THE VICTORIAN
HISTORICAL MAGAZINE

Vol. XIII. JUNE, 1929. No. 3.

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(The Authors of Articles are responsible for the statements therein.)

Published by

THE HISTORICAL SOCIETY OF VICTORIA,

with which is incorporated

The Victoria Branch of the Royal Geographical Society of Australasia,

Latham House, 234 Swanston Street, Melbourne.

PRICE TWO SHILLINGS AND SIXPENCE.

(To Members Gratis.)

...thority: H. J. Green, Government Printer, Melbourne.

The Victorian Historical Magazine

VOL. XIII.] JUNE, 1929. [No. 3

The Name of Australia: Its Origin and Early Use.

BY DR. A. LODEWYCKX.

(*Read before the Society, 4th March*, 1929.)

As I was recently perusing some accounts of early voyages to Australia, I happened, in looking up a Dutch encyclopedia, to meet with the title of a book dealing with one of these voyages and which the encyclopedia prints as follows :—

" Spieghel der Australie-navigatie," &c. (1622)*.

Of course, this early occurrence of the name of Australia, although in the slightly modified form *Australie*, at once attracted my attention. The Dutch idiom was rather peculiar, but one never knows how these old-time sailors will express themselves. So I hurried to the Public Library to see if the book was there. You will realize my disappointment when, on being handed the volume and looking at the title page, I found the reference in my encyclopedia to be a misprint. The real title is : " Spieghel der Australische Navigatie," &c.

But my disappointment was short ; for, on glancing through the next few pages, my eye caught the word *Australia* several times, printed as at present usual in English.

I realized that my find could perhaps throw some light on the question of the naming of Australia. So I pursued my investigation, and now have the honour of placing before you the result.

Let me first remind you of what we knew of the naming of Australia. Professor Scott in the *Federal Handbook*, published in 1914 for the Australian meeting of the British Association for the Advancement of Science, sums up the position as follows :—

" The name Australia was given to the great southern continent by Matthew Flinders, the navigator. Before his time it was generally called New Holland ; but, as he pointed out,

* Winkler Prins' *Geillustreerde Encyclopedie*, Vol. XI., Amsterdam, 1919, in voce Le Maire, p. 246.

the Dutch had known nothing of the southern and eastern coasts, whilst the name New South Wales, which Cook gave to the eastern portion, could not be applied to the whole country, since Cook had known nothing of the west, north-west, and south. Flinders wanted a convenient name that would describe the entire area which his own researches had demonstrated to be one large island. He was writing his *Voyage to Terra Australis* while held a prisoner by the French in Ile-de-France (Mauritius) from 1803–1810, and it occurred to him that 'Australia' would be a good, serviceable name. He did not invent the word. De Brosses, in his *Histoire des Navigations aux Terres Australes* (Paris, 1756), had coined the word 'Australasia' as a name for a division of the globe, and Dalrymple, in the preface to his *Historical Collection of Voyages and Discoveries in the South Pacific Ocean* (London, 1770), suggested 'Australia' as a name for the region east of South America. Shaw and Smith, in their *Zoology and Botany of New Holland* (1793), spoke of 'the continent of Australia, Australasia, or New Holland,' but it is not probable that Flinders had ever seen their book. He sought to secure official sanction for the adoption of the name for this continent. He used it repeatedly in his correspondence after 1804, and first employed it publicly in a geographical paper, written in French, and published by Malte-Brun, in the *Annales des Voyages* (Paris, 1810). But he was by no means sure that the innovation would be approved. 'Il reste à savoir,' he wrote, 'si ce nom sera adopté par des géographes européens.' When he was liberated and returned to England, he endeavoured to bring the name into official use, but Sir Joseph Banks was not favorable, and Arrowsmith, the publisher of Admiralty charts, 'did not like the change' because his firm had always employed 'New Holland' in their publications. The history of Flinders' explorations, which was semi-official, was therefore issued under the title *A Voyage to Terra Australis*, and the name Australia was merely suggested in a footnote 'as being more agreeable to the ear and an assimilation to the names of the other great portions of the earth.' He was to some extent 'tongue-tied by authority,' and the name 'New Holland' was used in official despatches for 40 years after he had recommended the more convenient designation, though Governor Macquarie, in a despatch of April, 1817, expressed the hope that 'Australia' would in future be employed, and Peter Cuningham, the botanist, in his *Two Years in New South Wales* (1827), referred to 'Australia, as we colonials say.' But Flinders' choice has been abundantly justified, and there is some satisfaction in remembering that the name borne by Australia was given to her by

one of the most intrepid and skilful of her maritime explorers, and one who was in the full sense a man of science."

Thus far the *Federal Handbook*.

In chapter XXX. of his *Life of Matthew Flinders*, Professor E. Scott deals with the question in more detail. In the first place, he sets right the common error that the Spanish navigator, Pedro Fernandez de Quirós named one of the islands of the New Hebrides group, in 1606, Australia del Espíritu Santo. The real name was not Australia, but *Austrialia del Espíritu Santo*, in honour of King Philip III. of Spain, who was a Habsburg, from "His Majesty's title of Austria."

Another rather important point in this chapter is the mention of the earliest use of the word Australia, which Professor Scott had found until then in the Index of the *Generale Beschrÿvinghe van Indien*, by Iohan van Twist (Batavia, 1638). I shall come back to this.

Since Professor Scott's *Life of M. Flinders* was published (1914), an earlier occurrence of the word Australia has been found, this time in an English book, namely in *Purchas His Pilgrimes*, published in London in 1625. The volume is exhibited in the showcase in the Melbourne Public Library, and the following notice is placed on it:—

"'Australia' occurring as a misprint in *Purchas His Pilgrimes*, a collection of voyages published in London in 1625. De Quirós named the land he had discovered 'Austrialia del Espíritu Santo' (Austrialia of the Holy Ghost). By a printer's or copyist's error, this is here given as 'Australia,' the first time the word was ever so printed."*

I have already indicated that the word Australia was printed at an earlier date. Was it a misprint or a copyist's error?

In order to answer this question, we have to examine a little more closely the text of Quirós' account of his voyage and his various memorials to King Philip III. of Spain.

On the 3rd of May, 1606, Quirós discovered what he thought was part of the great unknown Southland *Terra Australis*. There is no doubt that he called it *Austrialia del Espíritu Santo*, in honour of King Philip III.

There was a ceremony of taking possession, in the names of the Church, of the Pope, and of the King. Quirós took possession of "all this region of the south as far as the Pole, which from this time shall be called Austrialia del Espíritu Santo, with all its dependencies for ever and so long as right exists,"

* This note has since been removed from the showcase.

in the name of King Philip III. A great city was to be founded and named the New Jerusalem, and its river was to be the Jordan. All the municipal and royal officers were appointed, and a knightly order of " Espíritu Santo " was instituted, subject to confirmation by the King. There were processions, religious dances, high masses, and fireworks.

As to the intentional association of *Austrialia* with *Austria* Quirós' own words are explicit :—

" Por felice memoria de V.M. y por el apellido de Austria, le di por nombre la *Austrialia del Espíritu Santo*, porque en su mismo dia tomé posêsion de ella " (J. Zaragoza, *Historia del descubrimiento de las regiones Austriales hecho por el general Pedro Fernandez de Quirós*, Madrid, 1876, vol. II., p. 201).

These words occur in a memorial which has no date, but which was probably written immediately after Quirós' return to Spain, in October, 1607, and printed, it is believed, in the same month of October.

The word *Austrialia* also occurs with the same spelling in the account of the voyage, probably written, or at least based on a manuscript written in May, 1606 (Zaragoza, *Historia*, I., 316) ; further in other memorials to the King, one of February, 1609 (Zaragoza, II., 217), and another also supposed to be written in 1609 (Zaragoza, II., 229).

The authorship of the account of Quirós' voyages is in doubt. Zaragoza attributes it to Luis de Belmonte de Bermudez, a Sevillian poet, who accompanied Quirós as his secretary and chronicler. But the *Real Academia de la Historia*, of Madrid, contradicts this, and holds that the author can be neither Quirós himself nor Belmonte. For our purpose it makes little difference.

But curiously enough, the spelling *Austrialia* is not the only one occurring in these documents, as published by Zaragoza in 1876. I found *Australia* at least once (vol. II., p. 236), namely in the text of the same document which has *Austrialia* on page 229.

On the other hand, at the bottom of the page (I., 316), which has the words : " toda esta parte del Sur hasta su Polo que desde ahora se ha de llamar la Austrialia del Espíritu Santo," there is the following footnote of the editor, Zaragoza (I translate from the Spanish) :—

" In the M.S. of the Library of the Navy Office this is corrected (enmendado), and there is written wrongly Australia ; and I say ' wrongly ' (malamente), because Quirós, as he says plainly in one of the memorials addressed to the King, which will be

published in the second volume, formed this name from the name *Austria*, to which house, reigning at that time in Spain, he dedicated his discoveries, and not from *Austro*, although the situation of the islands visited by him corresponds to the southern hemisphere."

This note proves that some official in the Navy Office deliberately changed *Austrialia* into *Australia*, perhaps soon after the original document was written. Apparently he preferred the second form to the first for some reason or other. Similarly the heading of the eighth memorial of February, 1609, has *Australia*. This heading runs as follows (I translate):—

"Account of a memorial which was presented to His Majesty by Captain Pedro Fernandez de Quirós, on the population and discovery of the Fourth Part of the World, Australia Incognita, her great riches and fertility, discovered by the same captain."

This is the famous eighth memorial, in which Quirós gives a most enthusiastic description of the land he discovered, and appealed to the King to found a colony there.

Maybe this heading is not Quirós'. Anyhow, Zaragoza says that what he prints is the copy of a copy of a copy. And I am not sure if the last mentioned copy was the original. The text (II., 217) has *Austrialia*, and towards the end are to be found the words: *el titulo de la Austrial del Espíritu Santo.*

What precedes gives us at least a strong presumption that the form *Australia* was used in Spain at a very early date in connexion with Quirós' discovery.'

Possibly it will be said that the officials of the Spanish Navy Office who are responsible for the above correction and heading may have belonged to the 19th century, when Australia became known all over the world with its present name. With the documents at my disposal in Melbourne, I cannot prove the contrary.

But I have other and more definite proof that the form *Australia* was actually printed in Spain in the year 1611. In his II. volume, p. 216, Zaragoza gives us in the minutest detail the complete title of the 8th memorial as printed in Valencia, "con licencia," in 1611, with the words *Australia Incognita.*

Of course, I have not seen the original pamphlet, but I suppose we may trust Zaragoza to give the title correctly, seeing that he is so careful in stating that the correction of an M.S. in the Navy Office, where *Australia* is substituted for *Austrialia*, was wrongly done.

That the form Australia was freely used in Spain instead of Austrialia is further corroborated by a passage in a life of one

of the Viceroys of Peru, *Don Garcia Hurtado de Mendoza, Quarto Marques de Cañete*, by Christoval Suarez de Figueroa, published at Madrid, "En la Imprenta Real," in the year 1613, in which it is said of de Quirós on page 290: "le despachò . . . el Monarca Felipe tercero, para el descubrimiento de la Australia," i.e., "King Philip III. sent him for the discovery of Australia." Suarez de Figueroa tells us that he had the narrative of Quirós before him as he wrote.

Before going any further, I think you will now agree that almost immediately after Quirós had made his discovery known and given the land which he looked upon as the great Southland the name of *Austrialia del Espírita Santo*, this name was changed by some, probably many, of his contemporaries in Spain itself into *Australia*.

How can we account for this?

First of all, perhaps even Quirós himself did not adhere strictly to his own original name (cf. Zaragoza II., 236).

Then, there are linguistic reasons, why the change was almost inevitable. Notwithstanding the reference to the House of Austria (Zaragoza II., 201), which occurs in one of the numerous memorials, and, as far as I could find, in one only (not in the 8th, which alone seems to have attracted widespread interest), notwithstanding this little known reference to Austria, I say, it is obvious that most people must have unconsciously associated the name *Austrialia* with the adjective for south, which is *australis* in Latin, *austral* in Spanish, and in Portuguese too. I add this because Quirós, a native of Evora, is claimed as a countryman by the Portuguese.

Quirós calls the Southland repeatedly *la Tierra Austral, la parte Austral, las Tierras Australes*. And, notwithstanding the reference to the House of Austria, it is obvious that what was most prominent in Quirós' mind when he coined the name Austrialia, was that he was giving a name to the great *Southland*, and forming a substitute for *Terra Australis, Tierra Austral*.

Now, it is rather interesting that there are really two forms of this adjective for *southern* in Spanish: one with the suffix *-al*, the other with the suffix *-ial*. The first, *austral*, is the usual form, the other *austrial* is much rarer, and seems to have been confined to antiquated, ceremonial, or solemn speech; and as such it would appeal to de Quirós, who was fond of ceremony, as is proved by the elaborate ceremonial by which he inaugurated his intended new settlement. Of all the Spanish dictionaries which I looked up, only one, however, contains the word, namely: Minshev, *Vocabularium Hispanico Latinum et Anglicum*

copiosissimum. Londini apud Iohannem Browne (1617). But it occurs in de Quirós (II., 227 : *la Austrial del Esp. S.*). And the title of his voyages is as follows : *Historia del descubrimiento de las regiones Austriales.*

From all this, it may safely be concluded, that the Spanish language having two alternative forms for the adjective, namely *austral* and *austrial*, the first being the more common form, but some people using both as alternative forms, it was quite likely that they would also look on the two nouns derived from this adjective *Australia* and *Austrialia* as two alternatives, which could be used indiscriminately.

Many people, probably the majority, not heeding Quirós' intention to associate the name with the House of Austria, would naturally prefer the easier and simpler form, avoiding the repetition of the vowel-combination *ia*, which sounds quite well at the end of the word, but becomes awkward when occurring in two consecutive syllables.

This development was all the more likely when we remember that, early in the 17th century, people were not as yet so accurate in reproducing foreign names as we are expected to be to-day.

Examples of such parallel alternative forms are numerous in all languages. You will find hundreds of them in looking through the lower part of the pages of *Webster's Dictionary.*

I only mention Mahomet, Mohammed ; Mogul, Moghal, Mongol (all three from the same source) ; abbotess, abbatess, abbess.

My conclusion is that the name of *Australia* originated in Spain, shortly after the return thither of Quirós, in the years 1607 to 1610 or 1611 at the latest, not as a misprint, or as a copyist's slip, but naturally evolving according to the genius of the Spanish language, from *Austrialia*, the name given by Quirós to the land he discovered.

Having thus traced the word *Australia* to its origin in Spain, we now have to see how it found its way to other countries. Professor Scott having already sketched the later history of the word in France and England, I do not propose to go over the same ground. But, when Scott wrote his *Life of Flinders* in 1914, the earliest use of the word *Australia* which he had found in English was dated 1693 (John Dunton's translation of a French work of fiction).

The earliest occurrence in an English book, as far as I know, is the one already referred to in *Purchas His Pilgrimes*, published in 1625. In Part IV., p. 1432, there is " A Note of Australia del Espíritu Santo, written by Master Hakluyt."

In this note, Master Hakluyt says that a Portuguese pilot, Simon Fernandez, told him in London on 18th March, 1604, that four ships had departed from the city of Lima in Peru about the year 1600 towards the Philippines. Their general was a Mestizo. On their way to the Philippines, being driven to the south of the equinoctial line, they fell with divers rich countries and islands, as it seemed not far from the Isles of Solomon. One they called Monte de Plata, for the great abundance of silver that is like to be there. For they found two crowns' worth of silver, as he reported, in two handfuls of dust. And the people gave them for iron as much, and more in quantity of silver.

Then follows the report that a Spanish gentleman told Hakluyt two years back that a Spanish captain was suing for a licence to conquer this place, and that he obtained the same. And that divers religious men and Fathers were to go to convert them to Christianity.

The content of this note reads like a fairy tale rather than a true account of a sea voyage. Of course, if he refers to Quirós' discovery of 1606, Master Hakluyt must have made a serious mistake in the date. The meeting with the Portuguese pilot could not have taken place before 1607. Possibly, the story was based on reports of some earlier voyage. But, in any case, the name *Australia del Espíritu Santo*, applied by Master Hakluyt to this mysterious land, cannot conceivably have been heard or used by him before 1607.

Apart from this note, Purchas also gives an English translation of the famous 8th memorial of Quirós (Part IV., pp. 1422–1427). Near the beginning (p. 1423) this translation has the words, "the land which your Majestie hath commanded to be discovered in the parts of Australia incognita," and, towards the end (p. 1426), "that the name de la Austrialia del spíritu santa may be blazoned and spread over the face of the whole world.

The memorial is followed by the Spanish text of another "Petition or Declaration" of Quirós, which Purchas says he has not translated "that the Originall may be of more authoritie." This document has *Austrialia* once.

Summing up, Purchas prints *Australia* twice, and *Austrialia*, once, in his English texts, Adding the Spanish document, he has either form twice. For the reasons already given, I do not look upon the form *Australia*, as used by Purchas, as a misprint or a copyist's slip. He found both forms in his Spanish texts and reproduced them both, apparently without attaching the slightest importance to the difference. As to the Portuguese pilot who related his story to Master Hakluyt, from all we

know, it is more than likely that he would say *Australia* rather than *Austrialia*, if he used the word at all; and in that case Master Hakluyt took down the word accurately.

Apart from Purchas, an English translation of Quirós' 8th memorial was published in London as early as 1617. But this translation contains neither the word *Austrialia* nor *Australia*. It has *Terra Australis incognita* instead. The title page is as follows: "Terra Australis incognita, or, A new Southerne Discoverie, containing A fifth part of the World, lately found out by Ferdinand De Quir, a Spanish Captaine. Neuer before published. London. Printed for John Hodgetts, 1617."

Apparently Quirós' discovery caused quite a stir all over Europe, and his 8th memorial was promptly translated into several other languages. In the same year 1617, a French version of this memorial was printed in the *Mercure François*. It is to be found in the volume containing the years 1617, 1618, and 1619, published in Paris in 1619 (pp. 163–179). The word *Australie* or *Austrialie* does not occur in it. The Southland is called *Terre Australe* or *Terres Australes*.

Naturally, we expect the Dutch, keen navigators and explorers as they were, to be amongst the first to translate de Quirós.* And, indeed, Hessel Gerritsz, bookseller at Amsterdam, published in 1612 a Dutch and a Latin translation of the 8th memorial, together with two other geographical pamphlets. The Dutch text, as well as the heading of the Dutch translation, has the form Austrialia only, but, curiously enough, the title page, which gives a full enumeration of the three pamphlets, has the words: "'t Land ghenaemt Australia Incognita." This is, as far as I know, the earliest occurrence in print of the word Australia outside Spain. The fact that the title page has *Australia* whereas the text has *Austrialia* seems to indicate that in Holland also the latter form, although reproduced from the Spanish original in the text, was somehow felt to be awkward and artificial, and (perhaps unconsciously) discarded in favour of the easier and more natural *Australia*.†

The same discrepancy is to be found in a collection of voyages published in 1638 under the title *Generale Beschrijvinghe van Indien*. . . door Johan van Twist, Batavia, 1638. In this

* Probably, the first translation published anywhere was the German one published by C. Dabertzhofer at Augsburg in 1611. The title is given in the catalogue of the British Museum, and has the words *Terra Australis incognita*. I have not seen this translation, but I am informed by the Librarian of the Mitchell Library, Sydney, and by an official of the British Museum, that the text does not contain the word Australia or Austrialia.

† The Latin text of 1612, which I have not seen, has (*tractus*) *Australiae incognitae* in the title according to the catalogue of the British Museum. A revised edition of 1613 has (*pars*) *Australis incognita* in the title. The text has near the beginning *in regione Australi incognita*, and towards the end *hunc titulum Australiae incognitae*.

work, which includes Hessel Gerritsz' Dutch translation of de Quiorós' 8th memorial, the text again has *Austrialia*, but the index has several times *Australia*.* This will not surprise us after all that precedes, especially if we know that de Quirós' discovery had prompted a most important colonial enterprise in Holland more than twenty years before, and that the word *Australia* had been freely used in this connexion.

And now I come to the book which I mentioned at the beginning of this address, and which I consider, apart from Quirós' writings, the most important of all for the subject under discussion, namely :—

"Spieghel der Australische Navigatie, door den UUij vermaerden ende cloeckmoedighen Zee-Heldt Jacob Le Maire, President ende Overste over de twee Schepen, d'Eendracht ende Hoorn uytghevaren den 14 Junij, 1615. t'Amsterdam, By Michiel Colijn, Boeck-vercooper op 't Water by de Oude Brugh in 't Huys-Boeck. Anno, 1622."

The voyage described in this book was undertaken because the Dutch East India Company's charter prohibited all other ships than those of that company to visit the Dutch Indies, or even to sail round the Cape of Good Hope, or through the strait of Magellan, both these routes being expressly reserved for the Dutch E.I. Co's. ships. The purpose of the expedition which was financed by a rival company, called the *Australian Company* (to which I shall refer later) was :—

1°. To find a new passage from the Southern Atlantic to the Pacific Ocean.

2°. To discover the great southern continent of *Terra Australis*.

The President of the expedition was Jacob Le Maire ; Willem C. Schouten was associated with him as captain.

The first purpose was fully achieved. Although one of their ships was lost in the Atlantic, the brave navigators continued with the remaining vessel and, on the 25th January, 1616, they discovered the strait of Le Maire, between Tierra del Fuego and Staten Island, and then Cape Horn. They were the first navigators to pass through this strait and to double the Horn. The strait was named after Isaac Le Maire, the father of the leader of the expedition, Cape Horn after the ship lost previously in the Atlantic and the port from which the ships had sailed.

* The *Australian Encyclopedia* of A. W. Jose and H. J. Carter (1925), Vol. I., p. 97, following in this Prof. E. Scott's *Life of Flinders* (p. 420 (*f*)), mentions this Dutch index of 1638 as the first known printed work using deliberately the word *Australia*. Probably owing to confused division in volumes, pagination, and indexing, Scott failed to find the word *Austrialia* in the text.

After this, several islands in the Pacific were discovered and visited, but no *Terra Australia.*

The ship arrived safely in Java, but was confiscated by the Governor-General for infringing the charter of the E.I. Co. The crew were repatriated, but Jacob Le Maire, the leader, died on the way home.

The book containing the official version of the ship's journal, and of which I already have given the title, contains the word *Australia* a dozen times. It is the first book I know of that uses the word deliberately and consistently to designate the great southern continent, called *Terra Australis* up to that time and for a long time afterwards. There is no hesitation here, nor any mixing up of the two forms as in the Spanish documents or in the English of Purchas. I shall now translate the most important passages.

After the title page, the book has, by way of introduction, a dedication to the "Illustrious Highmighty Noble Lords, the States-General," signed the Directors of the Australian Company, dated 1st April, 1622.

After referring in the pompous style of these documents to the conquerors of the ancient world, the text says that neither Alexander nor the Romans would have been able to satisfy their ambition if they had known "that there were still two unknown parts of the world, namely the very large land of America, with her adjoining islands, which is little less than the ancient known world, and also the part, or new world of *Australia*, only known in part, and which, with the blessing of the Lord, before long will become known more and more by navigation to the advantage and service of these lands" (i.e., the Netherlands).

Further (p. 3): "that from all appearance the land of *Australia* is very large, indeed that it may well be counted as a third part of the World, so that undoubtedly it will be possible to establish excellent commerce and trade for the great advantage of these lands" (i.e., again the Netherlands).

And, still further below, it is stated that it seems "that the part of the world *Australia* is the greatest of the three."

This document contains the word *Australia* five times.

There then follows a preface, stating that Schouten had shown himself unworthy of the confidence placed in him, and that he was chiefly responsible for the fact that the land of *Australia* was not discovered.

This preface contains the word *Australia* once.

I should explain that, when the Governor-General of the East Indies had confiscated the ship with all the papers, Schouten had entered the service of the East India Co. and been induced to publish a spurious version of the journal, in which all the credit for the discovery of the Le Maire Strait is given to Schouten, and it is said that the strait ought to have been called Schouten Strait, not Le Maire Strait. Schouten apparently did not like the word *Australia*. It does not occur in his version of the journal. I should add that the confiscation led to a lawsuit in Holland, which lasted for two years, after which the Hooge Raad (Supreme Court) ordered the East India Company to return the ship, the cargo, and all the papers to whom they belonged, paying compensation with interest for all losses incurred by the Australian Company. Hence the delay in the publication of the official journal, to which I now return.

The next document is the charter (octroi) granted to the Australian Company by the States-General, dated 23rd March, 1614. It does not mention Australia, nor any other land in particular, only vaguely referring to new passages and new discoveries.

Then there follows an open letter from the Prince of Orange, which, abbreviated, runs as follows :—

"Maurits, Prince of Orange, Count of Nassau, &c. Make known to the most Illustrious Emperors, Kings, Dukes, Princes, Republics, and Governors, to whom the present will be shown, how we, having been moved and prompted by. . . the requests of the highly esteemed and our well beloved Jacob le Mair of Amsterdam, Captain Major of our two vessels called *d'Eendracht* and *Hoorn*, and Willem Cornelisz Schouten of Hoorn, master of the before-mentioned vessel *d'Eendracht*. . . give them permission and authority to visit the Empires and Kingdoms of Tartary, China, Japan, East-India, Terra Australia, Islands and Lands situated in the South-Sea, and all others which they may discover and find, the Island of Rotta, the way of the North and the South, and all other Passages which they wish and it will please them; and also to make everywhere treaty or treaties of peace and friendship and to traffic and trade with the Inhabitants."

"Done at the Hague in our Court of Holland on the 13th May, 1610. Signed Mauritius de Nassau."

The date 1610 must be a misprint for 1614.*

* Perhaps it is not an ordinary misprint. The expedition was planned and negotiations with the Dutch government took place as early as 1609 and 1610. It is conceivable that a draft of the document prepared in 1610 and bearing this date was inadvertently used later for the printing of the book.

Apart from the title page of Hessel Gerritsz translation of the eighth memorial this important state document is, as far as we know, the first document of any kind outside Spain, in which the word *Australia* appears. And as at the time people in Spain were hesitating between two forms, I consider this document as the first in which the word *Australia* is used genuinely and deliberately.

In the Journal itself I found the following five passages with the word Australia:

30th December, 1615 (in the neighbourhood of Strait Magellan): "The President (i.e., Jacob Le Maire) showed to-day for the first time the map of *Australia*, which pleased very much our chief-mate and upper-boatswain."

A few weeks later, on the 25th January, 1616, the strait was discovered, but then for two months, no important discoveries were made, no great Southland was sighted, and, on the 24th March, 1616, Schouten complained that they "were now 460 miles from Peru, we longing very much to see land, so that we feared there was no *Terra Australia*. Also the master (i.e., Schouten) said, that, if he had known that there were no Dutch Indies or *Australis Terra* this side of Solomon's Islands, he would never have put a foot on the ship. This was talk in which there was not much sense."

Here the terse, matter of fact tone of the journal is for once slightly departed from. We can surmise that some very strong language was exchanged between Schouten and Le Maire on this and other similar occasions.

12th April, 1616: "On the 12th the President has given the Chief Mate and the Second Mate their maps of *Australia* and *Nova Guinea* in order that they may look out and speculate" (*gissinghe maecken*).

22nd May, 1616: "The Master said that he had now found *Terram Australiam*, so well it pleased him, a river of fresh water, plenty of pigs on shore, and other things which pleased our mates very much."

This refers to islands which were called Hoornsche Eilanden, in honour of the city of Hoorn. Plenty of cocoanuts were obtained here, as well as pork meat and other food.

2nd June, 1616: "It is certain that *Australia Terra* is not far from here."

This was written in the neighbourhood of the Solomon Islands. If they had now taken their course to the south-west, instead

of making for Java along the north coast of New Guinea, they would have headed straight for the east coast of Australia. But it was not to be.

The journal of the expedition was translated into beautiful classical Latin by Casparus Barlaeus, a great scholar and poet of those days, who wrote Latin and Dutch verse with equal ease. However, he did not adopt the name *Australia*, discarding it, no doubt, as unclassical. He uses *Terra Australis* or *tractus Australis* instead.

Finally, we have still to answer one or two more questions. Where did the organizer of the voyage get his idea of an expedition to *Terra Australia* from ? And what kind of a man was he ?

As already mentioned, the organizing body was an association of merchants calling themselves *de Australische Compagnie*, i.e., being literally interpreted *The Australian Company.*

Founder and soul of this company was Isaac Le Maire, the father of the captain-major or president of the expedition, Jacob Le Maire.

Isaac Le Maire was one of the most interesting figures amongst the thousands of Protestant refugees who had flocked to Holland towards the end of the sixteenth century, and to whom their adoptive country owes so much.

Hailing from Tournai in Belgium, he was a Walloon by birth, but appears to have lived some time in Antwerp, where he probably was educated, which accounts for the fluency with which he expresses himself in Dutch as well as in French. His wife was a native of the city on the Scheldt. The fall of Antwerp into the hands of the Spaniards in 1585 will have induced him, with many other merchants from the Southern Netherlands, to settle in Amsterdam with his young wife, who bore him 22 children, all born in the latter city.

Isaac Le Maire belonged to a family of merchants. We know four of his brothers. One was a minister of religion in Amsterdam, but the three others were all merchants, one in Portugal, one in Spain, and one in Italy. Isaac kept up a regular correspondence with all of them.

We know little of Le Maire's doings during his first ten or twelve years in Amsterdam. He must have carried on a most successful business ; for, when he enters the public scene in the middle of all the bustle that precedes and accompanies the foundation of the Dutch East India Company during the last few years of the 16th century, he probably was the wealthiest man in Amsterdam.

Still no room was found for him on the Board of Directors of the Company, because these positions were reserved to those of the good old patrician stock of the city. Enterprising, active, and very efficient they were, these Dutch patricians, but rather exclusive, self-willed, and self-satisfied. The government of the city and the Board of Directors of the East India Company were practically the same, and they also generally had a preponderant influence in the States of Holland, Holland being, of course, by far the most important of the seven united provinces. And the Dutch East India Company's policy was to crush every competition, every free initiative, outside their own.

Prince Maurits, the great statesman Oldenbarnevelt, and many eminent men in the States-General, however, were in favour of free initiative in trade and colonial enterprise, which was claimed to be the traditional policy of the Netherlands ; and several new companies were being formed, the leading spirit in the principal one, the *Magellanic Company*, being Le Maire.

Keen competition led to a rise of the price of spices in India, and to a sharp fall of the price in Holland. Many bankruptcies and great confusion resulted. The whole colonial enterprise was threatened with ruin.

After endless squabbling, Oldenbarnevelt's advice was followed and an amalgamation of the companies trading in the East was effected. The reorganized East India Company received practically a monopoly. But room had now to be made for Le Maire on the new Board of Directors. Not for very long, however.

The discord and quarrels continued, and, in 1605, Le Maire resigned.

Lawsuits followed, the Company suing Le Maire and Le Maire suing the Company. A private settlement was arranged without reconciling the parties.

The great grievance of Le Maire against the Company was the narrowness of its outlook. Daring expeditions, Le Maire maintained, were no longer undertaken, new discoveries no longer attempted. The horizon of the Directors was limited to Bantam and the neighbouring islands of the Indian Archipelago. South and East Africa and the islands on the route to Java (Madagascar, &c.) were completely neglected. Japan was forgotten. All the enterprise was concentrated on spices, and again spices, not to mention a few consignments of poor silk.

Worst of all, the East India Co. had succeeded in taking away from the Magellanic Co. the charter granted to it previously.

And the East India Co., whilst preventing others from sending ships through the Strait of Magellan, neglected it altogether themselves.

But Le Maire relentlessly continued his fight against the monopoly of the E.I. Co. He negotiated with the French ambassador at the Hague, whom he visited in disguise, pointing out to him that, as a native of Tournai, he was born with a fleur-de-lis in his heart. He even went to France and continued his negotiations with King Henry IV. in person. But, in the meantime, the Dutch ambassador negotiated against him with Sully. It is reported that the East India Company, in agreement with the States-General, presented each of the three principal ministers of the King (Sully, Sillery, and Villeroi) with a gilt bedstead of 1,600 florins "in furtherance of the cause against the planned expedition." Notwithstanding this, everything seems to have been ready for an expedition under French auspices, but, before it was actually undertaken, the dagger of the assassin robbed France of her best King, and Le Maire of his most powerful protector.

Le Maire now left France and retired to his quiet country seat at Egmond, but not to enjoy life in rustic surroundings. He had heard and read all about Quirós' discoveries in the Austral seas. His brothers in Spain and Portugal would naturally send him all the news and all that was being published in this connexion.

Already, in 1609, he had discussed the possibility of the formation of a new company with Oldenbarnevelt.

The East India Company, however, succeeded in thwarting his plans for years. At last, in 1614, a charter was granted by the States-General, and he received from Prince Maurits the open letter from which I have given extracts above.

The Australian Company was a trading company, and material gain its object. But the founder had greater vision than any other merchant in Holland in those days. In a remonstrance to Oldenbarnevelt in 1609, criticising the policy of the East India Company, who refused to publish a statement of their accounts as provided for in their charter, and preparing the way for his own company, Le Maire says:

"The freedom which these provinces have always enjoyed by a special grace of God, and for the maintenance of which they have not hesitated to accept an arduous and long war against the greatest potentate of Christendom, and to stake and risk everything, their wealth and their lifeblood, does not permit that, under some cloak or other, one should keep from free

people the money that belongs to them longer than they wish: for this would be a kind of tyranny, which these lands cannot endure nor put up with above all things."

Fighting heroically against an all powerful monopoly, old Le Maire had the satisfaction, during the litigation resulting from the confiscation of his ship, to have public opinion on his side, as well as the support of the States of Holland and the States-General.

On the 11th of July, 1617, he appeared in person in the midst of the assembly of the "Illustrious Highmighty Noble Lords" to give an account of the expedition, and, notwithstanding the vehement protests of the East India Company, the rights of Le Maire and his partners to the discovery were publicly recognized, and all his further claims referred to the Supreme Court (Hooge Raad), who ultimately gave him satisfaction on the main points at issue.

Old Le Maire, who had spent a huge fortune as well as the best part of an extremely active life in fighting for his ideas, and who had lost his eldest son in this great enterprise, was now a broken man. There seems to have been no one to take up the fight for his principles after him. But it is worth recalling that he was the first to use the name of Australia consistently and publicly, and that he used it in a great and noble cause, that of fair play and equal opportunity for all.

Melbourne's First Settled Minister—Rev. James Forbes, A.M., 1813–1851.

By the Rev. J. Campbell Robinson.

(*Read before the Society, 29th October*, 1928.)

Mr. Forbes came of parents who occupied the farm of Kilbrae, in the parish of Lochiel, Cushnie, Scotland, about 24 miles from Aberdeen, upon the estate of the late Sir James Forbes of Craiginar. It was in this parish where he received the first rudiments of his education, under the tuition of a man by the name of Mr. Humphrey, and which he put to good purpose in Victoria. From Lochiel he proceeded to King's College, Old Aberdeen, and in due course took the degree of Master of Arts. Later he was licensed to preach the Gospel by the Presbytery of Gairloch. Either prior to this event or after it, "for three years before leaving the home country he occupied the position of master in a school in Colechester." (In the early days of Scotland clergymen were often school teachers as well as

ministers.) There he came under the fervid evangelical preaching of a good minister of the Church of England, whose ministrations were most helpful to him, and greatly blessed to his soul. This man was the instrument in God's hand in bringing him to a saving knowledge of the truth. Then, on 29th June, 1837, he was ordained by the Glasgow Presbytery with a view of proceeding to Australia.

Mr. Forbes was one of those men induced by Dr. Dunmore Lang to emigrate to Australia.

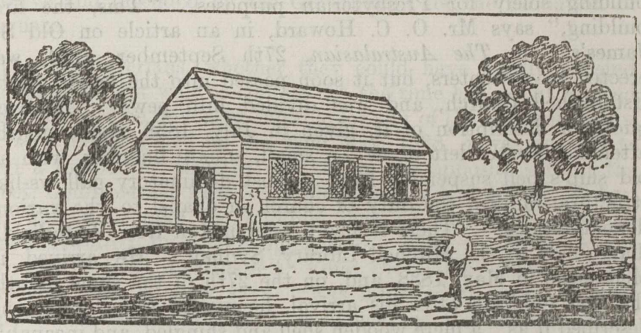
"During the year 1836, on 29th July, an Act was passed by Sir Richard Bourke, Governor of Australia, with the advice of the Legislative Council authorizing the issue, from the revenue of the colony, of sums to be applied in aid of the building of churches, and maintenance of ministers of religion. As soon as this Church Act had passed, Lord Glenelg, the British Secretary of State for the Colonies, wrote to the General Assembly Colonial Committee informing them of it, and offering a free passage and outfit to such ministers as should be recommended by the Committee. Dr. Lang obtained from the Governor leave of absence for fifteen months, and went home for the fourth time to bring out additional ministers. There were at that time only five Presbyterian ministers in Australia, including Dr. Lang." He visited Scotland, Ireland, and Germany, and by his untiring efforts within two years was successful in being able to induce nineteen ministers and candidates for the ministry to come out to Australia. Amongst these were Rev. John Tait, Rev. Irving Hetherington, and Rev. William Hamilton, all prominent men in their day, and we think also William McIntyre, for many years minister of St. George's, Sydney. He established, at Maitland, the first secondary school of any consequence in New South Wales. It was under his tuition, too, as well as carrying on the duties of minister, both gratuitously, that the late Sir Samuel Griffith, Chief Justice of Australia, had the foundation laid of those high ideals of justice which characterized his life. He paid a beautiful tribute to Mr. McIntyre after his death, and, in concluding, stated that "he was a remarkable man, and one whose name deserves to be remembered as one of the foremost worthies of New South Wales."

Several of these men induced by Dr. Lang preceded him, and were settled when he returned. He reached Sydney by the ship *Portland*, accompanied by eight ordained ministers and two schoolmasters, who were afterwards ordained. Amongst these was the Rev. James Forbes, A.M., spoken of as "a lithe youth," and "not too robust in health," but with "an intense spiritual energy," "dauntless courage of heart," "inextinguishable love

to Christ," "apostolic devotion to duty," and altogether a "minister of superior attainments." It was this young man who was destined to become Melbourne's first settled minister, and one of the most eminently godly and useful it has ever had.

The life of the Rev. James Forbes is a most entertaining and interesting one, and occupies a prominent place in the early history of Melbourne and Victoria. We purpose viewing it from four different aspects.

We shall speak of him—(1) as a pioneer, (2) as an educationist, (3) as a pastor, and (4) as a churchman.



[Reproduced from the line drawing in C. R. Long's "*Victoria: its Foundation and Development*" (Whitcombe and Tombs, Melbourne).]

THE FIRST CHURCH AND SCHOOL BUILDING IN MELBOURNE.

(It was erected in 1837, and replaced a few years later by a stone building, St James's Church of England.

(1) As a *Pioneer.*—It was late in December, 1837, or early in January, 1838, that this young man, so full of promise, in response to an "application for a permanent clergyman," was appointed to labour in the new and rising district of Port Phillip. He was, therefore, amongst the earliest settlers, and arrived just at the time that the stream of population was beginning to swell. This appointment was later confirmed by a specific call from the congregation on 22nd June, 1838, which was duly forwarded to the Sydney Presbytery (Mr. Forbes having already indicated his acceptance), and ratified by them without any formal induction service, consequent upon the great distance involved in travelling and the expense that would be incurred. He reached Melbourne on 28th January, 1838. (Bonwick gives the date as 1839, but he is in error here.) At first he thought of making Geelong his abode, but, after paying a brief visit to that part, finally decided upon settling in Melbourne; and a formal commencement of his ministry was made on the 3rd of February, 1838, which date we regard as *the birthday of Presbyterianism in Victoria.*

From the outset it was clear that the ministry of Mr. Forbes would be a success. His "untiring devotedness," faithful ministrations, and his agreeable disposition soon made him a general favorite with the inhabitants, and drew the people around him. His first services were held in the old wooden building which served as a church for all Protestant denominations on the Sabbath, and as a school on the week days as well. He continued here for about two months, or a little more, until some time in April, 1838, when he found the combined arrangement unsatisfactory. Efforts were then put forth to erect a building solely for Presbyterian purposes. "This, the first building," says Mr. O. C. Howard, in an article on Old St. James's, "in *The Australasian*, 27th September, 1924, was erected by dissenters, but it soon passed into the hands of the Established Church, and was divided into pews." Bonwick quotes a description of it, given in July, 1838, three months after Mr. Forbes left it, as "a small, square building, with an old ship's bell suspended from a most defamatory gallows-like structure, fulfilled the duty of church or chapel to the various denominations." There is also a reference in Rev. Waterfield's diary, now in the Mitchell Library, Sydney. He arrived in Melbourne in May, 1838, and, on the 27th of the same month, the first Sabbath after his arrival, he visited the church, and described it as "a mere wooden shell and shingled, and incapable of keeping out the cold." On the 2nd of September, 1927, Mrs. Agnew, of Kew, wrote me regarding this building. Her parents were amongst the earliest settlers. She writes what she knows from them. "The Scotch, always staunch observers of the Sabbath Day, desirous of keeping up the ways of the homes they had left, met in what was called a smithy—a blacksmith's shed, because it had a roof—no such thing as a church anywhere. Presbyterians were the first to meet there in what was expected would be Bourke-street, but nearer Little Collins-street on the south side. Anglicans, seeing this, made an arrangement with the Scots to have the use of the shed alternatively; by-and-by took possession for every Sabbath. The Scots, being of a peace-loving nature, would not quarrel over the matter, but decided for a site they could make their own, and were given the land on Eastern Hill, which was then all bush and scrub, with no house near, and a long way from any habitation, but which turned out to be a blessing in disguise."

Some things in connexion with this building, we fear, are like what Peter wrote of Paul's writings, "hard to be understood." From what the Scots Church Committee decided upon at their meeting, when information was conveyed in a letter by Captain Lonsdale to Mr. Forbes that Bishop Broughton was determined

to claim the building, there is sufficient evidence to indicate that by some mutual understanding, the building was to be taken over by the Government. They say, "how far the Bishop's determination is consistent with the pledge made to the original subscribers to that building, when the building was given over to the Government, your committee do not possess sufficient information to enable them to judge" (*Memoir of the Rev. I. Hetherington*, p. 80). So late as 1st July, 1841, there appeared an article in the *Port Phillip Patriot*, complaining of the Episcopal Church fencing five acres called the Church Reserve and intended by the Government for the formation of a square.

The Presbyterians, whether they could have legally resisted the claim did not wait to contest it: the time had about arrived when it would be no longer suitable for any of the denominations. So, at a meeting held on the 22nd May, 1838, it was decided to erect a temporary place of worship on the opposite side of the street, Collins-street west, on a block kindly lent by Mr. Fisher, who agreed to take the building over at cost price when no longer required by the congregation. This we think is the vignette shown in Hastie's *Voice from the Bush*. "The fireplace," Mrs. Agnew says, "was intended to make it more comfortable when used as a residence for the schoolmaster." It is a noticeable thing that, although *The Advertiser* was in existence at this time, no advertisement appeared in it regarding the new building, but notices were posted up in the town.

THE FIRST PRESBYTERIAN CHURCH BUILDING IN MELBOURNE.

From Hastie's "*Voice from the Bush.*"]

The population still continued to increase, as also did the popularity of Mr. Forbes. In a short time it was found that the temporary church could not accommodate the people; so, on 22nd May, 1839, it was decided to erect a new school premises to serve as a church, in the meantime on the block of the land secured on the corner of Collins and Russell streets. This building, which was of brick, was finished in September of the

same year at the cost of £524; one half was contributed by the Government, and the other half by subscriptions. For many years it was known as Scots School, and was one of the best known buildings in the town. With the permission of the trustees it was used for many important meetings until the erection of the Mechanics' Institute. This school was built in two rooms, but soon it was not sufficient to accommodate the people. It was recorded that, "the partition was then removed, and the two apartments thrown into one, but, notwithstanding the increased space thus obtained, the room was crowded to excess." To show the rapid increase in population, when the Rev. Mr. Orton, the first minister to preach in the settlement, arrived with Batman and others on the 20th April, 1836, he found only two houses, besides three or four sod huts, and a population of not more than fifty persons including those living in tents, but when he returned in April, 1839, there were four or five hundred houses.

A movement was now set on foot to erect a permanent church capable of seating five hundred people. The foundation was laid on 22nd January, 1841, by David Patrick, Esq., M.D., "amid much mutual joy, psalm-singing, and earnest prayers," the cost being £2,485. The manse was put up by Mr. Forbes at his own expense—£210. It was some considerable time before he was reimbursed for this. Some in those days were slow to see that the workman is worthy of his hire, for over a year had elapsed before it leaked out that so far the minister had not received any salary. Once it was made known, this was soon met. His first two elders were Dr. William Patrick and Robert Campbell. James Ballingall and Henrie Bell were appointed later.

There were few movements inaugurated for the spiritual and moral well-being of the community at this time, but he had a prominent share in them. "Garryowen" records that "the Revs. James Forbes, P. B. Geoghegan, and A. C. Thomson were three of the old identities as well known as Batman's Hill, like which they were gradually obliterated from the public mind. No work of charity or philanthrophy was ever mooted in which they were not amongst the foremost volunteers to give a helping hand, and, apart from their religious ministrations, no three men were ever held in more general esteem."

Mr. Forbes was also one of the principal founders and first secretaries of the British and Foreign Bible Society, which was formed in Scots School on 14th July, 1840, as an auxiliary to the parent society in London. The meeting was presided over by His Honour Mr. C. J. Latrobe, who was a good man with

lofty ideals, the son of a Moravian father, and had been trained for the ministry. When made Governor, he delivered the following weighty remarks, which are worthy of being preserved: "It will not be by individual aggrandisement, by the possession of numerous flocks and herds, or by costly acres that we shall secure for this country enduring prosperity and happiness, but by the acquisition and maintenance of sound religious and moral institutions, without which no country can be great." He held firm views in regard to the support of religion, and refused patronage to a vocal and instrumental entertainment organized by the Church of England to raise funds for their church. The Bible Society has so grown that, last year (1927), the circulation of the Scriptures for Victoria was 53,171 copies, and the total income from contributions and sales, £14,755 4s. 6d., with 69 auxiliaries.

Mr. Forbes was also one of the first and most earnest advocates of temperance in the city, and gave the first public lecture on the subject. "At one of his meetings," says Mr. Selby, in his *Memorial History of Melbourne*, "the Rev. Mr. Grylls, the first Church of England minister, stepped forward and signed the pledge." Mr. Forbes would not countenance any of his hearers who went into the business of a public house, declaring that the money so gained only brought a curse with it.

(2) As an *Educationist.*—Mr. Forbes must always occupy an honoured place as one of the most foremost men of his period in our land. He spent himself as few have done to promote the highest education in the colony. As early as November, 1838, he opened Scots School under the control of Robert Campbell (one of his first two elders), who was born in 1808, and came to the colony in 1837. Mr. Campbell was a man possessed of a good deal of natural sagacity, and, in the words of one of his pupils, "a true Scotch domine." After Mr. Forbes' death he was for many years an elder and precentor with the Rev. Arthur Paul of St. Kilda, who out of a ministry of 57 years spent 55 of them in St. Kilda. In the early days there was no instrumental music in Melbourne. There are those living even now who can recall its absence.

Within six months the attendance of this school rose to 80, "Garryowen" records, that it was the first and best in Melbourne. Its success was largely due to the choice of good teachers and the keen oversight and the systematic supervision of Mr. Forbes. He regularly examined the scholars. One of these examinations on 9th July, 1840, is spoken of as being "held in the presence of the managers and a highly respected

assembly of ladies and gentlemen." Prizes were gained for Scripture knowledge by Janet Young, Jane Somerville, Emma Clow, Patrick Reid, Joseph Best, and Findley McNab.

After Mr. Forbes left the Established Church in 1846, and founded the Free Presbyterian Church (thus being the founder of both of these Churches in Victoria), he opened John Knox School on 3rd July, 1848, under the care of Mr. T. J. Everest, the city surveyor. Mr. James Robertson was head master with three assistants, Mr. Moore, Geo. McMaster, and J. S. Sprague. A year hence we find an attendance of 150. In 1850, it is designated a Classical, Mathematical, and English Seminary, where afternoon and evening classes were held, and with accommodation for a limited number of borders. He laid the foundation of a building for this school on the 5th of March of the same year.

His activity seems to have known no bounds. In the same year, 1850, we find him instrumental in starting Chalmers Free Church School in Spring-street, half-way between Lonsdale and Little Lonsdale streets. For a time it appears under the care of George McMaster, but later under Mr. Knox, late of the University of Edinburgh.

The next Educational Institution we find him espousing is that of an Academy. Efforts had been made to raise the status of John Knox School, but they had failed. In 1850, there is a record of the Free Church Synod sending home to Scotland to secure a highly qualified head master, with the result that the Free Church Colonial Committee managed to obtain the services of Mr. Lawson of Dunoon. He arrived with his wife in September the same year, and immediately there sppeared the following advertisement in *The Argus* of 29th September; "The inhabitants of Melbourne and the surrounding districts are hereby respectfully informed that an Academy will be opened (D.V.) on Monday, 6th October, for the training of young men. . . . A complete set of Johnstone's maps and globes, &c., having been provided for the use of pupils attending the Academy. Mr. Lawson, the Rector, will receive into his house young gentlemen as boarders, whose Christian and mental training will be carefully superintended; and they will have the advantage of learning to converse in French and German. (This last advantage was conferred by Mrs. Lawson, who was a finished French and German scholar.) Until a suitable building has been provided, such as is now in contemplation, the pupils will meet in Chalmers School, Spring-street, Melbourne. "Thus was Scotch College born," says *The Argus* of 30th September, 1911. It was regularly and annually supervised by

the Free Presbyterian Synod. For a time it went by the name of " The Melbourne Academy," but, in 1855, the title " Scotch College " gained the ascendancy and superseded it. What Mr. Forbes had in view in this institution was to afford suitable training for young men, some of whom would eventually go on to become ministers. (Cf. *Port Phillip Christian Herald*, March, 1850.) So we see that this institution, which has grown to such large proportions in late years, had its origin in the enlightened efforts of this enthusiast of higher education. His enthusiasm did not even stop there, for he had in mind, though he never lived to see it, a theological hall where divinity students could be trained. This he advocated in an article in the *Port Phillip Christian Herald*, which he so ably edited. It is questionable whether any other man in the early history of Victoria did so much for the education of our people. His name also appears as one of those instrumental in the formation of the first college in Melbourne, called the Port Phillip College, on 12th August, 1840.

As we might almost expect, one who was so anxious for the spread of education would also be concerned for the diffusion of good literature. He was responsible for the introduction of many of the best books into the country, and the establishment of several small libraries. In this connexion he was ably assisted by a band of ladies in Ayrshire, Scotland, called " The Ayrshire Ladies Association." A library was formed in Scots Church School House in April, 1841, for the use of the members of the congregation. The books were to consist of theology, history, travel, arts, science, and general literature ; but novels and romances, and all publications of a sceptical or immoral tendency, were excluded, or any impugning or perverting any of the fundamental truths of the Christian religion. In an advertisement in the *Port Phillip Christian Herald* of February, 1846, 500 volumes are mentioned as being under the charge of Mr. Thomas. One of the first things he did when he formed John Knox Church was to institute a library there. In 1849, it comprised 360 volumes. " These libraries were felt to be a great boon, and were highly prized by the more intelligent and thoughtful members and adherents of the Church, who eagerly availed themselves of the advantages which the library put within their reach." (*Colonization and Church Work in Victoria*, by Rev. C. Stuart Ross.)

Again we observe Mr. Forbes's interest in assisting the Mechanics Institute. In their first course of lectures he lectured on " Colonization " to a very crowded audience, among whom was observed Captain Lonsdale and many of the leading

gentlemen of the city. It attracted so much attention that it was published in full in the *Port Phillip Herald*, April, 1840. Mr. Selby says, "I read the report of this lecture before I read McCombie's *History of Victoria*, and, when I came to McCombie, saw that, in opening he gives expressions to ideas that seem to have been suggested by Mr. Forbes's lecture on 'Colonization.'"

Moreover, he was anxious that the rising generation should not only be well informed, but also able to express forcibly and clearly the knowledge they possessed. With this aim in view, he associated himself with the Debating Society, which was formed in 1841, and of which he was Vice-President. He saw the day when several of his men were amongst the members of the Legislative Assembly. Wallace Dunlop, a very devout man and highly respected, was he who, as a member of the first House, moved that its meetings should be opened with prayer. He was a member of the Free Presbyterian Church in Geelong, and died suddenly, when on a visit to Melbourne on the 21st of June, 1852. And Mr. Selby notices that, amongst the pall-bearers, were the Governor and the Mayor. James Horatio Nelson Cassell, a collector of customs was another. He was a very well informed man. He died on 21st November, 1853, at the age of 39. His body was taken to Scots Church, and the funeral, though he wished it to be unostentatious, was recorded by *The Argus* as one of the most remarkable which had been seen in this or any other country. We think James Ballingall was another. Mr. W. M. Bell, one of his first elders in John Knox Church, was the fifth Mayor of the city. A good story is told of him in dealing with a municipal difficulty. The police had a medical fund, and their medical adviser was a man not unwilling to gratify the desires of some who wished to shirk their duty. So frequently was this pliant nature taken advantage of that, on one occasion, out of twelve men, no fewer than ten presented certificates of incapacity owing to illness. When it came before the Mayor, he announced that, if such a thing occurred again, he would assume that the police, as a body, were physically unsound, and so unfit for public duty that he would be compelled to dismiss the entire force and put healthier men in their place. This announcement wrought like magic. The invalids, with marvellous rapidity, recovered their robustness. It is asserted after this that many discontinued their contributions to the medical fund. (Cf. *Colonization and Church Work in Victoria*, by the Rev. C. S. Ross, p. 244.)

3. As a *Pastor*.—Mr. Forbes excelled as a pastor. The late Rev. C. S. Ross, also, whose name is well known in this Society as the author of some valuable historical works, said to me, not long before his death, that he never met in all the 86 years

of his lifetime, one who impressed him more as being the ideal minister of the Gospel than the Rev. James Forbes. "He was a man whose face indicated the purest benevolence, and conversation with him confirmed the fact of his extreme saintliness."

His preaching was simple, but "was always marked by clear and exact arrangement, correct and appropriate language, and impressive earnestness." (*Presbyterian Church of Australia*, by the Rev. R. Sutherland, p. 93.) He preached to win souls, and all who heard him had the responsibility of eternity brought clearly before them. His sacramental addresses were said to be always solemn, fervent, singularly impressive, and distinguished by warmth and tenderness. Young people were won to him, and never lost their affection for him. His messages were directed to the conscience, and the attention of his hearers was sustained and increased by a deep acquaintance with, and intimate knowledge of, the Word of God. He fed his people from the green pastures of the Scriptures.

In prayer he was a great man, and here, piety, one of the most notable features of his life, was pronounced. Apart from the usual week-night prayer-meeting, he often called his elders together for what he termed "Concerts for Prayer." These usually lasted several days, when the needs of the congregation and of the young country were specially pleaded at the Throne of Grace. He had a kindred spirit in this work in the person of Henrie Bell, brother of W. M. Bell, both of whom were elders in the John Knox congregation. Henrie Bell was also an elder in Scots Church, and left it with his minister in 1846. They were both much attached to each other, their souls being knit together as that of David and Jonathan. Mr. Forbes felt his death greatly, which occurred on the 25th November, 1849, at the age of 32. "Besides his name in the registrar of deaths stands recorded in the handwriting of Mr. Forbes" says Mr. Ross, this one word, "Perfect." "His contributions to all objects," Mr. Forbes himself said, "demanding them were exemplary, in proportion to his resources, *munificent*. But in all things he was signally unostentatious. He honoured God with substance, ever in the quietest manner."

His sympathy, too, was notable. "In the house of mourning," says the *Daily News*, "at the bedside of the dying, he appeared at home. . . . Soothing the sick and bereaved, he exerted all his energies, and he succeeded most admirably." He must, too, have had his share of such work, for, as Mr. Selby states, "He was at the cemetery every week, first of all, in connexion with the National Church of Scotland, then as the

Free Church minister. . . . From 1838 to the end of 1843, 250 funerals were registered in the Presbyterian ground, and the services of 150 of them were conducted by Mr. Forbes." (*The Memorial History of Melbourne*, p. 401.) He was one who earnestly sought to comfort Batman in his latter days. " Often would he be seen wending his way up Batman's Hill and entering the house of the Founder of Melbourne," says Mr. Sutherland. (*The Presbyterian Church of Victoria*, p. 13). There he listened to the narratives of Van Diemen's Land and also of Port Phillip, and heard him denounce the government in bitter terms for depriving him of the land which he purchased from the blacks. Mr. Forbes felt for him, but tried to divert his attention from the injuries received from man to prepare to meet his Maker.

There is a most touching incident which reveals not only his devotion to duty and keen sense of responsibility, but also that of several other clergymen at the time. Three bushrangers were condemned to death. The day of their execution arrived. The Rev. James Forbes and Rev. Wilkinson were with them before daylight in the morning. These men at first were unrepentant after sentence had been pronounced, but, as the day of their end drew near, they became terribly anxious about their soul's welfare. Punctually at 8 o'clock, the cart which was to convey them to the place of execution, containing three coffins, drew up at the gaol door. They were then ordered into the cart, and each one to be seated on his respective coffin. The order, " March," was given, and the melancholy procession moved forward, headed by the military, while a small party of mounted police was at the rear. The Revs. Forbes, Thomson, and Wilkinson walked arm in arm a few yards in front of the soldiers, and the Rev. Mr. Stephen rode on horseback. On their arrival they severally dismounted, and two of the prisoners, with the reverend gentlemen just mentioned, formed themselves into a close group on their knees on the bare ground, and solemnly and fervently joined together in prayer. " Oh ! for the pencil of a Raphael, or a Reubens to portray that group so engaged and under such circumstances," says the *Herald* Reporter, while the other clergyman was engaged at a short distance with the other prisoner. Their devotions being finished for the present, and being supported on the arm of the Rev. Mr. Forbes, one of them, on rising, addressed those around him in the following words :—" Fellow Christians, you see before you three young men in the prime of life and strength about to suffer on the scaffold for the crime of bushranging ; I trust that you will take warning by our untimely fate and avoid those crimes which have brought us to this end ; good people, I

humbly beg your prayers to the Almighty on our behalf; I die in the faith of salvation through the blood of our Divine Redeemer." (*Port Phillip Herald,* 1st July, 1842.)

4. As a *Churchman.*—The Rev. James Forbes stands out most conspicuously in the early life of Victoria as a churchman, and, particularly, as a Free Churchman. From the day of his settlement to the day of his death, with the exception of a brief time that he spent in Sydney, for health reasons, in 1841, it is not too much to say that he occupied the most outstanding position in the religious life of this new country, and a most cherished place in the affection of its people.

No sooner had he become settled as the minister of Scots Church than he sought to extend the Presbyterian cause. He paid a visit to Geelong in November, 1838, organized a congregation there, and then wrote Dr. Welsh of the Colonial Committee of the Church of Scotland to send out a suitable minister. The result was that the Rev. Andrew Love was appointed and sailed from Greenock by the ship *Indus.* He reached Melbourne on 9th April, 1840, and preached his first sermon in Geelong three days later. on the 12th, in a large wool-shed to a respectable audience,

Mr. Forbes, on 24th October, 1840, encouraged by this, wrote again to the Colonial Committee, resulting in even greater success. Three appointments were made: The Rev. Thos. Mowbray to Campbellfield. He was a man of "scholarly attainments" and "superior ability." After about two years he removed to Sydney, and thence to Queensland, where he was the founder of the Presbyterian cause. The Rev. Alexander Laurie to Portland Bay. He received a call to this congregation on 2nd July, 1842. He was a man who did a lot of itinerating in the Western and Port Fairy districts. And Rev. Peter Gunn, who came to officiate to the Highlanders. He was called later to Unwin's Special Survey, Bulleen, on 5th December, 1843, and later to Campbellfield on 4th August, 1845, where he laboured until his death in 1864.

Encouraged by these results, Mr. Forbes again communicated with the Colonial Committee of the Church of Scotland on 13th May, 1841, to secure someone to supply the need in the only place on the seaboard that called for such supply of Gospel ordinances, namely, Gippsland. It was discovered by Angus McMillan in 1840, and people were beginning to flock to it. But this time he was without success, the reason we shall explain later.

The time was now considered opportune for the formation of a Presbytery. It met by appointment of the Synod of Australia

for the first time on 7th June, 1842. There were present the Rev. James Forbes, the Rev. Thos. Mowbray, the Rev. Peter Gunn, and Dr. Patrick, an elder. Prayer having been offered, and the Commission read by Mr. Forbes authorizing the formation of a Presbytery for the district of Port Phillip, Mr. Mowbray then moved that Mr. Forbes be elected Moderator, which was unanimously agreed to. He said, " His talents as a preacher, his zeal in the cause of our great Master, Jesus Christ, and his unwearied exertions in promoting the best interests of the Church pointed him out as the person best qualified to discharge the important duties of the office. We had come out here in consequence of his representations that our labours were required, and the Presbyterians of Australia Felix were indebted to him for much of the religious privileges they enjoyed. Our respective flocks, whose representatives we are, will demand at our hands his election, to mark the grateful sense of the many obligations he has conferred upon the Presbyterian section of this community." (*Port Phillip Herald*, 10th June, 1842.) The next year he was re-appointed.

When Mr. Forbes wrote his last letter to Scotland pleading the needs of Gippsland, Scotland was in the midst of the greatest ecclesiastical struggle that had occurred in the history of the world for well nigh over a century—a struggle between the Church and State over the question of patronage, or the right of a congregation to choose its own minister. Reduced to its essence, it was the question of the headship of Christ over His Church. The conflict was not new in Scotland. In the sixteenth century, the great Andrew Melville couragously informed King James, " As divers time before I have told you, so now again I must tell you, there are two kings and two kingdoms in Scotland ; there is King James, the head of this Commonwealth, and there is King Jesus, the King of the Church, whose subject James VI. is, and of whose kingdom he is not a king, nor a lord, nor a head, but a member. We will yield you your place and give you all due obedience ; but again I say, you are not the head of the Church." (*The Story of the Scottish Church*, by Dr. McCrie, p. 84.)

This controversy shook practically the whole of the religious world, and continued for the space of ten years in Scotland, until the evangelical party could see that there was no hope of redress from the State. They then decided to separate, but still maintaining their principles as they have done ever since. The movement culminated on the 18th May, 1843, when 474 ministers under the leadership of Thomas Chalmers left the establishment solely on the principle of Spiritual Independence,

and constituted " The Church of Scotland Free." This movement, likened by many to the children of Israel leaving Egypt, was followed by an outburst of activity, liberality, awakening, and religious literature such as is questionable any country has ever enjoyed. Within ten years of the event, though commencing without a penny to their credit, the Free Church people contributed £3,046,809 to the support of their cause, and, in one year, are said to have built more churches than the Established in a hundred years.

The news reached Australia about the end of 1843. It had the same effect in Australia as it had in Scotland, New Brunswick, Cape Breton, Nova Scotia, and some continental Presbyterian Churches as well. The Rev. James Forbes drew up an overture which was forwarded to the Synod, asserting, among other things, the headship of Christ over His Church, the right of Christian people to choose their own Minister, and the Independent Jurisdiction of the Synod. When it met in October 1844, he himself pleaded the overture in an able address which was agreed to with only one dissentient voice. There were, however, in the Synod some who wished to retain the words in their title, " In connexion with the Established Church of Scotland." The matter continued to be discussed until 1846, when, finally, a split took place. Mr. Forbes was not present at the Synod when it happened ; but, when he saw that all his efforts were practically nullified and the Synod had determined to retain the words " In connexion with the Established Church of Scotland," thereby virtually, though not in express terms, rescinding the resolutions previously adopted, he felt that faith had been broken with the people, preference shown for, and approbation of, the Established Church, and the conscientious convictions of good men, solemnly met in the name of the Lord Jesus trifled with (see *Address to the Congregation of Scots Church*, Supplement to *Port Phillip Herald*, Nov. 7th, 1846).

He addressed his congregation on October 25th, 1846, stating the case as set forth above, and said : " For these reasons, and for others which cannot now be mentioned, I renounce, from this time forth, all connexion and communion with the Synod of Australia in connexion with the Established Church of Scotland. I am constrained to it by a desire to maintain the principles and testimony of the Free Church of Scotland—principles which I believe to be the olden principles of the National Church of Scotland, principles which I vowed to maintain when ordained to the office of the ministry, principles for which many blessed martyrs have in other days shed their blood, principles which I am firmly persuaded are taught and inculcated in the Word of God. As long as there was the shadow of a hope that the

Synod of Australia would be faithful to these principles, I continued in it, though there was much in it that I lamented, and much wanting that I desired to see." (*Ibid.*)

With these solemn utterances he left Scots Church. It must have been a sore break to leave behind what he had put the best of his life into and had seen grow with such rapidity, but his conscience was clear, and his duty plain. He went out at the call of duty, and his going out as such great personal sacrifice stamps his action as one of the finest in Victorian ecclesiastical history, and thrusts his name into the very front line of our most eminent men. He sometimes complained, and with good reason, of some who were with him until their temporalities were threatened, and then turned back. When the Presbytery of Melbourne met on 17th November, composed of the Revs. Andrew Love, Peter Gunn, and Alexander Laurie, who had determined to stand by the Establishment, he laid on the table his protest, a document of no ordinary standard, which must have given the Presbytery solid food for thought, and then retired. His resignation was accepted with regret.

For a period of eighteen months he was obliged to conduct service in the Mechanics Hall, until John Knox Church was built. His first service was held there on 22nd November, 1846, to a crowded audience. His text upon this occasion was, "The Lord hath chosen Zion; He hath desired it for His habitation. This is my rest for ever: here will I dwell; for I have desired it." Psalm CXXXII., 13, 14. The collection amounted to £10 2s. 1d. He lived and died a Free Churchman. Fifty members and a large number of adherents joined the congregation with him.

It has been said that as a Free Churchman he was "inexorable." That is true, if by it is meant unbending and unyielding. He was a man who held convictions in contrast to sentiment, and principles as distinguished from opinions. He was like the Highland piper, who played a pibroch and a march for the entertainment of Napoleon Bonaparte, and, when requested by him to play a retreat, said, "he did not know how. They never retreated in his country." So, when James Forbes was asked to return to the Established Church, he replied, "No, not a hairbreadth." This bears out the inscription on his monument, "A man of inflexible integrity."

Mr. Forbes now threw himself into the work of building up the Free Church, and was rewarded by many gratifying results. On the 3rd January, 1847, the Rev. John Zeigler Huie, a man of singular preaching ability, arrived from Scotland, by the *Lima*, in response to an earnest appeal by Mr. Forbes. He

later settled in Geelong, where he had a short but brilliant career. The Rev. Thomas Hastie came to the aid of the Free Church from Van Diemen's Land. He had a long and useful ministry in Buninyong. The future of the young Church now seemed assured. On the 9th June, 1847, the Rev. James Forbes, A.M., the Rev. John Zeigler Huie, and the Rev. Thomas Hastie, and Henrie Bell, elder, constituted the Free Presbyterian Church of Australia Felix. The progress of this Church for the next ten years was phenomenal; many congregations were formed and many buildings erected.

The next matter calling for urgent attention was a church in the metropolis. On the 17th day of November, 1847, the foundation was laid, by Mr. Forbes, of John Knox Church on the corner of Swanston and Little Lonsdale streets—the very day, too, that he was declared no longer a member of the Established Presbytery. It was opened for worship on the 7th of May, 1848. "Garryowen" says, "In the whole of the early ecclesiastical history of the colony there is no instance on record where such speed was made as in the erection of the first temple of religion of the "Free Presbyterian Seceders." Of course no Free Churchman would accept his phrase "Seceder." Eminent legal opinion, after 85 years, recently sought by those opposed to the Free Church in Scotland, has been said to uphold every claim that the Free Church has made to be the Church of Scotland.

John Knox Church was soon followed by John Knox School and manse. Thus, in a period of about twelve years, Mr. Forbes had been instrumental in erecting no fewer than seven buildings. Scots Church and John Knox Church with the manses for each of these, and three schools, two for Scots Church and one for John Knox Church—a fair contribution to the buildings of this great city.

The first two elders appointed for John Knox Church were William Montgomery Bell and T. J. Everest. Henrie Bell was also an elder. He, as we have seen, followed his minister from Scots Church. Other prominent names in the congregation were Orr, McCallum, Duncan, Carson, Clarke, Mill, Milne, McMurrick, McMurtrie, Myers, Hair, Sutherland, T. and J. Learmonth, G. and R. Brodie, Dr. Drummond, William Williamson, Hugh Rennie, William and Alexander Sloane, William Tennant, H. N. Simpson, George Annand, and others.

When Mr. Forbes left the Established Church, he took with him many of the most influential and substantial Presbyterians of the city. His strong religious convictions deeply impressed

the more earnest and evangelical of the people. His anxiety now was that they should be built up and stablished in the faith. So he published the *Port Phillip Christian Herald*, which was practically the first religious paper of the city. It started in January, 1846, and continued until 1850, when the title was changed to *The Victorian Christian Herald*, to synchronise with the statutory change of name of the country to Victoria. It ceased with the April issue in 1851. It was a splendid religious periodical, which kept the people in touch with the best religious work in the different parts of the world. From 1847 to 1848 he also edited the *Free Presbyterian Messenger*, a purely denominational paper contending for Free Church and Scottish Reformation principles.

As a writer Mr. Forbes had a great deal of analytical ability. The editor of the *Daily News* wrote of him that "he was possessed of a most vigorous intellect and reasoning powers of the highest order. . . . A masculine mind which stripped a subject of all decoration, defined it, and laid it bare to himself and to his readers."

The last public duty he performed was on 4th August, 1851, on his deathbed, when he baptised his infant son only three weeks old, in the presence of his family and friends. It was a most affecting scene as he could only speak with the greatest difficulty. He then wrote down his name in the family Register in his Pulpit Bible. When this was done, he lay back in the bed and said, "I have performed the last act of my ministry."

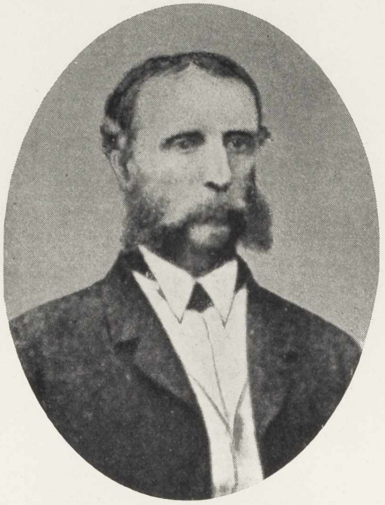
He died on 12th August, 1851, at the age of 38 years, and was buried in the old cemetery where his dust lay until the sanctity of that spot was disturbed, when he was taken up with his favorite elder, Henrie Bell, and laid side by side in the Melbourne General Cemetery. His death made a profound impression upon the community.

His funeral was said to have been the largest seen in Melbourne up to this time. It was attended by a great concourse of people, including almost all the ministers of the different Protestant denominations of the city, Dr. Geoghegan of the Roman Catholic Church, the Governor, Colonial Secretary, Colonial Treasurer, Collector of Customs, Sheriff, Postmaster-General, and the other heads of the public departments, together with many of the most esteemed citizens of all ranks and denominations.

Feeling reference was made to his departure in the various city churches on the following Sabbath. There are those who have only lately passed away who could remember vividly the weeping congregation in John Knox Church.

SIR REDMOND BARRY.

From *The Chronicles of Early Melbourne*, by "Garryowen."



R. W. VON STIEGLITZ.

From a portrait in the possession of his daughter (Mrs. Barker).

SIR WM. MOLESWORTH.

From *Selected Speeches of Sir William Molesworth*, edited by H. E. Egerton (Murray).

Mr. Forbes was a great and good man who is worthy of a most honoured place amongst early Victorian pioneers. "His memory," says Bonwick, "is dearly cherished by all classes and religious professions."

Notes from an Early Diary of Sir Redmond Barry, 1839–42.

By Alfred Hart, M.A., M.Sc.

(*Read before the Society, 29th April*, 1929.)

Until recently I was the owner of two books almost entirely in the handwriting of Redmond Barry, one of the most distinguished of our early citizens. His contemporaries knew him as lawyer and judge; we may justly reverence the first chancellor of our University and the founder of our magnificent Public Library. Barry was admitted to the Irish Bar in 1838, at the age of twenty-five (not at twenty, as "Garryowen" says), and on the 13th of November, 1839, came to Port Phillip in the *Parkfield*. In the same ship were three solicitors—Edward Sewell, Robert Deane, and Richard O'Cock—but our fast-sailing clippers were almost unsinkable! Barry had the usual classical education of his day, was a sound scholar, and something of a bibliophile, and probably brought his law library with him. He began practice almost at once, and, being a man of an orderly mind, kept in what he terms his "Case Book" a continuous record of his legal work from December, 1839, to the middle of 1842. On New Year's Day, 1840, he commenced compiling a "Book of Precedents"; certain pages of this refer to cases for opinion later than 1842.

The two books are small octavo volumes, internally in a very good state of preservation, though they require rebinding to save them from falling to pieces. Bookbinding and the materials necessary in this trade, even paper of good quality, would probably be scarce in the Melbourne of 1839. Barry seems to have solved the problem of binding his two manuscript books by simply putting upon them covers removed from volumes three and four of a forgotten compilation called *Beatson's Political Index*. The most indefatigable book-collector would scarcely spend a thought upon what seemed

to be a couple of odd volumes relating to dead politics. On the first page of Volume IV., we find the following inscription :—

BOOK OF CASES.
Melbourne,
P. P. (Port Phillip)
A. F. (Australia Felix)

Dec. 2nd, 1839.

Immediately beneath this the youthful barrister wrote some well-sounding legal saws to guide him in his attempts to find a path through the labyrinth of law. One is the legal version of a familiar maxim, " He that will have equity done to him must do it to others " ; and immediately after it comes the converse, " He that hath committed iniquity shall not have equity." In other words the unjust and the rascal must rely on law not on equity to win their suits. I omit a like quotation from Coke, but I wonder why he inserted the following words of Burke : " He who takes a fee for pleading the cause of distress against power and manfully performs the duty he has assumed receives an honourable recompense for a virtuous service." Did Barry in his youth feel that the custom of taking fees and " refreshers " for pleading was in need of defence, and invoke the philosophy of our great orator to banish doubt from his mind ? We cannot say, but upon copious and ornate eloquence of the golden age of English oratory Barry modelled his rather verbose style. Upon the inside cover of Volume I. he has pasted his book plate. The title page reads :—

BOOK OF PRECEDENTS.
Melbourne,
P. P.
A. F.

Jan. 1st, 1840.

Below are two sentences chosen from " Coke's Littleton" upon the value of precedents, scarcely interesting enough to quote. The Case Book is four times as long as the Book of Precedents, and is much more important. It contains about 500 pages, some of which at irregular intervals are blank, and it covers a period beginning 11th December, 1839, and ending 20th January, 1842. The larger portion of the volume—about 350 pages—refers to his work during 1840. Barry was learning the practical business of his profession, and seems to have spent very much time and pains in storing his mind with the extraordinarily cumbrous legal formulæ and rites that deformed

British law and justice at this period. In addition, the unusual conditions existing in Port Phillip complicated legal issues in an amazing way. As an instance, take the following. (I quote the diary): On 11th March, 1840, Barry was paid £1 1s. for an opinion. "John Moss purchased 400 acres of land by auction, and, finding the land by no means equal to the representations of the auctioneer, wishes to avoid the completion of the purchase. He has not paid any deposit, nor has he signed the auctioneer's book, nor any memorandum of engagement. Can he be compelled to perform the contract? *Memo.* J. M. also says that one portion of the land of which he was declared the purchaser is claimed by another person." Barry gives his opinion in about twenty lines, and then subjoins, for his own future guidance, a synopsis of the law on this and collateral subjects in five very closely-written pages, under headings such as Conditions of Sale, Bidding, Deposit, Enforcing the Contract, &c. Almost every one in Port Phillip, with or without money, was speculating in land, and, when the crash came in 1843–44, Barry's work stood him in good stead. Fees varied, but were on what present solicitors and barristers would consider a very low scale. He usually received £1 1s. for giving a written opinion, two guineas for drafting a mortgage, release, conveyance, covenant, or agreement, with occasional higher amounts. His two best fees were 20 guineas for preparing a deed of settlement for a company called the Melbourne Marine and Fire Assurance, advertised in the directory for 1841, and 50 guineas for a deed of settlement of the Sydney Bank. This deed contained 186 clauses and was his first important piece of work, the date on the draft being 9th January, 1840. For appearance in court he seems to have received one guinea for undefended debt cases, and from two to five guineas for police court work, the usual fee being three guineas. His case book shows that, after May, 1841, he was not so busy as before. By this time two or three other barristers had arrived and been admitted to practice; and as Barry even as a young man was punctiliously precise and somewhat formal, and rather dignified in manner, he was not a great favorite with bibulous and easy-going attorneys. About September, 1841, he became Commissioner of the Court of Requests—a kind of small debts' court—receiving £100 a year, and this public duty made serious inroads upon his time.

His first case for opinion is dated 11th December, 1839. From the details given by Barry, we perceive the rough and ready ways of settlers when they suspected an attempt to defraud them. "Mr. W. let (under an agreement) certain shops and premises in March last for a term of five years, to Mr. G.

The said premises were sold in June and purchased by Mr. C., subject to the agreement; Mr. C. shortly after disposed of the shop and premises in his turn to Mr. S. Mr. G. being obliged to go to V.D.L. to settle the affairs of a brother lately deceased left Mr. W. in possession of the shop with authority to carry on the business in his absence. 11th December, Mr. C. and Mr. S. entered the shop under the pretext of looking at the premises, and called on Mr. W. to deliver up possession; on his refusing so to do, and retiring into an inner room, Mr. S. locked the door so as to imprison W. in the room, and put a padlock on the outer door of the shop, erased the name painted on the door, and compelled W. in consequence thereof to discontinue business. Can W. take off the lock?" Barry's answer is "Yes." What redress has he?"

The readiness of even reputable men to take the law into their own hands is illustrated by an application made by Barry on behalf of Mr. W. Cooper for a warrant against a well-known firm, Messrs. Campbell and Woolley. They had sold tools to a man named Moore, who, in turn, sold them to Cooper. Moore evidently did not pay up, so C. and W. forcibly seized the tools from Cooper. The matter was arranged privately.

Perhaps the most interesting case of asserting one's supposed rights with violence concerns John Pascoe Fawkner. Barry's record is as follows:—"On the even. of 9th December, Mr. Absolom, a livery-stable keeper of this place received the following notice, 'As you have had notice already to quit and do not do so, to-night you will be charged £2 10s. for the ensuing week's rent, and if you have not left before Saturday next, Mr. Fawkner will put the law in force and seize for your rent.'—Ed. M.

"It must, however, be observed that no previous notice whatever had been given him to leave the premises, of which he is the weekly tenant of Mr. Fawkner.

"Shortly afterwards Mr. Barrett, the conveyancer, came and distrained for five weeks' rent, three only being due, and seized the horse of a gentleman who had just arrived and took it to the stable of Mr. F., where it was kept safely locked up until the middle of the following day, when the amount of rent due was paid by me to Mr. F. Under these circumstances counsel will advise whether an action will lie against Fawkner or Barrett for an illegal distress? and generally!"

Here we must close, as nothing more is told of the result.

The anxiety displayed by Fawkner and others to eject tenants, legally or illegally, was largely due to the speculative spirit born

of the land boom in 1840–42. Picked allotments in the main streets were being sold at from £30 to £40 a foot, and with interest at 10 to 12½ per cent., an owner could not sell a block of land burdened with a seven years' lease at a low rental. As a consequence, all kinds of shady tricks were played. In November, 1839, James Blair rented from Brown 30 feet of land in Elizabeth-street at £1 per foot per year, for seven years. The owner promised a lease from time to time before witnesses, but evidently repented of his bargain as land was rising rapidly in value; so on the 1st October, 1840, he sent Blair a lawyer's letter giving notice of his intention to raise the rent to £5 a week, and six weeks afterwards put in a distress on the premises for £138 and seized Brown's tools. The legal point was interesting, as a verbal lease could not exceed three years in duration.

Barry's second case involved an interpretation of the iniquitous Master and Servants' Act. "J. Campbell and his wife were hired on the 14th November by W.O., for one year. J.C. having refused to obey his master's orders was brought before a magistrate and sentenced to gaol for one month. During his imprisonment W.O. expressed his regret for having been so harsh to him, and told his wife that she might leave his service, and he let the house that she and her husband occupied to another person. Is C. bound to return to his service?" Barry's answer in effect was "may be"; I have a suspicion that Mr. W.O. wanted the rent of the house and was sorry for himself rather than for his harshness. The English law of Master and Servant seemed to have been adopted almost in its entirety by the New South Wales Government, but was amended by the Council in 1840. Most of the cases were adjudicated on by a J.P.—himself always an employer of labour—but the New South Wales legislature restrained the zeal of the master for enforcing severe penalties against disobedient servants by a provision that the entire costs of any court action were to be paid by the party able to pay, whether he was or was not successful in his suit. Most of the immigrants coming to Port Phillip were brought out under the bounty or assisted system of immigration, and in some instances—as appears from an agreement drawn up by Barry—they were bound to serve for as long as two years at a rate of wages, higher perhaps than the Home rates, but considerably lower than the ruling Colonial. After being in Port Phillip for some months, men naturally resented their being paid less than current rates, refused service, and were summoned to appear before a magistrate. If the servant failed to answer the charge, a warrant was issued for his arrest, and on conviction the prisoner usually

received the maximum sentence of three months' imprisonment. The Act of 1840 provided an alternative of deprivation of wages in whole or in part. Much of the harshness was due to a shortage of labour. In the middle of 1840, Barry drew up an agreement between some settlers and A. Kemmis, a prominent merchant, for the introduction of about 200 coolies from India ; we hear no more of this, probably owing to the heavy guarantees required. At times the masters had a set back. A youth named " Wrigley, contracted in Yorkshire, to serve three Whiteheads at 4s. per week, clothes and rations, for six years. Whitehead refuses to pay wages. Can Wrigley get articles cancelled ? " A month later, Barry appeared in the police court, and the indentures were cancelled on the ground that he had entered upon them when an infant. In another case, the defaulting servant was acquitted on production of a medical certificate showing that he was unable to work for a few days the case of John Drain, given three months' gaol for refusing to work under the terms of his agreement, shows the state of the law. Barry applied for leave to appeal under a provision of the Colonial Act of 1840, but the magistrates refused leave on the ground that notice of his intention to appeal had not been given by the prisoner at the time of his receiving sentence. The law on this point being obscure, Barry then applied to the Supreme Court, just then established in Victoria, for a writ of habeas corpus. This was granted, but the matter was not pressed any farther. Query, had Drain's funds run out ?

Early in April, 1840, William Overton (probably the W.O. mentioned above) and W. Harrison, master bakers, and Alexander Reith, John Henderson, William Faber, John Campbell (also mentioned above), and Charles Methven, journeymen bakers, were indicted at the quarter sessions " for a conspiracy to raise the price of wages and with sundry overt acts in consequence of this conspiracy." Barry appeared for the defence and received the large fee of £15 15s. All were found guilty except Harrison. Of the men, Henderson (probably the ringleader) was fined £50 and given fourteen days in gaol ; the others were fined £5 each. Overton was fined £100 and spent one month in gaol. The reason for this so-called " conspiracy " may be sought in the fact that the average rate of a baker's wages was about 3s. 6d. a day with rations, at a time when nearly all skilled artisans were getting 8s. to 10s. a day. Henderson was the first Port Phillipian to suffer in the cause of unionism. The singular feature is the heavy punishment inflicted on the master for paying higher wages. Overton survived these troubles, for his name and place of business appear in the directory for 1847. Towards the end

of the year, Barry again appeared in another case in which certain sawyers were prosecuted for a conspiracy to raise wages. The result is not known. Capital and labour have not yet settled the differences—we now fine the unions instead of the individuals.

Our early press was nothing if not personal; and a horse-whipping or a libel action usually followed any unusually scurrilous attacks. On 7th April, 1840, Barry received £3 3s. for appearing before the magistrate to show cause why Messrs. Arden and Strode should not be committed to stand their trial at the ensuing Quarter Sessions for a libel on Wright, Chief Constable. "Publication being proved, committed." (Wright was the well-known "Tulip" Wright.) On the same day Barry also "appeared to show cause why Mr. Jamieson should not be committed to stand his trial at the Quarter Sessions for assaulting Constable Smith in the execution of his duty in arresting Messrs. Arden and Strode." The latter escaped punishment, and in revenge brought charges against Wright which were dismissed as unproved. Horse-whipping an editor or a solicitor seems to have been a popular out-door amusement. Mr. A. Bolden pays Mr. Barry two guineas for a consultation on the consequences of his horse-whipping A.—perhaps Arden, the editor. A few weeks later, Barry "attended a police court on behalf of H. Hogue, Esq., who expected to be summoned for having horse-whipped Mr. Carrington (a solicitor), who did not appear. *Quære.* Mr. H. being anxious to go to England, may he venture to leave this country? Is there any danger in the event of C. bringing a civil action of his proceeding to outlawry in consequence of his not appearing to defend the action?"

Assaults on the person were very frequent and resulted in court proceedings, principally because the police force in 1841—15 strong and paid 2s. 9d. a day—was incapable of keeping order in a town of almost 10,000 people spread over a large area. Melbourne possessed nearly 50 taverns, really drinking dens, and numerous sly "groggeries." Barry appeared in more than twenty assault cases. In certain cases he gives interesting details that throw some light upon the life of the day. Sea-captains of the Captain Kettle type did not receive much encouragement. A captain who assaulted his second officer was fined £3, whilst a second officer paid £5 for the privilege of thrashing one of the crew. Human nature does not vary with the ages. A man, committed to stand his trial for assaulting his mother, pleaded guilty, but as his mother declined to press the charge he was fined 1s. Another man who pleaded guilty to assaulting his wife was permitted "to

consult with the prosecutrix" ; the law was vindicated by his being fined ¼d. In a later trial, a gentleman charged with endeavouring to burn his wife was remanded for medical examination. This decision must be commended, because a man must be out of his mind if he is unwilling to pay ¼d. for the privilege of giving her a severe thrashing. Women, however, were scarce and used to exercise their right of changing their minds. A person named William Barnes, unable to keep his wife's affection, charged James Butler with harbouring his wife and stealing his property—the property being the wearing apparel upon the person of his wife. The case was dismissed, the magistrates evidently holding that a woman's clothes are not her husband's property. Apparently Barnes was not satisfied, for on the next day the diswived husband charged his supplanter with threatening him with violence, and asked that he should be bound over to keep the peace. In cases of marital unhappiness alimony was granted, but 12s. 6d. a week is not a very liberal allowance ; the odds are she did not get it. The most extraordinary assault case was one in which Barry appeared for Michael McNamara charged by Francis O'Reilly with an assault. No blows were struck. It was a robust age, and the magistrate evidently thought that these degenerate Irishmen were not triers and dismissed the case.

The unlicensed sellers of spirituous liquors were often Barry's clients, but the evidence was like their liquor, usually too strong, and they paid up the standard fine of £30. One lady, with a previous conviction, had a win on technical grounds ; the information charged her with selling porter, but the informers swore she sold them beer. The case was dismissed, but her triumph was soon over, for three days after she was convicted and fined £50. Offences peculiar to the times were permitting convicts to remain on their premises without special permission, and selling liquor to aborigines. There was always a difficulty in proving that the innkeeper knowingly and wilfully admitted convicts into his house, and Barry secured the acquittal of one client on the ground of ignorance. The hours during which public houses were permitted to remain open varied from 4 a.m. to 9 p.m. in summer, to 6 a.m. to 9 p.m. during winter. A publican named Halfpenny was granted a whole-night licence, but two weeks afterwards was fined £5 for harbouring drunken men in his house after hours. Tied houses were by no means unknown even in those days. Barry drew up an agreement between an innkeeper and a merchant, binding the former to buy all his drink from his sleeping partner ; there was a special clause providing for secrecy.

Now as then the law treated crimes against property much more severely than crimes against the person. The heaviest penalty even for an aggravated and unprovoked assault seems to have been £5 ; but theft was severely punished. For stealing a gun Thomas Hopwood was transported for seven years, whilst horse stealing earned the thief fifteen years' transportation. Horses, however, were scarce and valuable—men were not. A curious trial for sheep stealing is worth recording. Barry was retained to defend a man charged with two crimes, killing a sheep with intent to steal, and larceny of a dead sheep. He called on the prosecutor to elect between the two charges, and his point was allowed by the court. The evidence showed that the sheep had been worried by dogs ; the dog was disowned by the prisoner, and there was no proof that he incited the dog to kill the sheep. Accordingly, the Crown abandoned the principal charge and established the charge of larceny at common law. The price of the dead sheep was seven years' transportation. The trial is notable in that Barry concludes his note with the words, " Alibi tried on ; no go "—the first and only appearance of slang in the diary. The writing is Barry's normal hand ; and the only excuses I can offer for this deviation from his usual standard of correct speech are youth and our common humanity.

The most amusing incident recorded appears under the date 31st May, 1841. Thomas Tulloh, settler, Blackwood Valley, Geelong, brought an action for imprisonment against Patrick McKeevor, chief constable of Geelong, who had put him in the watch-house, the offence being his playing at leap-frog on Good Friday. The charge must have been dismissed by the magistrate, hence the action. The information given in the diary is tantalizingly brief ; a game at leap-frog, like a duel or a flirtation, demands two players, and perhaps, Tom Tulloh had his " back " as company in the " logs." Geelong has, for many years, borne the reputation of being rather a sleepy, slow-going town ; there must be something in that seaside air that compels to dulness, when a man bearing the name of Patrick McKeevor turns " wowser " and takes such drastic measures to cure the country stranger of exhibiting playful vitality unnatural to the Geelongese.

The diary enables us to correct slight mistakes made by " Garryowen " (*Chronicles*, Vol. I., p. 90). The latter gives the names of ten aboriginals charged at the June Sessions, 1840, with assaults and robbery. Barry gives the correct date, January, 1841, and says :—" Appeared for Tarooknumire, Lanbederook, Loggermacoone, Beepeep, Wyldgun, Landermit,

Pyngungoon, Moorumullink, Puckemall, Cowangidler, Yarmarbope, Waverong—aboriginal natives charged with robbing Mr. Snodgrass's hut. Found guilty. Sentenced to ten years' transportation." The number of aborigines Barry defended was twelve, Puckemall and Yarmarbope being omitted from "Garryowen's" list. The Mr. Snodgrass was Mr. Peter Snodgrass, a very well-known squatter and young "blood" of the Melbourne Club, with whom Barry fought a famous duel a year or so later. The severity of the sentence was in part characteristic of the times, but is probably a reflex of the widespread fears that the blacks were meditating a massacre of white settlers. Barry does not record the receipt of any fee for his services, and he seems to have volunteered to act as standing counsel for the aborigines. For years afterwards, his name figures in this honorary capacity.

I have already referred to the fining of brutal officers of the mercantile marine for assaults on members of their crews. In April, Barry appeared for Captain Woodin of the *Caroline*, charged with a breach of port regulations in not having a watch on his ship at night. The defence was ignorance of a regulation published in the *Sydney Gazette*, and Barry argued that the prosecution must prove that the party entitled to notice has been in the habit of reading the *Gazette*. The magistrates preferred common sense to law and fined his client £5. A few days previously, Barry was asked for an opinion on a question involving the proper complement of men for sailing a ship. The facts as set out in the diary are :—" Captain Legge of the ship *York* has been served with a protest for not having more than 39 men on board his ship (she being of 1,015 tons burden). Mr. Barry is requested to tell if Captain Legge is bound to have a greater number of men than that in *his estimation* requisite for the purposes of sailing his ship." Barry cites the provision of the Act requiring one man for every 20 tons of burden, and gives his opinion as follows :—" According to the regulations of this Act, I am of opinion that the complement of men on board the ship *York* is insufficient, and that the Custom officers can detain her."

The scarcity of coin in the colonies is well exemplified in an opinion given in July, 1840. "Mr. Welsh, of the firm of P. M. Welsh and Co., shipped flour and bran on board the *Industry*, bound from Hobart Town to Melbourne. She was driven by stress of weather into Sydney, where she had to effect some repairs, to pay for which the master sold some of Mr. Welsh's shipment at a rate lower than that which might have been realized for it if sold at Melbourne. The *Industry* afterwards prosecuted her voyage and arrived safe at Melbourne, where

she delivered the remainder of Mr. Welsh's shipment. What is Mr. W. to do?" Here we have illustrated the trials of merchants, ship-owners, and ship-masters in the early years of trading between Australian ports. Matters were little better in the Port Phillip district, and the following instance indicates both the scarcity of coin and the defects of the widespread credit system then prevalent. "Mr. A. Rutter, superintendent of Messrs. Ryder and Kirk, being out of supplies has come to Melbourne where he finds Mr. Kirk's drafts on Mr. Ryder dishonoured. Being without funds, Mr. Rutter wishes the opinion of counsel as to whether he is authorized to sell any part of Messrs. Ryder and Kirk's property to get supplies for the Station." Other opinions involved the right of workmen engaged in making articles for an employer to sell portion of their production to pay themselves their wages, the master having left the State.

Melbourne's first theatre has mention in the diary. On 3rd May, 1841, he prepared for Monsieur and Madame Gautrol, "a declaration in assumpsit for work and labour in playing and singing at the theatre in Bourke-street." The defendant is named Jones, a name not appearing in "Garryowen's" *Chronicles*. If Finn's statement is correct that the Pavilion "was to be completed in two months, but it was not until February that the foundation was laid," the "work and labour" for which the Gautrols sued for payment must have been "delivered" towards the end of April, and may have formed part of the "musical performance, but of a very equivocal description, spiced with low buffoonery, ribaldry, and interludes of riot and confusion," which, says "Garryowen," "caused the police magistrate to close the place." Barry was asked to decide the knotty point whether husband and wife could sue jointly. His decision was in the negative, because the law provided that the husband was entitled to the whole of his wife's earnings.

Most of Barry's work came from the ceaseless traffic and speculation in land and houses; he was kept busy preparing releases, conveyances, mortgages, reconveyances, settlements, &c. His usual fee was one or two guineas, and in his Book of Precedents, he was at pains to draft what he considered correct forms of such documents, and then adapted them to the special circumstances of each transaction. A few of these documents are worth notice. We have two or three notices of the well-known Howey estate. Barry was asked at different times to peruse the documents in connexion with the reconveyance to his executors of lands forming part of the estate of Henry Howey, drowned at sea, to prepare a mortgage of certain lands and houses to the executors of his estate, and to prepare a

lease for ten years to Mr. W. Cooper of land in Melbourne. The covenants of this lease provide for the payment of rent, non-assignment of lease, a prohibition against the practice of dangerous, noisome, or of offensive trades, and the erection of a building worth £300 on the land. Lots 6, 7, 8, 9, forming 2 acres, situated at the intersection of Collins and Swanston streets, were not very valuable then, and the shrewd owner was quite prepared to give a long lease to a suitable tenant. On 25th February, 1841, Henry Dendy, who had paid £5,120 for 8 square miles of land at Port Phillip, to be allotted to him under the terms of a special survey, asked his solicitor, Mr. O'Cock, to get counsel's opinion of the meaning of certain words in his land order. Barry's note is as follows :—" Mr. Dendy has brought out an order for a Special Survey of Land. Can he select in any part of the District of P.P. land surveyed or unsurveyed, unappropriated, and open for sale at present ? Can he defer his choice, and will his doing so enable him to retain his priority of selection ? " The opinion is too long to quote, but in effect he advises Mr. Dendy to use " ordinary diligence in making his choice, as I conceive great public inconvenience might ensue were the sale of lands to be delayed beyond a reasonable time." As is well known, this Special Survey included the whole of the land upon which Brighton and some adjoining places are now built.

He drew up many deeds of partnership, several of which show how Melbourne merchants took part in pastoral pursuits. In August, 1840, he formulated articles of agreement between the well-known merchant, G. W. Cole, and F. W. Langdon about undertaking sheep-farming—Cole to have two-thirds, Langdon one-third. Cole purchased the cattle and sheep, and agreed to sell to Langdon one-third of each. Should he not be able to pay for all, he allows the balance to remain at 12½ per cent. interest. Langdon is to take charge of the stock for three years, and send in returns of same and increase and all disbursements, &c., every six months. Langdon is to have a salary and rations for self, wife, and family. There is reserved power to cancel the agreement by giving three months' notice in writing.

Another agreement made in September, 1840, between R. W. Tulloch and A. H. Barton provides as follows. One of the partners is to take charge of 1,200 sheep and to have for so doing a third of the wool and a third of the increase. He is to be allowed to sell wethers and must furnish accounts of the money so received and of wool and increase annually. Disputes are to be settled by arbitration, and the articles may be amended. Finally, there is a bond of £1,000 for due performance of the

contract. Values were rapidly rising, and in April, 1841, about the peak period of the land-boom, James Bowie Kirk, the auctioneer, sold to George Urquhart 820 acres of land, 800 stock, 36 mares and horses, for £10,000 to be paid for in ten years. Urquhart prospered, and, 25 years later, his name appears as the holder of several stations. Another type of share farming is recorded in the diary. McGregor under an agreement was to receive twenty milch cows and rent them at £1 5s. a week for nine months. He had a partner Ellis who died, and plaintiff only received ten cows, but paid the full rent. Can he recover damages under the agreement for a breach, with his deceased partner's representative joining as co-plaintiff? We are not concerned with Barry's opinion, but I can assure you that the name of this man that paid the whole rent for half the cows was McGregor! Barry took great pains to get a clear understanding of the complicated laws affecting partnership. In the course of his reading he stumbled upon decisions that perturbed even his phlegmatic soul. " If several persons dine together at a tavern, each is liable for the whole dinner !!! " He indicates his astonishment with three consecutive marks of exclamation. This may be good law now; so, if there be any Scot present, let him take warning not to accept an invitation to dine at a tavern, unless he is assured of the solvency not merely of his host but also of all his fellow guests.

I am not a lawyer and do not know how interesting the law details may be, but I take it that the Historical Society concerns itself with law only in so far as it affected the progress of settlement or the fortunes of prominent persons. On 30th April, 1841, Barry received instructions to prepare John Pascoe Fawkner's will. The testator leaves his wife a life interest in all his estate, and orders his trustees after her death to employ it for specified pious uses. The insanitary state of Melbourne and its suburb is reflected in clauses such as have been mentioned in the account of Howey's lease, and in several appearances of Barry at the police court to apply for orders to abate nuisances in New Town and elsewhere. Dysentery and typhoid fever were prevalent, and the death rate in summer reached twenty per week in a town consisting chiefly of adults in the prime of life. Almost the last record concerns what must be the first Breach of Promise case in the colony, Miss Gorman suing Mr. O'Neill. We have no other information as the diary ceases shortly afterwards, and, as " Garryowen " is silent on the subject, the suit probably never came before the Supreme Court. There is nothing that concerns Barry personally, except that he notes

that, on 22nd September, 1840, he purchased land from James Simpson, a prominent colonist and the President of the Melbourne Club, of which Barry was the secretary.

I do not claim that I have exhausted all the interest of this diary. The current newspapers would undoubtedly fill many a gap, but, probably, much of this chronicle of small beer is quite fresh to most of my hearers. What impresses me is the industry, order and system, thoroughness, capacity for taking pains and solidity of the writer; the maturity of mind and soundness of judgment in a young man of 21 strike me with wonder. I trust that some competent lawyer will examine the diary and give an opinion of Barry's legal capacity in his youth.

Some Particulars of the Life of Robert William von Stieglitz.

(*Read before the Society, 24th June*, 1929.)

The following extracts from the journal of Robert William von Stieglitz, the first person to settle in the immediate vicinity of Ballan, were kindly copied and sent to me by his daughter, Mrs. Adelaide Mary Barker (the widow of Canon Barker), of Rosina, Rostrevor, County Down, Ireland. Mrs. Barker also sent me photographs of her father and her uncles, John, who took up Ballanee, and Charles Augustus, who took up Durdidwarrah, a watercolour painting of Ballan House, a pencil drawing of a property owned by another branch of the Stieglitz family, in Tasmania, and a *Victorian Squatters' Directory* for 1849. I am deeply grateful to Mrs. Barker for her great kindness, and only regret that the journal ends at the taking up of the Ballan run, and gives no account of its fifteen years' occupancy by her father. Mrs. Barker's manuscript, which I give verbatim, is as follows:—

JAS. WALSH, Ballan, Victoria.

I was born in Cookstown, County Tyrone, Ireland, on the 4th August, 1816. My father, Henry Lewis von Stieglitz, was a native of Saxony, of ancient and honorable family. My mother, Charlotte Atkinson, a native of County Armagh, Ireland, of English and Scotch extraction, was left a widow when I was nine years of age. There were six sons and two daughters. About the year 1830, she permitted Frederick and Francis, her two elder sons, to go to Van Diemen's Land. On their arrival, they got grants of land 2,560 acres. In 1833 I, with my brother John, left Ireland and arrived in Van Diemen's Land in August of that year; too late to get grants, as the system had been changed.

After a few day's rest, I set to work with my brother Francis and his men at fencing in paddocks. The men were assigned convict servants, and a better class of working-men I never met with in any country. They were chiefly transported for poaching, and generally appreciated kindness fully, and in return gave good work. I soon got to like the bush life, though very trying to hands and back, lifting heavy logs and mortising posts for fencing, &c. I often, when evening came, thought of "home," where I spent my time after school was over shooting snipe and hunting in winter, and in summer gardening.

I was fond of field sports, and soon got a kangaroo dog called Spot and my old sheep dog Ponto, and had many good runs and killed many kangaroos before sunrise, and worked hard until sunset. I may here describe one of my first hunts of a "boomer," or largest sort, which are not so often seen as the smaller kind. I often killed three or four of these of a morning, giving the men the skins worth 1s. 6d. each. But to my hunt. I had gone out as usual at peep of day with Spot and Ponto, and had not gone far when both dogs disappeared. I soon heard loud barking and followed it up; but, before I could get a sight of the game, they were gone, and then the barking would be heard again. I found the party in the St. Paul's River, the water being about 3 feet deep. The boomer, for such I found it was, was sitting in his usual way, and, as the dogs approached, he took them in his fore-paws and held them, one at a time, under water. When he let one dog go to catch the other, the released one had to take breath, and he would soon have drowned both dogs, had I not come up. This need scarcely be wondered at as he weighed two hundredweight. I had my double-barrel, and put a ball into his chest at about 3 yards' distance. It seemed to have no effect on him, and the drowning process went on even after I had put the contents of the other barrel of heavy shot into his head. During the whole time he never attempted to get away, which he could easily have done, but fought game to the last. I was very strong, and so determined to grapple with him myself. I got into the water and took hold of him, when a very hard tussle took place, which ended in my getting him on to the bank and giving him the finishing touch. Had he not been weakened by the shots, the result might have been different. I put the hind quarters and tail on my shoulders and carried them back, proud of my first boomer. My eldest brother Frederick lived 36 miles away. I remember how delighted I always was to go to his place, "Killymoon," called after a place in County Tyrone. He kept splendid horses, and took a great delight in putting any young fellow on them. If they ran away, so much the better for his

amusement. I came on a great many snakes at times in the long grass. One, 6 feet long, struck my leg, but I shot the head off it. Some hundreds of them suffered from my gun, whip, or stick. They are easily disabled. During my stay in Van Diemen's Land, I got a good knowledge of sheep farming and a hardening for bush life which was of great service to me afterwards in Victoria.

In 1835 or the beginning of 1836, some enterprising persons had explored the south-eastern part of New Holland, and discovered a fine well-watered country and called it Port Phillip (now Victoria). This discovery naturally created a great stir in Van Diemen's Land, as the country was being overstocked with sheep and cattle. John and I decided on going over. The distance from George Town, Van Diemen s Land, to Port Phillip Heads is 190 miles. He however, got married, and did not go for some years. With a capital of £800 I purchased some sheep at 25s. and lambs at 15s. each. I left Van Diemen's Land in June, 1836, in the schooner *Champion*, with 360 sheep and two horses of my own. I had a slow but favorable passage of six days, and only lost one sheep. I arrived at Gellibrand's Point (now Williamstown) on 15th June, 1836, and commenced my career as a sheep farmer at the age of nineteen, in a country so new that there was no power whatever to uphold the law. Melbourne at this time had not one brick nor one stone on another. There was only one wooden house or hut, and about half-a-dozen sod ones. I took with me as shepherd and hut-keeper David Christmas and Patrick Foley. They say a bad beginning makes a good ending. I hope so, as my first night on the continent was one of the most trying I ever spent. I was tired and wet from heavy rain, and soon fell asleep on some sheep-netting. In an hour I was aroused by one of my men calling me to assist in getting in the sheep, as they had broken out of the pen. They had tasted sweet grass, and it made them wild after the dry hay on board ship. I put on my wet clothes and ran out, and with great exertion got the sheep penned up and the fence secured, and then returned to the tent, pulled off my dripping clothes, and went into my blankets, but shortly afterwards was called again. It was cold weather, being winter then, and I sat up till morning at a good fire of wood. I expected one of my partners to meet me and assist me to the place they had first settled on, which is now called " The Bell Post " (which I assisted in putting up), about 2 miles from Geelong. The distance from where I landed was about 50 miles, but there was no track or road of any sort in any part of the country at that time. It was while I waited for

some directions that I made the acquaintance of Mr. J. Gellibrand, a famous lawyer of Hobart Town, who took a great interest in the new colony, and was a leading member of the company which went through the form of purchasing land from the natives. They bought many hundreds of thousands of acres of the finest land, including the sites of Melbourne and Geelong, for a few blankets, but Government very properly cancelled their claim, giving them £1,500 (*sic*) for their expenses. As the natives did not till the land, the Government would not recognize their claim to any part of it.

After waiting three weeks, I decided on trying to get to the station, not exactly knowing the direction, but going as nearly as I thought right by compass. After a few miles I found water and brushwood, so halted for the night, tethering the horses and setting to work at felling trees for a sheep-yard. Unfortunately, my good-natured skipper, Captain Hill, had given me some whisky. As I never cared for it—I cannot say why I took it—it was a most unfortunate thing for me. Some of the whisky got spilt, and I, not thinking, gave some to the men, telling them to follow the tracks of the cart after me. What was my horror to find one of the men drunk; the other said he would return to the ship at once, which he did, leaving me with a drunken man. These men had both been convicts. I never was easily deterred by difficulties, so made the best of the circumstances. I had a gun and pistols ready, as the blacks were very dangerous. I awoke next morning and found the man David sitting at my feet in a very miserable way, as it had frozen during the night and he had been lying out somewhere. After breakfast, we started for the River Werrabee (*sic*). On my way I met with a Mr. Franks and got some lead from him to make, what he called "blue pills" for the natives, who were very fierce. A few days after Franks and one of his men were murdered by them. On arriving at Werrabee, I found several tents pitched and a good many sheep. Here I saw for the first time the famous Buckley, who had been 32 years with the blacks. He was a runaway convict from an expedition which landed to form a convict settlement under Governor Collins, about the year 1804. They only remained a few days, from their inability to find water, and, during this time, Buckley and several others absconded, of whom all were killed by the blacks except Buckley. The expedition moved on and settled where Hobart Town now is. Buckley was a most repulsive-looking rascal, 6 ft. 5½ in. in height. He was spoilt by flattery from Gellibrand and others, who thought they could make him

useful to them ; but he was a man of no intelligence, and, during his long sojourn with the blacks, had not taught them anything, but had settled down into all their barbarous ways.

I had difficulty in getting the sheep across the river, which was rising, and I had to go in breast high to keep them from drowning. The country was a level plain, the ground being so soft that the mares refused to pull, so I had to leave the cart and ride bare-back, my man having my saddle. Night came on, and I could only with difficulty find my way back to the station—Wedge's. Next morning, I started in search of the sheep, and, after going some miles, I saw a blackfellow who was holding up his arms and calling out to me to stop. I had a brace of pistols in my belt, so I did so, and found he had left our station in the morning. He told me by signs that I was going the wrong way, so I allowed him to direct me, he walking by my side patting me on the back, and I appearing pleased, but very watchful of him. His name was Murry Dummock, and a right good fellow he was. I knew him for years after that day when he saved me from being lost in the bush. In the evening, I arrived at the Moorabool hut. In the morning, Cowie, my brother-in-law, and I started to find the sheep, and were agreeably surprised to meet them all about two miles from home. By chance they had found their way.

Now commenced the first real work I had in my life. The sheep had to be folded every night to secure them from wild dogs. The wood was chiefly oak, as hard as English oak. A few settlers kept arriving, amongst them the Manifolds from Tasmania, with whom I had stayed a few days when waiting at George Town for the ship. They settled near us, and soon made themselves comfortable, being very industrious and handy.

The blackfellows were, at this time, getting very troublesome An overseer of Dr. Thompson's on Barrabool Hills, Captain Flett, was struck by a tomahawk as he was coming out of his hut. It was decided by J. A. Cowie, myself, and a few others to form a party and go in pursuit of the natives who had attempted to take Flett's life. He was afraid to join the party, but made the reasonable request that we should bring him the head of the black whom we were going in search of. We did not meet any blacks for a couple of days, but then discovered smoke, and, on going cautiously to it, found a lot of women and children, but no men. For safety it was decided to remain at their camp all night and keep watch in turns of three. A little after dark, we heard the loud voice of a black calling out " Worry–Wodjong Bangake "—the first being his name and the last the one by

which they called me. We knew him to be a well-behaved fellow, and called to him to come on, when he came, followed by several others. We could get no information from them, but our inquiries, I have no doubt, were of use, and showed them we were determined to punish crime. There was no Government protection at that time. We passed through a box forest, where we stayed the night, sleeping as usual at the lee side of some bushes, with a large fire in front. We could easily have been speared by the blacks as we slept, as indeed many parties have since been. We returned to our station, tired and hungry after six or seven days, without meeting with the object of our search. This man was shot afterwards by an ignorant hut-keeper on a neighbouring station, who had been left in charge of him tied to a cart until Captain Flett could be told of his capture.

My brother John's flocks were kept across the river, in charge of two shepherds and a hut-keeper. One day the latter came to me, saying he had been attacked by blacks. Cowie and I soon had our guns and pistols ready. We found a large number of blacks at the hut, and, as they did not run off quickly, I fired a charge of small shot at one I knew to be a stranger. To my horror he fell, but rose and made off. As he was about 90 yards off, I knew I could not have hurt him much, but at first feared I had in mistake fired the barrel loaded with ball. They all then made off, dropping spears as we pushed them close, our object being to frighten them, as nothing but fear has any effect. As one got to the side of the river, which was almost hidden by scrub, he turned round and raised his spear to throw at me. I was about 40 yards from him, and knew, if I hesitated, he would probably spear me; so I put on extra steam and, with gun raised, rushed him, when he disappeared in a moment. They have the power of becoming invisible even in grass not 1 foot high. We picked up as many as we could carry of the spears and other weapons and brought them home. They were put at the back of the hut, and, after a week, the hut-keeper ran in to say that a black had run off with them. I picked up a small pistol (we always had arms ready loaded) and pursued the man, who was so loaded as to be unable to run fast. When he saw me he stopped and showed fight. He threw down all the weapons he had, except a sort of club in shape like an L, a very dangerous weapon at close quarters and much surer than my little pistol, which was only the length of my finger. I knew there would be more danger in turning than in rushing on, so, trusting to my own strength and the

general timidity of the blacks, I ran at him as fast as I could, when he dropped his weapon and ran off. Now, it may be said this was hard usage for the poor natives, but, to judge correctly, the state of the country must be considered. We had no Government protection whatever at that time, and the blacks had committed several barbarous murders. Then it may be questioned by some feather-bed philanthropist whether we had any right to take the country from the blacks, but I believe the general rule is that, if the people cultivate or graze the land they have a claim on it. These creatures did neither; they were about the most uncivilized people in the whole world and the least intellectual, being, in fact, as was afterwards clearly proved, incapable of civilization; and Providence seems to decree that such should give way to the more intelligent race; surviving in proportion to their intelligence. By this rule it will be found that the aborigines of Australia were with one exception (Tasmania) of the lowest intelligence. The Tasmanian aborigines were more like savage beasts than human beings. No doubt they got great provocation, but so fierce were they and so incapable of understanding their inferiority to Europeans that martial law had to be put in force, and this allowed them to be treated as beasts of prey—destroyed in any way. So short was their existence after they came in contact with Europeans that, in the year 1833, when I arrived, it was doubted if any remained, and the country had then been settled only 30 years. A few were afterwards found and taken by Mr. Robinson. They were a fierce race, and, no doubt, were chiefly destroyed by the hand of man. But to prove my theory, look at the aborigines of Victoria. They were comparatively harmless, were well treated generally by the settlers, and, if their hunting-grounds were injured by the introduction of sheep, &c., the loss was made up by the food they got in exchange for skins and any trifling services they could render. The proof of this is, their appearance immediately altered for the better. Instead of a leg as thick only as a pot-stick, they grew very plump, but, what is more remarkable, the women gradually ceased to have children, and, in fifteen years from the first settlement, it was thought a wonder to see an infant. The decrease in numbers could not altogether be accounted for in this way, as, in that time, I believe their number was reduced by much more than half, and this without any general sickness. I have heard several theories on this subject, but none satisfactory to account for the gradual diminution of the race, and I believe that Providence has so ordered it that the white man should have the pre-eminence.

By this time a police magistrate, Captain Lonsdale, had been sent from Sydney, and a few constables were appointed, among them the famous Buckley.

In the beginning of 1838, I had a great desire to form a station of my own, as our sheep were too numerous for the run, being then hemmed in on all watered sides by new settlers, and, on stating my views to my partners and friends, they also wished to remove to get further from the sea or port, where sheep were thronging in. A party to explore was soon formed—Cowie and Stead, two Manifolds, and myself, all mounted and armed with guns and pistols, and with provisions for a week. The second day out we got good grassy land on the Upper Moorabool, and, on drawing lots for it, it fell to Cowie and Stead, who gave it the native name of Bungieltap. Soon after Cowie and Stead and I went again exploring. About 8 miles further north, we came on a chain of ponds with grassy banks. Our great fear was that the water might be bad. I rushed down the bank and found it good, and, on my calling out the news, they would hardly believe it, as bad water was so common. I decided on settling here. The grass was very long for a good sheep run, and here I lived for fifteen years.

While looking over the Ballan run, north side of river, we came on two emus and a flock of six or seven young ones. We gave chase, but found that as long as we followed, they kept us at a good gallop. I thought of a plan to catch one or two and pushed among them at full gallop, separating one which soon put its head into a bush. I took it, tied its legs, and threw it across the horse's shoulders, got on my old horse Colonel, and overtook my friends still in hopeless pursuit.

The " extracts " end here, but Mrs. Barker adds : My father's journal is a family account, and I have copied what may interest you, as you see he lived fifteen years in Ballan. His mother came out to him, and lived in the smaller of the two houses he built. She died there, and was, I believe, buried in the grounds round the house. My mother only died in 1922, in her 94th year. She was married to my father while in Australia. None of their children were born for many years afterwards, when they returned to Ireland. My sister Baroness von Ompteda and I are the only surviving daughters. My father took up Lake Hindmarsh run, and afterwards gave his land to friends and left Australia, meaning to return, but never did, as mother did not wish it ; otherwise he would have been one of the biggest land-owners.

Korumburra District in the Early Days.

By J. E. Holland.

(*Read before the Society, 28th August*, 1928.)

OLD GIPPSLAND MEMORIES.

I come, for the past is calling,
Calling, calling me back
To the hills and gullies that lie between
Strzelecki and Whitelaw's track;
I come with the clasp of friendship
For the men of former years,
And a fadeless wreath for the memory
Of the early pioneers.

I see once again the forest
Where the ferns and great trees grew—
Haunts of wallaby and pheasant,
Native bear and cockatoo.
I hear as of old the echoes
Of the axe and the falling trees,
They are cutting scrub on the ridges,
There is musk scent sweet on the breeze.

I see through the years that follow
The old shingle roofs pass away,
Motor cars are succeeding the sledges,
And trains, the bullock-dray;
But anon I am in the forest
With the axemen of former years,
And the place I love best is the Gippsland
Of the early pioneers.

Walt. Holland.

Rosario, Argentine, 1st January, 1928.

South Gippsland.

In that portion of Victoria lying between Lang Lang and Leongatha, and between Warragul and Wonthaggi, there is found to-day an undulating country occupied by a great number of successful settlers, with numerous thriving towns. This district is known as the South-west Gippsland Hill country. The surface of the area is an almost unending succession of ridges and gullies, with very little level land. It is drained by three rivers in the south, the Bass, the Powlett, and the Tarwin. The Latrobe and the Lang Lang rivers drain its northern slopes. Fifty years ago this area was a wild, silent, scrub-covered country, infested with wallabies, dingoes, native bears, and other animals. Black cockatoos and lyre-birds were very plentiful. At this time the district was held by the Crown or under nominal grazing leases, and it was intended to have it thrown open for selection. The railway in the early eighties

AN EARLY GIPPSLAND HOME—WHITELAW.
(The author lived here in the early 'nineties.)

ARAWATA UNION CHURCH, KORUMBURRA DISTRICT.

ONE OF THE MAIN STREETS OF KORUMBURRA IN THE 'NINETIES.

extended to Dandenong, from which place many commenced their journey by pack-horse through the hill country via Lang Lang and Poowong; but most of the selectors travelled by coach from Melbourne to Drouin, whence they penetrated the forest lands lying to the south. The country was very wet, and in winter the weather was severe. In the summer, snakes were seen in every direction. Blackfish were plentiful in the rivers and creeks. The dense forest sheltered the land surface from the storms that passed over the district. The land consisted of a grey soil, resting on a kind of mudstone about 1 foot or 18 inches below the surface.

The Settlers.

In the late seventies and the early eighties of the nineteenth century, there commenced a great inspection of the Korumburra district by land-seekers. They approached it from Drouin in the north, from Anderson's Inlet and Western Port in the south, and from Lang Lang in the west. It is here desired to give some idea of the type of men who threw their energies into the great task of clearing this district of its heavy timber and subsequent undergrowth. These settlers were drawn from the ranks of professional and business men, farmers and labourers, men from the cities and men from beyond the seas. They were all possessed with the one common desire to secure and clear a portion of the land, and to obtain that measure of success they were sure would follow their efforts. They were mostly young men, or men in the prime of life. It was a young-man's land. Years of hardship and hard work would elapse ere anything considerable would be won from the soil. Hence it was only the bravest and strongest that surmounted the difficulties of this rough country. The making of a fine province from the wilderness of 1875 testifies to the energy and determination of these men, called together by a common desire to achieve success in the great forest of South Gippsland.

The Pioneer Women.

A phase of the early settlement of the Korumburra district was the courage, cheerfulness, and endurance of the mothers, wives, and sisters of the pioneers. At an early stage of the settlement, married men brought in their wives and children after the first few acres of scrub had been burned. Others married and brought in their brides to forest homes, whilst some of the men induced their mothers or sisters to keep house for them. The little clearings were shut off from one another by the forest primeval. The connecting pack-tracks were

muddy and lonely, and the distance long. Hence there was little social life; the visits to neighbouring selectors were few Living in the forest was lonely for the women, as, during the day-time, their husbands or brothers were away on the distant hillsides clearing their selections, or perhaps away for days obtaining stock from distant settlements for their farms. The only sounds heard by these pioneer women were those of the storms roaring in the tree-tops, and of native bears and dingoes in the forest near by. The duties that fell to the lot of the early Gippsland women were hard and monotonous, but they complained not, recognizing the same as part of the price to be paid for the success they anticipated. In the absence of church and school, the elementary instruction of the few children in the district was given to them by their mothers. The compiler of these notes was one of those children. The pioneer women for their cheerfulness, energy, and self-sacrifice are deserving of the highest commendation.

The Forest.

To those who beheld it for the first time, the forest of South Gippsland in its primeval beauty presented a truly wonderful picture of verdant luxuriance. It was a jungle of miscellaneous trees, shrubs, and grasses, consisting of musk and hazel, blackwood and dogwood, wild orange and tree-ferns, supple-jack and sword-grass, small ferns and wire-grass. But this was not all. Emerging from this lower level of scrub in an effort to reach a place in the sun were giant eucalypts, clean of barrel and spare of limb. These were the blue-gum and black-butt trees that grew close together and reached to a height of 300 feet, and as much as 10 feet in diameter at the butt. These giant trees were broad-based, the roots extending in all directions from a height of 10 or 12 feet above the ground, but penetrating the earth vertically only 3 or 4 feet. It was the protection they afforded one another that prevented their being blown down by the frequent storms of wind that passed over the district. To the pioneer land-seekers, these great forest trees indicated rich agriculture and pasture lands in days to come, when the land would have been cleared and placed under grass or crops.

The Clearing.

The method of clearing was the falling of an area of scrub during the winter and spring months. This fallen timber dried partially by the month of March. Selecting a suitable day, the pioneer fired this dry scrub. The fire when properly going was beyond description. It roared for a day and a night.

Volumes of smoke that could be seen for many miles rolled skyward. The next day there was visible, perhaps for the first time in a hundred years, the bare hillsides, blackened and cleared of everything except the large trees that were left standing, killed and browned by the intense heat, and the logs that had failed to burn because of their greenness. The latter were cut into lengths, piled into heaps and burned. Clover, rye, and cocks-foot grass seed was then broadcast over the "new burn," and soon there was a green surface to the land. Each year the selector cleared a portion of his land, usually about twenty or thirty acres. The little clearings were shut off from the others by the virgin forest that was to be cleared in later years. When all the original forest was cut down and burned, there commenced the work of clearing the undergrowth that came up most abundantly, and the bark and the limbs that fell from the dead trees. Many years were absorbed in this work, and meanwhile the bracken-ferns appeared. The forest timber and the undergrowth were eventually cleared, successive fires reducing the larger trees, logs, and stumps.

The Buildings.

Having cleared a portion of his selection, the pioneer had to erect buildings and fences. At first, the settlers camped in tents or huts. Mountain-ash, blue-gum, and black-butt trees afforded excellent and easily acquired timber for the construction of the settlers' homes and fences, and these trees grew on the spot. The trees were felled, sawn into lengths, and split into billets. These billets were split into slabs, shingles, rafters, blocks, laths, and palings. The slabs were used for parts of the chimneys, the shingles for the roofs, and the palings for the outside walls. The houses were generally lined with hessian and papered. The chimneys, for 5 or 6 feet up from the hearths, were lined with sandstone secured with mud. The doors and windows were generally obtained from the nearest railway station. All the rest of the home was raised on the property. A well was sunk for the reception of water for the supply of the household. When this ran out, water was always obtainable from the deep gullies. When the buildings were erected, the wives and children of the pioneers were brought to their forest homes. They arrived in covered wagons, in bullock-drays, in spring-carts, on sledges, on pack-horses, and on foot, along the narrow, scrub-skirted tracks that had been cut and cleared by the selectors. These buildings sufficed for the first 25 years of the settlement. Many of them were destroyed in the great

fires of 1898. On the original or more suitable sites better houses were erected. Most of the original buildings have been replaced with modern homes.

First Results.

The first results of farming in the hill country were disappointing. The scrub surrounding the little clearings was alive with wallabies that wrought great damage to the selectors' grass. The country was found to be too wet for the sheep that were brought to the district. The undergrowth flourished after the first fire, and choked out much of the grass of the little clearings, thus further reducing the feed for stock. The cattle did not fatten as quickly as was expected. The produce raised was little ; the price obtained was low. The prospect was indeed gloomy, but the pioneers held on to their early faith in the country. Then the dairying industry was assisted by the Government of Victoria, and Gippsland was soon found to be excellently suited for this industry. The settlers cleared out their sheep and went in for dairying, and most of the settlers were successful in this business. In the meantime, they continued the clearing of their farms and trying to keep down the bracken-ferns that grew in great quantities on the partially cleared selections. The Country Roads Board extended its operations into Gippsland, and gave the settlers well-graded roads in place of their badly selected and badly constructed ones, and now the once forest-clad country is a rich dairying and grazing district.

Social Life.

Social life in the Korumburra district in the early days was of a very primitive kind. People were shut off from one another by the intervening forest of almost impenetrable scrub. The long distances, the dark nights, and the difficult tracks made visiting during the evenings a thing to be avoided whenever possible. The settlers were too busy during the week to take off time for visiting. When some progress was made in the clearing of the district, there were established little halls every few miles. There were meeting-places for church assemblings, public meetings, and the holding of entertainments. Dances were held frequently during the winter months, and were well attended. Occasionally lecturers visited the district and delivered addresses on subjects considered to be of interest or benefit to the residents of that part. Later the young men organized football and cricket matches with those of the surrounding localities, and, in connexion with these matches,

there were held picnics for the other members of the families who attended. Annual picnics were held in connexion with the churches and Sunday schools. When Korumburra became established, sports meetings were held there, the chief items of these being foot-racing and wood-chopping contests. The latter was of great interest, as the axe was a means of pleasure and profit. At an early period, the Korumburra Agricultural Society was established. It flourished, and its showgrounds soon became a favorite meeting-place for the people for many miles around. The settlers contrived to keep abreast of the times, and the political contests of the day aroused no small amount of interest among young and old alike. How different the social life of the early settlers with their sledges and pack-horses from what it is to-day, when those who occupy the now cleared and cultivated hills enjoy the most up-to-date means of transport, travel over excellent roads, and enjoy all the advantages of a highly developed district.

District Progress.

In the years around 1890, the Great Southern Line was constructed from Dandenong to Port Albert. This opened up a large area of rich forest-land, and contributed to the settlement of a considerable population. About this time coal was worked in the neighbourhood of Korumburra, Jumbunna, and Outtrim; and, for some years, this district was an important coalfield, increasing the population of Korumburra by some thousands. Throughout the district, there is abundant evidence of prosperity and progress—grass land, hay, potato, maize, and onion fields, fat cattle, horses, sheep, and swine. Motor cars have reduced distances, especially since the construction of well-graded and metalled roads, which run in every direction. Butter and cheese factories are numerous. Public halls, churches, and schools may be seen every few miles. Motor vehicles and horse-drawn wagons traverse the various sections, collecting cream from the farms. South Gippsland produces great quantities of timber, butter, potatoes, onions, meat, mutton, bacon, and general farm-produce, which find a ready market. The settlers are now reaping the reward of their great efforts, and no one who is aware of what they endured begrudges them their well-earned success. They have added a new province of untold wealth and possibilities to the territory of the Commonwealth.

The Trappers.

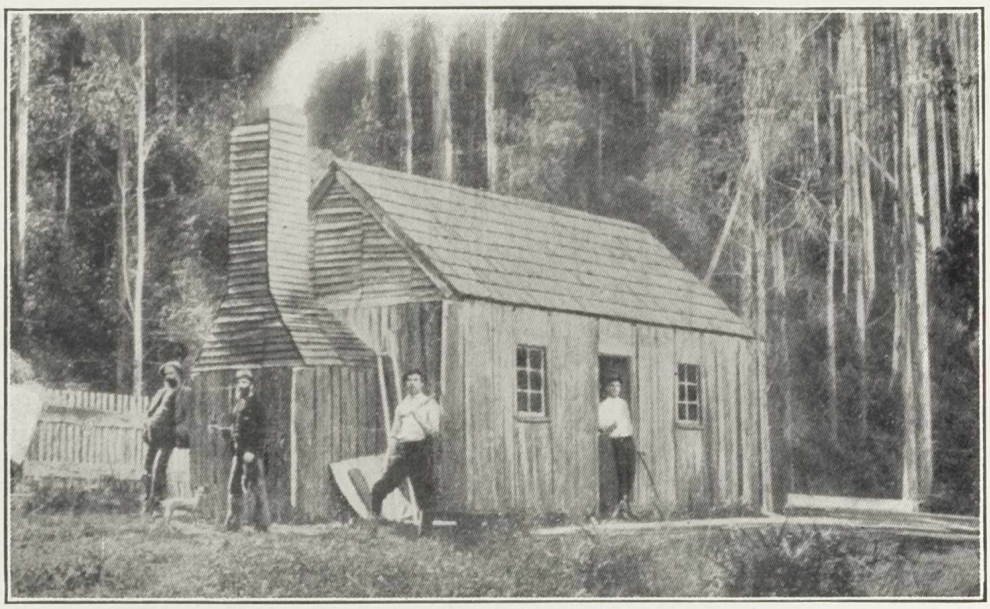
During the early years of settlement in South Gippsland, and while the native game was plentiful, many of the settlers spent

a part of their time during the winter months trapping wallabies, wombats, possums, and native bears. There were no close seasons in those days. Traps and snares of various types were set along the edges of the forests for wallabies that came out at night on to the clearings, and, in selected places, for possums and native bears. Skins were less valuable in those days than they are at the present time, but the animals were plentiful and were easily caught. Furthermore, the destruction of wallabies was an advantage to the settlers in the saving of grass for their cattle and sheep. Some men devoted their whole time to this calling. Along the gullies and hillsides in almost every part of the district, during the winter months might be seen "springer" snares, ready for the unsuspecting animals. Their skins were nailed to the sides of logs, stumps, and houses. When dry, they were tied into bundles and forwarded to Melbourne buyers. Though the price obtained for skins was small, many of the settler-trappers obtained a considerable sum of money for their winter's catch. Most of the youths of the district were keen trappers, and even engaged during their school years in trapping, attending to their traps before school, during lunch-hour, and after school-time. Many fine wallabies and native bears were caught within a hundred yards of habitations in the eighties and early nineties.

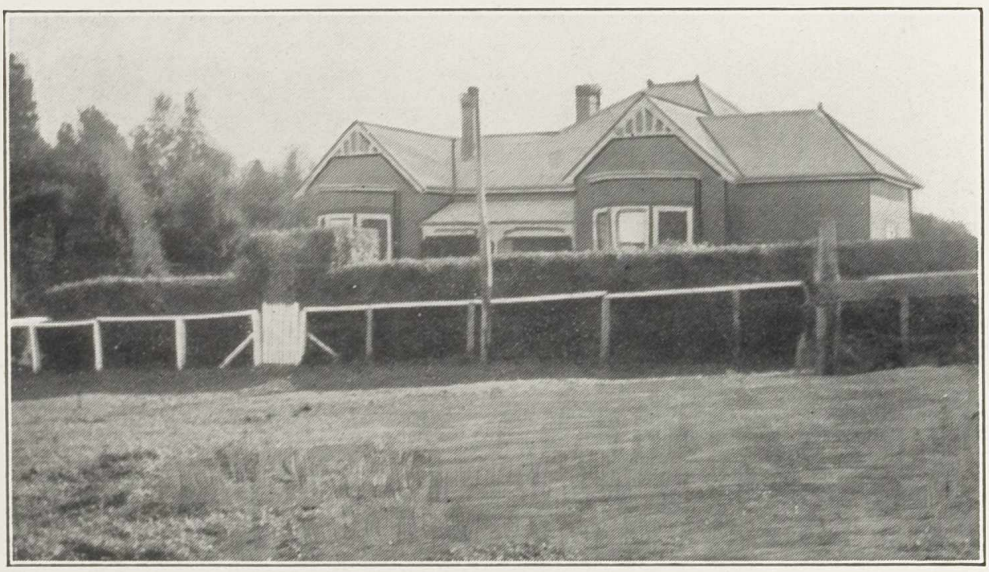
The Bullocks.

From the first days of the settlement, there appeared great teams of bullocks struggling along these muddy and hilly tracks, drawing heavy loads. Bullocks were also used extensively for pulling logs together in clearing the land. Many settlers possessed teams of bullocks. Bullocks played a great part in the clearing of South Gippsland, and this record would be incomplete without some mention of the patient, plodding, useful, oxen. The steadiness and surefootedness of bullocks made their use of greater value than that of horses, for which the country was much too rough. Further, the bullocks obtained their feed in the scrub, whereas the horses had to be supplied with feed brought from other districts. The settlers had neither the money with which to buy, nor the time required to cart, feed for horses. The bullocks were also instrumental in breaking down a great deal of small scrub. No matter how rough the country passed over, heavy the roads, or long the distance, the bullocks usually measured up to what was required of them. Though bullocks were used extensively in the district in the early days of settlement, they are seldom seen there now. Their usefulness departed with the disappearance of the heavy timber and the construction of the good roads.

A GIPPSLAND FARM.
Messrs. Ness Bros., Whitelaw's Track.



AN EARLY GIPPSLAND HOME.



A MODERN GIPPSLAND HOME.
Cr. A. J. Richie's, Arawata.

Pack-Tracks.

When the selector was granted permission to occupy a block of land, there was absolutely no road or track of any description leading to it. Therefore, the first thing to be done was to cut a narrow pack-track from the last selection. This often took weeks of heavy work. As each new settler came, he was obliged to take up land deeper in the forest, and so had to cut a pack-track into his block. Hence, nearly every selector had to spend time and money in clearing a way into his land. As the country became opened up, many of these tracks were abandoned in favour of others found to be more convenient or having an easier grade. Some of these tracks later became main roads. Two of the main tracks leading to Korumburra were McDonald's track that ran along the Strzelecki Range, joining at Ranceby, another well-known track—Whitelaw's—which ran through Korumburra. Another track was the Two-chain road. This left Whitelaw's track at a point about 3 miles east of Korumburra, and, winding round the hills, took a northerly direction to Arawata, then east through Fairbank on to Leongatha. Yet another early track was the one that left McDonald's track near Strzelecki, and, running south, joined the Two-chain road at the Arawata Hall. There were many other roads and tracks, some of which have been abandoned.

Pack-horses.

The pack-horse was usually a sturdily built animal on which was fixed a pack-saddle, and on to this saddle was strapped a miscellaneous collection of goods, about 200 lb. in weight. Each selector had two or more pack-horses, which were the chief means of transport in the earliest days. These horses were usually quiet, strong, surefooted, and dependable. In addition to their being used for packing goods in and out, these horses were used for hauling timber and for plowing and harrowing. The settlers, and early store-keepers, and others whose occupations necessitated their transporting goods of various kinds were obliged to use pack-horses. The writer has seen long strings of pack-horses, the halter of one being tied to the tail of the one in front, whilst the first pack-horse was led by a man in charge, mounted on a riding-horse. This tying together of pack-horses was considered likely to endanger the well-being of the horses, and was discontinued. In the early days, one settler may have been seen with a box of butter on one side of the pack-saddle and a green log of corresponding weight on the other side, to balance the butter. Many and various were the loads conveyed by means of the pack-horse from the stores to the remotest points of settlement.

Animal Life.

The large scrub wallaby and the mountain possum, whose skins afforded a source of income to the early settlers, were very plentiful. Dingoes lurked in the depths of the forest by day, and came forth at night to kill sheep, lambs, calves, and poultry. The quaint native-bear, the beautiful flying-squirrel, the platypus, and the prickly porcupine, all harmless creatures, were found in their native haunts. Several kinds of small wallabies or "paddy melons" were to be seen. Wombats had their homes in the great hollow logs and in the burrows they made in the soft ground. A native cat of a brownish colour with creamy spots inhabited the forest. There was also a small animal, commonly called a "bush rat," thought to be a native weasel. Common rats and mice were numerous in the district from the first days of the settlement. One creature that deserves mention was the giant earthworm, nearly an inch in diameter and several feet long. These were very plentiful in the damp soil of the gullies. When alarmed, they contracted, and a curious gurgling sound was heard by reason of the air and water rushing to fill the vacuum caused by the contraction of the worm. Crabs were very plentiful. They worked holes in the surface of the ground during the night, and left around these little holes banks of clay brought up from a considerable depth. Black and tiger snakes were very numerous in the early days, and gave the settlers no little concern. Bats were also plentiful.

Gippsland Birds.

Of the numerous birds that inhabited the great forests of the hill country in and around Korumburra, the most worthy of note was the lyre-bird. His joyous sounds were indeed cheering. In sharp contrast to the lyre-bird was the black cockatoo, whose funereal plumage was depressing, and whose harsh cry had a nerve-racking effect. Magpies, also, were to be found. One cheery fellow was always informing the world at large, in perfect English, that "two and two are four." Parrots of several kinds were very numerous, including the gorgeous king-parrot; but they proved very destructive to the gardens and small plots of grain planted by the settlers. Large flocks of parakeets came in certain seasons to feast on the blossoms of the eucalyptus-tree. The homely old kookaburra, or "laughing jackass," was always present, and his cousin, the blue kingfisher, was to be seen and heard about the larger creeks. Numbers of smaller birds built interesting little nests. The forest thrush and the coach-whip bird were fairly numerous. There were also satin-birds, with an occasional black satin-bird, a most beautiful

creature. The butcher-bird, well named, reared large broods, but, strange to say, they never seemed to increase in numbers. There were several kinds of hawks, and, occasionally, from our small clearings, we could see the great wedge-tailed eagle "framed in the blue of the sky." Several kinds of night birds were to be found in the district, such as the "mo-poke."

Conclusion.

This, in brief, is the story of the Korumburra-district pioneers of 40 years ago. It is a record whereby their descendants and others may have in permanent form an authentic account to pass on to those who will desire to know something of the first white men and women who lived among these hills. These settlers possessed character, courage, and capacity; they were hospitable, resourceful, cheerful, determined, energetic, and capable of enduring hardships and privations of all kinds. Many of them attained a fair measure of success. Some were less fortunate, whilst others, either through more adverse conditions or unfitness for the hard task, retired from the struggle. The majority retained their early faith in the country, and now rest from their labours within the shadows of the hills of Gippsland and in distant parts. It is hoped that the story of the heroic lives they lived and of the great efforts they here put forth will long survive. The fertile province of South Gippsland, with her thriving towns and pleasant pasture lands, will, throughout the coming years, bear witness to the tireless energy of her first settlers. South Gippsland is now a district possessing the possibilities of untold wealth in the years ahead. Let the occupiers of these fertile hills reflect that, in the dim and distant past, a little band of pioneers laboured for a time in an erstwhile wilderness.

Opening of the Geelong to Melbourne Railway, 1857.*

By W. A. Hall.

(*Read before the Society, 29th April*, 1929.)

Some time ago this Society received a letter from a gentleman in South Australia, asking to be furnished with the names of the contractors for the Geelong to Melbourne Railway Line. This letter was passed on to me with a request that I should make inquiries, and, if possible, supply the information required. My search was rather protracted, but I had the satisfaction of

obtaining, not only the information asked for, but other interesting matter as well. The Victorian Railway Department had no knowledge of the early history of the line, so, after appealing in vain to that body, and also to Senator Guthrie, with the same result, I decided to visit Geelong and diligently search the old newspapers and records in that city. The proprietors of the *Geelong Advertiser* very kindly made their files of old papers available for my inspection; and, although a few issues were not to be had, I was able to secure valuable information from the papers that were there. Before searching the columns of the *Advertiser*, I interviewed many old residents and shopkeepers of Geelong, but was surprised to find that very few knew much about the early history of their town, or had pictures, sketches, or photographs of old landmarks; however, I persevered, and was not unsuccessful. The Mechanics' Institute possesses a Directory of the town for 1854, while, in the Museum, there are some framed pictures of early Geelong: these were interesting, but not very instructive. Chilwell must have had, in days gone by, a few residents who were greatly interested in their town and surroundings. In a room at the back of the Methodist Sunday School there, a miniature museum and art gallery has been established. Here can be seen many pictures, photographs, and scenes of Geelong in its infancy. Amongst these is one depicting the opening of the Geelong to Melbourne Railway, and another of the Station.

Early Communication.

For some time before the railway line was constructed, there was regular communication by boat between the two centres of population. The s.s. *Melbourne*, owned by Thorne, Sparks, and Co., left Geelong Monday, Wednesday, and Friday, at noon, and returned from the capital on Tuesday, Thursday, and Friday, the fare being—saloon 8s., forecabin 3s. 6d. Another boat, the *Duncan Hoyle*, owned by the Geelong Steam Navigation Company, sailed to and from Melbourne on the same days as the first mentioned vessel, commencing an hour earlier. Prior to these two advertisements, J. A. Manton had the following in the *Port Phillip Herald*, 17th November, 1843:—

On Sunday next, 19th November, 1843.

The iron steamer *Vesta* will leave Melbourne at 6 a.m., weather permitting, and land her passengers at Geelong about 11 o'clock, will remain there three hours at Corio Wharf and return to Melbourne by 8.

Tickets for the day:—

Saloon, 12s. Forecabin, 8s.

From the reduced fare and great speed of the *Vesta*, there is afforded to all parties an advantageous opportunity of visiting the beautiful district of Geelong.

Early Negotiations.

Early in 1853, the first definite move was made to establish railway communication between Geelong and Melbourne. Several influential residents of Geelong met to discuss the proposal, and decided to float a company known as "The Geelong and Melbourne Railway Company." The capital was to be £350,000, issued in 17,500 £20 shares, with a deposit of £1 a share. Calls were not to exceed £2 a share, and were not to be made oftener than once in three months, 30 days' grace being allowed. Parliament was asked to legalize the undertaking, and, on 8th February, 1853, passed the necessary Act for the purpose mentioned. This Act required that Directors should be elected by the shareholders within three months of the passing of the Bill.

Officers, Directors, etc.

Offices were soon opened in Malop-street, Geelong, and, as we are informed by advertisement, the Company's bankers were the Bank of Victoria and New South Wales. Solicitor, Mr. J. A. Gregory; accountant, Mr. T. Holt; architects and engineers, Messrs. Snell and Kaweran; secretary, Mr. Martin Sholl; offices, Malop-street, Geelong. The following names were attached to the prospectus which was published in the *Advertiser*, 8th March :—Alex. Thompson, J.P., M.L.C.; Charles Nuttall Thorne, J.P.; James Buchanan Hutton; Samuel John Cooke; Charles E. Strutt.; Charles Nantes. Two days later, 4,247 shares had been applied for, 130 more than the number required by the Act. A week later 5,100 had been taken up, all but two of the applicants being residents of Geelong.

On the 19th March, the shareholders met and appointed a provisional committee to make arrangements for the election of directors, which took place on the 13th April. Nominations were received, and, on a ballot being taken, resulted as follows :—Charles Nuttall Thorne, 489; Dr. Thompson, 434; James Buchanan Hutton, 297; Charles Nantes, 281; John Wilson, 208; James Cowie, 178; Thomas Sheppard, 162; John S. Hill, 137; Robert Beaver, 119; Jesse Moyle, 89; James Noble, 8; Richard Parker, 8. The following gentlemen were elected :—Charles Nuttall Thorne; Dr. Alexander Thompson, J.P., M.L.C.; James Buchanan Hutton; and Charles Nantes. Samuel John Cooke and Charles E. Strutt were also appointed to the Board, apparently by the Crown. Dr. Thompson was appointed President of the Board, and Mr. Thorn Vice-President.

Commencement of Operations.

The first sod was turned 20th September, 1853, by Sir Henry Barkley. Immediately after the appointment of directors, they set to work to acquire the necessary land and call tenders for supplies and for the construction of various buildings. By May tenders were called for the building of a brick station at Geelong, also for the cutting and splitting of 75,678 sleepers, and the supply of timber for bridge building.

Arbitration.

The first arbitration as to the value of certain lands took place on 22nd November, 1853, at Mack's Hotel, Geelong. Tenders closed on the 31st December, 1853, for the supply of beams and planking, and 600 piles, 20 to 40 feet long and 15 inches in diameter, for the railway jetty. Thus we see that, by the end of 1853, preliminary arrangements for the construction of the line were well advanced.

Construction of Line.

In 1854 a beginning was made with the construction of the line itself, the work being divided into sections and the construction done by various contractors, as follows :—

Terminus to Ocean Child Hotel, 5 miles, Russell and Hobson.
Main line, Cowie's Creek to Duck Ponds, 6 miles, Grant and Co.
Duck Ponds to Little River, 10 miles, Alen de Lacy.
Little River to Werribee, 9 miles, Alen de Lacy.
Werribee to Koroit Creek, 5 miles, Henry Attrill.
Koroit Creek to Junction, 5 miles, Henry Attrill.

All but the last of these contracts were let in 1854, the last in 1855.

A line was also built from the Junction (Greenwich) to Greenwich Pier, the contract for this being let to Henry Attrill in 1856. During the same year, Henry Attrill was given the work of building a jetty at Greenwich.

While these contracts were being carried out, Messrs. Willoughby and Mason were building a pier at Geelong 1,000 feet long and 60 feet wide : this work had been let to them in 1854.

The bridge over the Little River was built by Cragg, Dale, and Dannet in 1856, and, in the same year, Ford and Son constructed a tank at the Terminus.

Contracts for ballasting and platelaying were let to three contractors in 1856.

The portion of the line between Cowie's Creek and Duck Ponds was done by William McIntosh. Thomas Menzies was the successful tenderer for the portion between Duck Ponds and Werribee, while the section from Werribee to the Junction was secured by Henry Attrill. Other contracts during 1856 were as follows :—

Erection of engine repairing shop, fitting shop, goods shed—Cragg and Dale.

Erection, near Junction, of engine house, coke shed, and water tank—Henry Attrill.

Truly 1856 was a very busy year on the Geelong and Melbourne Railway.

Rolling-stock, etc.

While the work of constructing the line was being undertaken, preparations were being made to have the rolling-stock in readiness for the opening day. Accordingly, in 1855, the Directors let nine separate tenders for the supply of—

Two express engines—Robert Stevenson and Co.

Four goods engines and two passenger engines—R. and W. Hawthorn.

Twenty-four carriages and wagons—Joseph Wright and Sons.

Sixty-six sets wheels and axles—R. Brotherhood.

3,000 tons rails, 16,100 fishplates—Losh Wilson and Bell.

900 tons chairs, 96,500 keys, 193,000 free nails—Ransom and Sons.

60,000 fishbolts—Toys and Sons.

Brass and ironwork for carriages and wagons—Joseph Wright and Sons.

Lamps for stations and carriages—Messenger and Sons.

In order to convey a great portion of these goods to their destination, the Company chartered a new barque, called *The Geelong*, which set sail with its valuable cargo in October, 1855.

Completion and Opening of Line.

By May, 1855, Russell and Hobson had completed their contract for the formation of the line within the Geelong town boundary, and were busy soiling and sowing the slopes. Other

portions of the work were steadily advancing. In 1856, Messrs. Smith and Oldham, engineers, made a thorough examination of the line, and in their report pointed out the necessity of making improvements and alterations in various places. The Company required the services of a person qualified to undertake the duties of Superintendent of Goods and Passenger Traffic—Salary, £500 per annum. These troubles were overcome, and, on New Year's Day, 1857, the first passenger trains left Geelong for Little River, a distance of 17 miles. Five trains were run that day—9 a.m., 10 a.m., 12 noon, 3 p.m., 5 p.m., returning to Geelong—10.30 a.m., 11.30 a.m., 1.30 p.m., 4.30 p.m., 6.30 p.m. The return fare was 5s. 6d. I could find no record as to the number of passengers carried.

On Good Friday, 1857, trains were run to Little River, leaving Geelong at 9 a.m., 11 a.m., 2 p.m., 3 p.m., and 5 p.m., returning immediately. They also ran trains on the Easter Monday, leaving Geelong at 9 a.m., 12 noon, 2 p.m., and 4 p.m., returning to Geelong immediately. From 1st April, 1857, two trains left Geelong daily at 9 a.m. and 2 p.m. for Little River, returning immediately. They were discontinued after the 20th June, 1857. Work proceeded steadily on the remaining portion of the line, and, by the opening day, the great work was completed.

On 25th June, 1857, the whole line from Geelong to the Junction (Greenwich) was officially opened by Sir Henry Barkley, K.C.B. The first train, consisting of ten carriages and carrying over 500 passengers, left Geelong at half-past 10 in the morning, and arrived at the Junction (a distance of 40 miles) at ten minutes after noon. It left for the return journey at 1 o'clock, and reached Geelong at 2.20 p.m., taking one hour twenty minutes to do the trip. It is interesting to note that to-day (72 years later) the ordinary passenger train takes the same time to do the journey, though " The Flier " travels much faster.

One sad accident marred the day's proceedings. The train had left the Geelong Terminus, and was travelling at an easy rate towards Cowie's Creek, when Mr. Henry Walters, Superintendent of Locomotives, was fatally injured. He was riding on the engine, and, when close to the viaduct bridge, opposite the Ocean Child Hotel, he looked back, and, evidently did not notice how close the engine was passing, a beam struck his head and knocked him off. His injuries were found to be severe, and he died four hours later.

Grand Procession.

Any account of the opening of the line would be incomplete without some reference to the grand procession which took place to celebrate the opening. At an early hour crowds thronged the streets of Geelong to see or take part in this historic pageant. The head of the procession was at the north end of Yarra-street, at its junction with Corio-terrace. Here the proud marshal (Mr. George Wright) with a squad of mounted police took his stand. A brass band with the Geelong Regiment of Volunteers came next. Then followed railway workmen with their implements, navvies with picks and shovels, platelayers with their mauls, carpenters in aprons, accompanied by members of various trades clubs, all marching four abreast. The local Volunteer Fire Brigade then took its place, and behind it were the members of different orders of Oddfellows. Here another band took up its position, leading swarthy aborigines, three abreast (I may here say that each aborigine that attended received a new blanket, a woollen cap, and a good dinner). Then came citizens, four abreast, members of the Chamber of Commerce, and the Foresters Lodge. The Mayors of Melbourne and Geelong, with members of their respective corporations, came next, and clergymen of all denominations followed the Town and City Fathers. Members of Parliament also took part and were accompanied by the Company's Directors. His Excellency the Governor rode behind the Directors, and members of the Geelong Juvenile Teetotal Society, with another band, followed the Governor. A second squad of mounted police completed the *cortège*. At a given signal, the grand procession moved off towards the station, with bands playing, onlookers cheering, and small boys vociferously shouting their appreciation and approval. On arrival at the station, a short address was delivered to the Governor. Never had Geelong shown such interest and enthusiasm as it did on this occasion (and it is safe to say it has never done so since).

The Banquet.

On the train's return to Geelong, the invited guests sat down to a sumptuous banquet. C. N. Thorne, Esq., who presided, had on his right His Excellency the Governor and the Chief Secretary, Mr. Haines. On the Chairman's left were the Bishop of Melbourne and various Members of the Executive. There were many other guests of distinction. Just after the royal toasts had been duly honoured, a special train from Greenwich, with 450 additional visitors, arrived. Numerous toasts were proposed and honoured, viz.:—The Governor,

Parliament of Victoria, Army and Navy, Right Worshipful Mayor of Melbourne, Right Worshipful Mayor of Geelong, Trade and Prosperity of Geelong and Victoria. Some idea of the magnitude of the banquet may be formed from the following items :—Mr. Hooper, the caterer, had provided for about 3,000 to 4,000 persons. The provision comprised—Tongue, 1,200 lb. ; ham, 200 lb. ; poultry, 1,800 lb. ; lobster salad, 600 lb. ; beside bread, pastry, fruit, &c., the whole weighing somewhere about 8 tons. I could find no estimate of wines and spirits consumed. There were 700 dozen pieces of crystal, 150 dozen knives and forks. The tables, when extended, would reach over a quarter of a mile in length. About 150 persons were employed attending to the guests.

Ball.

A public ball at night, in a portion of the Railway Terminus, completed the day's proceedings to the satisfaction of all concerned. The attendance was estimated at about 1,000 couples. The band of the 40th Regiment, assisted by Wittons, supplied the music.

Time-tables.

On the 30th June, 1857, the Company issued the following :— "Until further notice trains will run from Geelong to Greenwich at—7 a.m., 11 a.m., 2.30 p.m. The steamer *Citizen* will leave Melbourne Wharf at—8 a.m., 11.45 a.m., 3.30 p.m., for the trains to Geelong. The early morning train to and from Greenwich, also the afternoon train, stop at all stations. The 11 o'clock from Geelong and 11.45 a.m. from Melbourne are through trains, stopping at the Werribee for water.

Fares.

"Geelong to Melbourne, First Class, including steamer, Single 12s. 6d., Return 20s. ; Second Class, Single 10s., Return 16s. ; Third Class, Single 6s., Return 10s. Similar rates from Melbourne to Geelong Return tickets, issued on Saturday, will be available on the Monday following."

By this the Victorian Railways were late in the field when they started to issue week-end tickets.

Mr. Cadwallader was the first Station Master at Geelong, Mr. J. H. Mather at Greenwich.

Notes and Comments.

The Geelong line curved in the opposition direction from what it does now, and ran down what is now known as North-road, Newport. In former days Newport was known as Greenwich, Geelong Junction, and Williamstown Junction. The Company built engine pits at Greenwich to enable them to clean the under carriage of their engines. When the Williamstown line was opened for traffic, the Geelong line was connected with it, thus doing away with the one that went down to Greenwich Pier. The Company removed the line and buildings, but left the engine pits. In the wintertime, these often filled with water. When a boy I, with others, have often gone to try and catch frogs in them.

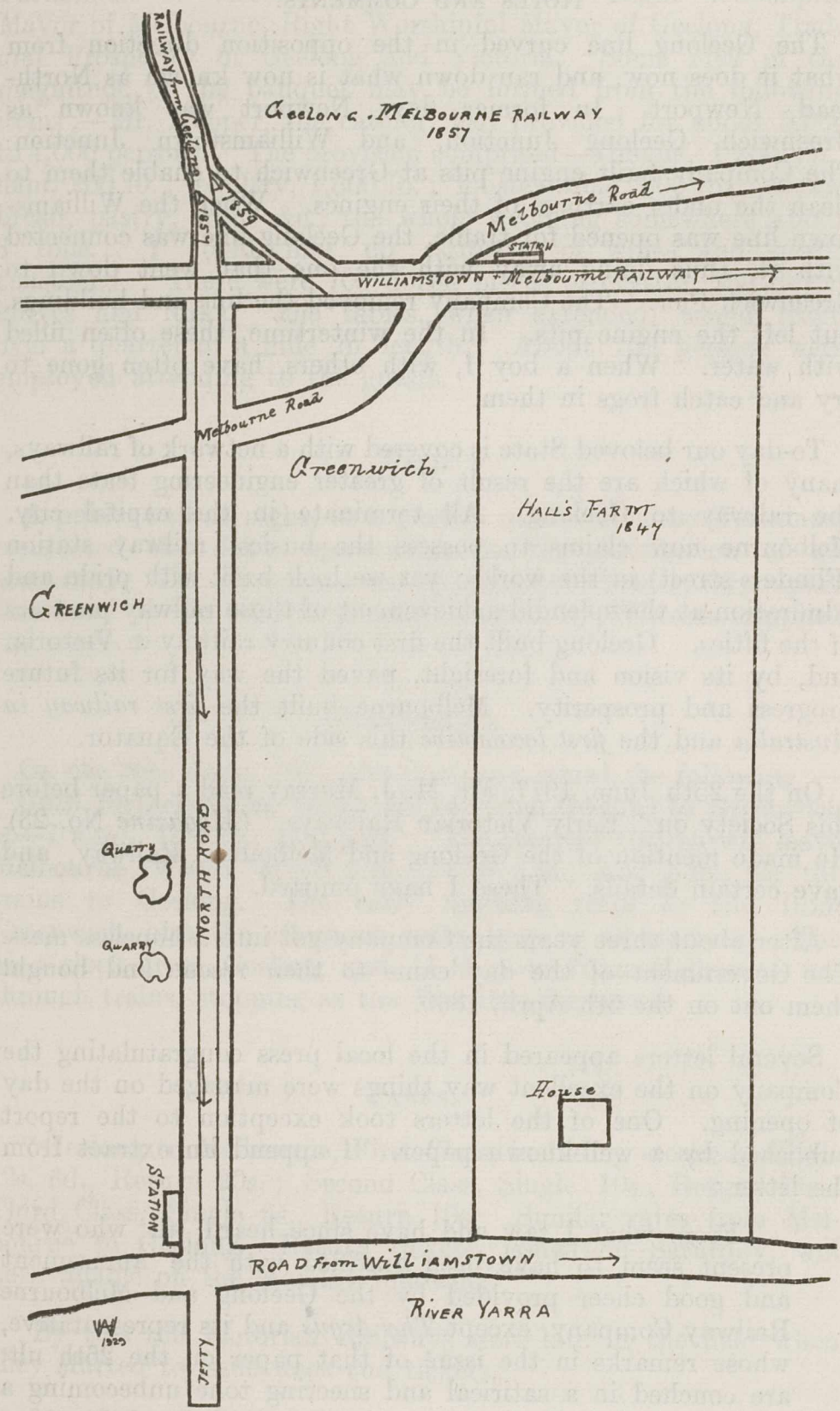
To-day our beloved State is covered with a network of railways, many of which are the result of greater engineering feats than the railway to Geelong. All terminate in the capital city. Melbourne now claims to possess the busiest railway station (Flinders-street) in the world; yet we look back with pride and admiration at the splendid achievement of those railway pioneers of the fifties. Geelong built the first country railway in Victoria, and, by its vision and foresight, paved the way for its future progress and prosperity. Melbourne built the *first railway in Australia* and the *first locomotive* this side of the Equator.

On the 25th June, 1917, Mr. M. J. Murray read a paper before this Society on "Early Victorian Railways" (*Magazine* No. 23). He made mention of the Geelong and Melbourne Railway, and gave certain details. These I have omitted.

After about three years the Company got into a hopeless mess. The Government of the day came to their rescue and bought them out on the 5th April, 1860.

Several letters appeared in the local press congratulating the Company on the excellent way things were managed on the day of opening. One of the letters took exception to the report published by a well-known paper. I append an extract from the letter:—

> "From what I saw and have since heard, all who were present seem to have been gratified with the amusement and good cheer provided by the Geelong and Melbourne Railway Company, except *The Argus* and its representative, whose remarks in the issue of that paper on the 26th ult. are couched in a satirical and sneering tone unbecoming a newspaper of reputation.
>
> "Digger."


Railway from Geelong
1857
Geelong & Melbourne Railway
1857
Melbourne Road
Station
Williamstown & Melbourne Railway
Melbourne Road
Greenwich
Hall's Farm
1847
Greenwich
North Road
Quarry
Quarry
House
Station
Road from Williamstown
River Yarra
Jetty
1925

On the 2nd July, 1857, Michael Colgan was fined £5 at the Williamstown Court for using abusive and threatening language on the railway at 1 o'clock, 1st July, 1857.

The weekly receipts, when line opened, were between £800 to £900.

HALF-YEARLY BALANCES.

		£ s. d.	£ s. d.
1853.			
April 14	Receipts	.. ..	5,571 10 0
	Expenditure	2,111 12 8	
	In Bank	3,459 17 4	
			5,571 10 0
1854.			
May 31	Receipts	.. ..	54,578 18 11
	Expenditure	41,217 7 4	
	In Bank	13,361 11 7	
			54,578 18 11
Nov. 30	Receipts	.. ..	100,974 10 7
	Expenditure	100,493 4 1	
	In Bank	481 6 6	
			100,974 10 7
1855.			
July 7	Receipts	.. ..	164,345 6 1
	Expenditure	111,401 2 9	
	Due to Bank	52,944 3 4	
			164,345 6 1
Nov. 30	Receipts	.. ..	233,833 3 8
	Debit Balance	26,901 16 10	
1857.			
May 31	Receipts	.. ..	516,707 14 1
	London Agency Co. ..	.. ..	17,582 0 10
			534,289 14 11
	Expenditure	530,333 10 9	
	Balance Banks and others ..	3,956 4 2	
			534,289 14 11

Sir William Molesworth's Draft for an Australian Colonies Government Act, 1854.

Communicated by Paul Knaplund, Associate-Professor of History, University of Wisconsin.

(*Read by the Hon. Secretary, before the Society, 24th June,* 1929.)

The Canadian rebellion of 1837 directed the attention of British statesmen to colonial problems. Among the means suggested for lessening the friction between the mother country and the overseas settlements was that of drawing a line of demarcation between colonial and imperial subjects, leaving those in the former category in the hands of the local legislatures and exercising supervision only over those belonging to the latter class. Most of the colonial reformers favoured such a division of powers, and when this principle was embodied in the constitutions drawn up by New South Wales, Victoria, and South Australia in the years 1853–1854, the question was given serious attention by leading members of the Aberdeen government. At least four ministers, Sir George Grey, Lord John Russell, W. E. Gladstone, and Sir William Molesworth, prepared lengthy memoranda devoted mainly to the subject of the division of powers, and the last named drafted a bill embodying his ideas on that topic.

It is worthy of notice that it was the friends of colonial autonomy who urged the separation between colonial and imperial subjects, the precedent for which they found in the constitution of the United States and in that of the Roman empire.

Lord Durham, in his famous report on Canada, expressed the opinion that it would be comparatively easy to define the limits of the imperial power. Britain was in reality concerned only with the following topics: "The constitution and the form of government—the regulation of foreign relations, and of trade with the mother country, the other British Colonies, and foreign nations—and the disposal of the public lands."[1]

In the House of Commons J. A. Roebuck, Sir William Molesworth, and W. E. Gladstone were the chief advocates of the separation of powers, and the question came up for discussion when the Australian Government Act of 1850 was being considered.[2] Support for this point of view came from Joseph Howe, of Nova Scotia, and Robert Lowe, then a resident of Australia. Howe, in his celebrated letters to Lord John Russell, of 1839, echoed the opinion of Durham that the

distinction between colonial and imperial questions was well understood and could easily be embodied in the constitutions for the colonies.[3] Speaking at the dinner given in honour of W. C. Wentworth at Sydney College, 26th January, 1846, Lowe said : " A line of demarcation should be drawn between Imperial and Colonial legislation, and all meddling interference in matters of domestic nature should be utterly and forever renounced."[4]

The Australians seem to have felt rather keenly that such a reform was necessary. In protesting against 13 and 14 Vict. Cap. 59, the Legislative Council of New South Wales called attention to the fact that the Secretary of State for the Colonies could still veto colonial laws and suggested " that no bill should be reserved for the signification of Her Majesty's pleasure unless it affects the Prerogatives of the Crown or the general interests of the Empire."[5] But on this point the Colonial Office offered little encouragement. Earl Grey was distinctly hostile to the idea[6], while his successor as Secretary of State for the Colonies, Sir John Pakington, dismissed the colonial demand with the vague statement that if a practicable plan for effecting the division of powers were submitted, Her Majesty's government were not indisposed " to meet the views " of the colonists.[7]

Nevertheless, the legislatures of Australia proceeded to embody the principle of the division of powers in the constitutions adopted by them in 1853 and 1854. Those for New South Wales and Victoria contained lists of imperial subjects, while that for South Australia simply affirmed the general principle. However, the three colonies agreed that the Judicial Committee of the Privy Council should be the arbiter in all cases concerning the reservation and disallowance of their laws.[8]

The Australian constitution bills reached London in the early autumn of 1854, and the report on them by Sir Frederic Rogers, the Permanent Under-Secretary in the Colonial Office, is dated 6th September. The report deals, of course, with the bills as a whole, but among the separate topics, that concerning the limitation of the imperial veto power, is subjected to the closest scrutiny. While avoiding any distinct expression of hostility to the general idea, it is clear that Rogers held it to be both impracticable and mischievous.

In the opinion of the Permanent Under-Secretary the object of the imperial veto was " to protect :—1. The colonists themselves against mistaken legislation ; 2. The unrepresented classes against partial legislation ; 3. The Crown of Great Britain, which cannot escape responsibility for the conduct of its dependencies, against participation, real or apparent, in legislation which is

dishonest or immoral; and 4. The British Empire against legislation which is injurious to the general interest." He denied, of course, that the Australian colonies had legitimate reasons to complain of the use of the imperial veto power. It had been employed sparingly, still, to abandon it for a large number of subjects might have serious consequences. Rogers was especially loth to surrender all supervision of native policy and the treatment of foreigners. If the Australian request should be granted, Britain, Rogers wrote, "will be bound to protect from foreign aggression a community of persons whom it cannot restrain from giving just cause of offence."

Rogers did not think the proposed constitutions for New South Wales and Victoria could be approved unless the Home government was willing to suppose "that the interests of the United Kingdom will be to a great extent protected by their identity with those of the colony." However, if it were agreed that the power of disallowance might be abandoned, the South Australian bill, which attempted no enumeration of imperial subjects, might be assented to, provided it was understood that all colonial acts were sent Home, the Home government made the sole judge as to which touched imperial interests, and that the Judicial Committee of the Privy Council was kept the final arbiter in disputes touching this point.

Sir Frederic Rogers thought, however, that all agitation on the question of the imperial veto would come to an end if it were publicly recognized that the colonies would have full control over all local affairs. Should they demand further guarantees the power of disallowance might be confined "to some body of weight (as a Committee of Privy Council) acting on the motion of the Secretary of State under general instructions from the Queen."[9]

The views of the Permanent Under-Secretary were shared by Sir George Grey, then Colonial Secretary, and by Lord John Russell, a former occupant of that office, while Molesworth and Gladstone upheld the principle of limiting the power of disallowance to imperial subjects. These statesmen drew up lengthy memoranda dealing with this topic.

Sir George Grey denied that the government was bound in any way by explicit or implied promises made by Sir John Pakington. The Australian colonies had, in Grey's judgment, exceeded their authority in attempting to restrict the veto power of the Crown; but he felt strongly the need for caution. The government must avoid arousing the anger of the Australians by a disallowance of these acts. Nevertheless, no assent could be given to the plans for making a distinction between colonial

and imperial questions, reserving only bills falling into the latter group for the approval of the Home government.[10] Since no satisfactory dividing line could be drawn, Grey believed that all agitation on this point would vanish with the grant of responsible government to the Australian colonies.[11]

Lord John Russell had already in 1839 declared his disbelief in the practicability of separating matters of colonial from matters of imperial concern,[12] and in this respect his views remained unchanged. He regarded the question as meriting "the most serious attention." But it was his conviction that every distinction drawn in regard to imperial and local subjects "would be found too narrow or too wide. Either you would limit the Crown too strictly, or you would include subjects which, in nine cases out of ten, ought to be left to the Colonial Legislature." And even if success crowned the efforts to find an acceptable dividing line, quarrels might still arise on definitions. Russell concluded, therefore, that three bills following the Australian acts "as far as it can be done" should be introduced into parliament; "but that every provision circumscribing the prerogative, in respect to allowing or disallowing of bills, should be carefully struck out."[13]

As already mentioned, Gladstone and Molesworth adhered to their old opinion as to the desirability of separating local from imperial subjects and surrendering the veto power over laws belonging to the former class.

Gladstone contended that neither imperial interests nor imperial honour would be sacrificed by such a surrender. On the contrary, he felt that by frankly abandoning the claims of veto power over purely local laws "we should strengthen ourselves in the exercise of that veto where it might be really needful." A reform of such a nature would both mean a return to the earlier and successful colonial policy of Britain and lead to a recognition of "the original and normal idea of a colony according to English law," namely, "that a colony was not an inferior state but a municipality." Gladstone also asserted, as against Russell, that it was practicable to draw the necessary line of demarcation. The constitution of the United States provided for a division of powers, and Gladstone thought that it was easier in the case of Britain and her colonies because here no dispute could arise as to the true seat of sovereignty. An enumeration of imperial subjects might be supplemented with an arrangement whereby the final decision "as to the classification of bills" would rest "with the Judicial Committee of the Privy Council, to which any case might be referred by the Secretary of State on the one hand, or by the Council and Assembly of the colony on the other."[14]

Sir William Molesworth maintained that the Australian request for a limitation of the imperial veto power to matters of imperial concern was reasonable ; " that the granting it would give great satisfaction, and be most conducive to the permanent connexion of remote colonies with the Mother Country." He felt that Sir John Pakington had conveyed the impression that the Imperial Government might agree to the separation of powers desired by the Australians and that statements in a despatch from the Duke of Newcastle of 18th January, 1853, implied concurrence with that point of view. The imperial government stood committed to the principle. However, Molesworth regarded the question as essentially one of imperial concern that could not be dealt with by colonial laws.[15] He, therefore, submitted for the consideration of the cabinet a draft of an imperial act, which distinguished local from imperial subjects of legislation and surrendered the Royal veto of colonial acts.

But the majority of Molesworth's colleagues opposed his plan. The clauses which dealt with the separation of powers and the limitation of the imperial veto were struck out from the Australian Constitutions, and attempts by Sir Charles Adderley and Robert Lowe to have them restored failed.[16]

NOTES.

1. *Lord Durham's Report.* Ed. by C. P. Lucas (Oxford, 1912), II., 282. E. G. Wakefield also thought, at one time, that such a distinction could be made, but he had changed his mind by 1849. See E. G. Wakefield, *A View of the Art of Colonization* (London, 1849), 298.

2. See debate in the House of Commons, 6th May, 1850. *Hansard*, Third Series, Vol. 110, Cols. 1164–1193. The point had been raised also in connexion with the Canadian Rebellion Losses Bill. See *ibid.*, Vol. 106, Cols. 222, 989–992.

3. Joseph Howe. *The Speeches and Public Letters of.* Ed. by J. A. Chisholm (Halifax, Canada, 1909), I., 244, 252.

4. A. P. Martin. *Life of Lord Sherbrooke* (London, 1893), I., 291.

5. British Parliamentary Papers, printed 1st July, 1853, pp. 10, 21–23.

6. See despatch to Sir C. A. Fitzroy, 23rd January, 1852 ; *ibid.*, 1852, XXXIV. No. 1534, pp. 29, 30.

7. Despatch to Fitzroy, 15th December, 1852 ; *ibid.*, 1852–1853, LXII., No. 1611, p. 45.

8. *Ibid.*, 1854, XLIV., No. 1827, pp. 29, 30, 106, 133.

9. Copy, the Gladstone Papers, St. Deiniol's Library, Hawarden.

10. Grey to Lord John Russell, 30th October, 1854 ; original MS., the Russell Papers, Public Record Office.

11. Copy, the Gladstone Papers. Grey apparently wrote two memoranda dealing with the Australian Constitutions. Only the second, dated 30th December, 1854, has been examined, but lengthy quotations from the older memorandum were found both in some of the memoranda written by his colleagues.

12. See despatch to C. Poulett Thomson, 14th October, 1839. *Documents on the Canadian Constitution.* Ed. by W. P. M. Kennedy (Toronto, 1918), 522–523. See also Russell's speech in the House of Commons, 3rd June, 1839 ; *ibid.*, 479–480.

13. Memorandum dated 8th December, 1854. Copy, the Gladstone Papers. In view of Russell's reputation for liberal opinions on Colonial policy, it is interesting to find that he, in this memorandum, states that an elective Legislative Council would leave " the body of the Monarchy . . . exposed to the assaults of democracy " ; and that the independence of Australia would be preferable to the acceptance of limitations upon the authority of the Crown to instruct the Australian Governors.

14. Memorandum, dated December, 1854 ; *ibid.*

15. Memorandum of December, 1854 ; *ibid.*

16. See, debate in the House of Commons, 25th June, 1855. *Hansard*, Third Series, Vol. 139, Cols. 80–87.

A Bill

To amend the Act Fifth and Sixth Victoria Chapter Seventy Six; and also Thirteenth and Fourteenth Victoria, Chapter Fifty-nine; and to make further Provision for the Government of New South Wales.[17]

WHEREAS by two Acts passed, the one in the session holden in the fifth and sixth years, the other in the session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, numbered respectively chapter seventy-six and fifty-nine, certain powers of local government are vested in the Governor and Legislative Council of the Colony of New South Wales:

And whereas it is expedient that the said Acts should be amended, and further provision made for the government of the said Colony:

Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of same, as follows:

I. This Act shall, so far as is consistent with the provisions thereof, be taken as part of, and construed with the above-mentioned Acts.

II. The term "Legislative body" as used in this Act, shall include the "Legislative Council" mentioned in the said Act of the thirteenth and fourteenth years of Her Majesty, chapter fifty-nine, and any other Legislative body or bodies, whether consisting of one or two Houses, that may be constituted for such Council.

III. The Act passed in the session holden in the fifth and sixth years of the reign of Her Majesty, intituled "An Act for regulating the sale of Waste Land belonging to the Crown in the Australian Colonies" shall be repealed, so far as the same relates to the Colony of New South Wales.

IV. Her Majesty shall have power at all times hereafter to take any waste land, and likewise, on making due compensation any other land within the Colony for any military or naval purpose.

V. Her Majesty shall have exclusive jurisdiction within the limits of the land so taken.

17. Although the bill was originally drawn for New South Wales, Molesworth believed it could be applied to all Australian colonies. Memorandum, *op. cit.* A copy of this draft bill was found among the Gladstone Papers. The trustees of those papers, the Right Honorable the Viscount Gladstone and Mr. Henry Neville Gladstone, have granted permission to have it published.

VI. Subject as aforesaid the Governor may, with the advice and consent of the Legislative body, dispose, for the benefit of the Colony, of all such waste land as aforesaid, including minerals of every description, and of all fines, escheats, forfeitures, and royalties, reserving to the persons entitled thereto the benefit of all grants of land, and all contracts for grants of land made or entered into previously to the time at which this Act takes effect.

VII. All powers of appointing to civil and judicial offices in the Colony now vested in Her Majesty shall be vested in the Governor.

VIII. No instructions shall be given to any Governor except in relation to such Bills as are hereinafter declared to be "Imperial."

IX. So much of the said Act of the fifth and sixth years of the reign of Her present Majesty, chapter seventy-six, as relates to the authority of the Governor and Legislative Council to make laws, that is to say, the whole of the twenty-ninth section, shall be repealed.

X. Subject to the restrictions as to Imperial Bills, and to the provisoes hereinafter contained, the Governor with the advice and consent of the Legislative body, shall have power to repeal or alter any law, charter, or custom, now in force within the Colony, including the provisions of this Act, and to make new laws for the government of the Colony as fully as the United Parliament of Great Britain and Ireland have power to repeal or alter any law, charter, or custom in force within the realm of Great Britain and Ireland, and to make new laws for the Government thereof.

XI. Bills passed by the Governor and Legislative body shall be divided according to their subject-matter into the two classes of (1) "Imperial" Bills, and (2) "Local" Bills.

XII. "Imperial" matters are as follows:

1. The making of peace and war.
2. The determination of questions of prize and booty of war; the definition and punishment of offences against the Law of Nations; and the definition and punishment of offences committed in violation of any Treaty made or hereafter to be made between Her Majesty and any foreign country.
3. The maintenance and command of any military or naval forces of Her Majesty in the Colony or on the coasts thereof, and the command of the militia in time of war.

4. The enlistment of men within the Colony for the supply of such forces.
5. The granting titles of nobility.
6. The sending and receiving Ambassadors, Consuls, and other Ministers to and from, and the making treaties leagues, and alliances with, any other Colony, State, or Prince.
7. The regulation of commerce and navigation with Great Britain, with any Colony or dependency of Great Britain, and with any foreign nation.
8. The power of laying an embargo on shipping.
9. The transmission of letters by sea between the Colony and any other place.
10. The coinage of money; the regulation of the value of foreign money; the making anything but gold and silver coin a legal tender; and the fixing the standard of weights and measures.
11. The determination of the boundaries of the Colony.
12. The powers reserved to Her Majesty by sections 4 and 5 of this Act.
13. The appointment, removal, and salary of the Governor.
14. The power of the Governor to call together and prorogue the Legislative body, and to dissolve the same, so long as it consists of one House; or, in the event of the Legislative body being divided into Two Houses, to dissolve such one of the two Houses as may not be permanent in its constitution; the power of the Governor to assent to, or dissent from, or reserve for the signification of Her Majesty's pleasure, such Bills as he is by this Act empowered to assent to, dissent from, or reserve; the power of the Governor to grant reprieves and pardons; and the power of the Governor to appoint to civil and judicial offices in the Colony.
15. Laws relating to bankruptcy or insolvency.
16. Laws relating to slavery and the slave trade.
17. Laws relating to treason, alienage, denixation, and naturalization.
18. Matters relating to copyright, or other exclusive rights to the use or profits of any works or inventions.
19. The proviso with respect to the tenure of office by, and salary of, Judges, hereinafter contained.
20. The appellate jurisdiction of Her Majesty on suits arising in the Colony.

21. The establishment of courts for trying any case, whether civil or criminal, of judicial cognizance, in which any Imperial matter comes in question.

And any Imperial Bill relating to, or affecting, or containing any clause relating to or affecting any Imperial matter, shall be deemed an Imperial Bill.

XII. Bills relating to matters other than Imperial matters shall be deemed Local Bills.

XIV. So much of the said Act of the fifth and sixth years of Her Majesty, chapter seventy-six, as relates to the power of the Governor, as to the giving or withholding assent to Bills; as to the disallowance of Bills assented to; and as to assent to Bills reserved; that is to say, the whole of the thirty-first, thirty-second and thirty-third sections of the above Act shall be repealed.

XV. No Bill, Imperial or Local, shall be of any force unless the same has been presented to the Governor for assent, and has received such assent expressed either by the Governor in the name of Her Majesty, or by Her Majesty in Council, as hereinafter provided.

XVI. The Governor shall assent to or dissent from every Local Bill before the close of the session in which such Bill is passed by the Legislative body.

XVII. If any Bill, presented to the Governor as a Local Bill, appear to him to be an Imperial Bill, he shall, without delay, submit such Bill to three of the Principal Judges in the Colony, who shall certify to him their opinion; and according to the tenor of the opinion of such Judges, or the majority of them, such Bill shall be either dealt with by the Governor as a Local Bill, or be remitted by him to the Legislative body for presentation as an Imperial Bill, in manner hereinafter mentioned.

XVIII. The Governor shall, at the earliest opportunity, forward to one of Her Majesty's Principal Secretaries of State, for the information of Her Majesty, all such Local Bills as have been assented to by him.

XIX. Imperial Bills presented to the Governor for Her Majesty's assent shall be accompanied by an Address of the Legislative body, stating such Bill to be Imperial, and praying Her Majesty's assent thereto.

XX. The Governor shall, in assenting to, dissenting from, or reserving for the signification of Her Majesty's pleasure any Imperial Bill, conform to any instructions that may have been given to him; provided that no instructions shall preclude him

from the option of dissenting from or reserving any such Bill, and that it shall be imperative on him to declare such assent, dissent, or reservation, as aforesaid, before the close of the session in which such Bill is passed by the Legislative body.

XXI. The Governor shall, at the earliest opportunity, forward to one of Her Majesty's Principal Secretaries of State, authentic copies of all Imperial Bills which have either been assented to or reserved by him.

XXII. If it appear to such Secretary of State that the Governor has assented to any Imperial Bill in the absence or in contravention of instructions, Her Majesty may at any time within two years from the receipt of such Bill by the said Secretary of State, disallow the same by Order in Council; and upon such allowance being certified under the hand and seal of the said Secretary of State to the Governor; he shall signify the same to the Legislative body by speech or message, or by proclamation in the *Government Gazette* of the Colony, and thereupon the said Bill shall be annulled and avoided.

XXIII. If it appear to such Secretary of State that any Bill which has been assented to by the Governor as a Local Bill is in fact an Imperial Bill, he is hereby empowered, notwithstanding any opinion to the contrary expressed by the Colonial Judges, to submit such Bill for the determination of the Judicial Committee of Her Majesty's Privy Council, who shall certify to him their opinion respecting such Bill: and if such certificate declare such Bill to be an Imperial Bill, it shall thereupon be subject to disallowance under the provisions hereinbefore contained, in the same manner and to the same extent as if the same were an Imperial Bill, to which the Governor had assented without authority.

XXIV. No reserved Bill shall be of any force in the Colony, unless Her Majesty in Council shall, within two years from the date of such Bill having been presented to the Governor, express her assent thereto, and upon such assent being certified under the hand and seal of the Secretary of State to the Governor, he shall signify the same by speech or message to the Legislative body, or by Proclamation as aforesaid, and thereupon the said Bill shall become law in the Colony.

XXV. It shall be lawful for Her Majesty, in the case of reserve Bills, and Bills subject to disallowance as aforesaid, instead of wholly declining to assent to or disallowing such Bills, to add amendments thereto, and to return the same when so amended to the Governor, to be by him submitted to the

Legislative body, who shall be at liberty to take the same into consideration, and to agree with or reject,, either wholly or partially, or add amendments to the Bill so submitted to them.

XXVI. The Governor shall in the event of the Legislative body accepting all the amendments made by order of Her Majesty in Council in such Bill, assent to the same in Her Majesty's name ; but in any other event the Bill shall be treated as if it were an ordinary Imperial Bill that had originated in the Legislative body.

XXVII. Provided always, that no person holding any office or entitled to any emolument in the Colony under any appointment made prior to the time of this Act taking effect, shall be deprived thereof by any Act of the Governor and Legislative body, unless due compensation be made to him ; and in case of dispute, the sufficiency of such compensation shall be determined by the Governor, whose decision shall be final ; but this proviso shall not preclude the exercise by Her Majesty, or any person or body politic entitled to exercise the same, of any powers of deprivation that may have existed prior to the time of this Act taking effect.

XXVIII. Provided also, that no act of the Governor and legislative body shall make the tenure of office by any judge depend on anything but good behaviour, or diminish his salary during his continuance in office.

XXIX. This Act shall be proclaimed in the Colony of New South Wales within six minths after the receipt of a copy thereof by the Governor, and shall take effect in the Colony from the day of such proclamation.

XXX. The proclamation of this Act shall be published in the *New South Wales Government Gazette.*

The Historical Society of Victoria.

TWENTIETH ANNUAL REPORT.

REPORT OF THE COUNCIL FOR YEAR ENDING 30TH JUNE, 1929.

The Council has much pleasure in submitting the report as under :—

Membership.—Twelve new members have been elected during the year, four have resigned, four have died, several struck off, the net membership to date being 201, viz. : 39 life members, 152 ordinary, and 11 honorary members. We regret the demise of the following members during the year :—Messrs. A. Chitty, T. W. Fowler, M. J. Murray, S. W. Cooke. The late Mr. Chitty was for some years a member of the Council, and deeply interested in collateral branches of historical work, especially Numismatics, in which he was an authority.

Meetings.—Ten general meetings were held at the Society's rooms during the year, at which the attendance in regard to numbers was good, the syllabus items being as follow :—

1928—

July 30th—(*a*) " Early Memories of Warrnambool."
(*b*) " Thirty Years in the Life of an Australian Pioneer—the Hon. T. J. Dougharty, M.L.C."—Mr. G. D. Meudell.

Aug. 28th—" Korumburra in the Early Days "—Mr. J. E. Holland.

Sept. 24th—" Robert Hoddle and the Planning of Melbourne "—Mr. Isaac Selby.

Oct. 29th—" Melbourne's First Settled Minister "—Rev. J. C. Robinson.

Nov. 26th—" Canberra, the Federal Capital "—Mr. C. Daley, B.A.

1929—

Feb. 25th—" The Origin of the Name of Australia "—Assoc. Prof. A. Lodewyckx.

Mar. 25th—" Professor Halford, the Founder of Our First Medical School "—Prof. W. A. Osborne.

Apl. 29th—(*a*) " The Geelong and Melbourne Railway "—Mr. W. A. Hall.
(*b*) " Notes from an Early Diary of Sir Redmond Barry "—Mr. A. Hart, M.A.

May 27th—" Western Australia over a Hundred Years " —Mr. Hylton Dale.

June 24th—(*a*) " Sir William Molesworth's Draft for an Australian Colonies Government Act "—Prof. Paul Knaplund.

(*b*) " Some Particulars of the Life of Wm. Von Stieglitz "—communicated by his daughter, Mrs. A. M. Barker, per Mr. Jas. Walsh.

Six Council meetings were held, at which various matters of historical interest were attended to.

Library.—The work of reorganizing the library has been proceeded with, and it is hoped to have the card index completed in a short time. The Hon. Librarian has devoted much time to systematic arrangements in connexion therewith.

Donation of books, papers, documents, pictures, prints, photographs, and items of interest are frequently being made, and members are invited to contribute to the library collection anything of the kind having reference to the early history of Victoria.

The Society is short of several back numbers of the magazines, and would be glad to receive any spare copies, especially of numbers 20, 22, 23, 29, either as a gift, or by purchase or exchange. Copies of the fourth and eleventh annual reports would also be acceptable.

The Historical Exhibition.—Held by the Society in conjunction with the Trustees of the Public Library, in the Barry Gallery of that institution, was opened by His Excellency the Lieut.-Governor, Sir William Irvine, on Monday, 7th May, at 4 p.m. There was a good attendance of the public, Trustees of the Public Library, and members of the Council.

The Exhibition, representing early Victoria from 1835 to 1880, proved of very great interest, the exhibits of prints, paintings, portraits, lithographs, documents, papers, sketches, letters, diaries, photographs, official records, and other objects of historical significance being varied, extensive, and attractive.

During the six weeks the Exhibition was open, the public patronage was very good, and a strong desire was shown for information in regard to historical matters.

Lecturettes were given in illustration of phases in the period, or of subjects suggested by the exhibits. They were generally well attended by an appreciative audience. The following subjects were dealt with: " Old Melbourne Amusements " and " Citizen Soldiers of the Past," by Mr. A. W. Greig; " Early Melbourne," by Dr. Sanderson; " Melbourne in the Forties " and " Early

Melbourne Schools and Schoolmasters," by Mr. C. R. Long; "The Geelong and Melbourne Railway," by Mr. W. A. Hall; "Russell and Hoddle" and "Melbourne Public Buildings," by Mr. I. Selby; "Early Surveys," by Mr. A. S. Kenyon; "Batman and Fawkner," "The Discovery of Gold," "Early Gippsland," "The Story of Burke and Wills," and "Old Bendigo," by Mr. C. Daley.

Many inquiries resulted, offers of additional exhibits were freely made, and several books and documents were presented to the Society.

The opportunity was taken to distribute 500 leaflets, showing the Society's aims and objects, with proposal forms attached, also a number of surplus copies of the Historical Magazine.

The daily press gave good publicity to the Exhibition.

The undertaking was a distinct success, and very popular with the public, and it is hoped to repeat it annually, as a fitting prelude and preparation for the Centenary celebrations in 1934 and 1935.

The Society has gained widespread notice by its action, and much interest has been evinced in its useful work. This will probably result in increased membership, as well as in valuable contributions to the library.

The Society desires to express its indebtedness to the Trustees of the Public Library for their hearty co-operation in the holding of the Historical Exhibition, and for providing the space and conveniences for showing to advantage, under effective supervision, the numerous exhibits. It is gratifying to know that it is the intention of the Trustees to arrange for a permanent exhibition at the Public Library of objects of interest illustrative of the history of Victoria.

Memorials.—The memorial headstone erected over the grave of John Conway Bourke, the first Overland Mailman, was unveiled at the Melbourne Cemetery on Saturday, 9th August, by the President of the Society, Mr. T. Latham, in the presence of members of the Postal Union, the Hibernian Society, the Historical Society, and relatives and friends of the late Mr. Bourke. The opportunity was taken, under the guidance of Mr. Jageurs, to visit the graves of some of the early pioneers.

The bi-centenary of the birth of Capt. James Cook was fitly celebrated on 17th October, 1928, by a gathering representative of our own and of kindred societies, at the Statue of Captain Cook on the foreshore at St. Kilda, when an address on the great navigator was delivered by Professor Ernest Scott, a Vice-President of the Society.

The Historial Memorials Committee is taking active steps to erect a chain of memorial cairns along the course of Captain Charles Sturt down the Murray in 1829–30. The Royal Geographical Society of Australia, South Australian Branch, has heartily co-operated, and will enthusiastically celebrate the centenary of Sturt's great achievement in next January. An effort is also being made to define more fully the route of Major Thomas L. Mitchell through Australia Felix in 1836.

Your Council is pleased to be able to announce that advice has been received that, under the will of the late Mr. Lindly, of Mornington, a sum of £500 has been left to the Historical Society, for the purpose of erecting a monument to Captain Matthew Flinders at Mornington, such sum to be available at the decease of the widow of the testator.

Victorian Historical Magazine.—There is an increasing demand for numbers of the magazine. The publication has been diligently carried on by the Hon. Editor (Mr. C. R. Long, M.A.). Two numbers have been issued, and another is almost ready for distribution.

General.—Members in arrears are urgently requested to see that subscriptions are regularly paid. The income of the Society is limited, and more effective work could be done if that income were assured and increased.

During the last half-year, through serious illness, our President, Mr. T. Latham, has been unable to attend meetings. It is with satisfaction that his restoration to health is announced, and the hope expressed that he will soon be with us again.

In conclusion, your Council desires in particular to express its obligations to Mr. Chas. Daley, B.A., the Hon. Secretary, who devotes a considerable portion of his time to the interests of the Society. To him, in a large measure, is due the success of the recent Historical Exhibition, which has done more than anything else which has happened in the twenty years of its existence to bring the activities of the Society under the notice of the public. To Mr. A. L. G. McDonald, B.A., the Hon. Librarian, the Society's thanks are also due. For the first time in its history the library has come into expert hands, and the results are already visible in the classification of the bound volumes on a scientific system. Mr. McDonald is now turning his attention to pamphlets and manuscripts, and there is a reasonable prospect that the Society's large and miscellaneous collection will be reduced to that order which alone can make it fully available to the student.

T. LATHAM,
President.

STATEMENT OF RECEIPTS AND EXPENDITURE FOR THE YEAR ENDED 30TH JUNE, 1929.

GENERAL FUND.

Cr.	£	*s.*	*d.*	£	*s.*	*d.*
To Balance in hand 1st July, 1928 ..		..		8	5	10
Subscription of Members	52	8	6			
Sale of *Victorian Historical Magazine* ..	13	3	6			
Interest transferred from Endowment Fund	12	15	8			
				78	7	8
				86	13	6

Dr.	£	*s.*	*d.*	£	*s.*	*d.*
By Rent	25	0	0			
Salary, Assistant Secretary	20	0	0			
Advertising	1	9	3			
Stamps, &c.	14	14	3			
Printing, &c.	7	19	3			
Annual Report	5	10	0			
Insurance	0	16	4			
Bank Charge	0	10	0			
Library	1	17	0			
Expenses, Historical Exhibition, &c. ..	0	18	10			
Bourke Memorial Fund	1	7	3			
				80	2	2
Balance in hand		..		6	11	4
				86	13	6

ENDOWMENT FUND.

Cr.	£	*s.*	*d.*	£	*s.*	*d.*
To Balance in hand 1st July, 1929 ..		..		286	1	5
Life Member	5	5	0			
Donation	0	10	0			
Interest	11	16	1			
Profit on Bond	0	9	0			
				18	0	1
				304	1	6
Balance, State Savings Bank ..		..		56	10	7

Dr.	£	*s.*	*d.*	£	*s.*	*d.*
By Interest transferred to General Fund ..	12	15	8			
Commonwealth Treasury Bonds (at cost)	234	14	3			
Debenture Custody Fee	0	1	0			
				247	10	11
Balance, State Savings Bank, 30th June, 1929			..	56	10	7
				304	1	6

W. A. HALL,
Hon. Treasurer.
11th July, 1929.

Audited and found correct— H. HUGHES, P. C. CLEMENTS, } Auditors.

T. C. BOURKE MEMORIAL FUND.

1928.

Cr.	£	*s.*	*d.*	£	*s.*	*d.*
To Donations	29	12	9			
Balance from General Fund	1	7	3			
				31	0	0
				31	0	0
Dr.						
By Jageurs & Son, Tombstone	31	0	0			
				31	0	0
				31	0	0

MACROW BEQUEST.

Cr.	£	*s.*	*d.*	£	*s.*	*d.*
To amount of Bequest	100	0	0			
Interest	1	6	8			
				101	6	8
				101	6	8
Dr.						
By Sharp & Sons, Bookcases	50	0	0			
Sands & McDougall, Pamphlet Cases ..	4	17	6			
Balance, State Savings Bank ..	46	9	2			
				101	6	8
				101	6	8

W. A. HALL,
Hon. Treasurer.
11th July, 1929.
Audited and found correct— H. HUGHES, P. C. CLEMENTS, } Auditors.

Endowment Fund.—The Endowment Fund of the Historical Society of Victoria was established in 1914 for the purpose of providing a permanent source of income to assist in maintaining and extending the work of the Society. Life members' subscriptions and special donations are placed to the credit of the Fund, which now amounts to over £250. The *corpus* of the Fund is invested, and the interest only is applied to the general purposes of the Society. The following form of bequest is suggested to members and others who desire that the Fund shall benefit by their testamentary dispositions :—

> "I give and bequeath to the Historical Society of Victoria, for its Endowment Fund, the sum of
> pounds, and I direct that the receipt of the Honorary Treasurer of the said Society shall be sufficient discharge to my executors therefor."

Membership of the Society.—Is open to any person interested in its work. Annual subscription for ordinary members (including subscription to the *Victorian Historical Magazine*), 10s. 6d.; Life Membership, £5 5s.

The Library.—Is open daily for the use of members from 10 a.m. to 4.30 p.m.; Saturdays, 10 a.m. to 12 noon.

Donations of books, pamphlets, maps, photographs, engravings, &c., bearing on the history of Victoria, will be thankfully received by the Hon. Librarian.

ERRATA.

Mr. Isaac Selby's paper on "Robert Hoddle and the Planning of Melbourne" (see No. 50).

On p. 53 (bottom line) read *Queensland* for "New South Wales."

On p. 54 (seventh line from top) read *Chuck's* for "Church's."

Between pp. 56 and 57 (legend of second map) read *A composite map signed by S. A. Perry, which apparently is the original of Robert Russell's map* for "Russell's Map."

On p. 57 (twenty-fifth line from top) read *made* for "named."

On p. 59 (bottom line) read *he* for "was."

On p. 60 (thirty-second line from top) read *He was secretary while Bourke was here* for "Apparently at the time the map was made Bourke was here."

On p. 64 (twenty-eighth line from top) read *dromes* for "homes."

(End of Vol. XIII.).

By Authority:
H. J. GREEN, GOVERNMENT PRINTER, MELBOURNE.

THE VICTORIAN HISTORICAL MAGAZINE.

VOLUME XIII.

1928-29.

PUBLISHED BY

THE HISTORICAL SOCIETY OF VICTORIA,

WITH WHICH IS INCORPORATED THE VICTORIA BRANCH OF THE ROYAL GEOGRAPHICAL SOCIETY OF AUSTRALASIA,

LATHAM HOUSE,

234 SWANSTON-STREET,

MELBOURNE.

By Authority: H. J. GREEN, Government Printer, Melbourne.

12174.

THE HISTORICAL SOCIETY OF VICTORIA,

WITH WHICH IS INCORPORATED

The Victoria Branch of the Royal Geographical Society of Australasia.

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Vice-Presidents:
Professor Ernest Scott and Mr. Geo. Bell.

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Office, Library, and Meeting Room—Latham House, 234 Swanston-street, Melbourne.

THE VICTORIAN HISTORICAL MAGAZINE.

Volume XIII. 1928–29.

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