be evidence of a massacre at 'Boney Point'. Crown Lands Commissioner Charles Tyers, who arrived in Gippsland in January 1844, encountered an overpowering stench of rotting corpses whilst boating on the lakes.²⁶ The stench would indicate that the deaths were recent. He attributed the murders to the 'Black Police' but gave no evidence to justify this. If this incident is associated with Boney Point then it would date the massacre to either late 1843 or early 1844 and is unlikely to have been a reprisal for the *Nuntin* attack.

George Robinson, Chief Protector of Aborigines, had a similar experience in June 1844 when travelling between Raymond's *Strathfieldsaye* station on the Avon and Loughnans' *Lindenow* on the Mitchell River. On the northern shore of Lake Wellington he commented, 'I saw many human bones and skulls on the margin of Lake Wellington'.²⁷ These bones may have been different from the ones seen by Tyers, but could well refer to 'Boney Point' or another massacre. In a later assessment, Peter Gardner also identified Odell Raymond of *Strathfieldsaye* as the 'perpetrator' of the 'affair', with no mention of involvement by McMillan. However, he then concludes, 'I still prefer the latter individual as the one most likely involved'.²⁸ The location of the massacres, the distance from *Nuntin* and Gardner's own statement about the perpetrator of the affair cast doubt on involvement by McMillan.

Warrigal Creek massacre

Gardner believes that this massacre, following the killing of Lachlan Macalister's nephew Ranald in 1843, is definitive proof that McMillan was 'the Butcher of Gippsland'. His information was sourced from an article written by 'Gippslander'²⁹ of Bairnsdale and published in 1925 in a school magazine called *The Gap*.³⁰ Gardner identified Ronald [sic] Macalister as one of the most important men in Gippsland hence the severity of the reprisal for his murder.³¹ However, there is no other reference to Ranald's importance, casting doubt on Gardner's accuracy in this regard. Conversely, there are numerous references to both Lachlan Macalister and another nephew, Matthew, in newspapers and government correspondence.

Accounts of events surrounding the murder are confusing. *The Port Phillip Herald* of 29 July 1843 reported the killing after receiving a letter sent from Port Albert to a 'mercantile house' in Melbourne telling how 'Mr Macalister was decoyed from his station by a party of blacks on pretext of having found a flock of sheep that had been missing, and that having got him to a spot favourable for their murderous purpose, they set upon him with their waddies and despatched him under circumstances of the utmost barbarity.'³²

According to 'Gippslander' the murder was in retaliation for hot coals thrown by Macalister's hutkeeper around the feet of Gunaikurnai who refused to leave the hut. When Macalister was returning after dark from a visit to Port Albert: 'three of them waited for him as he returned, putting three spears through him and killing him at once.' Macalister's horse then bolted, which McMillan found the following day whilst travelling with cattle between Sale and Woodside.³³

A different version in *The Australian* of 2 August 1843 came from the captain of the *Agenoria* who reported 'the blacks to be in a very riotous state. On the 13th Ultimo Mr Ronald [sic] Macalister was removing his sheep station about two miles from the settlement when he was attacked by Blacks and murdered: his body was found the following day by a native in his employ'.³⁴

Chief Protector George Robinson recorded another version in his diary dated 19 May 1844, nearly a year later: 'Mr Macalister was... alone it seems on horseback and supposed riding serenely along... the black[s] took him by surprise or he must have been paroling [sic] with them at the time it happened. He had a brace of pistols in his holster, his body was found, he was on his way to the Port with cattle.'³⁵

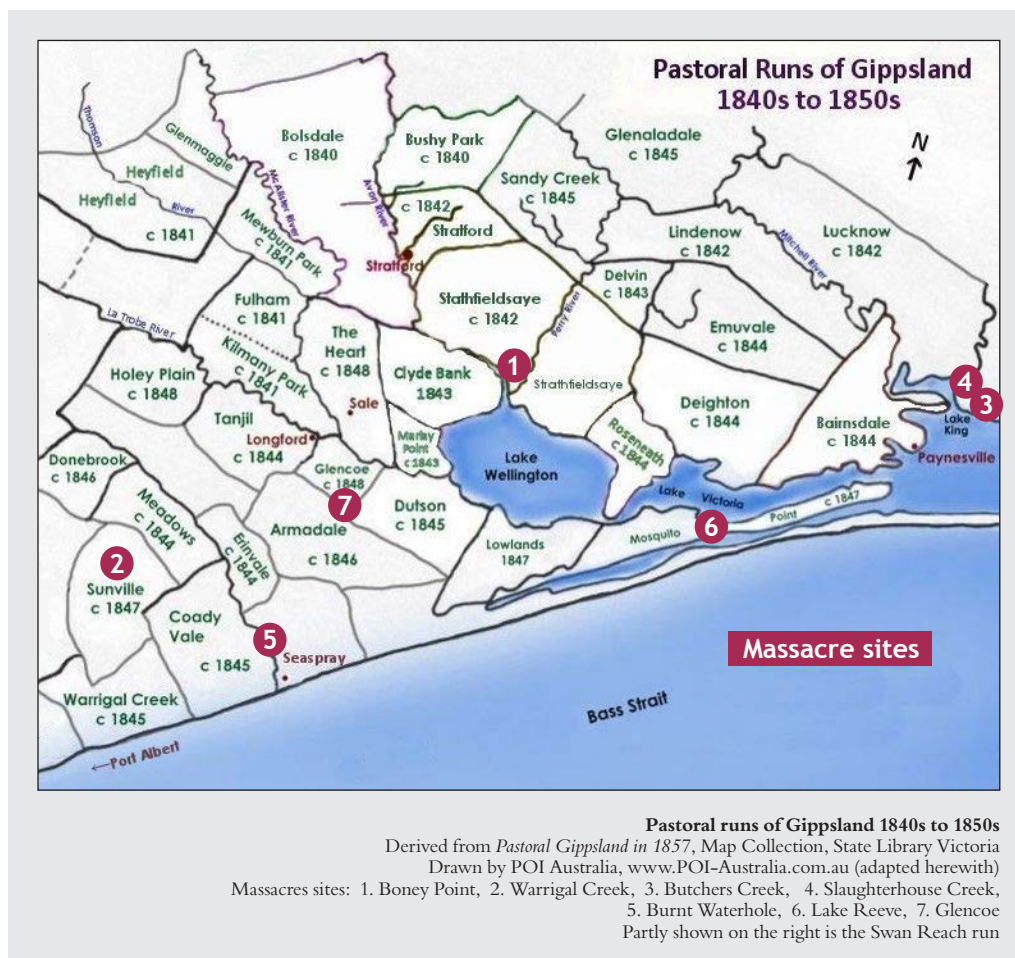
On 1 June he added: 'Macalister was the gentleman killed by natives: they are supposed to have killed him with sticks, there was no spear wounds no person saw it done or saw natives; hence there is no direct proof. He was nephew to old Macalister and a cousin to Tom Macalister'. Later he was told that 'some depraved white men had in a fit of drunkenness shot at and killed some friendly natives. Mr Macalister being the first European met after the perpetration of this revolting barbarity was in accordance with their usages murdered.'³⁶

Another year passed before Assistant Protector William Thomas recorded his version in his diary on 21 April 1845: 'The blks were fond of Mr McAllister and Mr McAllister of them, but in Mr McAllister's absence some of his Men had stolen some Lubras, and on the blks wanting them they deliberately shot the blacks... this was unbeknown to Mr McAllister & when he returned they met him on the road and killed him'.³⁷

Although the reason for Ranald's death is unclear, there is no doubt about the events that followed. After meeting pastoralist Henry Meyrick, Thomas recorded on 22 January 1847 that Meyrick advised him 'that the aborigines had been cut off in awful numbers', that the slaughter after the murder of Macalister was 'awfully reckless and merciless'. Meyrick also hinted at a perpetrator. 'He gave a reported act of a Scotchman who went out with a party Scowering'. In modern terms scowering would mean cleansing the area of Aboriginal people.³⁸ Who the Scotsman is can only be surmised. Although Gardner concludes that it must be McMillan, it could have been one of the Macalisters, even another Scot altogether.

In April 1845 William Thomas had a conversation with a man named Hatcher who had recently returned from Gippsland. He said that there had been a slaughter of 'blacks' following the Macalister murder with few of them left. He added that on his brother Buntine's property 'a cart Load of Blks bones might be gathered up'.³⁹ Gardner assumes these are the bones from Warrigal Creek, but as Wayne Caldw explains Buntine's property on Bruthen Creek was a significant distance west from the Warrigal Creek site.⁴⁰ The fact that these bones were visible in 1845 indicates that they had not been moved from elsewhere as part of a cover-up from the authorities, but maybe evidence of another massacre site.

Who organised and led the attack at Warrigal Creek remains veiled in secrecy. 'Gippslander' says: 'The settlers were so enraged at this murder that they determined to give the



blacks a lesson and formed what they called the “Highland Brigade”. Every man who could find a gun and a horse took chase after the blacks’. This is the only mention of the ‘Highland Brigade’ in any source. ‘Gippslander’ says that the ‘Brigade’ found the Aboriginal men camped around a waterhole at Warrigal Creek where they surrounded them, ‘killing a great number’.⁴¹ This information was related to him years later by two survivors, ‘Club Foot’ and ‘Bing Eye’, who were about twelve or fourteen years old at the time.

Gardner admits that secrecy and the lack of primary records make ‘it impossible to state with complete certainty that McMillan led the “highland brigade”’, conceding that ‘it is just possible that McMillan may have been absent from the region at this time’. The circumstantial evidence implicating McMillan was based on his close association with Macalister, the fact that the ‘highland brigade’ implied an ethnic association and his assumptions about McMillan’s participation in other massacres.⁴² He concludes that if as some assert Lachlan Macalister or a relative led the reprisal then ‘Angus McMillan rode by his side’.⁴³

George Dunderdale’s *Book of the Bush* written in 1870 implicates Lachlan Macalister as leader of the reprisal.⁴⁴ Referring to Ranald as Donald, Dunderdale says he was killed a day after he had fired on some Aboriginal men at a distance without provocation whilst moving stock to Port Albert. The stockmen who found him sent a messenger to Lachlan Macalister who ‘had a long experience dealing with blackfellows and bushrangers’. The murder of his nephew gave him both a professional and a family interest and he soon organised a party to look for the perpetrators.⁴⁵

According to Dunderdale, Macalister’s party found a group of men near Gammon Creek,⁴⁶ where they were shot and thrown into the waterhole – a similar scenario to the Western District massacre involving Frederick Taylor.⁴⁷ Dunderdale said that the ‘gun used by old Macalister was a double-barrelled Purdy, a beautiful and reliable weapon, which in its time had done great execution’, implying it may have been used in similar circumstances elsewhere.

Macalister’s role is supported in Gardner’s *Through Foreign Eyes*, where he quotes from a speech given in 1907 by Allan McLean, a former

Victorian Premier, at *Nyerimilang* homestead on the Gippsland Lakes. The written speech is reportedly held in the Melbourne University Archives. McLean knew the early Gippsland settlers and speaking of the Macalister murder said: 'Captain Macalister determined on a black raid. He mustered all the good shots and they kept up the chase... killing over 500 blacks on the trip'. McLean also supplied details about hundreds of skulls with bullet holes that he had seen.⁴⁸

William Hoddinott, who it is believed was 'Gippslander', wrote a further *Gippsland Times* article in May 1940 entitled 'Interesting Reminiscences'. In it McMillan is only mentioned because of his association with Macalister's hutkeeper with whom he travelled to Gippsland. There are two significant changes to the 1925 story: firstly, that Macalister's horse took fright and galloped towards Sale, and secondly, that Macalister caught it when driving cattle and was then attacked and killed.⁴⁹ No mention is made of the two Aboriginal men who survived the shooting and provided the original eyewitness account. Those differences certainly cast doubt on the veracity of the writer's information and on the role if any played by McMillan.

Butcher's Creek and other massacre sites

With regard to other possible massacre sites, Richard Mackay in his book *Recollections of Early Gippsland Goldfields* commented that at Maffra the blacks were 'troublesome and there had been a fight',⁵⁰ but with no further detail. Gardner implicates McMillan because of his relationship with writer Richard Mackay.

At Butcher's Creek, which is on Bancroft Bay, Lake King, east of present-day Metung, several accounts tell of a massacre there, based on a story from Colin McLaren,⁵¹ one of the stockmen involved.⁵² Allan McLean also commented on that massacre saying that 'they killed every man woman and child'.⁵³ To the west of this site and close to today's town of Johnsonville is Slaughterhouse Creek. In 1849 Tyers was informed that thirteen or fourteen whites led by Yal Yal of the Native Police had killed eight Warrigals ('wild blacks') in about 1846. A hide rope with eight nooses attached was found stretched between two trees. Their bodies were found around the lake. The informant said that Turnmile, a Native policeman, and Tootgong could provide more information.⁵⁴ The area was deemed to be near Jones' outstation on the *Lucknow* run bordering McLeod's *Bairnsdale* run and Loughnan and Taylor's *Swan Reach* run.⁵⁵ Taylor's reported presence in the

vicinity of a number of the massacre sites leads to the question of whether he had any involvement in the incidents.

The only definitive comment associating McMillan with any killings was written by Caroline Dexter in the *Ladies Almanack* of 1858. She was acquainted with McMillan describing him as 'of a kind and affable nature, unobtrusive manners and liberal views'. On the matter of the Indigenous people she said 'he was compelled in his early struggles to destroy numbers of more treacherous natives'.⁵⁶ She concluded that he was regarded by the 'remnants of the Aborigines as Father, priest and King', that they felt secure on his run from attacks of their powerful neighbours.⁵⁷ This latter statement was supported by Jean Gamel, a worker at Sigismund Frankenberg's store at Stratford in the 1860s, who wrote: 'As a consequence there was always a camp around the homestead. He was much liked by the blacks for his kindness and was known to them as "Father Mac"'.⁵⁸

William Balleny Howden initially worked for the Port Albert Company of Turnbull and Orr.⁵⁹ In Ian Howden's book, *William Balleny Howden: the triumphs and tears of an Australian pioneer*, the author refers to a discussion his great-grandfather had with Angus McMillan: 'Angus McMillan told me there were extreme cases where indiscriminate killing of Aborigines took place involving the death of innocent women and children. Angus was very considerate to the Aborigines but he was aware that a group of his stockmen had been guilty of indiscriminate killing'.⁶⁰

Whether this is an actual quotation is not clear as it is not footnoted. The author's prologue makes it clear he is not rewriting a diary but is compiling his great-grandfather's life story, making inevitable assumptions. Much of his material came from the Port Albert Museum archives. If the quotation does have a documented basis, further doubt is cast on the 'Butcher' allegations about McMillan and the Gunaikurnai.

The only specific reference regarding McMillan pursuing Aboriginal people is found in Crown Lands Commissioner Charles Tyers' field books. In May 1844 Tyers learned that McMillan's cattle had been killed by the 'blacks', whom McMillan and others pursued into the ranges: 'Blacks fixed their spears, party fired, not known if any blacks were killed'.⁶¹

Although there is little evidence directly tying McMillan to any massacre, some accounts implicate others in the violence. Pastoralist William Brodribb wrote, 'we gave our overseer

full instructions how to act should they ever make an attack... Not to fire over their heads but to shoot at their legs, and if hard pressed to kill one'.⁶² George Robinson, the Chief Protector, referring to Port Albert in May 1844, said: 'There is reason to fear that... a large amount of mischief had been inflicted on the original inhabitants by the lawless and depraved who had infested the Port'.⁶³

The Native Police, formed in March 1842 under Henry Pulteney Dana, were also responsible for numerous killings across Gippsland before the force's demise a decade later following Dana's death. Feared by the Gunaikurnai they were referred to as 'the harpies of hell'.⁶⁴ Early European settlers were aware of conflict between Aboriginal people close to Melbourne and those in Gippsland. William Thomas who gave evidence before the Select Committee of the Legislative Council on the Aborigines in 1858 said that the 'Gipps Land blacks and the Western Port blacks... have been continually at enmity... from time immemorial' (but were now on more friendly terms).⁶⁵ Significantly, in about 1836 most of the Bunurong were killed by Gippsland 'blacks',⁶⁶ and those that remained later joined the Native Police as this gave them an opportunity to exact revenge.⁶⁷ 'Gippslander' says that after Warrigal Creek many blacks were still being killed but principally by the Black police.⁶⁸

Notwithstanding, inter-tribal conflicts were responsible for many deaths, as Robinson recorded in 1844: 'Two miles above the crossing place upstream [on the flat west side of Tambo] is the spot where great slaughter of Gipps Land blacks by the Omeo and the Mokeallumbeets and Tinnermittum, their allies, took place... Saw the human bones strewd about bleached white. Strange idea occurred to me whilst viewing the scene of the slaughter. I thought it appalling – best forget the whole sale slaughter by Christians'.⁶⁹ Robinson was clearly aware of atrocities carried out by Europeans but was not confident to identify the participants. Later writers did.

Both John Campbell of *Glencoe Station* and Patrick Coady Buckley of *Coady Vale* were responsible for attacks on Aboriginal people. At Campbell's station after a large party of Gunaikurnai threatened the house they were repulsed with broken bottles and scraps of metal fired from a brass canon.⁷⁰ When Dana journeyed to Gippsland to investigate the reported 'slaughter of blacks', he was informed that 'the gun with its miscellaneous loading was discharged right in amongst them... many of them were fatally wounded'.⁷¹ Campbell also trained a savage deerhound 'to chase human

game'. The dog would seize 'a blackfellow by the heel, throwing him and worrying him till Campbell came up on his horse'.⁷² What followed is not stated.

Buckley's diary covering the period 1844 to 1872 gives a graphic account of his views and treatment of the Indigenous population. Although the original diary⁷³ was rewritten in later years, he recorded regular Aboriginal hunts. In one beach incident Buckley drove a man into the surf, before pulling him out with reins wrapped around his neck, commenting 'nearly hanged him'.⁷⁴

After Buckley's death 'Prospect', the location of Buckley's former run (now known as Seaspray), became a popular site for visitors. In March 1876 a Mr Webb brought home with him a collection of bones that he had found whilst bathing in the 'burnt waterhole' at Prospect. *The Gippsland Times* reported: 'They are those of natives, and bear pretty distinct evidence of having been hastily buried in the sand hummocks. The aborigines in the earlier days of our history were extremely troublesome and the settlers had but little compunction about shooting them down. Two perforations in the skull of one support the assumption that shot was the immediate cause of death'.⁷⁵ While there is no evidence to conclusively prove that Buckley was involved, the location and his history of Aboriginal hunts make him an obvious suspect.

In 1846 the search for the 'white woman' (supposedly held by Aboriginal people) was taking place. A Melbourne newspaper reported that whilst searching the Lake Reeve area a private expedition 'came across a great many skulls and human bones, which were the remains of the Worrigals who had been shot...'.⁷⁶

Although law in the form of Crown Lands Commissioner Tyers came to Gippsland in 1844, the distances were too great to police effectively and his relationships with the pastoralists probably prejudiced his dealings with the original inhabitants. In 1849 after he was given information about eight Aboriginal men being hanged there is no indication in Tyers' diary that he ever followed up the incident.

Charles Joseph La Trobe visited Gippsland twice, in 1845 and 1847. During his 1845 journey (when he drew an early *Map of Gippsland*⁷⁷) he met Macalister, McMillan, Raymond and Tyers at Port Albert,⁷⁸ then travelled as far east as Lake King, visiting different stations where discussion centred around protection of the white population from the Aboriginal one.



Eugene von Guérard, 1811–1901, artist
 Bushy Park, 1860

Pencil

Mitchell Library, State Library of New South Wales,
 Sketchbook 32, DGB 16, vol.11, fols.13–14, Image 40

La Trobe's many journeys throughout the colony allowed him to experience first-hand the conditions in various parts of the country, but as John Barnes has written, 'the behaviour of the settlers who took the law into their own hands... [was] certainly kept secret from La Trobe, who would have been appalled at the way in which the determined settlers set about exterminating indigenous people in the area'.⁷⁹

The later years

By the 1850s the Gunaikurnai, although still spearing cattle, had been broken in spirit, their numbers so reduced that they effectively presented no threat to the white population. Lacking the means or ability to continue their harassment they began to settle around the stations such as McMillan's *Bushy Park*. Their suppressed culture and exposure to previously unknown diseases continued to reduce their numbers. The Native Police and the Protectorate were later replaced by missions at Ramahyuck and Lake Tyers, further repressing their old way of life and culture. Pepper wrote of the missions that 'our people were finished before the mission men came'.⁸⁰ He maintained that because the missionaries looked after the sick and gave them food and medicine, the Gunaikurnai as a group survived.

Very little is known of McMillan's activities during the latter part of the 1840s but the regular sale of stock allowed him to build a substantial house at *Bushy Park*, expand his holdings and become a comparatively wealthy man. By 1856 he had twelve men working for him, each paid £100 per annum, and was one of the largest stock-holders in Gippsland with fifty horses and 1,500 cattle on *Bushy Park* and six horses and 800 cattle on *Cungmundi* further north at Dargo.⁸¹

McMillan maintained close affiliation with ministers of the Church of England. In April 1848 the Reverend Francis Hales spent five nights at *Bushy Park* and wrote of McMillan, 'he seemed a well-disposed, steady man; religiously brought up and I trust a servant of God'.⁸² Reverend Willoughby Bean, a regular visitor to *Bushy Park*, commented on 2 February 1849: 'started for my headquarters in the Upper District, viz. Mr McMillan's Bushy Park...'.⁸³ It is difficult to reconcile the picture of a man who had engaged in the consistent wholesale killing of Indigenous people with one who maintained a close connection with the church, albeit several years after the massacres took place.

In October 1859 he was elected to the Legislative Council in the second parliament in the Colony of Victoria. He was involved in numerous committees including the Royal Society of Victoria's Exploration Committee responsible for the Burke and Wills Expedition, and the Committee of Management of the Zoological Gardens. He helped equip the Gippsland Prospecting Party which found gold in the Dargo and Crooked Rivers. He also maintained an interest in the Gunaikurnai, representing two men in court charged with murder in 1858. In March 1860 he was appointed one of several correspondents to the Central Board for the Protection of Aborigines.⁸⁴

Parliamentary life was always going to be a challenge for McMillan. In addition to *Bushy Park*, *Sandy Creek* and *Cungmundi* he took over the *Tabberabbera* run at Dargo in 1850; in December 1856 he acquired the 16,000 acre (6,475 hectare) *Stratford* run, and in 1858 the 32,000 acre (12,950 hectares) *Eagle Vale* run beyond *Cungmundi* at Dargo.⁸⁵ Perhaps he realised that successfully managing his properties and the requirements of being a Member of Parliament were not compatible, as he resigned



Robert Christie, photographer
Angus McMillan portrait from cairn at
Iguana Creek crossing, 2022

Robert Christie, photographer
McMillan monument at 'Bushy Park', 2020

from Parliament in November 1860.⁸⁶ Whether he over-extended himself is unclear, but in 1861 his properties were put up for auction; they did not sell and the agents foreclosed.⁸⁷

Despite advancing years his deteriorating financial position forced him to accept the position of leader of a party to cut a track linking the main Gippsland goldfields of Omeo, Crooked River and the Jordan. Work commenced in early 1864 and had nearly been completed when on 11 April two of his men found a piece of quartz heavily impregnated with gold on the Crooked River.⁸⁸ A rush began on 13 May, but McMillan continued with his task and completed cutting 227 miles of track eight-foot wide (333 kilometres, 2.4 metres wide) suitable for packhorses.

McMillan's health was failing and the hardships endured were taking their toll. On 24 April 1865 he had a severe fall when leading a packhorse. His finances were still in a precarious state, and he was issued with several summonses for outstanding debts. Whilst returning to his remaining property at *Cungmundi* on 18 May he was taken ill at Simon Gillies' Iguana Creek Hotel,⁸⁹ and died of endocarditis.⁹⁰

A suitable focus for censure

Some controversy will always surround Angus McMillan, but the lack of primary

source material relating to the early history of Gippsland makes it impossible to determine his involvement in the events that took place. Gardner's sensational title, *Our Founding Murdering Father*, created interest in the massacres when published in 1987, but it was not until the 'Black Lives Matter' campaigns of 2020 that McMillan's name came to a prominence that was not accorded other early settlers. The spotlight fell on the line of stone cairns erected across Gippsland in 1927 that were inscribed either 'In honour of Angus McMillan Discoverer of Gippsland' or simply 'Angus McMillan passed this way'.

In the current climate it is difficult to challenge views that have been accepted for the best part of forty years and revision is often seen as having a racist base. Stuart Macintyre and Anna Clark in *The History Wars* put forward the view that 'historians are ill prepared for such public controversy... they have found it increasingly difficult to put their side of the argument... the prejudices of the columnists and commentators who dominate the national media pass largely unchallenged'.⁹¹ The Black Lives Matter campaigns have certainly influenced public opinion when it comes to Angus McMillan; his guilt has been assumed and he has become a suitable focus for censure. However, others who played a significant role in the destruction of the Gunaikurnai have been ignored.

McMillan should be remembered as an ambitious man who created a small empire for himself (albeit lost) but also for his connections with the Aboriginal people, both good and bad. The cairns which have kept him in the public eye should be the focus for telling the largely untold story of the Gunaikurnai in Gippsland and if this includes the darker side of white settlement that must be included.⁹² McMillan is a conduit

between the present and what should be known of the past, but there is insufficient evidence to warrant him being portrayed in Gardner's words as the 'Butcher of Gippsland'.

Endnotes

There are numerous variations in the spelling of Aboriginal names in the relevant literature. In this article 'Gunaikurnai' is used for the Traditional Owners of much of Gippsland. Variants include: Gunai/Kurnai, Gunai, Gunnai and Kurnai.

- 1 Jan Morris, *The Spectacle of Empire*, London: Faber and Faber, 1982, p.13.
- 2 Robert Hughes, *The Fatal Shore: a history of the transportation of convicts to Australia, 1787-1868*, London, Sydney: Collins Harvill, 1987, pp.331-333.
- 3 Edward Jones Brewster, first Chairman of Quarter Sessions and Commissioner of the Court of Requests, diary cited in John Leonard Forde, *The Story of the Bar of Victoria*, Melbourne: Whitcombe and Tombs, 1891, p.36.
- 4 Joanne Hodges, untitled document (no date), held at Ramahyuck Corporation, 117 Foster Street, Sale, Vic., 3850.
- 5 Peter Dean Gardner, *Our Founding Murdering Father: Angus McMillan and the Kurnai tribe of Gippsland 1839-1865*, Essay, Vic.: P. Gardner, 1987. See also Don Watson, *Caledonia Australis: Scottish Highlanders on the Australian frontier*, Sydney: Collins, 1984.
- 6 A tacksman paid yearly rent on land owned by the lord to whom he was sometimes related, while retaining the ability to sublet the land.
- 7 Angus McMillan, Journal of a Cruise from Greenock to New Holland, 5 September 1837–22 December 1837, Manuscripts Collection, State Library Victoria, MS 9776, photoprint and microfilm.
- 8 *Gippsland Times*, 28 November 1862, p.3, 'The Discovery of Gippsland', extracts from McMillan's journal.
- 9 'Who Discovered Gippsland', by John Shillinglaw, *Gippsland Times*, 10 September 1874, p.4.
- 10 *Gippsland Times*, 5 December 1862, p.3, 'Discovery of Gippsland, Part II', extracts from McMillan's journal.
- 11 General Instructions to the Superintendent of Port Phillip, 11 September 1839, https://www.foundingdocs.gov.au/resources/transcripts/vic2_doc_1839.pdf (accessed 30 September 2022).
- 12 John Barnes, 'A Moravian Among the Heathen: La Trobe and the Aboriginal People'. *La Trobeana*, vol.16, no. 1, March 2017, p.16.
- 13 Richard Mackay, *Recollections of Early Gippsland Goldfields: with an appendix; being memorandum of the discovery and exploration of Gippsland by the discoverer, the late Angus McMillan, and supplied by him, in 1862, to the present writer, from discoverer's original notes*. Traralgon: W. Chappell, 1916, reprinted 1977, pp.90-91.
- 14 Peter Synan in *Gippsland's Lucky City; a history of Sale*, Sale, Vic.: City of Sale, 1994, pp. 16-23 provides a succinct account of the early settlement and ensuing conflict.
- 15 The Oxford Dictionary definition of massacre is 'a brutal slaughter of a large number of people'. (*Compact Oxford English Dictionary*, 3rd edition, revised. Oxford: Oxford University Press 2008, p.626.)
- 16 Gardner, *Our Founding Murdering Father*, pp.33-38.
- 17 Contact was made with McMillan's great-granddaughters in 2021 who confirmed that material written by McMillan did exist but was destroyed following the death of William Blanshard his great-grandson.
- 18 *Gippsland Times*, 19 December 1862, p.3, 'Exploration of Gippsland, Part IV', extracts from McMillan's journal.
- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 Raymond called his run *Strathfieldsaye*.
- 23 *Gippsland Times*, 15 April 1907, p.3.
- 24 Taylor held adjoining runs *Deighton* and *Emuvalle*.
- 25 Charles Florance, 'In Pursuit of Frederick Taylor', *The Black Sheep: combined journal of the East Gippsland Family History Group Inc. and the East Gippsland Historical Society Inc.*, Vol.69, 2006, pp.6-9.
- 26 George Dunderdale, *The Book of the Bush: containing many truthful sketches of the early colonial life of squatters, whalers, convicts, diggers, and others who left their native land and never returned*, London: Ward Lock and Co., 1870, p.268.
- 27 Ian Clark (ed.) *The Journal of George Augustus Robinson, Chief Protector, Port Phillip Protectorate*, Vol 4, 1 January 1844–24 October 1845, Melbourne: Heritage Matters, 2000, entry for 7 June 1844.
- 28 Peter Dean Gardner, Some Random Notes on the Massacres, 2000–2015, p.5. https://petergardner.info/wp-content/uploads/2012/11/Notes-on-Massacres-rev.ed_.pdf (accessed 31 January 2021).
- 29 Gippslander was believed to be William Hoddinott whose parents came to Victoria in 1840 and worked on a mission station before coming to Merriman's Creek about 1840 and then to *Sunville* on Warragul Creek (Royal Historical Society of Victoria, A-229-D and P-132.007.Pi).
- 30 Gippslander, 'Warrigal Creek', *The Gap: a school magazine by the teachers of the Bairnsdale Inspectorate*, 1925, p.6.

- 31 Gardner, *Our Founding Murdering Father*, p.34.
- 32 'Murder at Gippsland', *Port Phillip Herald*, 29 July 1843, p.1.
- 33 Gippslander, 'Warrigal Creek', p.6. Formal settlement at Sale dates from 1844; at the time of the murder it was known as Flooding Creek.
- 34 'Shipping Intelligence', *The Australian*, Sydney, 2 August 1843, p.3.
- 35 Robinson Journal, entry for 19 May 1844.
- 36 George Mackaness (ed.), *George Augustus Robinson's Journey into South Eastern Australia [1844]: with George Henry Haydon's narrative of part of the same journey*, Sydney: [G. Mackaness], 1941, p.10.
- 37 Marguerita Stephens (ed.), *The Journal of William Thomas: Assistant Protector of the Aborigines of Port Phillip and Guardian of the Aborigines of Victoria 1839–1867*, Volume 2, 1844 to 1853, Melbourne: Victorian Aboriginal Corporation for Languages, 2014, entry for 21 April 1845. (Macalister is spelt McAllister, except in the first instance it is transcribed as McAllister.)
- 38 Scouring is the spelling in the *Compact Oxford English Dictionary* and means to search or cleanse.
- 39 Thomas Journal, entry for 21 April 1845.
- 40 Wayne Caldwell, 'The Warrigal Creek Massacre: true story or apocryphal?', *Quadrant Online*, 30 December 2020 (accessed 17 March 2023).
- 41 Gippslander, 'Warrigal Creek', p.6.
- 42 Gardner, *Our Founding Murdering Father*, p.38.
- 43 Ibid. p.39
- 44 Dunderdale arrived in Australia in 1853 and came to Gippsland as Clerk of Courts at Alberton. He lived at Tarraville between 1869 and 1889 and collected local stories.
- 45 Dunderdale, p.225.
- 46 Gammon Creek is on the same run as Warrigal Creek.
- 47 Ian D. Clark (ed), *Scars in the Landscape: a register of massacre sites in western Victoria 1803–1859*, Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies, 1995, p.107.
- 48 Peter Dean Gardner, *Through Foreign Eyes*, Ensay, Vic.: Centre for Gippsland Studies, 1988, p.95. I have not been successful in locating the speech in the Melbourne University Archives or its other collections.
- 49 *Gippsland Times*, 23 May 1940, p.5, 'Early Days of Gippsland: Interesting Reminiscences'.
- 50 Mackay, p.24.
- 51 F.C. Bury, 'History of Metung', Royal Historical Society of Victoria, Box 125/14, MS 000387.
- 52 Butcher's Creek flows into Slaughterhouse Creek before entering the Lakes.
- 53 Reported in Patrick Morgan, *The Settling of Gippsland: a regional history*, [Leongatha, Vic.]: Gippsland Municipalities Association, 1997, p.57.
- 54 Charles James Tyers diary, 1839–1849, A1428, State Library of New South Wales, entry for 21 June 1849, pp.87–89.
- 55 PROV VPRS 8168/P0002, Run 916 Swan Reach/Mibost.
- 56 Caroline Dexter, *Ladies Almanack, 1858: the Southern Cross or Australian Album and New Year's Gift; the first ladies almanac published in the colonies*, Melbourne: W. Calvert, 1858, p.37.
- 57 Ibid.
- 58 Diary of Jean Gamel, held by Robert Christie.
- 59 Howden was initially an employee of Turnbull and Orr but by the 1860s was a partner in Turnbull and Howden.
- 60 Ian C. Howden, *William Balleny Howden: the triumphs and tears of an Australian pioneer*, Bloomington, Ind.: Balboa Press, [2017], p.66.
- 61 Charles James Tyers diary, 2 February 1844–15 February 1846, MS 8151, Manuscripts Collection, State Library Victoria, entry for 4 May 1844.
- 62 William Adams Brodribb, *Recollections of an Australian Squatter, 1835–1883*, Sydney: John Ferguson, in association with the Royal Australian Historical Society 1978 (facsimile reprint), p.33.
- 63 Mackaness (ed.), p.10.
- 64 Watson, p.282.
- 65 *Report of the Select Committee of the Legislative Council on the Aborigines; together with the proceedings of Committee, minutes of evidence, and appendices*, Melbourne: Government Printer, 1859, p.2.
- 66 Thomas to La Trobe, Letterbook, 1 January 1840 to 26 August 1840, Mitchell Library, State Library of New South Wales, MLMSS 214/vol8/item2; Robinson Journal, entry for 27 April 1844. (The incident occurred at Little Brighton, in or near today's Hurlingham Park, Brighton East; earlier incidents occurred at Western Port, and between Kangerong and Arthur's Seat.)
- 67 Robinson Journal, entry for 5 May 1844, 'It is the spirit of revenge that keeps the native police together'.
- 68 Gippslander, 'Warrigal Creek', p.6.
- 69 Robinson Journal, entry for 15 June 1844.
- 70 John Sadleir, *Recollections of a Victorian Police Officer*, Melbourne: George Robertson, 1913, pp.295–296.
- 71 PROV VPRS 90, Day book, Native Police Corps, Narre Warren, 23 January 1847; John Sadleir, 'Oldtime Memories: The Brothers Dana', *Australasian*, 26 March 1898, p.47.
- 72 Dunderdale, p.230, 'When the dog had thus expelled the natives from Glencoe, Campbell agreed to lend him to little Curlewis for three months in order to clear Holey Plains Station'.
- 73 Patrick Coady Buckley diary, January 1844–August 1853, January 1862–June 1872, MS14199, Manuscripts Collection, State Library Victoria.

- 74 Buckley diary, January 1844–June 1872 (rewritten), MS 000097 (Box 037–4), Royal Historical Society of Victoria, entry for 20 January 1845.
- 75 *Gippsland Times*, 28 March 1876, p.3.
- 76 *Port Phillip Patriot and Morning Advertiser*, 22 January 1847, p.2.
- 77 *Map of Gippsland*, 1845–47, Manuscripts Collection, State Library Victoria H7567. (Accessible online at <https://www.latrobesociety.org.au/images/LaTrobeMapOfGippsland.jpg>).
- 78 Dianne Reilly (ed.) *Charles Joseph La Trobe: Australian Notes 1839-1854, Yarra Glen, Vic.*: Tarcoola Press, in association with the State Library of Victoria and Boz Publishing, 2006, pp.128–133.
- 79 John Barnes, *La Trobe: Traveller, Writer, Governor*, Braddon, ACT: Halstead Press, in association with State Library Victoria and La Trobe University, 2017, p. 194.
- 80 Phillip Pepper, *You Are What You Make Yourself To Be: the story of a Victorian Aboriginal family, 1842-1980*, Melbourne: Hyland Press, 1980, p.15.
- 81 *Gippsland Electoral Rolls for 1856 and Stock Assessment Payable*, Bairnsdale: Kapana Press, 1985, p.16. Reproduced from Exploration and Settlement of Bairnsdale District for Schools, document 1.
- 82 Francis Hales, 'Transcript of the diary of Reverend Francis Hales, January 1848–March 1851, Box 22/4m, Royal Historical Society of Victoria, entry for 22 April 1848.
- 83 'Rough Journal of Rev. W. Bean', 15 January–23 February [1849], *Gippsland Standard*, 8 July 1914, p.2.
- 84 'Legislative Assembly, Aboriginal Protection', *Geelong Advertiser*, 2 March 1860, p.2. (From 1860 to 1869 the Board was constituted as the Central Board Appointed to Watch Over the Interests of Aborigines.)
- 85 PROV VPRS 5920, Pastoral Run files, 1840–1878 (microfiche), accessible online via Ancestry.
- 86 Re-member (former members), https://www.parliament.vic.gov.au/index.php?option=com_fabrik&view=list&listid=23&Itemid=1135&limitstart=23=0 (accessed 17 March 2023).
- 87 *Age*, 25 May 1865, p.6, 'Death of Angus McMillan'.
- 88 See R.W. Christie and G.D. Gray, *Victoria's Forgotten Goldfield: a history of the Dargo, Crooked River Goldfield*, 2nd ed., Dargo: High Country Publishing, 1997, p.33.
- 89 Simon Gillies took up *Glenaladale* run with the McLean Bros in 1845, his Iguana Creek Hotel being on the road to Dargo.
- 90 Endocarditis usually occurs when germs in the bloodstream attach to damaged areas of the heart. People with damaged or artificial heart valves or other heart conditions are most at risk.
- 91 Stuart Macintyre and Anna Clark, *The History Wars*, Melbourne: Melbourne University Press, 2003, p.12.
- 92 Gippsland artist Annemieke Mein completed a bronze bas-relief sculpture of McMillan in 1984 for the Gippsland Art Gallery. The work is controversial; with considerable artistic licence she has included the faint outline of two skulls in his saddlebag, whereas nothing indicates that anything of this nature took place, <https://annemiekemein.net.au/bas-relief.htm>.



John Calder, artist
Angus McMillan, 1864
 Oil on canvas, overpainted c.1960s
 Gippsland Art Gallery, Sale, 2018.062
 Frame inscription: 'Portrait of Angus McMillan Esq, J P, Discover of Gipps Land anno 1839 & 1840. Presented by a few friends and admirers to the Shire Council of Alberton, November 1864'

Forthcoming events

Invitations will be emailed to members in advance of each event.

Bookings are essential, except for the Sunday service

2023

JULY

Friday 21

Melbourne Rare Book Week Lecture

Time: 6.00–8.30 pm

Venue: Tonic House, 386 Flinders Lane, Melbourne

Speaker: Dr Andrew Lemon AM FRHSV

Topic: ‘The Swordsman’s Tale, revisited’: the extraordinary story of the publication of Melbourne’s very first commercial book *The Fencer’s Manual* (1859) and the mystery surrounding its author

Refreshments

No charge

AUGUST

Thursday 17

La Trobe Society Annual General Meeting and Dinner

Time: 6.30 pm

Venue: Alexandra Club, 81 Collins Street, Melbourne

Guest Speaker: Dr Deborah Towns, Historian

Topic: Education for girls in the La Trobe era

Cost: \$90 per person

SEPTEMBER

Sunday 24

La Trobe Family Portraits: Special Viewing

Important portraits of Charles Joseph’s father Christian Ignatius, and grandfather Benjamin La Trobe will be displayed in the Cottage after extensive conservation

Time: 3.30–5.00 pm

Venue: La Trobe’s Cottage, Kings Domain, Melbourne

Refreshments

Cost: \$15 per person

OCTOBER

Tuesday 24

La Trobe Society History Month Lecture

Time: 5.30–7.30 pm

Venue: Royal Historical Society of Victoria, Cnr William and A’Beckett Streets, Melbourne

Speaker: John Botham, Chair of the Friends of La Trobe’s Cottage

Topic: ‘Improving, Refining, and Elevating’: the Melbourne Public Library Art Treasures Exhibition 1869.

The Art Treasures Exhibition in the spectacular Great Hall of the Melbourne Public Library is revealed through the lens of Charles Nettleton with the paintings brought to life, complete with acerbic comments by *Argus* art critic James Smith

Refreshments

Cost: \$25 per person

DECEMBER

Friday 8

Christmas Cocktails

Time: 6.30–8.30 pm

Venue: Melbourne Savage Club, 12 Bank Place, Melbourne

Speaker: Graham Ryles OAM

Club member Graham Ryles will give us a brief view of the history of the Melbourne Savage Club, a private Australian gentlemen’s club founded in 1894 and named after the poet, Richard Savage.

Bohemian in spirit, the club brings together literary men, and those sympathising with literature, the arts, sport or science

Cost: \$90 per person

Sunday 10

Anniversary of the Death of C J La Trobe – Sunday Service

Time: 11.00 am

Venue: St Peter’s Eastern Hill, 15 Gisborne Street, Melbourne

Refreshments

All welcome

Bookings

For catering purposes, bookings are essential except for the Sunday service.

Email: secretary@latrobesociety.org.au

Or phone Dianne Reilly on 0412 517 061

For the latest information on upcoming events, please refer to the Society’s events page www.latrobesociety.org.au/events

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Back issues of La Trobeana are available on the Society's website, except for the last issue.

The back issues may be accessed at www.latrobesociety.org.au/LaTrobeana.html

They may be searched by keyword.

Contributions welcome

The Editorial Committee welcomes contributions to La Trobeana which is published three times a year.

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BACK COVER

La Trobe Family coat of arms

INSIDE FRONT COVER

Charles Joseph La Trobe's coat of arms,
taken from his bookplate

