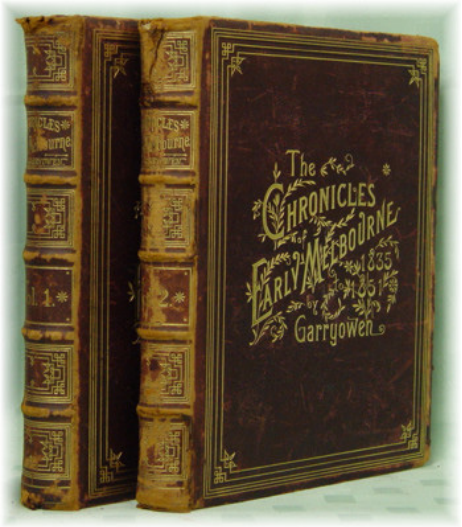
Chronicles of Early Melbourne 1835-51

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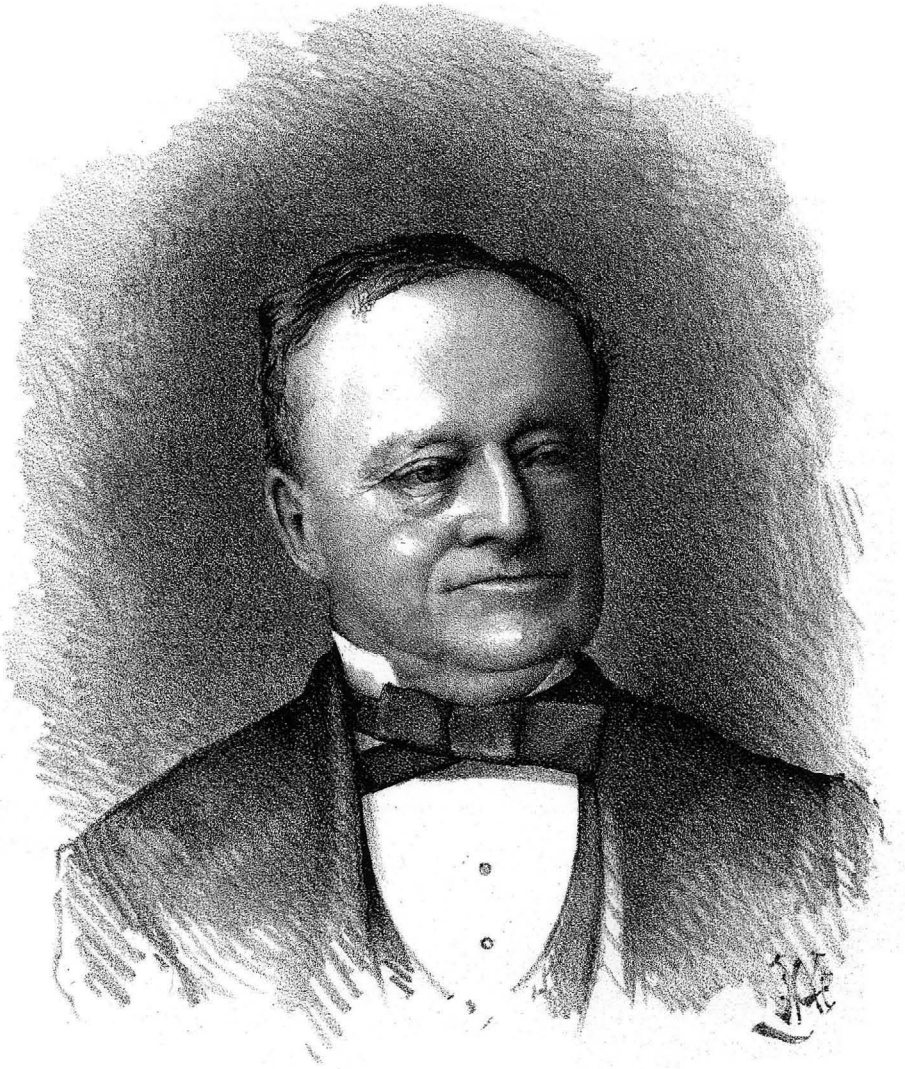
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EDMUND FINN

(AUTHOR)

THE

Chronicles of Early Melbourne

1835 TO 1852.

HISTORICAL, ANECDOTAL AND PERSONAL,

BY

"GARRYOWEN,"

AUTHOR OF "THINGS NOT GENERALLY KNOWN."

"Palmam quam meruit, tulit."

CENTENNIAL EDITION,

WITH PORTRAITS AND ILLUSTRATIONS.

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Melbourne:

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1888.

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AUTHOR'S PREFACE.

I ONCE thought that of all things in the world the least likely to happen would be my writing a history of Melbourne, and I should not have even dreamed of assuming such a responsibility were it not first suggested by Sir Charles Gavan Duffy, under the following circumstances:—

One summer Sunday in February, 1873, I was his guest at Sorrento; and, in the course of the evening, our conversation, drifting back to the sayings and doings of the olden days of the colony, some reminiscences which I disinterred so amused him that he declared I ought to write an Anecdotal History of Melbourne. The notion appeared so preposterous, that I thought he was joking; but, on intimating as much, he assured me it was nothing of the kind, and even pressed me to give the subject my consideration. It occurred to him, he said, that such a work would be extremely interesting; that from both an historical and a general point of view, it ought to be written; and that, if not done in the course of a few years, it would never be; and he even went so far as to pay me the very undeserved compliment of adding, that he knew no other person who possessed to the same extent the necessary local experience and ability requisite for the undertaking. I remained unconvinced, and the idea passed out of my mind, probably never to return, but for its revival on every subsequent occasion when we met. We never spoke since that day without his recurring to the subject, though ineffectually, until just seven years after (on another Sunday in February, 1880), when we dined at the hospitable board of Mr. Andrew Tobin at Balaklava. Some "Garryowen Sketches" had recently appeared in a Melbourne newspaper, of which Sir Charles Gavan Duffy spoke indeed too flatteringly, and then the Anecdotal History once more appeared on the *tapis*, when the result was that, in a moment of weakness, I yielded a reluctant consent. I was early taught to regard a promise as binding as a bond, and nothing now remained but to keep my word, which I resolved to do under any circumstances—to become "The Chronicler of Early Melbourne"—successfully, if I could—and otherwise at the worst. I have lived to learn that I much underrated the burden I had taken on my shoulders; but I entered upon my novel enterprise with a will, thoroughly determined that no extent of trouble or toil should scare me from a duty in which I had voluntarily, though misgivingly embarked. It was in a certain sense a "labour of love" tinged with melancholy—a kind of pleasure-trip to the region of Long-ago—an excursion to Phantom-land, to wander amongst the shadows of the past, in which I had once been a mover, and often an actor—to obtain a ghostly glimpse of many an old familiar face, and a grasp of many a vanished hand long stilled by the icy touch of death. I was like a person for more than a generation away from a country where he had cemented friendships, contracted ties of sympathy, and left behind him kind remembrances; who returned to find the whole aspect of things changed—those he liked and respected gathered to their fathers—the friendships, sympathies, and remembrances evaporated like dew under the sunbeams, and nothing left but memories springing up, like apparitions, at every advance.

Such is the Melbourne of old to me, and my retrogressive pilgrimage has imparted a mixed sensation—a regretful, yet satisfactory excitement in recalling scenes, reunions, and recollections long consigned to oblivion, and, so to write, resuscitating, for a time, many stages of my past existence. In treating of the infancy of Melbourne from its settlement, in 1835 to 1840, much difficulty has had to be encountered through the want of reliable data and records. During a portion of 1838 and the whole of 1839, two publications (hardly even in courtesy to be styled newspapers) were issued, yet no complete files of them are obtainable; and, without disparaging the efforts of those who have written of the time, the conviction is forced upon me that, with the *vivâ voce* help available up to ten years ago, it is surprising

that more reliable narratives have not appeared. In dealing with the brief period referred to, to get at anything like accurate details of events is a weary sliddering through bog and fog, the floundering in which is beyond conception. Occasionally a streak of light appears on the horizon, but it is as the *ignis fatuus*, a decoy likely to lead to greater bewilderment.

There are not now (in the year of Grace, 1888) existing throughout the entire colony, perhaps, a dozen individuals who lived and moved in 1836, where Melbourne now stands, and of these not more than half are accessible for reference. Out of the six not three can tell of such matters (not to be met with in print) as the first gaol, the first police court, the first watch-house, or the first pound; and of the *trio* scarcely any two agree upon any single topic connected with this remote era. There was "a lost earthquake," which it took me three months to find, and my hunt after the first gaol was more tantalising. I could meet only one person to point out the particular spot whereon was erected a wooden theatre, which once flourished in Bourke Street, and no two that I have spoken with can indicate the exact scene of the first execution, at the north of Latrobe Street, though it happened in 1842. The difficulty arises from the great changes which have been effected in the style and size of the buildings, erected on places which were, forty or fifty years ago, either unoccupied areas or sparsely disfigured with one-storey brick, weather-board, or wattle-and-daub tenements of the most ricketty description. In dealing with the extraordinary metamorphoses, wrought by progressive conditions and continuous enterprise, the most tenacious memory is at fault. However, in my researches, I am happy to say that, wherever I applied for information, the most courteous co-operation was readily accorded to me. To those who kindly aided me my acknowledgments are many; and first on my list is Mr. Richard Church, Assistant Parliament Librarian, to whom I was much of a bother, but who always evinced a pleasure in obliging me. The second is Mr. Robert Russell, one of the "Old Guard" of 1836, and the first Principal Officer of Government Surveys in Port Phillip. In him I found a *Thesaurus* of hitherto unprinted events, and, when I questioned any of his statements, an excerpt from an old field-book, a tracing, or a pencil sketch would convince me of his correctness.

Three gentlemen in high official positions, and eminently qualified to speak authoritatively on the subject, have declared that THE CHRONICLES have done for Melbourne what has not been done for any other city (ancient or modern) in the world, by collating in readable form all its small beginnings—the germs, in fact, of its existent constitution.

Through the kindness of Captain Benjamin Baxter, I was placed in communication with the late Mr. Robert Hoddle, so long the Head of the Port Phillip Survey Department, and was favoured with a perusal of portions of a private journal, in which were jotted down some interesting *minutiæ* relating to the formation, and naming, of the township and the streets of Melbourne. Mr. Thomas Alston, about the "straightest" pillar of the "block" in Collins Street, one of our most historic places, I can never adequately thank for all he has done in procuring me information which I should not, otherwise, have so easily obtained; and from Mr. George Coppin I gleaned a quantum of unadulterated theatrical intelligence, which can only be estimated at its proper value when it comes to be read. The late Mr. D. C. M'Arthur, the founder of the Bank of Australasia, was one of the first I consulted, and whether Board-day or not, he was always "at home" to me when I called at the bank, and ready and willing to communicate many curious facts connected with the old banking times. The same courtesy was invariably forthcoming from the late Messrs. W. Highett, the first manager of the Union Bank; W. F. A. Rucker, one of the first parents of our now large commercial community; and from Mr. J. Waugh. To two ex-members of the Legislative Council I am largely indebted—the Hon. G. F. Belcher forwarded from Geelong a file of the *Port Phillip Gazette* for 1839 (unattainable elsewhere), and the Hon. T. F. Hamilton briefed me with some appetizing morsels of romantic reality, about which he is the only man living who knows anything. Coming to later days, the name of Mr. John L. Currie, of "Eildon," Grey Street, St. Kilda, must not be omitted from recognition. The Editor and Artist engaged in the present publication of THE CHRONICLES assure me that they have not only been placed in possession of valuable information, sketches, &c., by Mr. Currie, which I had not been so fortunate in unearthing, but the personal courtesy and sympathetic interest displayed by him in rendering that information as correct and complete as possible, were a source of much gratification to those gentlemen.

In the religious division, Mr. J. A. Marsden, of Fitzroy, Mr. G. A. Mouritz (Harbor Trust Secretary), Mrs. Thomas Napier, of Essendon, and the late Mr. M. Cashmore, of Hotham, supplied some valuable information in connection with the Wesleyan, Baptist, and Hebrew denominations. To particularize the services of ALL would swell the roll into a catalogue; I must, therefore, confine my acknowledgments to the names of some of those to whom I am under obligations for manifold attentions, viz.:—Mr. C. J. Ham (ex-Mayor of Melbourne), Mr. J. Williams (Secretary of the Melbourne Hospital), Mr. F. Howlett (late Superintendent of the Benevolent Asylum), Mr. A. J. Skene (late Surveyor-General), Mr. R. A. Sutherland (Crown Solicitor), Mr. E. Carlile (Clerk Assistant of the Legislative Assembly), Mr. B. C. Harriman (Secretary to the Law Department), Mr. A. C. Le Souef (Usher of the Legislative Council), Mr. E. G. Fitzgibbon (Town Clerk of Melbourne), Mr. J. Farrell (Parliament Librarian), Mr. John Ferres (ex-Government Printer), Mr. Louis Ellis (ex-Deputy Sheriff), Mr. William Overton (Clifton Hill), Mr. Thomas Halfpenny (Richmond), Mr. R. Capper, Junior, Mr. E. Ashley, the Hon. Henry Miller, Dr. W. H. Campbell (both since dead), Dr. Thos. Black (St. Kilda), Mr. H. H. Hayter (Government Statist), Mr. J. B. Were (deceased), and Mr. John Bourke, late of the General Post Office.

In 1840 the mists are cleared away, to some extent, by the improvements produced in the Press —but unfortunately, up to 1843, volumes of the journals cannot be readily got. Except two files of the *Herald* for 1840-41, in the Parliament and Public Libraries, I apprehend there are none others of this period extant, and even these sets are not perfect, for a *hiatus* of a number or two, or a column, or a slice nipped out, occurs occasionally. But from July 1841, the date of my arrival, I was on *terra firma*, standing, as it were, upon my native heath, and henceforth a spectator of almost everything that went on, whether the burning of a house or the founding of a church, a Mayor-making or a prize-fight, a charity sermon or an execution, a public dinner or a "corroborree." Furthermore, I am justified in saying that an uninterrupted residence in Melbourne, and a lengthened connection with its early journalism, enable me to assert, that as to the several public proceedings described as having taken place from 1841 to 1851, I was either a participator in, or an observer of, nine-tenths of them. I can safely aver that my labours, whatever else they may resolve into, are not a composite of shreds and patches, a *réchauffé* of lucubrations of others—a patchwork culled from other books, for a professional book-writer I do not pretend to be. Singular confession of ignorance as it may seem, I have never yet read through any book written about Melbourne or Australia. My sources of information ripple to a large extent from a voluminous notebook kept by myself, the only paper currency which I ever had much at command, largely subsidized by unpublished incidents, picked up by persistent enquiries prosecuted during the last few years. I have no hesitation in declaring that if the work now finished had been deferred until the present time, it is probable that many of the facts I have succeeded in saving, would have been consigned to that tomb where so many lost secrets of history are interred, in consequence of the disappearance of some of the few persons capable of imparting information respecting them.

It was a source of intense satisfaction to me, to be able to arrange with one of our leading publishing firms for the issue in collected form of the Sketches, to be brought out in a style befitting the memorable year in which the project was conceived, the epoch of the Centenary of Australia, and the Jubilee of the founding in Melbourne of Newspaper Journalism, or what is conventionally designated "The Fourth Estate."

Unfortunately, an unexpected defect of vision rendered it impossible for me to supervise the present compilation of THE CHRONICLES, but I have every reason for believing that this important function has been confided to competent and considerate hands.

There is a merit, or perhaps demerit, to which I can lay claim. I have not, so far as I know, followed in the wake or on the lines of other writers, for I have broken away from the beaten path, and struck out a new route for myself. I have prepared my own plan and specification, and acted up to them. In a work such as I designed, innumerable personal references to individuals (some of them happily still amongst us), were unavoidable, but in going over such slippery ground, and handling such a delicate subject, I have endeavoured to avoid giving even a reasonable offence to anyone. In many of the early political, municipal, national, and religious feuds and agitations treated of, I have engaged with, may

be, the zeal of a partisan, neither taking nor yielding quarter, and always trying to give more than I got—but now all the acerbities and personal animosities thus provoked, so far as I am concerned, have passed away, and I am able to view them in the distance through that prism with which the experience of years supplies every reflecting mind, mellowed by the subdued light of a sunshine which has passed its meridian. With every topic of the kind I have striven to deal in a calm and dispassionate manner, and where disapproval is pronounced, it will be found more mitigated than otherwise. Though I have extenuated at times I have not set down "aught in malice." I have made no attempt at fine writing; nor did my ambition soar above the production of a humble essay, and the presentation in readable form of the story of that city to which I came a stripling, fresh from school, and where, having passed into "the sere and yellow leaf," I still abide; a city which, through all its ups and downs, and manifold vicissitudes, I liked better than it liked me, and in whose permanent prosperity I shall always take a true and loyal interest. The events of her past; the principal annals of her early history; the many curious waifs of anecdote, fluttering amongst her folk-lore, I have striven to string together, and weave into a votive offering to hang before her shrine. If the web has been spoiled in the warping or wefting, the fault lies in the artisan and not in the material; but, whatever the result, I have done my best, and no one could do more. My CHRONICLES are now turned cut of the workshop. The little barque in which they woo the breeze of public opinion is launched. For them I bespeak the favour of a dispassionate judgment, as they will, in a large measure, speak for themselves. Let them be appraised with reference less to the shortcomings of their author, than a reliance on their own intrinsic merits and value as records of the past; while, for myself, I would express a hope that the readers of the following pages will

"Be to my virtues very kind,
Be to my faults a little blind."

LEICESTER STREET, FITZROY,
Christmastide, 1888.

EDMUND FINN.

EDITOR'S PREFACE.

As good wine proverbially needs no "bush," so do not "THE CHRONICLES OF EARLY MELBOURNE" require more justification for their re-appearance in the present form, than that to which an emphatic expression of approval by the public abundantly testifies.

It may be thought that the past periodical publication of "THE CHRONICLES" in the Press has, in a measure, discounted the success of their re-publication as an entire Work. Not so. The spasmodic and intermittent nature of their appearance (unavoidable it may have been) served to whet the appetite of thousands, who, since "Garryowen" ceased his labors in that direction, have evinced an unsatisfied desire "for more." Newspaper readers, as a rule, retain in memory little more than the salient points of the subject treated of; and with regard to such lengthy contributions as those now under consideration, it is impossible to do even that in sequent form and in chronological order. Therefore, to present them more acceptably than was originally contemplated, the subject matter of the following pages has undergone a strict revision under the personal notice of the Author; during which process the more acute angles of previous observation and remark have been either rounded off or deleted; and discrepancies in chronology or fact that had passed unnoticed, have been corrected; so that the Work, in its present form, will be a welcome addition to the literature of the Colony, and be worthily placed in the drawing-room, in the study, and in libraries generally.

It is not to the general, airy reader alone that "THE CHRONICLES OF EARLY MELBOURNE" will be a source of amusement and instruction. Though such will find the kind of mental *pabulum* they seek, there are many other castes of Society—those who do not read with the eye only—who will also appreciate them. Historians, Statisticians, Social and Political Economists, Students of either Art or Nature, Statesmen, and those who delight in Personal Recollections and Reminiscences of earlier days, will find in them a fund of Facetiæ, much Useful Information, Intellectual Enjoyment and Valuable Records of the Past, such as are not to be found in any Work extant. "Garryowen" is the recognized *Ultima Thule* of Archaic reference in the Colony; and, albeit he may not be distinguished as its "oldest inhabitant," to him many questions are being recurringly submitted by correspondents for solution. In the archives of his brain lie concealed mental registrations of anterior events such as, probably, have no other existence. With many the remembrance of them has passed away with the years in which they occurred; and, but for "Garryowen's" "CHRONICLES," a renewed interest in them would, in all likelihood, never have been created. Mr. Finn has happily blended the useful with the ornamental and amusing in his writings, so that we have, not only records of all conceivable occurrences worth remembering, between certain dates; but we find them described, and the persons, places and circumstances connected with them pourtrayed and embellished with a graphic word-painting which is as pleasant to read or recite, as the subject is instructive to remember.

"THE CHRONICLES" do not aim at being a Pictorial Work, though some portraits and illustrations are given; and, in like manner, statistics are employed by way of contrast (both anterior and posterior to the prescribed chronological limit) to assist the reader in gauging the amazing changes and remarkable progress that have been made in the wonderful Metropolis of Victoria.

The Author, moreover, claims less recognition for literary "style" than for historical accuracy; and it can be readily conceded that "THE CHRONICLES" do not clash with any similar work, nor do they compete with contemporaneous writings on cognate subjects. There is no "false pretence" about them. They are what their name implies—nothing more, nothing less. Their object, and the promise of

fulfilment have not been lost sight of on the one hand, nor faithlessly abandoned on the other. There has been no meretricious subordination of intrinsic attractiveness to extrinsic, mercenary profit. Though large numbers of persons are named, their doings and sayings duly treated of, and in many instances their biographies sketched, the dominant blemish of fee or reward being obtained as the only plea for their presence, has been studiously avoided. Therefore, "THE CHRONICLES" come before the world in a new phase, relying solely on their own worthiness for the success which they undoubtedly merit; and, unique in their individuality, as a Historical Book of Reference suitable for all conditions of men, and for all time.

Although the ground covered by "THE CHRONICLES OF EARLY MELBOURNE" embraces a comparatively short period of SEVENTEEN YEARS only, they are fraught with some of the most interesting and important events that occurred in the Colony, from a date anterior to the partition of Port Phillip from New South Wales, to the beginning of the Golden Era, an epoch which has proved to be a turning point in the fortunes of Victoria—a departure from old things to new—a line of demarcation sufficiently distinct to constitute it the border-line between Early and Later Melbourne.

There are many, doubtless, who wonder what can be written in an interesting, not to say instructive manner, of a period of time so contracted, and in a style so comprehensive. But the answer is at hand in the fact that "Garryowen" has treated, more or less interestingly, on upwards of A THOUSAND DIFFERENT SUBJECTS, each with its subsidiary and attendant annotations.

During the early days of a young settlement, personal individuality is more recognizable, even if less conspicuous, and the actions of men come more immediately under the notice of their fellows, than in big cities in after years. Hence it is matter for surprise, not that "Garryowen" has found *sufficient* material, but that he has been able to compress selections from his abundant MSS. that will prove most edifying to the general reader. And it may be emphatically prophesied that, prodigious as is the material wealth of "Marvellous Melbourne" in 1888; important as is her influence among the Nations of the Earth; enviable as is her phenomenal prosperity; enterprising as are her public men; and philanthropic as are her private citizens: the events of to-day will not be read in the Chronicles of fifty years hence, with more interest than those which now commence half a century in the past, and which are here submitted from the pen of "Garryowen."

December 31st, 1888.

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THE CHRONICLES OF EARLY MELBOURNE.

CHAPTER I.

THE UNNAMED VILLAGE AND ITS BEGINNINGS.

SYNOPSIS:—First White Discoverer of the Yarra.—Selection of the Site of the Embryonic City.—Famous Flank March of Sir Thomas Mitchell.— Captain Stewart's Report.— The First Ordinance.— Limited Autocracy.— "Bearbrass."— Attack by Aboriginals.—A Black Protectorate.—Interesting Relics.—Early Bonifaces.—Population of the Colony in December, 1836.—Arrival of Sir Richard Bourke.—Batman and Fawkner.—White Foundation of the Colony.— Historical Curiosities.—Early Title Deeds of Land from Natives.—First Arbitration Award in the Colony.

THOUGH an oft-told tale, it may be as well to secure a thorough starting point by indicating the dates of a few remarkable events—the chronological symbols that act as way-marks to the commencement of those incidents which have, in so short a period, rendered Melbourne, as the Capital of Victoria, one of the marvels of ancient or modern colonization.

The first European who sighted this portion of the Australian Continent—the present Cape Everard, in Gippsland—on the 19th of April, 1770, was Lieutenant Hicks, an officer of the memorable expedition of Captain Cook; and on the 4th of June, 1798, Bass, an adventurous ship surgeon, whilst on a coasting expedition from Sydney, in a whale-boat, made Western Port. Lieutenant Murray discovered the bay of Port Phillip (15th February, 1802); and on January 20th, 1803, Mr. Grimes, the Acting Surveyor-General of New South Wales, arrived from Sydney, in charge of a party to examine the bay and "walk round" the adjacent country. On the 9th October, in the same year, Lieutenant-Colonel Collins, as commandant of a convict expedition with a few free settlers, entered the Heads, and established himself near the now Sorrento; but, after a brief stay, deeming the place unsuited for a penal settlement, abandoned it and sailed away to Van Diemen's Land. Messrs. Hovell and Hume, in November, 1824, accomplished an overland journey, from Sydney to Port Phillip, in the course of which they crossed and named several rivers. They penetrated as far as Geelong and saw Port Phillip Bay, which Hovell mistook for Western Port, whilst Hume held differently, in consequence of information received from Mr. James Fleming, a member of the Grimes Survey Party. In 1826 some vague rumours of an intended French seizure of Western Port and Western Australia moved the British Government to take measures for the occupation of these places, and a military force was despatched from Sydney to Western Port. A landing was effected, and the eastern part of Phillip Island fortified; but, the scare dying out, the place was abandoned in less than a year. In January, 1827, John Batman, a resident of Van Diemen's Land, applied, for himself and others, to the New South Wales Government for permission to establish a settlement at Western Port, but the application was refused. A Captain Wishart, whilst on a sealing voyage from Sydney in a cutter called the "Fairy," was driven by stress of weather, on St. Patrick's Day, into a bay to the westward, which he named "Port Fairy," after his little vessel. Portland Bay, in 1828-29, was visited by Mr. William Dutton, in the course of some sealing ventures, and it was he who put up the first house on the present site of Portland. He returned to the place occasionally until 1832,

when he formed a whaling station. In July, 1833, Mr. Edward Henty paid a short visit to Port Phillip in the schooner "Thistle," but it was not until the 19th November, 1834, that his permanent settlement commenced, and it is to his and his brother's pioneering energy and enterprise that the future prosperity of the squatting interests were largely due. Mr. Edward Henty is chronicled as having landed the first pure Merino sheep in the present colony of Victoria.

It happened that a lad named Fawkner, then eleven years old, was allowed to accompany his father, one of the convicts of the Collins' party; and this boy, as he grew to man's estate, in Van Diemen's Land, often longed to revisit the strange country across Bass' Strait, which he had previously seen; and the idea had at length grown so strong in him, that he set about executing his long-cherished project. But he had an energetic rival, who had also been thinking of the very same thing, who set about the work in a cool, methodical manner, organised a company, and made all necessary preparations; so that whilst Fawkner was getting ready for his undertaking, and delayed by some unforseen obstacles, Batman had the start and arrived in the Promised Land before him.

On the 29th May, 1835, John Batman, with three white followers and seven Sydney aboriginals, passed into Port Phillip Bay, in the schooner "Rebecca," of 30 tons, and anchored a dozen miles inside off Indented Head. Accompanied by some of his party and aborigines he landed, and, after several excursions through the country, found that it more than satisfied his expectations as to its appearance and fertility. Renewing his excursions for several days, he met with the Saltwater and Yarra rivers, passed through the environs of the future city, had several conferences with the natives; and, on the 6th of June, at the Merri Creek, near Northcote, purchased from eight of the aborigines, who represented themselves as chiefs, the fee-simple of six hundred thousand acres of land (including the sites of Melbourne and Geelong) for some blankets, tomahawks, scissors, looking-glasses, beads, flour, men's shirts, and other articles. The whole assortment might be valued at £200, and an annual tribute was to be paid—some £150 worth of the same sort of chattels. Batman, though not a lawyer, had a lawyer's eye to business; for, before leaving Launceston, he had prepared, in due legal form, two deeds of conveyance with blanks to be afterwards filled; and according to his statement, by the aid of two of his Sydney blackfellows, he succeeded in making the vendors clearly comprehend the purport of the parchments presented to them. So the bargain was struck, the deeds "signed, sealed, and delivered," the consideration paid down, and possession given, by marking certain trees, and each of the chiefs handing to the vendee a lump of the alienated soil. Batman fancied he had made a good thing of it; but, no doubt, he thought differently when the Home Government afterwards annulled the whole transaction. He kept a journal of his trip, and, from an entry therein, it appears that, on the 8th June, he rowed up the Yarra—"the large river which comes from the east, and, about six miles up, found the river all good water and very deep." "This," he wrote, "will be the place for a village." Returning to Indented Head, he left there the three white men of his party, with five of the New South Wales blacks, after directing them to build a hut and start a garden. He supplied them with three months' provisions, half-a-dozen dogs, a quantity of fruit pips and garden seeds, and, arming one of them (James Gumm) with a written authority to act as his land bailiff, he hastened back to Launceston to communicate the results of his journey.

Fawkner all this time was not idle. Purchasing the "Enterprise," a fifty-five ton schooner, and freighting her with horses and various animals, a plough, and other farming implements, fruit trees, garden seeds, and some stores, he sailed with a party of six from Launceston, but the elements fought against him. He took so sea-sick that the schooner put back to George Town, where he was sent ashore; the "Enterprise" resumed her voyage, and arrived at Western Port, on the 8th August. A Captain Lancy, who was in charge of the expedition, though not of the vessel, gave orders to move onward, and, steering for Point Nepean, they reached the bay and anchored off Point Ormond. Mr. William Jackson and others of the party landed, explored the bush for several miles about Melbourne, crossed the Yarra above the Falls, and camped on Batman's Hill. The river was next examined in a whaleboat, and the basin of the Yarra reached. Soundings were taken, and poles, *vice* buoys, fixed on some of the shoals; and, on the 29th August, 1835, the "Enterprise," was the first vessel of the kind that floated on the Yarra, and must have been well-handled by her master (Hunter) for she had no ordinary difficulties to overcome, through

parts of the stream being impeded by snags and the trunks of fallen trees until the Yarra Falls interposed a barrier, which seemed to exclaim "Thus far shalt thou come, and no farther!" The craft was brought to, and warped round a large tree growing on the river bank, opposite the (now) Custom House. Fawkner's parting injunction was to look out for a place with "good grass and plenty of fresh water;" and, believing these two conditions existed, though it was Sunday, the handful of men went to work, cut away some of the overhanging trees, so that the vessel might be comfortably berthed, and, by means of a plank, landed their stores and live stock, the latter consisting of two horses, two pigs, three kangaroo dogs, and a cat. They immediately put together out of sods, earth, and branches, a kind of structure, by which to shelter their provisions and themselves, and such was the first "house" or store ever raised in Melbourne. The "Enterprise" returned without much delay to Launceston for Fawkner and his family, who arrived in Melbourne on the 10th October, 1835.

There is some controversy as to the first white discoverer of the Yarra. It is averred that David Gibson, a runaway prisoner from the Collins encampment came upon it, and, on returning to give himself up at Sorrento, and reporting his discovery, it was treated as one of those unreliable "yarns" which convicts are especially prone to "spin." Buckley, "the wild white man," another of the convict colony, who escaped from the temporary penal depôt, and lived for thirty years with the aborigines, until he surrendered to the Batman establishment at Indented Head, must have undoubtedly crossed the Yarra at some point in his weary circuitous wanderings from Sorrento to that unromantic hole at Point Lonsdale, still known as "Buckley's Cave," where he occasionally led a sort of amphibious life, when he went for a change of air to the seaside, with one of the couple of matrimonial "native companions" successively assigned to him by the "Watourongs," the aboriginal tribe by which he was adopted. But the records of the Grimes Survey places it beyond doubt, that during the examination of the bay and the surrounding country, the party, not only found the Saltwater and Yarra rivers, but came up in a boat to Batman's Hill, where they landed (4th February, 1803), and traversed several of the (now) city suburbs, going as far as the "Falls" at Studley Park. Their journal explicitly declares "that the most eligible place for a settlement is on the Freshwater river"—the Yarra. As the Collins expedition did not arrive until the following October, there can be no doubt as to the first white visitors there.

The next question of debate is as to the selection of the site of Melbourne, *i.e.*, who made it? and, without question, it must be decided, if not in favour of Fawkner, certainly of Fawkner's party. On Batman's arrival he fixed upon Indented Head as his head-quarters in the first instance; but subsequently entertained some notion of a township on the Yarra—though not where Melbourne afterwards sprung up. A map of his has been found which delineates the extent of the Batman possessions, as secured by the Aboriginal treaty; and from this it would seem that he marked off a portion of the south side of the river "for township and other public purposes;" whilst, on the north side, "the extensive marsh is reserved for a public common." This would place the township over the Yarra, opposite the Spencer Street Railway Station and the Melbourne Gas Works—whilst the "public common" would be north-west of the railway terminus, taking in the then large swamp round by the Saltwater River. Batman seems to have had a weakness for perpetuating himself in nomenclature, for some of the most prominent localities were very soon branded with his cognomen. The beautiful tree-covered hill, the most unique of the olden landmarks, was called "Batman's Hill," the Yarra was the "Batman River," the marsh was "Batman's Swamp," the town was to be "Batmania;" and he even blotted out the name of "Merri" from the well-known creek, and designated it the "Lucy" Creek, after one of his daughters. But every trace of Batman was afterwards obliterated, and at the present moment he has neither "local habitation nor name" in any town, village, street, hill, river, stream, or creek in Victoria. On the other hand, Fawkner, though never the man "to hide his light under a bushel," was not affected in this way, and so far showed a delicacy and good taste in which his rival was deficient.

The site and surroundings of the embryonic city, when in a state of nature, formed a picture of wild and wayward beauty. The River Yarra from its embouchure was so half-choked with the trunks and branches of fallen trees and other impedimenta as to render its navigation a matter of difficulty and delay to even the smallest of coasters. Its low sides were lined with thick ti-tree scrub and trees over twenty feet high, and skirted with marshes covered with a luxuriance of reeds, wild grass and

herbage. The Eastern Hill was a gum and wattle tree forest, and the Western Hill was so clothed with sheoaks as to give it the appearance of a primeval park where timber-cutting and tree-thinning were unknown—whilst away northward, as far as the eye could see, was a country umbrageous and undulating, garbed in a vesture of soft green grass, of a height that if a person rode through it it would reach above the saddle-girths. Elizabeth Street, the outlet between the two hills, was a jungly chasm—an irregular broken-up ravine, through which the winter flood-waters thundered along over shattered tree-trunks, displaced rocks, roots, and ruts—whilst trending away north-westward spread out a large expanse of marsh of deep black soil, and without a solitary tree, its centre a deep lacune where swans, geese, ducks, quail, and other wild-fowl swarmed "thick as leaves in Vallambrosa." The country southward of the river was an immense wilderness, where, in the language of the historian Westgarth, "The kangaroo skipping about in undisputed happiness would emerge in troops upon the flats from the dense woods. The branches of the old gum-trees were filled with black and white cockatoos, and innumerable parroquets, whose gaudy plumage sparkled in the bright sunshine, while their incessant chattering imparted life to a scene otherwise hushed in the presence of man, and the total absence hitherto of his noisy, but enlivening commerce." From Fawkner's description, which is evidently over-tinted, the place assumed quite an Elysian aspect. "His party," he writes, "reached with great joy the 'basin' at Melbourne, and were delighted, in fact, half wild with exultation, at the beauty of the country. The velvet-like grass carpet, decked with flowers of the most lively hues, most liberally spread over the land, the fresh water, the fine lowlands and lovely knolls around the lagoons, on the flat or swamps, the flocks, almost innumerable, of teal, ducks, geese, swans, and minor fowls, filled them with joy."

Batman, as has been already observed, went away to Launceston; but Fawkner kept his ground firmly, notwithstanding strong hints given by some of the "Batmanites," who looked upon the territory as theirs by right of purchase. It was agreed amongst the "Fawknerites" that each should select a few acres of land for a house and garden, but this does not seem to have been acted upon. However, a first selection was made near the Western end of Flinders Street, where a plough was set to work, and five acres of wheat sown in six days, the first crop from which yielded one hundred bushels. Never was there a better beginning in a new country than this early manifestation of industrial enterprise. Shortly after Fawkner's arrival he moved nearer to the river, and what he was pleased to designate "a residence" was thrown up near the corner of William and Little Flinders Streets. Batman returned some time after and established himself on Batman's Hill, and the "Fawknerites," under an apprehension that he might have some legal claim, migrated from north to the south side of the river where about eighty acres of land were enclosed and cultivated. For some time a tribal feud raged between the rival "Septs," but it never passed beyond the stage of wordy warfare, and soon died out. To his dying hour, however, Fawkner never thought kindly of Batman, and hardly ever had a good word for his memory.

It was evident that once a commencement was made the earliest inhabitants could not long keep all their good luck to themselves. The news borne by the returned schooners to Launceston soon spread its wings, and new faces lost no time in putting in an appearance. In fact, almost simultaneous with the arrival of Fawkner, Mr. John Aitken dashed into the bay with a sheep-laden vessel, landed his stock, and settled in that fine country, not far from town, since known as Mount Aitken. Others followed, and towards the close of the year, "the settlement," as it came to be called, was in this position:—About sixty acres of land were under cultivation, and some good wheat grown. The habitations consisted of two weatherboard huts with brick chimneys, and some dozen sod erections or hovels; the population numbered about fifty souls; the live-stock, one hundred head of cattle, fourteen hundred sheep, six horses, some poultry and dogs, a few rabbits, and last, though not least, Fawkner's cat. It will be seen from this enumeration that master "bunny" may be classified as amongst the very oldest of colonists, and there was no need to acclimatise the destructive pest years after. The total shipping entered numbered eight, viz., one barque, two brigs, four schooners, and one cutter. Three squatting stations, viz., Connolly's, Solomon's, and Swanston's, were formed at a distance of ten miles, and for twenty miles into the interior the country had been explored with a result that told favourably as to its fertility and fitness for stock depasturing.


PORT
PHILLIP
SETTLEMENT
1836.


COMMANDANTS
HOUSE
1837.

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Batman, who made all his preliminary preparations with care and prevision, brought a surveyor in his party by whom the country was mapped out, and apportioned amongst Batman and his co-partnery. These primitive flock-masters proceeded forthwith to turn what was then known, in official phraseology, as "the territory of Doutta-galla", into a vast sheep-walk. No doubt when they beheld the "fresh fields and pastures new" unfolding before their delighted eyes, larger and larger the further they went, they began to realise the possibility of the Johnsonian phrase of "a potentiality of becoming rich beyond the dreams of avarice;" but the spell was to be soon broken by the *fiat* of the Home Government, which disallowed the Batman compact. Subsequently the Batman "Association" obtained £7,000 compensation, in remission of land purchase-money, and, in 1839, they bought 9,416 acres of land to the westward of Geelong.

The famous "Flank March," effected by Sir Thomas Mitchell, Surveyor-General of New South Wales, in 1836, and its great results, soon spread the name and fame of "Australia Felix" (as he called it) far and wide. Travelling from Sydney, overland, he crossed the Murray, and following its course reached Swan Hill. Proceeding to the South Australian border, he turned back, making Portland, and visiting the "Henty" settlement; and thence by Mounts Sturgeon and Alexander, and the Rivers Goulburn and Ovens, got back to Sydney. In the course of his return journey, he was met at the Murrumbidgee by Messrs. John Gardiner and Joseph Hawdon, with cattle from Sydney to Port Phillip. On their arrival in Melbourne, Gardiner took up the south side of the Yarra to feed his stock, and for some time occupied both sides of the river for several miles. One day, whilst in quest of some strayed stock, he reached the Upper Yarra country, which so surprised him with its rich pasturage, that he speedily moved off there. South Yarra in itself was not held in much account for stock fattening; the plains on the Saltwater River, the Exe, and down about Indented Head being regarded as the "prime joints." Stations, were, however, rapidly taken up here, there, and everywhere. Batman's first sheep station was where St. James' Episcopalian Church, off William Street, is built, and a shepherd's hut was placed there; but he soon moved the "homestead" to Flemington Hill. Solomon sat down at the Saltwater River, and Wedge and Simpson on the Werribee. More settlers began gradually to come in; and, on the tidings of what had happened reaching England, moneyed men lost no time in turning their attention to the newly opened field for investment. Sheep and cattle poured in from Van Diemen's Land and New South Wales, and a brisk trade sprang up with the ports of Launceston and Hobartown.

In the way of government, the country was a kind of every man's land, and, accordingly, everyone seemed to do much as he liked; but the few people were industrious and law-abiding without law. Anything like a crime amongst the whites was almost unknown, and theft was quite at a discount—probably because there was little of convertible property that could be conveniently abstracted. The only quarrelling was between Batman and Fawkner, and it is a notable circumstance that Fawkner was the first person to show himself amenable to an equitable jurisdiction, by his agreeing to an arbitration to adjudicate upon some difference between himself and Batman's brother. This somewhat anomalous state of "society" obtained until near the middle of 1836, when, at the instance of the Governor in Sydney, Captain Stewart, the police magistrate at Goulburn, in New South Wales, and a territorial justice of the peace, proceeded to the new settlement to enquire into, and make report upon, the state of affairs there.

Arriving in the cutter, "Prince George," at the end of May, the Commissioner lost no time in setting to work. On the 1st June, 1835, a meeting of the principal residents (twenty-seven in number) was held in the "parlor" of Batman's residence. Harmony and good feeling prevailed, and the result of the deliberations was the adoption of a sort of Emergency Constitution, which, it was believed, would answer all public requirements until some legally governing power could be called into existence.

This was the first popular "Ordinance" passed in the colony, and, though not a *Magna Charta*, as a charter of "Home Rule," a short *précis* of it may not be uninteresting. There was no "preamble," but it contained eight clauses of the following purport:—

1. The appointment of Mr. James Simpson, J.P., as Arbitrator upon all disputes between individuals, excepting such as might relate to land, with power to name two assistants to help him, if necessary.
2. The Arbitrator to have power to inflict such fines as he might consider proportionate to any injury sustained.

3. The subscribing parties bound themselves to bring no action at law or equity for any act of the Arbitrator; and all residents not at the meeting, were to be invited to join in the action taken.
4. They bound themselves to communicate to the Arbitrator any aggression committed by, or upon, the aborigines, that might come to their knowledge and that the Arbitrator be empowered to proceed in all such matters as he might think fit.
5. All subscribing parties pledged themselves to afford all the protection in their power to the aborigines; not to teach them the use of fire-arms, nor allow their servants to do so; nor allow the aborigines to possess them.
6. That the Arbitrator should collect all fines, and hold them until the next meeting, on the 1st September.
7. That a reward of five shillings be given for the production of every head of wild dogs killed; that a fund be raised for that purpose; and that the master's certificate be sufficient proof.
8. That a petition be forwarded to Governor Bourke, asking for the presence of a Resident Magistrate at Port Phillip; and also the appointment, from the residents, of other gentlemen to assist the Resident Magistrate.

The first Government was, therefore, a limited autocracy, yet, strange to say, from that day to this, no better choice of an autocrat could possibly be made than Mr. Simpson. He had been police magistrate at Campbelltown, in Van Diemen's Land; and, with a large experience of our earlier and later magistracy—stipendiary and honorary—I never knew a more independent and impartial man on the bench For many years Mr. Simpson was police magistrate of Melbourne and a magistrate of the colony, and held other honorary offices, such as Warden of the District Council of Bourke, Returning Officer, &c.; and he always comported himself in a manner which secured the confidence of everyone who witnessed his thorough uprightness. There was a something stern and slightly forbidding in his sallowed face; but it was only skin deep; and, if one could not admire him outwardly, the honesty of purpose which seemed to actuate him, never failed to ensure for him one's respect. He filled the office of Sheriff of Melbourne for some time, and when he died, it was amidst very general regret for the loss of a man who had secured so many good wishes in his day.

Captain Stewart, having fulfilled his mission to his own satisfaction, transmitted his report to Sydney; and, from a perusal of that document, some facts are gathered pertinent to this narrative. Amongst other incidents he relates that he held a conference with a number of the aborigines, amongst whom he distributed some blankets brought with him for that purpose. As far as could be then judged of, the aboriginal population numbered about 800, 400 of whom had on one occasion assembled round "the settlement," as the place was called. The use of tobacco was unknown to them, and, even if it were not, he (Captain Stewart) thought it would not be appreciated. What they most prized were blankets, tomahawks, knives, and brass ornaments. They knew little or nothing about "grog," which the settlers up to that time kept from them. "The town—'Bearbrass'"—he writes, "is on the left hand side of the Yarra Yarra, about seven miles from its mouth, which, at present consists of thirteen buildings, viz., three weatherboard, two slab, and eight turf huts." The whole European population he estimated at 142 males and 35 females, and nine of the former were land owners, claiming under the Batman bargain. The grazing stock he reckoned at about 100 head of cattle, 26,500 sheep, and 57 horses; and the value of the whole, including farming implements, might be put down at £80,000. The Europeans occupied in extent about 100 miles, but no one was known to have penetrated more than 70, and the most distant station was not more than 35 miles from the township. Eleven vessels, chiefly laden with stock, had made forty-eight trips from Van Diemen's Land, and the smuggling of spirits and tobacco had already commenced. Captain Stewart strongly recommended the establishment of a branch of the Customs for the protection of the public revenue.

Such is a *résumé* of the most important portions of the magisterial manifesto; and Captain Stewart need not have lived very long to learn the unreliability of his tobacco theory about the aborigines, for, in the course of a short time when these unfortunate people came to be initiated into some of the rites of civilization, the two things in the world for which they most ardently longed were tobacco and rum, or the "white money" wherewith to procure them. It will also be observed that Captain Stewart gives "Bearbrass" as the name of the settlement; but what had put such an absurd and inappropriate term into his head is more than I could, or I suppose ever shall, comprehend.

The small community was daily expanding, and the planting of stations increased. Mr. Hawdon found out Dandenong, Howie annexed a goodly slice at Mount Macedon, and Yaldwyn took a fancy to Kyneton. Mr. C. H. Ebden was the first station-holder on the Murray, and it was he who established the first crossing-place at Albury, but the researches of Mr. Bonney afterwards induced him to remove to

Carlshrue; and so on the squatting system kept moving, every week enlarging its orbit. The Yarra Falls were found inconvenient, and even dangerous, for the crossing over of sheep; but a Mr. M'Intyre was a match for the emergency, and, ferreting out a ford near the "Falls," at the confluence of the Reilly Street drain and the Yarra, the old "Falls" were superseded as a sheep thoroughfare. "The land of the West" did not long escape the white invasion, and a horde of modern Argonauts, in quest of no fabled Golden Fleece—the Austins, the Cowies, the Steiglitzes, *cum aliis*, were soon following the true scent. Quiet Geelong and Corio were awakened from their slumbers by the Derwent Company and the Roadknights; whilst the Murrays, the Loyds, and Morrises disturbed the "corroborrees" round lone Lake Colac, an intrusion by no means relished by the aborigines of that quarter.

This reference to the aborigines reminds me to remark that, though at first much good feeling existed between the settlers and the native race, troubles very soon set in. Towards the close of 1836 an atrocious double murder was perpetrated by some of the Goulburn tribe stealing down towards "the settlement," and, surprising a Mr. Charles Franks and his shepherd, at the Werribee, speared them. The bodies were brought to Melbourne and buried on the side of the (afterwards) Flagstaff Hill, where a small enclosed area was reserved for a cemetery. Theirs may be said to be the first public funeral in Melbourne, for all the inhabitants joined in the melancholy ceremonial. In November, 1837, Messrs. Gellibrand and Hesse, started on a bush excursion from Geelong, and were lost in the Cape Otway Ranges. It was supposed that the blacks had murdered them; Gellibrand's skeleton was found some months after and identified by the fact of one of his teeth having been stuffed with gold; and one of the teeth in the discovered remains was in that condition. He was an ex-Attorney-General of Van Diemen's Land, came over with Batman, and Gellibrand's Point, near Williamstown, was named after him. He and Hesse were gentlemen of high respectability, and two hills near Winchelsea are called after them. The singular mode of recognition by the stuffed tooth has much doubt cast upon it by the following undoubted facts:—In 1844, a Mr. Allan, a settler in the Western portion of the district was one day in the bush, attended by some blacks, when they found a skeleton which was supposed to be the remains of Gellibrand. The skull was of peculiar configuration, and a front tooth was missing. Some metal buttons were picked up near the bones, and they were said to resemble those the deceased used to wear. Allan communicated the intelligence to some members of Gellibrand's family, resident at Hobartown, but they treated the matter so indifferently as not to reply to his letter. Allan next buried the bones, and kept the skull, which he suspended from the roof or ceiling of the kitchen of his house, where it remained until May, 1847, when he took it down and shipped it off to Gellibrand's friends, in the *Wave* schooner which sailed from Belfast for Hobartown. So far as I am aware, nothing further was heard of the novel consignment. Gellibrand's life was insured for £11,000, and the policy was paid three years after his presumed death.

In 1838 a convoy of stock belonging to Mr. Faithfull, whilst *en route* from New South Wales to Melbourne, was attacked near the Ovens by a mob of two or three hundred blackfellows, and eight out of eighteen white men in charge, murdered. Several other outrages of a similar, though not so serious a kind, were committed on the Goulburn, the Ovens, the Murray, and at other places; and for some years collisions between the blacks and the whites occasionally occurred. Aboriginal aggression, as a rule, is said to have led to the disasters, though there can be little doubt that the white stockmen and shepherds not infrequently provoked reprisals, and fatal retaliations were often made on both sides. As early as December, 1836, an Aboriginal Mission was established where now flourish the Botanic Gardens; Mr. George Langhorne, a very benevolent man, was appointed missionary, and his assistant was the John Thomas Smith to be so well-known in the early future. The black population within a thirty mile circuit of the township might, at this time, be estimated at about seven hundred souls, including men, women and children. Appeals were frequent to the Executive at Sydney for protection for the lives and property of the settlers, and various were the *nostra* propounded; but the only immediate result was the formation of several mounted police stations at points of the overland route, and subsequently in other localities. The early settlers are declared to have treated the aborigines with kindness and consideration. In 1838 the British Government appointed a "Black Protectorate," consisting of one chief and four assistant Protectors. The colony was subdivided into four districts, one official in each district, whilst the chief exercised general supervision from Melbourne, and made periodical visits of inspection. The whole black population under the Protectorate

Jurisdiction numbered about three thousand. The Protectorate existed for many years, and it was never a popular institution with either the settlers or public, for it was credited with the desire of promoting the personal interests of its members, rather than attending to the amelioration of the physical and moral comfort of the numerous State wards consigned to its care.

And so from small beginnings the new country continued to be explored, taken up, and occupied, as sheep and cattle stations, which were unrestingly pushed forward in every direction. Yet the township but little progressed, even up to the time when Captain Lonsdale arrived from Sydney as a nominal Government Agent or Administrator, for the population then did not exceed a couple of hundred.

I have now before me as I write, two curiously interesting relics, kindly placed at my service by Mr. Robert Russell, the chief officer of the first Survey party despatched from Sydney to operate in Port Phillip. They were prepared by himself, and their authenticity is undoubted. One is a pen and ink "sketch of the settlement of Port Phillip, in November, 1836;" a person inspecting it is supposed to stand off Collins Street, facing the Western Market, and, looking forward, what does he see? Half-a-dozen mud or wattle-and-daub huts, for they cannot by any stretch of courtesy be termed houses, some with mud-made chimnies, and others with no other outlet for the smoke than the door or "a hole in the wall." One of these is the "General Post Office," for there was only a single postal institution then in existence; another, the private residence of Mr. Henry Batman, the acting head of the police, the rest belonging to everybody or nobody. The whole hill-side is overgrown with long coarse grass; scrub and ti-tree abound everywhere, and there are broken logs strewn about to break the shins of any enterprising wayfarers out after dark. Fawkner's schooner, the "Enterprise," rides at anchor in the Yarra basin, and loafing about her are two or three shabby-looking dingies, and as many bark canoes, evidently waiting anxiously for "something to turn up." A couple of aborigines are strolling amongst the hovels, no doubt on the same tack as the boating fraternity,—whilst yonder is a bushman tramping to the "settlement," struggling under a clumsily made-up swag, and probably on his way to Fawkner's grog shanty further down, there to enjoy a little "life," and dissolve the "order" for his three or six months' wages in the throat-scorching rum, or execrable beer of the period. A huge gum tree stands posted like a towering sentinel, with an immense head-gear of foliage, at irregular intervals of every dozen yards, on the track eastward, now the "block," and Emerald Hill over the Yarra looks looming with verdure, and infinitely more blooming than now.

The other relic is a tracing from a lithograph survey made at the same time before the town was marked out, and upon the lines of which it was afterwards formed. It is a very skeleton production, for there was no possible filling in to put on it; yet it reveals a few small etchings of the draughtman's art, which present some almost incredibly queer contrasts when viewed from the stand-point of to-day. It was then *sans* streets, and the names of a few were afterwards added to identify certain localities. The only weatherboard residence is Batman's, on the side of his so-called hill—the Spencer Street Railway Station—near which, at the end of Little Collins Street, the Acting-Governor is "hutted." From this quarter there runs a rough, sinuous bye-way, shaping its course in a wriggling, snakish style, through the scrubby bush country now forming the intervening space between Collins and Little Flinders Streets, and so continuing until lost amongst the stoney rises of the Eastern Hill. All the other tenements (some twenty-five in number) are formed of either turf-sods, bark, or what was known as "wattle-and-daub," covered either with bark or a sort of long reed, to be obtained in abundance on the banks of the river. As the phrase "wattle-and-daub" will frequently occur in referring to the early structures of Melbourne, it may be not only convenient, but instructive, if I briefly describe this *modus fabricandi*. Imprimis—the size of the required "premises" was to be marked, and stakes or posts to be driven in the ground a few feet apart; these were then connected with interwoven twigs of gum, wattle, or ti-tree, like rough wickerwork. The next stage was to "daub" well on both sides with needed clay, and so puddled, when baked in the sun, the walls become weatherproof. After the roofing of bark, reeds, or shingle was attached, if there were the addenda of a brick chimney, and a dash of whitewash externally, the habitation or store, as the case may be, was considered complete; but the age of brick and lime had not yet arrived. The residents were scattered over the landscape, according to a "rule of thumb," by which every one "quambied" like a blackfellow wherever his fancy led him. What is now known as the Western Market appeared to be the centre of attraction for the traffic-masters, because it was the heart of "the settlement."

"Johnny" Fawkner was domiciled rearward of the now Custom House, off the southern line of Little Flinders Street near its junction with William Street; D'Arcy, one of the Survey party, towards the other end, near Market Street; and Webb, a Customs' officer, perched in the middle of Little Flinders Street close by. Onward, in the same line, some half-way between Market and Queen Streets, a Mr. Michael Carr, an ancient publican, barred the way, and flanked his position with an enclosure, intended for the growth of cabbage, potatoes, or other useful esculents. Some half-a-dozen storekeepers seized on or about the Market Square, and amongst them appeared the names of Diprose, Powell and Nodin, whilst a Mr. Robson hoisted his signboard in the centre of Collins Street, and Mr. Skene Craig similarly located himself in William Street. Mr. James Smith was berthed cosily like an old hen on the south side of Collins Street West, and a Mr. Eyre further down. Robert Russell and Darke, of the Survey staff, pitched their tents over the river, close by the "Falls;" but the encampment of the working gang was pitched on the side of the hill, north of Russell Street. Dr. A. Thomson, the pioneer settler of his profession, and one of Batman's party, took up some ground between Swanston Street South, and Russell Street; whilst two enterprising individuals—Adams and Armstrong—coolly jumped an area for a cultivation paddock, near the intersection of Swanston and Flinders Streets, taking in the present site of St. Paul's Cathedral. But the rashest adventurer of all was Mr. Thomas Halfpenny, who had the temerity, with a mate, to throw up a hut of sods and reeds in Collins Street, opposite the now Bank of Victoria, where he contented himself for some time. He was so far without the pale of civilization that friends often seriously advised him to come "nearer home." Yet he laughed at their apprehensions, and clove to the forest, where he throve so well that, in the course of a short time, he went into "public" business and continued for years one of the best known and most flourishing of the old Bonifaces. He is still hale and hearty in the land of the living. A nondescript wooden building served as a church, or chapel, or conventicle, as required, at the north-west corner of Little Collins and William Streets, now the St. James' school reserve, and a diminutive area is indicated as a graveyard, on the eminence to the far north-west, then known as the Burial Hill, afterwards the popular Flagstaff Hill, where all the Melbourne "world and his wife" used to take their outings on Sundays and holidays, and on every other day when they had time or inclination to inhale the fresh country air.

It was a struggling, uncomfortable battle of life, during this period for the few enterprising colonists who clung to the new country, and its rough-and-ready mode of existence, with a tenacity that deserved success. The year at length came to a close, and, from the police returns taken at the time, the following was the state of the province on the 31st December:—The population made a total of 224 individuals, *i.e.*, 186 males and 38 females—within a fraction of five men for each woman. During the year there had been one birth as against three deaths. There were 50 acres of unpurchased land under cultivation, and the live stock was put down at 75 horses, 155 horned cattle, and 41,332 sheep.

In March, 1837, an event of much importance occurred, being nothing less than the arrival of Sir Richard Bourke, the Governor of New South Wales, from Sydney. His Excellency was received with a loyal and dutiful respect by the young colonists; and, as a matter of course, the inevitable address of congratulatory welcome and the reply were not omitted from the programme. His visit, though brief, was turned to good account, for, approving of the site of the township, he called it Melbourne, named the streets, and, after a flying trip to Geelong and Mount Macedon, returned whence he came.

Having thus traced the "unnamed village" from its discovery to the birth of Melbourne, I cannot conclude this chapter more appropriately than by appending brief personal notices of the two individuals who had so much to do in bringing matters to such a state. John Batman was born in 1800, at Parramatta, New South Wales. Tall and dashing, energetic and courageous, he was cut out for what he really was, a capital specimen of the thorough bushman. Passing over to Van Diemen's Land, he led a daring, active life there, rendering good service in assisting to "stamp out" the plague of bushranging, with which the island-colony was then infested. In 1825 he captured Brady, an escaped convict, who had taken to the bush, and committed several depredations—a feat which the Government rewarded by the grant of a thousand acres of land. In the project of quieting the residue of the aboriginal population, by impounding them on Forrester's Peninsula, Batman also distinguished himself; but, in the "Black War," he was said to be as remarkable for his knowledge of the bush and compassion for the natives, as for skill in their pursuit;

and for the services so given he obtained a further grant of two thousand acres of land. He did not long survive his coming to Port Phillip, and, after a lengthy illness, died at Batman's Hill, on the 6th May, 1839; and at 11 a.m., of the 8th, was buried in the then very new, but now almost forgotten, old cemetery. He had a family of one son and seven daughters, but the former, whilst a mere boy, was accidentally drowned in the Yarra some years after. It is a strange coincidence, that, on Batman's first meeting with the native chiefs (Jaga Jaga), they were astonished at his seeming to them to be an exact counterpart of a brother who had died very recently, the resemblance corresponding in every peculiarity except colour—even to the loss of a front tooth; and thence, until Batman's death, the younger of the brothers evinced the deepest affection for him. John Pascoe Fawkner was a Londoner, and born 20th August, 1792. When only eleven years old, he, with his mother and sister, was permitted to accompany his father, a convict in the Collins Expedition. The abortive penal settlement at Sorrento has been already referred to, and after the transfer of the party to Van Diemen's Land, young Fawkner struck out for himself, and lived for some years at Hobartown. He worked in a saw-pit (of which he often spoke in after years), took a hand at many things, and, gifted with some of the attributes which win success, won it accordingly. Once he got into trouble as an accessory in the attempted escape of some convicts from the island, but he never so sinned a second time. With an education of a very restricted kind, he was a voracious reader—devouring, but not digesting. He was glib of tongue, choleric, and disputatious; and it is, therefore, not much wonder to hear of his having practised as an advocate in the old Police Court at Launceston, especially at a time when practitioners were scarce, and readiness and bounce answered just as well as law. Though, as a rule, very abstemious, he seems to have had a special *penchant* for public-houses, and accordingly became the landlord of the Cornwall Hotel at Launceston; and was actually the father of the Northern Press of Van Diemen's Land, for, in 1829, he established the *Launceston Advertiser*. As a journalist, it is said of him that he never soiled his hands with secret service money or bribes, at a time and under conditions when such perquisites were not unknown, and that in his own fashion he took a sincere interest in the welfare of the community in which he lived. As to his career in Port Phillip, he will frequently turn up in other parts of this work, and I shall now simply add that he died in Melbourne on the 4th September, 1869, an honourable member of the Legislative Council, and so much esteemed that over 200 carriages were present at his funeral, and 15,000 persons lined the streets on his burial day.

And such were the two "Johns"—the earliest fathers of our commonwealth, whose names will be inseparably entwined in its past and future history. It is remarkable that neither of them left issue in the male line, and so far they have become lineally extinct.

There has been much disputation as to whom should be accorded the honour of the "white foundation of the colony," and, after much consideration of the question, I have arrived at the following conclusion, which, to my mind, appears irresistible:—

That the Grimes' party were the first European arrivals at the site of the future capital,

That William Dutton was the first resident at Portland,

That Batman was the first prospector of Melbourne and Geelong, and

That [not Fawkner, but] Fawkner's party—five men, a woman, and the woman's cat—were the *bonâ-fide* founders of the present great metropolis.

HISTORICAL CURIOSITIES.

As many incorrect versions of the "Title Deeds" by which the country was conveyed to Batman by the aboriginal chiefs have been printed, it seemed to me not undesirable to append the following copy, as revised from the Originals in the Public Library, the Trustees of that institution having purchased them a few years ago, on the suggestion of Sir W. H. Mitchell, the President of the Legislative Council:—

Know all persons that we, three brothers, Jagajaga, Jagajaga, Jagajaga, being the three principal chiefs, and also Cooloolock, Bungarie, Yanyan, Moowhip, and Monmarmalar, being the chiefs of a certain native tribe called Doutta-galla, situate at and near Port Phillip, called by us, the above-mentioned chiefs, Iramoo and Geelong, being possessed of the tract of land hereinafter mentioned, for and in consideration of twenty pair of blankets, thirty knives, twelve tomahawks, ten looking-glasses, twelve pair of scissors, fifty handkerchiefs, twelve red shirts, four flannel jackets, four suits of clothes, and fifty pounds of flour, delivered to us by John Batman, residing in Van Diemen's Land, Esquire, but at present sojourning with us



JOHN PASCOE FAWKNER.

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and our tribe, do, for ourselves, our heirs, and successors, give, grant, enfeoff, and confirm unto the said John Batman, his heirs and assigns, all that tract of country situate and being in the Bay of Port Phillip, known by the name of Indented Head, but called by us Geelong, extending across from Geelong harbour about due south for ten miles, more or less, to the head of Port Phillip, taking in the whole neck or tract of land containing about 100,000 acres, as the same hath been before the execution of these presents delineated and marked out by us, according to the custom of our tribe, by certain marks made upon the trees growing along the boundaries of the said tract of land, to hold the said tract of land, with all advantages belonging thereto, unto and to the use of the said John Batman, his heirs and assigns for ever, to the extent that the said John Batman, his heirs and assigns may occupy and possess the said tract of land, and place thereon sheep and cattle, yielding and delivering to us, our heirs and successors, to the meaning and intent that the said John Batman, his heirs and assigns, may occupy and possess the same, and our heirs and successors the yearly rent or tribute of fifty pair of blankets, fifty knives, fifty tomahawks, fifty pair of scissors, fifty looking-glasses, twenty suits of slops or clothing, and two tons of flour.

In witness thereof we, Jagajaga, Jagajaga, Jagajaga, the three principal chiefs, and also Cooloolock, Bungarie, Yanyan, Moowhip, and Monmarmalar, the chiefs of the said tribe, have hereunto affixed our seals to these presents, and have signed the same. Dated, according to the Christian era, this 6th day of June, 1835.

Signed, sealed, and delivered in the presence of us, the same having been fully and properly interpreted and explained to the said chiefs.

JAGAJAGA, his x mark. COOLOOLOCK, his x mark. MOOWHIP, his x mark.
JAGAJAGA, his x mark. BUNGARIE, his x mark. MONMARMALAR, his x mark.
JAGAJAGA, his x mark. YANYAN, his x mark.

(Signed) JOHN BATMAN.
JAMES GUMM, ALEXANDER THOMSON, WM. TODD.

Be it remembered that on the day and year within written, possession and delivery of the tract of land within mentioned was made by the within-named Jagajaga, Jagajaga, Jagajaga, Cooloolock, Bungarie, Yanyan, Moowhip, Monmarmalar, chiefs of the tribes of natives called Doutta-galla-Geelong, to the within-named John Batman, by the said chiefs taking up part of the soil and delivering the same to the said John Batman in the name of the whole.

JAGAJAGA, his x mark. COOLOOLOCK, his x mark. MOOWHIP, his x mark.
JAGAJAGA, his x mark. BUNGARIE, his x mark. MONMARMALAR, his x mark.
JAGAJAGA, his x mark. YANYAN, his x mark.

In presence of
(Signed) JAMES GUMM, ALEXANDER THOMSON, WM. TODD.

Know all persons that we three brothers, Jagajaga, Jagajaga, Jagajaga, being the principal chiefs, and also Cooloolock, Bungarie, Yanyan, Moowhip, and Monmarmalar, being the chiefs of a certain native tribe called Doutta-galla, situate at and near Port Phillip, called by us the abovementioned chiefs Iramoo, being possessed of the tract of land hereinafter mentioned, for and in consideration of twenty pair blankets, thirty tomahawks, one hundred knives, fifty pair of scissors, thirty looking-glasses, two hundred handkerchiefs, one hundred pounds of flour, and six shirts, delivered to us by John Batman, residing in Van Diemen's Land, Esquire, but at present sojourning with us and our tribe, do, for ourselves, our heirs and successors, give, grant, enfeoff, and confirm unto the said John Batman, his heirs and assigns, all that tract of country situate and being at Port Phillip, running from the branch of the river at the top of the port, about seven miles from the mouth of the river, forty miles north-east, and from thence west forty miles across Iramoo downs or plains, and from thence south-south-west across Mount Vilaumarnartar to Geelong Harbour, at the head of the same, and containing about 500,000 more or less acres, as the same hath been before the execution of these presents delineated and marked out by us, according to the custom of our tribe, by certain marks made upon the trees growing along the boundaries of the said tract of land, to hold the said tract of land, with all advantages belonging thereto, unto and to the use of the said John Batman, his heirs and assigns for ever, to the intent that the said John Batman, his heirs and assigns, may occupy and possess the said tract of land, and place thereon sheep and cattle, yielding and delivering unto us, our heirs or successors, the yearly rent or tribute of one hundred pair blankets, one hundred knives, one hundred tomahawks, fifty suits of clothing, fifty looking-glasses, fifty pair of scissors and five tons of flour. In witness thereof we, Jagajaga, Jagajaga, Jagajaga, the above-mentioned principal chiefs, and Cooloolock, Bungarie, Yanyan, Moowhip, and Monmarmalar, the chiefs of the said tribe, have hereunto affixed our seals to these presents, and have signed the same. Dated, according to the Christian era, this 6th day of June, 1835.

Signed, sealed, and delivered in the presence of me, the same having been fully and properly interpreted and explained to the said chiefs.

JAGAJAGA, his x mark. COOLOOLOCK, his x mark. MOOWHIP, his x mark.
JAGAJAGA, his x mark. BUNGARIE, his x mark. MONMARMALAR, his x mark.
JAGAJAGA, his x mark. YANYAN, his x mark.

(Signed) JOHN BATMAN, Banks of Batman's Creek,
JAMES GUMM, ALEXANDER THOMSON, WM. TODD.

Be it remembered, that on the day and year within written, possession and delivery of the tract of land within mentioned was made by the within-named Jagajaga, Jagajaga, Jagajaga, principal chiefs, and Cooloolock, Bungarie, Yanyan, Moowhip, and Monmarmalar, also chiefs of the tribes of natives called Doutta-galla, to the within-named John Batman, by

the said chiefs taking up part of the soil of the said tract of land, and delivering the same to the said John Batman in the name of the whole.

JAGAJAGA, his x mark.	COOLOOLOCK, his x mark.	MOOWHIP, his x mark.
JAGAJAGA, his x mark.	BUNGARIE, his x mark.	MONMARMALAR, his x mark.
JAGAJAGA, his x mark.	YANYAN, his x mark.	

In the presence of

(Signed) JAMES GUMM, ALEXANDER THOMSON, WM. TODD.

THE FIRST AWARD IN THE COLONY.

Reference has been made to an arbitration of a Fawkner-*cum*-Batman dispute —

The arbitrators were Dr. Thomson (the first medico), Messrs. John Aitken (the first stock-breeder), and James Simpson (the first magistrate); and after a thorough consideration of the *pros* and *cons*, the following judgment, which is in fact the first legal decision given in the colony, was pronounced.

"We award in the dispute between Mr. Henry Batman and John Pascoe Fawkner, on the first claim thirty shillings, on the second claim, nothing; although a strong presumption is on our minds that some hasty expressions of Mr. Batman may have led Bullett to destroy the rabbits. On the third claim, damages five shillings, and a fine of twenty shillings in consideration of its being an act of unauthorised aggression; and in the fourth claim nothing, as it does not appear that Mr. Batman set the dogs on the calf. We cannot omit remarking that there has been a degree of forbearance on the part of Mr. Fawkner highly gratifying to us, and, if generally practised, very conducive to the general good.

(Signed) A. THOMSON, JOHN AITKEN, JAMES SIMPSON.

May 2nd, 1836.

Mem.—The fines to be appropriated to some general purpose."

The Henry Batman in question was the brother of John Batman, and the following year, the first appointed Chief-Constable of Melbourne. Though the order in which the names are placed in the award would indicate the contrary, it would appear from the context that Fawkner was the complainant, and Batman the defendant. The "Bullett," referred to as a rabbit-killer, was one of the New South Wales blackfellows brought over by John Batman from Van Diemen's Land, to facilitate his land purchasing transactions with the Port Phillip aborigines. It is manifest also that the rabbits belonged to Fawkner, and to him, therefore, must be assigned the merit, or otherwise, of being the introducer of the first of a species, destined, in the not very distant future, to prove anything but a blessing to the land of their acclimatisation.

The document is also remarkable as bearing testimony to Fawkner's good temper, the only instance on record where it was possible to pay him such a compliment during his long, varied, and useful career. Good qualities he certainly did possess, but "forbearance" was an unknown quantity in his organisation, certainly since May, 1836.

CHAPTER II.

INCREASED VALUE OF TOWN LANDS.

SYNOPSIS:—Future Site of Melbourne.—Earthquake in Melbourne.—Mr. Hoddle and the Width of Streets.—Boundaries of "Old Melbourne."—Street Nomenclature and Division into Wards.—Mr. John Thomas Smith—A Seventh-Time Mayor.—Publicans and Sinners versus Purses and Impudence.—Smithites and Anti-Smithites.—Early Land Sales.—Comparative Values of Land.

OF all the popular errors prevailing in the colony there is none, perhaps, so general as the one into which very many people have fallen in supposing that "Yarra Yarra," the "flowing-flowing," or "running-running," was the native name of the once romantic stream on whose banks Melbourne is built. Yet it is not so. Its aboriginal designation was the "Birrarrung"—Yarra Yarra being a generic term in the "Black" vernacular, and applied to rapids or waterfalls generally. Mr. Wedge, a surveyor, who came from Van Diemen's land as an *attaché* of the Batman Association, first called the river "the Yarra." Under the circumstances thus described by himself, he wrote, "I gave the river the name of 'Yarra Yarra' from the following circumstances. On arriving in sight of the river, the two natives who were with me, pointing to it, called out, 'Yarra Yarra,' which, at that time, I took to be its name; but I afterwards learned that the words were what they used to designate a waterfall, as they afterwards gave the same designation to a small fall in the river Werribee, as we crossed it on our way back to Indented Head." It was decided to establish three townships on the existing sites of Melbourne, Williamstown, and Geelong; and for some time, indecision was shown as to where the future capital should be. Melbourne had fresh water at certain periods of the day, but it was miles from the bay. Williamstown was near the bay but away from the fresh water, whilst Geelong was "barred" by the dangerous reef in its beautiful harbour and its distance from the Barwon. Geelong was a splendid site, but perhaps, as things have turned out, the better choice was made, and Melbourne won. If credence is to be given to the statements of some of the early annalists, the destiny of Melbourne was very nearly changed by a sharp shock of an earthquake a couple of days after Governor Bourke's arrival, which so alarmed him that Melbourne trembled in the balance, and the site of the future city was all but abandoned. After considerable hesitation it was, however, decided that the township should take its chance, and it was "chanced" accordingly. I am afraid that, like some other sensational items of our ancient history, this spicy dramatic incident will not stand the analysis of enquiry. The version of one of the chroniclers is thus precise, viz.:—"One morning shortly after their (the Governor and his party's) arrival, and whilst they were in camp, the shock of an earthquake was felt. Sir Richard Bourke expressed to Captain King his apprehension that it would be unsafe to build a town on this spot, as it would be exposed to risks like those which then made New Zealand so unpopular a country for settlement. No repetition of the shock occurred, however, and the town of Melbourne was laid out by Mr. Hoddle." This is circumstantial enough, but let me state the *per contra*. The Captain King indicated was a naval officer who accompanied Sir Richard Bourke on his visit, and, according to a diary of the trip kept by him, the Governor landed in the future Melbourne on the 4th March, 1837, and, in the course of the day, "mounting his horse he rode round the township, and marked the boundaries, which embraced about a mile of the river frontage." Though minutely noting various occurrences, the journal does not make the slightest allusion to so extraordinary an event as an earthquake. Next there is Mr. Hoddle, the surveyor, who, also, came with the Governor, the officer by whom the town was actually laid out. I have been favoured with the perusal of an unpublished journal kept by Mr. Hoddle, at this time, and it preserves a total silence about an earthquake; furthermore, I have the authority of Mr. Hoddle to declare that he had

no recollection of anything such as described having happened. Next, there is Mr. Robert Russell, the first head of a Survey staff in Port Phillip. He was in the vicinity of the future Melbourne at the time—it was upon the outline first traced by him in 1836, that the subsequent plan of the township was based—and he has recently given me an assurance, from which I am disposed to believe, that there was more moonshine than subterranean fire, less fact than fable in the morsel of romance so spicily served up. Mr. Russell, however, has informed me that a shock of earthquake was really felt one night at the end of March, after Sir Richard Bourke's departure. Possibly, in this case, the historians considered themselves entitled to a poetical license sufficient to enable them to antedate the terrestrial upheaval, or to move it backward by three weeks, of course only a chronological trifle, when done metaphorically. The next point of debate was that of name. Van Diemonian public opinion wished the new-born town to be called after Batman; whilst New South Wales' influences tended the other way. The native appellation of the place "Narr-m," was such a consonantal barbarism as could not be conveniently mouthed by Europeans, and "Bearbrass," as it was termed in some temporary absence of mind by Captain Stewart, was as outlandish. There was some notion of styling it Glenelg, after the Secretary of State for the Colonies, but this was abandoned for Melbourne, in compliment to the nobleman then occupying the high office of Premier of Great Britain —so Melbourne it was, and Melbourne it is. The flat where Williamstown stands was so thickly timbered with sheoak that it was known as "Koort-boork-boork" (clump of sheoak). This was changed into its present more pronounceable appellation after King William IV., Geelong being permitted to retain its native designation from the aboriginal tribe occupying that picturesque locality. Sir Richard Bourke seems to have taken the whole matter into his hands, and evinced a special interest in the planning and nomenclature of Melbourne and its streets. The town, as originally designed, was partly rectangular, consisting of a frontage to the Yarra of a mile, with a breadth of three-quarters of a mile, and it is a singular fact that so far back as 1840, Arden, one of the earliest and ablest newspaper writers complained of the area of the town as being too cramped. He wrote, "It is evident that Sir Richard Bourke, in allowing so confined a portion, could have formed no accurate estimate of the unrivalled growth it has since manifested." Had Arden lived until to-day, he would have seen Melbourne, in its suburbs, extended beyond the Merri Creek, and stretching away towards every point of the compass.

During Sir Richard Bourke's stay there was a remarkable controversy between him and Mr. Hoddle as to the width of the streets. The Governor had a notion that the perfection of town-planting consisted in big streets with little streets or lanes backing them up from behind—a sort of personal attendant like the knight and esquire of old, or the gentleman and valet of modern times. It was also a hobby of his that no town street should, under any circumstances, be of a greater breadth than sixty-six feet, and like most hobbyised people he nursed this notion with much affection. But Mr. Hoddle, though a subordinate, had not only a mind of his own, but what was better, the moral courage to speak it, and that he did so with effect, will be seen by a perusal of the history of the transaction as penned by himself in the following extract from the journal already referred to :—

"When (he writes) I marked out Melbourne in 1837, I proposed that all the streets should be ninety-nine feet wide. Sir Richard Bourke suggested the lanes as mews or approaches to the stablings and out-buildings of the main streets of buildings. I staked the main streets ninety-nine feet wide, and after having done so, I was ordered by the Governor to make them sixty-six feet wide; but upon my urging the Governor, and convincing him that wide streets were advantageous on the score of health, and convenience to the future city of Victoria, he consented to let me have my will. I therefore gave up my objection to the narrow lanes thirty-three feet wide, which have unfortunately become streets, and many expensive buildings have been erected thereon. Had a greater number of allotments been brought to public auction at first, houses in the broad streets would have been built in preference. I have remedied it afterwards in marking out North and East Melbourne, by making the various streets sixty-six feet wide. In 1837, after marking the streets, Sir Richard Bourke came early one morning into my tent and gave me the list of the names of the streets."

It is refreshing to read this scrap of narrative, at the present day, when professional heads of departments are loth to exercise a freedom of opinion on questions which can only be properly decided by experts, and when Ministerial chiefs are wont to do much as they like, according to their own sweet will.

However, Mr. Hoddle came out of the encounter with flying colours, for he had the better half of the compromise; and it is solely owing to the persistent conscientiousness with which he urged his views, that the city of Melbourne has its grand, broad highways of to-day—the big streets thrice instead of twice as large as the little ones. To estimate the incalculable boon which this gentleman's sense of duty secured for the city, we have only to imagine Collins, Bourke, Elizabeth, and Lonsdale Streets one-third narrower than their present width, and this would inevitably have happened but for Hoddle's success in bringing Sir Richard Bourke to listen to reason. For such an action, as things have turned out, Mr. Hoddle may fairly be considered the best public benefactor the city ever had. The streets, it was ordered, should extend from west to east, and north to south, at regular intersections, the former batch to be handicapped with the "lanes." The boundaries of "Old Melbourne" were from the Yarra by Spring, Latrobe, and Spencer Streets, back to the river, and for years no sane man ever dreamed, that for any business purposes, the township would require any extension. The streets from the Yarra to Latrobe Street were named after Captain Flinders, one of the earliest navigators of Port Phillip Bay; Colonel Collins, the Commandant of the Convict Settlement of 1803; Governor Bourke, and the Captain Lonsdale, before mentioned. The streets from west to east were called after Lord Spencer (the Lord Althorpe of a Melbourne Administration), Governor King, of New South Wales; William Street, after William the 4th, and Queen Street after his Consort, though the compliment would have been more marked, and the name more distinctive, if they had called it "Adelaide" Street. There is a difference of opinion as to the lady whose name is borne by Elizabeth Street. Some years ago it was stated in a Melbourne publication that it was a compliment paid by Sir Richard Bourke to one of his daughters; but I am assured, on the authority of Mr. Hoddle, that it was meant for Elizabeth, the "Virgin Queen" of English history. Swanston Street distinguishes a captain of that name, the chairman of the Batman Association; Russell Street is a memento of the once popular Earl Russell; and Stephen Street a tribute to a permanent Under-Secretary of State for the Colonies.

For years Spring Street was an enigma, which neither myself, nor any one I asked, could solve. The only theory that ever suggested itself to my mind, with any show of probability was that, the street, when pegged out, was so far away in the "bush," and passed over such a smooth, grassy, picturesquely timbered stretch of country, up a beautiful hill from the Yarra—across towards the Carlton Gardens, that either Governor or surveyor was induced by the fragrance of the gum trees and the freshness of the day, to present a votive offering to the goddess of Spring, whose season in another country they seemed to be enjoying, and so Melbourne came to have a Spring Street. This fanciful surmise has been singularly sustained by the testimony of Mr. Hoddle, to the effect that when Sir Richard Bourke and he arrived on the crown of the Eastern Hill, there was such an abundance of beautiful black and white wattle-trees growing where the Parliament Houses and Treasury are built, that the Governor, in a fit of happy inspiration, pronounced in favour of a "Spring" Street. Another idea is that Governor Bourke intended it as a compliment to Thomas Spring Rice, afterwards Lord Monteagle, a once distinguished British Statesman, the private friend and political patron of Bourke.

At first the streets were only opened from Spencer to Swanston Streets; the rest were soon added, and after Mr. Latrobe's arrival as Superintendent in 1839, he named the Northern boundary road, Latrobe Street, as a solatium for himself. The street now known as Market Street was not originally provided for. Its formation was first suggested by Mr. Robert Russell, and adopted by the Government. A few years after the streets known as Therry, A'Beckett, and Jeffcott were formed and so called after three of our early judges, and a fourth commemorates the name of the great Arctic explorer, Franklin, who was once Governor of Van Diemen's Land. All the country at the other side of the Yarra, from the Punt Road to Fisherman's Bend, went under the general designation of South Melbourne, and was of very little account —for the major part of it was a dense, snaky, scrubby jungle, and it was the opinion of some of the early engineers that no large ships could safely lie at Sandridge. What a practical contradiction the Railway Pier has offered to such professional vaticinations! When Melbourne was incorporated by the New South Wales Legislature, in 1842, the town was subdivided into wards, called after Latrobe, Bourke, Lonsdale, and Gipps (the last mentioned being Sir George Gipps, who succeeded Sir R. Bourke as Governor.) He was, in due time succeeded by Sir Charles Fitzroy, after whom the straggling and seedy looking suburb of Newtown, modernized into Collingwood, was associated to the Melbourne Corporation as

Fitzroy Ward. North Melbourne was supposed to be included in Bourke and Gipps Wards, and as the city spread out, the "Northern territory" was cut up and brought under the Government auctioneer's hammer. But ere long the new streets were built upon, and the district at length became so populous that a cry arose for new Wards, and those of Smith and Hotham were created. There was a precious row in the City Council over the nomination of Smith Ward, and many a post-Council adjournment took place to the "Rainbow," the "Royal Oak," and other dram shops contiguous to the Council Chamber, where the monotonous question of the naming of the New Ward was repeatedly discussed, with a heat and froth equalled only by the hot toddy and effervescing "spiders" consumed in the efforts to settle the vexed question. Mr. John Thomas Smith, a seventh-time Mayor, was then quite a power in the civic world, and he was well backed up by the "publicans and sinners," who, under the combined influence of purse and impudence, got elected as the representatives of the citizens. The question was, whether, as all the other Wards had been called after Governors or Vice-Governors, it would be right to confer a similar honour upon a mere Mayor, for Mr. Smith was then nothing more. The anti-Smithites averred that it would be anything but the correct thing; whilst the pro-Smithites asseverated that it was only the right and proper thing to do. The Smithites finally worked up a majority, the matter was settled as they wished, and Smith Ward became an accomplished fact. There was no debate about "Hotham" after Sir C. Hotham, who succeeded Mr. Latrobe as Governor, in 1854. Since then two additional Wards have been added—Victoria and Albert—and when Sir A. Clarke (Surveyor-General) passed his Municipal Institutions Act, Melbourne was gradually shorn of some of its most flourishing suburban proportions—which germinated into as many independent municipalities.

THE FIRST LAND SALES.

In the sketches I am writing, figures and statistics, unless in a "figurative" sense, ought to be tabooed as much as possible; yet there are some figures connected with the early land sales, which, when contrasted with those that would take their places, were the same allotments to be brought to the hammer to-day, reveal such an extraordinary increase in amount, as renders a brief glance at them far from uninteresting. The town was named, and subdivided into streets and lanes, and the next thing to be done was to submit the land in lots to public competition, and sell to the highest bidder. If the land auctions were to be held in Sydney a great hardship would be inflicted on the local residents through loss of time and expense in attending the place of sale; and as a special favour Sir Richard Bourke met the public wish by authorising the holding of land sales at Melbourne. The first came off accordingly on the 1st June and the second on the first November, 1837, Mr. Hoddle, the principal officer of survey, acting as government auctioneer. As a rule, few men of means lived on their stations in the country, and were more concerned about increasing their lambs and their calves than speculating in land-buying. Batman, Fawkner, Gardiner, Rucker, Hodgson, and a few others were exceptions, and the consequence was there was not much competition, and moderate prices ruled. The Melbourne streets, as before observed, were each 99 feet in breadth, and the lots were half-acre ones, less about four perches sliced off for the right-of-way behind. A curious condition of sale was introduced, by which every buyer covenanted to erect a substantial building worth £20 on his purchased land within two years. Lots at Melbourne and Williamstown were sold at the first sale; but only Melbourne ones at the second. The average prices at the former were—Melbourne lots £35, and Williamstown £46; and at the latter (or second), Melbourne averaged £42. At the June sale 106 lots were sold, and 83 in November. All the Melbourne land so bought was in Flinders, Collins, William, King, Bourke, Elizabeth, Swanston, and Queen Streets; and the more westward the situation, the more valuable was it considered. An inspection of an old plan of Melbourne with which I have been favoured by Mr. C. J. Ham (the Mayor of Melbourne), taken in connection with other information obtained, elicits some incidents that make one wonder, whilst pondering over the prices and fixing the identity of some of the lots which are now the prime business places in the city. Fawkner, usually the first in everything, bought lot 1 for £32—the south-eastern corner of King and Flinders Streets—and Batman the south-west corner of Collins and William Streets for £60. The north-eastern corner of Collins and Queen Streets, lately purchased by the English, Scottish and Australian Chartered Bank for £60,000, was knocked down to Mr.

E. W. Umpleby for £61, and Mr. John Hodgson bid £23 per half an acre of "the Block" in Collins Street, but, fancying he had "sold" himself by buying it, was thoroughly re-sold by his forfeiture of the couple of guineas paid as deposit money. It was subsequently taken up for the same price by a Mr. Fleming. A Mr. S. J. Browne, of Heidelberg, well known in those days as "Paddy" Browne, purchased the allotment at the corner of Queen and Collins Streets, on part of which is the Bank of Australasia, the price being £40, and he paid a deposit of 10 per cent. or £4. All that night he dreamed of having "burned his fingers," and next day was sure he had done so. Coming to town and fretting over his bad bargain, he was so anxious to get rid of it that he actually offered the deposit receipt to several of his friends—satisfied to lose the £4 if the transferree would pay the balance. Not one of them would touch the thing even with a branch of gum-tree; and this so confirmed "Paddy" as to the badness of the investment that he actually forfeited the land! The half-acre became waste land for a year or two, and after a time there was an intention to reserve it for a post-office site, but this was abandoned in favour of the more central position finally selected. In 1839 the Wesleyans obtained it from the Government as a chapel site, and thereupon was erected the large brick building so long known as the Wesleyan Chapel. In course of time the Wesleyan body thought it advisable to sell the place, and apply the large price expected, in promoting the spiritual efficiency of their mission; and the consequence was, that in less than forty years Paddy Browne's abandoned venture of £40 increased exactly in the ratio of one thousand to one, for just £40,000 was the price obtained by the Wesleyans. The four intersecting half-acre corners of Collins and Elizabeth Streets were got for £50, £40, £42, and £32, respectively. The first was knocked down to Mr. W. T. Mellison; it was, till recently, known as the Clarence corner ,and subsequently sold for £60,000, and the Queen and Collins Streets block (now Bank of New Zealand) went for £42, the corresponding corner opposite bringing £90. Batman, who bought largely, got the half-acre, in Collins Street, opposite the Bank of Victoria, for £59, and the Rev. James Clow—wise in his generation, pocketed no less than two acres at the south-west corner of Swanston and Lonsdale Streets for £162. Germain Nicholson's corner (Collins and Swanston Streets) was bought for £45; the Albion Hotel lot in Bourke Street, £30, and the Beehive corner, opposite Post Office, £28. A Captain Synnot bought a half-acre in the heart of the "block" for £19, which he re-sold the day after for £25, congratulating himself on his good fortune in having cleared £6 so easily.

The result of the sales in Melbourne inducing a belief that land would bring more money if disposed of at Sydney, the venue was accordingly changed to that place, and from a financial point of view the result justified the course taken. In February, 1838, a sale was held there, when town, suburban, and country lots in Melbourne, Williamstown, and Geelong were offered, several following at intervals, and the prices increased in consequence of the Sydney capitalists going into the thing as land-jobbers. All that populous locality now known as Fitzroy and Collingwood, but then as the parish of Jika Jika or Newtown, was cut up into 25 acre lots, and averaged about £7 per acre. Lot 1 comprised the 25 acres commencing at the corner of Nicholson Street and Victoria Parade, and was sold for £6 10s. per acre. How many thousand pounds would it bring now? Two corners of Bourke and Elizabeth Streets were obtained for £125 and £136, the lot where the *Argus* Office is £129, and the (until recently) "Rainbow" corner near the Police Court, £121. Twelve 25-acre blocks at Richmond averaged nearly three times as much as at the first Collingwood sale. A land mania, which brought its own penalty of an early burst-up, set in the following year (1839), and continued for some time, and speculation reached a high pitch. The half-acres were cut up into feet, and brought what were then deemed not exorbitant prices; though a few examples will show the immense increase of supposed value. The south-east corner of Elizabeth and Little Collins Streets bought for £22 was re-sold at £600, and the north-east corner of Elizabeth and Collins Streets, (first cost £32) fetched £630. A corner of William and Collins Street, cost originally £95 and realised £2000. Fawkner made a good thing of his King and William Street bargain, for the £32 swelled into £1513 6s. 6d. and some land and three half-acre allotments in Collins Street, a little eastward of the Bank of Australia, sold at the rate of twenty-six guineas a foot. Two of them were bought by the well-known Mr. Ebden for £41 and £45, and the other by Lilly, the spouting auctioneer, for £42. The emergency evoked the auctioneering talent necessary for the occasion, and the two great hammer orators were a Messrs. Williams and Lilly, who hammered away in poster, newspaper and rostrum

incessantly. Williams' style was ornate, plausible and "high falutin," but Lilly, who evidently possessed some small smattering of the classics, though not so flexible or fluent as his rival, distanced him in originality if not smoothness of style. In selling an allotment in William Street, near St. James's Church, Lilly completely outdid himself, for, not content with apostrophising Port Phillip as "This nascent empire of the South Seas," in summing up the numerous advantages of the property on hand, he had recourse to the ugliest and handsomest figures in heathen mythology wherefrom to extract some wordy yeast with which to inflate his absurd puffery—for he seriously declared that "words were inadequate to describe, and language, like Vulcan obeying the behests of Venus, follows thought with slow and halting pace." The force of bathos can no further go. In 1837, the Government land sales realised £7,221; in 1838, £62,467; and in 1839, £59,995. Town, suburban, and country lots continued to be alienated, and the Sydney capitalists, who mostly went in for suburban and country blocks, reaped a rich harvest by sub-dividing and sub-letting.

In bringing this chapter to a close I cannot do better than summarise a few of the numerous and almost incredible contrasts presented by a study of the early sales of land in Melbourne, and some of the changes effected in the value of that description of property in modern times :—

1. The north side of Collins Street, from Queen to Swanston Streets, constituting the whole of the now fashionable "Block," was originally sold for £455—about one-fourth of what a single foot of it would now bring !
2. The corresponding, or south side of the same street was sold for £555, and would now realise an equally increased value.
3. The north side of Bourke Street, from Elizabeth to Russell Streets (omitting the Post Office Reserve) netted £1982—an excess over Collins Street which I account for in this way :—The portion commencing at Swanston Street, northward, was not placed in the market until 1838, when the prices showed an advance, and the purchasers of four or five of the allotments, not standing to their bargains, their deposits were forfeited. These lots then remained over until the speculative fever of 1839 had set in, when they brought such proportionately enormous prices that Dr. Cussen appears down as the possessor of one for £635, or £180 more than the first cost of the whole "block," and Mr. James Purves gave £450 for another, or within £5 of the "Block" figure. So it was the forfeitures mentioned that unwittingly swelled the price. The corresponding, or south side of Bourke Street, owing, in a lesser degree, to the same causes, realised £1397 18s., one lot having brought £490. All this property, if now unbuilt on, would be worth from three to four times that sum per foot !
4. Let us next take both sides of Elizabeth from Bourke to Flinders Streets, the land alone of which commands a present high value at per foot frontage. All the eastern side was originally bought for £283, the whole space from Bourke to Little Collins Streets, including the Beehive and Colonial Bank corners going for £56, and the Clarence half-acre corner for £50. The western side price was £290; the Bourke Street corner bringing £30, and the two Collins Street ones £40 and £42.
5. Through the courtesy of Mr. T. Alston, I have been supplied by one of the most eminent auctioneer firms in the city with the following note of some sales of Melbourne properties, and they are given simply as a few specimen cases.

Memo. of prices realized for certain city properties from 1873 to 1877 :—

Leviathan Corner, Bourke and Swanston Streets, shop, &c. (the half-acre originally cost £30), Jan. 29, 1873.—Land, 59 feet 6 inches to Bourke Street, and 65 feet along Swanston Street, and irregular depths. Area, 13 6-10 perches. J. B. Watson, £30,800. £517 12s. 10d. per foot, frontage to Bourke Street, £362,606 per acre.

Dec. 4, 1873.—Hall of Commerce and other buildings, Collins Street (the half-acre cost in first instance, £23). Land, 87 feet frontage, by irregular depths, 110 feet to 156 feet 9 inches. Area, 1 rood, 5 6-10 perches. Price realised, £40,000. £459 15s. 5d. per foot frontage. £140,289 17s. 3d. per acre.

Dec. 2, 1874.—Two shops in Collins Street, occupied by Wilkie, Webster and Co., and Geo. Wharton. Land, 63 feet 2 inches; frontage by irregular depths, 88 feet to 88 feet 3 inches; area, 11 7-10 perches; price realised, £14,466 13s. 4d.—£400 per foot frontage. £197,730 1s. 7d. per acre.

Dec. 2, 1874.—Six shops in Collins Street, occupied by Fergusson and Mitchell, and Twiddell and Co. Land, 103 feet frontage by irregular depths of 107 feet 8 inches to 109 feet 3 inches. Area, about 1 rood 1 6-10 perches. Total price realised £38,850. £370 per foot frontage. £149,233 6s. 8d. per acre.

Dec. 1, 1875.—Two shops in Collins Street, occupied by Nicholson and Ascherberg, and F. Barber. Land, 36 feet frontage by irregular depths of 156 feet to 187 feet; area, 26 3-10 perches; total price realised, £19,000. £528 per foot frontage. £113,530 17s. 3d. per acre.

Mar. 22, 1876.—Two shops, next Union Club Hotel, Collins Street (first cost price of half-acre, £91). Land, 35 feet 11 inches frontage by 81 feet 4 inches deep; area, 10 7-10 perches; price realised, £6,465. £180 per foot frontage, £96,377 12s. 4d. per acre.

Mar. 22, 1876.—Four shops (Collins Street) occupied by Gunsler, Hickinbotham and Son. Land, 66 feet 2 inches. Frontage by 314 feet 4 inches back to Little Collins Street, to which it has 65 feet 8 inches frontage; area 1 rood 36 2-10 perches. Price realised, £39,700. £600 per foot frontage, £83,307 7s. 6d. per acre.

Mar. 22, 1876.—Old site Bank of Australasia, Collins Street (the half-acre originally bought for £50). Land, 95 feet frontage by 139 feet deep: land 71 feet frontage to Bank Place by 96 feet deep; area, 1 rood 32 perches. £33,000. At rate of £73,359 10s. 10d. per acre.

Feb. 10, 1877.—Criterion Hotel and other buildings (first cost of half-acre lot, £19). Land, 66 feet frontage by 313 feet 6 inches back to Flinders Lane, to which it has a frontage of 66 feet; area, 1 rood 36 perches. Price realized, £33,000. £500 per foot frontage, £69,473 13 8d. per acre.

After this who will venture to say that Melbourne fact is not stranger than fiction?

NOTE.—The following are the boundaries of the town of Melbourne, as defined in the *Government Gazette* of April 1st, 1840:—

Parish of North Melbourne.—County of Bourke—Bounded on the north by a line bearing east 240 chains, being distant one mile north from the centre of Batman's Hill, extending two miles east to its north-east corner; on the east by a line bearing south 110 chains; on the south by the Yarra Yarra River; and on the west by a line bearing north 94 chains to its north-west corner.

Parish of South Melbourne.—County not named. Bounded on the east by the continuation of the east boundary of the Parish of North Melbourne, bearing south 299 chains; on the south by Hobson's Bay; on the north by the Yarra Yarra River; and on the west by the continuation of the west boundary of North Melbourne to Hobson's Bay.

CHAPTER III.

CORPORATIONS AND MUNICIPALITIES.

SYNOPSIS:—Beating the Boundaries.—Aldermanic Procession.—Charon on the Styx.—Sandridge Nomenclature.—Emerald Hill—First Government Land Sale there—Mr. James Service its First Mayor.—St. Kilda known as "Euro-Yroke."—Its Street Nomenclature.—Champagne Corks.—Windsor and Prahran.—Murphy's Paddock.—Sir Charles Hotham and Colonial Beer.—Gardiner's Creek Road.—Political Cabals.—Big and Little Scandals.—"Cotmandene".—Mr. G. W. Rusden's Residence.—Hon. James Graham.—Docker's Hill.—Parson Docker—"Struck Oil."—Value of Land in Richmond.—Rus in Urbe.—Judge Pohlman.—"Billy Barrett."—Richmond Street Nomenclature.—Fitzroy Gardens and East Melbourne.—Bishop's Court.—The Quadrangle.—East Melbourne Street Nomenclature.—Laying Foundation Stone of First Johnston Street Bridge.—St. Helier's.—Fitzroy-cum-Collingwood Convents.—Collingwood Street Nomenclature.—Reilly Street Drain.—The Quarries.—Fitzroy Street Nomenclature.—The Prisoners' Stockade.—The Necropolis.—Tricks of Mayors and Councillors.—Residence of Sir Redmond Barry.—Carlton and Hotham Street Nomenclature.—Mirring-gnay-bir-nong.

IN olden times there was a Triennial Ceremony of the Corporation, which was the cause of much jollification for those who joined in it. It was what was known in Municipal phraseology as "the beating of the metes and boundaries of the city." The boundary line—a very crooked one—was traversed, and the sign-posts inspected to ascertain that no trespassers were poaching on the domain dedicated to the public. The procession usually consisted of the Mayor, Town Clerk, Surveyor, the Chief Constable, and as many Aldermen, Councillors, and newspaper-men as chose to accompany them. What with the stops and stays, the knocking in and the knocking out, and the divers "liquorings up" (for the early Mayors were loud "shouters"), it took two whole days to go through this not very interesting, but legally necessary, work. Following, then, such a time-honoured precedent, I invite as many readers as choose to accompany me, to a circumambulation of the old city suburbs, promising that our trip shall neither be as tedious nor tortuous as those I have indicated; but the only refreshment I can provide is unadulterated, and I would fain hope, pleasant, gossip by the way. I further propose to make the now bustling borough of Sandridge our starting point. Standing at the Bay Street pier, and looking around and over the water to the other side, it is amusing to contemplate the now and the then. Let any person, even the most seriously disposed, try, if he can, to read without a smile the following notice which appears in the Melbourne *Advertiser* of 1838, over the sign-manual of one H. M'Lean:—

"The undersigned begs to inform the public that he has a boat and two men in readiness for the purpose of crossing and re-crossing passengers between Williamstown and the opposite beach. Parties from Melbourne are requested to raise a smoke, and the boat will be at their service as soon as practicable. The least charge is five shillings, and two shillings each when the number exceeds two."

This sturdy Charon—evidently from his name and style a son of the "Land of the Mist,"—must have made Williamstown his terminus, as the wayfarers were to signal from the north or Sandridge side. He is rather unspecific in his language, for though he enjoins the "raising of a smoke," he does not define the sort of smoke it is to be, leaving that, as a matter of course, to the imagination of those requiring his services. It is plain, however, that he meant them to kindle a fire, a process much facilitated by the immense quantity of ti-tree scrub then luxuriating everywhere all around. This was the fuel, which, when freshly pulled, if it did not produce a flame, was sure to end in more than a "bottle of smoke" with a vengeance. But M'Lean's career in crown-making was of short duration, as a regular line of Watermen was soon in full pull, and whether M'Lean is still in the land of the living or has transferred his services to the banks of the Styx, is more than I can say. Sandridge remained a poor, miserable place, until the gold discoveries, and consequent rush of people from all parts of the world, shoved it half a century ahead. Until 1851, its progress was inconsiderable, the chief business places being some three or four hotels

which were tolerably well patronised by the sailors and boatmen knocking about, and such Melbournians as were disposed on fine evenings to undertake a pedestrian trip to the beach, to inhale the ozone, supplemented with a nip of the not over-proof rum or brandy which the seaside Taverners kept on draught.

Sandridge was very appropriately named by the Provincial Superintendent (Mr. Latrobe), for it was a veritable sand-hole when first visited by Europeans, and a barrel daubed with white paint had to be hoisted to a tree-trunk as a finger-post to point the way to Melbourne. The first civilised habitation there was a tent pitched on the wild beach, by an enterprising colonist named Liardet, some of whose family are still amongst us. The tent soon gave way to a tavern, another "pub" shortly sprang up a few yards off, and then an occasional house or two. When the corporate orbit of Melbourne was enlarged, Sandridge became one of the municipal adjuncts, and a troublesome and unprofitable one it was. The gold discoveries gave it a shove along, infused some life into what was almost moribund, and in process of time it expanded into a separate municipality, and thenceforth became a thriving town. Whoever had the naming of its streets made a sad mess of it, for with the exception of Liardet (the earliest inhabitant), Mr. Peter Lalor, Ex-Speaker of the Legislative Assembly, Mr. James Garton, an old Sandridgite, and Mr. Inglis, an enterprising resident, the nomenclature was distributed amongst a batch of local mediocrities. Certainly they have amongst them a Pickles Street—no misnomer considering the briny nature of the place; but if there was any respect entertained for the fitness of things, to make the pickles go well, the streets should be grafted with a "pork," "cabbage," "onions," or "cold beef" street, but such an alliance seems never to have been once thought of. Sandridge, with the surrounding district, is believed to have formed at some remote period a delta of the Yarra, which discharged into the sea through the old lagoon, and from Sandridge to Emerald Hill by this route was not a pleasant, though not a distant stroll, for almost every step of the way one was more than ankle deep in sand.

Several of the localities around Melbourne were named after well-known and cherished spots in the old country; and the only one whose nomenclature has given rise to newspaper controversy is Emerald Hill. This once beautiful eminence which rivalled Batman's Hill, and much exceeded it in size, was the grazing ground of the kangaroo, until a sheep station and the strange looking animals accompanying it, scared them away. Captain Lonsdale is said to have purchased 200 lambs at two guineas each, and turned them out on the hill to depasture. It was at all times a favourite trysting-place of the blacks, who held corroborees and native dances there, a pantomimic performance occasionally witnessed by the Melbournians on fine summer nights. It was known simply as "the green hill over the Yarra" until 1849, when for the first time it was styled "Emerald Hill" by Mr. Edmund Finn,* a Melbourne journalist, in a notice written by him, announcing that a picnic of the Father Matthew Society would be held there on a certain day. At the time no name could be more appropriate, for it was as green as if it had been by some miraculous agency imported *in globo*, but shamrockless, from the *Emerald Isle*.

In after years when the verdure had been annihilated by bricks and mortar, builders, carpenters, and plasterers, an attempt was made to change the name to Clarkestown after Sir. A. Clarke, one of the most active agents in the introduction to the colony of the system of Local Self-Government, but so much disfavour of the innovation was shown by the Hillites that the project was abandoned. The Hill, though a picturesque and beautiful place in itself, was surrounded by swamps, and deemed a rather unhealthy locality. On the flat between it and the Yarra, Mr. J. P. Fawkner performed the agricultural feat of planting a crop of wheat, and this wheatfield was afterwards transformed into the more payable "spec" of a brickfield, the bricks from which many of the earlier brickwalled houses were built. The brickfield remained for some years, until thrust out of the market by the brick kilns of other more suitable places, and is now being gradually taken up as sites for brick-residences of every kind and degree, and breweries, factories, and manufactories of the most mixed kind. Some future day, one of those terrible floods, more than once seen by old colonists, will come tumbling down from the Upper Yarra Ranges, and sweep one half of the modern improvements into the sea.

The first Government sale of land at Emerald Hill took place in 1849, but there was not much request for the building allotments. After a little time the demand sharpened, and the events of the few

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* "Garryowen."

succeeding years established the settlement. Emerald Hill, though municipally attached to Melbourne, was the first to take advantage of the powers of severance conferred by the Municipal Institutions' Act, and accordingly a "Repeal of the Union," was speedily effected. In its efforts to introduce the Self-Government System, the Bill had the great advantage of a few able indefatigable local men, who

"Knew their rights
And knowing would maintain them,"

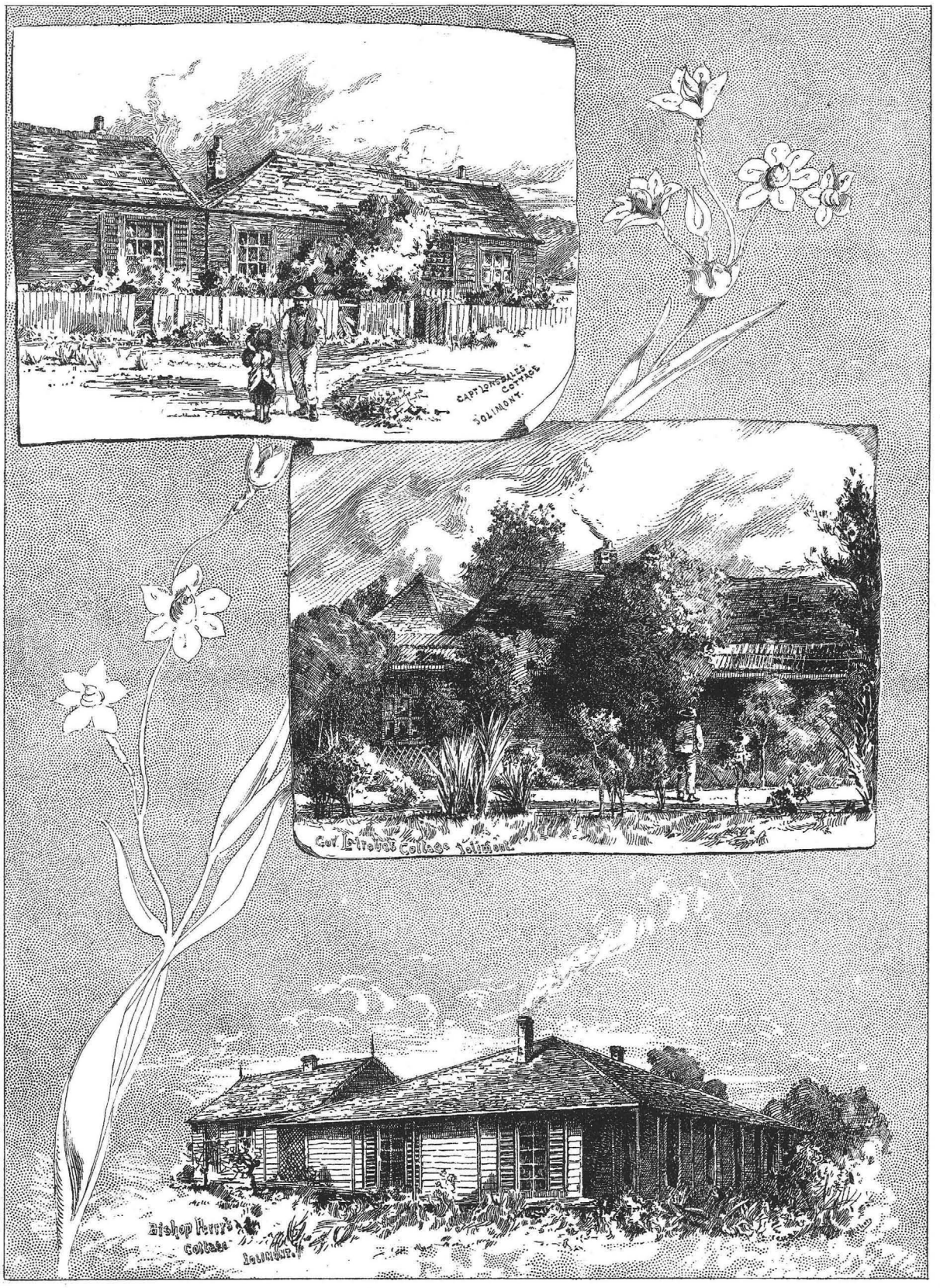
and amongst them may be accounted as *facile princeps*—Mr. James Service, the first Mayor of the Municipality, who for years rendered a series of local services of a most invaluable nature, which never should have been, but were, forgotten. It is worthy to note the many civic improvements wrought on the Hill, which has within the past few years showed more signs of permanent advancement than any other suburb. It may be now said to join Sandridge, it is fast moving towards St. Kilda and South Yarra; and it is practically as near Melbourne as one of the principal streets of the City. Here there is something of a greater variety of street-naming than in Sandridge, for, whilst the municipal authorities took good care not to forget themselves, they have condescended to confer favours on Prince Albert, Lords Nelson, Raglan and Palmerston, and Mr. Cobden; and they have actually a St. Vincent amongst them.

The now fashionable watering-place, St. Kilda, was, in the "dark ages," known as "Euro-Yroke," after a sort of sandstone found there, with which the blacks used to shape and sharpen their rude stone tomahawks, and its present pleasant name was obtained in the following manner:—

Once on a time, there was a picnic in one of the then umbrageous nooks with which the beautiful suburb abounded. Many of the *élite* of Melbourne were there, and amongst them the Superintendent, Mr. Latrobe. Whilst the champagne corks were flying, someone said to Mr. Latrobe, "What name shall this place have?" and Mr. Latrobe, at the moment looking over the water, saw a small yacht sailing like a swan before him. The sight suggested the answer, and he replied, "Well, I don't think we can do better than name it after Captain ———'s yacht."* The name of the little clipper was "The St. Kilda," and so St. Kilda came to be thenceforward known. But St. Kilda was for several years little more than a pretty seaside retreat, visited by the well-to-do Melbournians who flocked on summer evenings to cool themselves after the heat and turmoil of the day. A comfortable hotel was kept there by a Mr. Howard, and half-a-dozen villa residences were put up at various times. The land about was either sandy or swamp scrub; and in winter all pedestrianism between it and Brighton was cut off by quagmires. Save on the Melbourne side, it was often both water and puddle-bound. Towards 1850, some co-operating land-buying societies were formed, and purchases were made about this quarter. The "Golden Age," the next year, pushed it and Windsor, Elsternwick, Caulfield, Malvern, and around there, ahead. St. Kilda began to spread its wings, and "Forward!" became its motto. At the time of the naming of the streets the Crimea *furore* had reached the colony, and the authorities must have been a good deal war-bitten, for St. Kilda was considerably War-officed by the martial designations of some of its highways. Honour was done to Wellington, Nelson, and Havelock, whilst the Alma, Balaclava, Inkerman, Sebastopol, and, the Malakoff were not forgotten. A dash of law and equity was added in Jervis and Westbury, statecraft commemorated by Carlisle, and Barkly, and old colonists not forgotten in Fawkner, Gurner, Greeves, Jackson, Dalgety and Burnett. Literature was commemorated in the illustrious names of Byron, Scott, Southey, Dickens, Tennyson, Mitford, and Burns—but *proh, pudor!* poor Moore was passed over! His *umbra*, however, need take no offence at the omission—for "Lalla Rookh" lives where "St. Kilda" is unknown.

Windsor never seemed to me a fitting designation for the district which got wedged between St. Kilda and Prahran. In one of the dialects of the aborigines, "Prahran" means sandy, and a miserable, sand-blinding, slush-making and rarely-visited region it was in the good old times. By the strangest of all conjunctures, too, it got in some way municipally screwed up to South Yarra. In this Southern district there is a most amusing mixing up of street names, for we have Sir Walter Raleigh keeping company with Lord Chatham, and Dr. Lang, the old religious firebrand of New South Wales, exchanging compliments with Lord Aberdeen and George Washington; and Charon, the ferryman of the Infernal Regions, attended

* This name was never discovered.


CAPT JONES'S COTTAGE
SOLOMONS.
Bishop Perry's
College
SOLOMONS.

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by no less than three saints—viz., one St. Edmund and two St. Davids. Wonder the Prahranites did not go a little further, and, dispensing with one of their Saintships, give Charon a help-meet in a street named Jezebel. There is also a Murphy Street, said to be called after a worthy denizen, who once had a Murphy's paddock between Punt Road and the Bridge. Potatoes were grown in a part of this—so flowery, that no prize bag ever shipped from Warrnambool could equal them, and Murphy's namesake came to be better liked and relished than himself. He was a person of some consequence in his day, and, according to tradition, this is the way in which such an unassuming and commonplace name came to be everlastingly allied with a quarter which afterwards took unto itself very exclusive aristocratic notions. And now as we are at the Gardiner's Creek Road, let us be as polite as if we were on the "Block," for are we not pedestrianising the fashionable region of South Yarra? This road was so called after Mr. John Gardiner, a bank manager in Van Diemen's Land, who, fancying that gold might be as speedily coined under a bullock's hide as in a bank parlour, bade good-bye to bullion, took to bulls, and was one of the first arrivals in the new settlement. He soon tired of bulls, turned back to bills and banking, and his name frequently occurs in the old Chronicles. It should be mentioned that Prahran Flats were first annexed by two partners named Gog and Walpole, but they did not make much of it for sheep or cattle feeding. A Mr. Glass (not the afterwards well-known Hugh) was more fortunate, for he declared himself the lord and master of green Boroondara, from lordly Toorak to lofty Tara, from bosky Burwood plain to Ballyshanassy; and Boroondara beef soon made itself known in the market. *If the Gardiner's Creek Road could speak, what queer tales could it not tell since the time* when Gardiner's bullocks stampeded along it; when Sir Charles Hotham made Toorak his vice-regal flagship, hoisted his broad pennant from its turret, and dispensed colonial beer to his guests at birthday festivals. There was no road in the colony better posted up in all the great changes which have swept over this community; better versed in all the political cabals that have taken place; better learned in all the big and little scandals of every day as it passed. If this road could speak, and only tell a tithe of what it has heard uttered by those who passed along it for the last thirty years, truth would be found stranger than fiction, and no mistake. Let us proceed, however, and turn the corner, where the late much lamented Judge Fellows once resided; and, standing on the top of Punt Hill, look round and ask where we are? We are opposite "Cotmandene," a queer, comfortable-looking hooded house, of monastic aspect, fit residence for a recluse; yet no anchorite dwells there, for it is the home of Mr. G. W. Rusden, the clerk of the Parliaments, so well known in the colony as a man who has the gift of tongues, and can write even more fluently than he can talk. And then on the opposite side, a little further north, is the feathered nest of the Hon. James Graham. It is called Elibank House, after a member of the Elibank family, the Hon. Erskine Murray, who originally bought the land thereabout. He was amongst the earliest barristers at the Port Phillip bar, and is mentioned in other chapters. The present occupant, when it passed into his possession, clung to the old name, though often asked to change it. The Hon. James Graham is one of our primitive merchants of whom so few survive. He arrived in 1838, and has witnessed all the commercial and political ordeals through which the colony has passed. Commercially he was known as "Jas.," conventionally as "James," but familiarly as "Jemmy." In the by-gone times he was always one of the foremost in getting up a birth-night or assembly ball, and was one of the few, who, by tact and caution, sailed clear of the financial maelstrom of 1841-3, within whose seething vortex so many mercantile craft foundered. Walking down the hill northward, we reach the Yarra ferry, the second oldest on the river, and pass right on to the heart of unclassic Richmond. In early days this suburb was a splendid section of green, undulating, well-timbered bush, and it was a favourite walk and drive with the citizens. Its prime piece was the part known as Docker's Hill, where the Rev. Joseph Docker made a profitable investment, by the purchase of no less than fifty acres at one of the first land sales in 1839. For one moiety of this he paid £24 per acre, and £15 for the other. He was mindful of the "loaves and fishes" in more than a Scriptural sense. If this land were kept until the present day, and now cut up and sold, what a fabulous number of "loaves and fishes" could be bought with the proceeds! Parson Docker, however, had not the gift of prescience, for, by degrees, the hill was sold out for residence sites, and no doubt, as times went, the vendor "struck oil" pretty considerably, and reaped a luxuriant interest harvest on the original outlay. The township of Richmond, of some three hundred acres, was divided into twelve lots of from twenty-

eight to twenty-five acres each, and the highest price fetched at the hammer was £28, and the lowest £13 per acre. The twenty-five acre lot, commencing at the corner of the Bridge and Punt roads, was purchased by a Mr. M'Nall, the chief butcher of the time, for £24 an acre, while the opposite one of twenty-eight acres was knocked down to Mr. Craig, a merchant, for £28 per acre, and twenty-seven acres at the corner of Simpson's Road and East Melbourne brought only £16 per acre. These subdivisions were intended for *Rus in urbe* boxes, where the well-to-do Melbourne merchants and professionals could retire after the worry and wear, the profit and loss, of a busy day, and smoke the calumet of peace in the bosoms of their families. It never entered into the sphere of probability that the then Richmond would, in a few years, become the great, thriving, working, hive of busy bees it is to-day. Comfortable, if not architecturally stylish, villas began to dot the place, and amongst the earliest Richmondites were Messrs. Campbell and Woolley, wine and spirit merchants; Mr. Cavenagh, the founder of the *Herald;* Mr. Ocock, one of Melbourne's earliest solicitors (now dead); the once well-known W. B. Burnley (who died some years ago, very wealthy); the old identity, Judge Pohlman; "Billy Barrett," an ancient, fidgetty, short-tempered auctioneer; Mr. Thomas Strode, for many a long year the "Father of the Chapel" of the Melbourne Press since 1839; Mr. William Hull, J.P., and two or three others, since removed from all terrestrial troubles. With the exception of Carlton and Hotham, our suburbs have been spoiled in consequence of the way in which they have been cut up by land-jobbers, to squeeze the largest number possible of building lots out of them. Streets, and lanes, and places, and terraces have been improvised—many of them mere *culs de sac*, and yards have been turned into the narrowest of thoroughfares, with the view of turning them again into as many pounds as they would bring during the pressure of the gold fever, and Richmond has been everlastingly marred in this way. Every hole and corner where a house could be squeezed in has been utilized; and, furthermore, I do not think that Richmond was well cared for in the early stage of its municipal endowment. For instance, I never pass the Richmond Town Hall without wondering how it ever came to be erected where it is, as such an edifice might be such an ornament and acquisition in a more central position. It is the right thing put in the wrong place; but the error cannot be rectified, and as it pleased the rate-payers of the time to be satisfied, of course so must I, mere outsider as I am. And here again is the usual ill-assorted agglomeration of street names, some perpetuating well-deserved public benefactors, and others the veriest ciphers. The Richmondites must have been hard up for some one or somewhere, after whom or which to dub their highways and byeways, for they travelled from Bendigo to Berlin, from Erin to Hamburg, and away from Edinburgh to Amsterdam, appellation-hunting. The Rose and the Shamrock are not forgotten, but the Scottish and Welsh national emblems—the Thistle and Leek are given the go-by. Religion is honoured by having one of the best streets named after the Church, and Lennox, the first Superintendent of bridges, is in Godly company on the parallel line. Old colonists, like Sir Wm. Stawell and Sir J. Palmer, Messrs. W. Hull, W. Highett, W. B. Burnley, and D. S. Campbell, are not forgotten. Prince Patrick, the Duke of Wellington, and Neptune are comfortably provided for; and Lords Brougham and Lyndhurst, the great defiant and defunct Chancellors of England, are woolsacked near each other. St. James and the Lady Rowena are not overlooked, but surely it was an oversight not to have provided the lady with an Ivanhoe to "parade" with her. Some admirer of Petrarch, no doubt, suggested Vaucluse; but who was the printer in whose honour they proclaimed a Type Street? Melbourne's well-known town clerk, Fitzgibbon, is not forgotten; nor is George Coppin disregarded, and shame on Richmond were it so. I must now return by Bridge Road, and look into the aristocratic quarter of East Melbourne, sanctified by ever so many religious edifices, and two Episcopal mansions. The original boundary of old Melbourne was Spring Street, but after some time it was evident that the town would extend in that direction. As proposed by Mr. Hoddle, there was to be a prolongation of the streets running eastward, with different names; but after some consideration it was vetoed by Mr. Latrobe, who compelled Hoddle, much to his annoyance, to block up the east end. A few years after, the Corporation had a plan of extension in this quarter prepared, but it was also negatived. The present Fitzroy Gardens, in 1839, contained a quarry, which was then worked to supply the blue-stone for the foundations of the more substantial of the town buildings, and was, for years, a regular eyesore instead of the thing of beauty it is now, a consummation for which much praise must be given to Mr. Clement Hodgkinson, an ex-Assistant Surveyor General. According to the newly-propounded scheme, a Crescent was to be formed in

the Gardens, and though many favoured the notion, a majority of the City Council were adverse, and it fell through. The formation of a garden was in course of time decided on, and ultimately realized. This was why East Melbourne came to be laid out as it is.

Very little land was sold in East Melbourne, after the place was offered for sale, but by degrees it grew in public favour. In 1850, Bishop Perry obtained a grant of the Bishop's-court site, where a tasty edifice was soon put up; and as years rolled on, the quarter grew into much demand for private residences. As the quadrangle was select, it was only right and proper that its naming should be equally so, and therefore we find it divided amongst a Prince, Lords, and Commoners who did good service in their day, such as Albert, Clarendon, Gipps, Hotham, Grey, Powlett, and Simpson—whilst it is bounded on the north and south by Queen Victoria and the Duke of Wellington, and east and west by the Marquis of Lansdowne and Mr. Robert Hoddle. The last-named, too, obtained the longest street almost by accident, and how this happened is thus told by himself in his journal. He so writes:—"In conversation with me one day, Mr. Latrobe observed that I had been very modest not to have had a street named after myself. I told him that unless a good, broad street was named after me, I had rather be without one. He jocularly observed, I must have a street; which street did I prefer? I told him if I must have a street, the continuation of Collins Street would do very well. He wrote 'Hoddle Street,' accordingly. Some time after, in speaking about the streets, he remarked to me, 'I suppose Judge Willis must have a street, and, as he is a cross old fellow, he must have a *cross* street.' When Mr. Latrobe subsequently quarrelled with Judge Willis, he erased his name from the street assigned to him on the map, substituting my name on the 'cross' street, and erasing it from the continuation of Collins Street, and putting in its place the name of 'Fitzroy,' in compliment to Governor Sir Charles Fitzroy, to my annoyance and chagrin."

And thus it was that poor Willis (afterwards removed from the Bench) was done out of his street, and Hoddle got it, which certainly ought to have satisfied him, especially as, on the principle of some topers going in for a long drink, he went in for a good broad street, and he had not much reason to complain. As it turned out, if his name had remained down for the continuation of Collins Street, he would have missed the mark, for that street was not continued, and for the proposed Fitzroy Street was substituted the Fitzroy Gardens.

Walking across the longest and finest thoroughfare of the City, I am in what was first known as Newtown, then Collingwood, and now Fitzroy. This was the first suburb operated upon in the way of Public Land Sales, and was primarily submitted to competition in blocks of about twenty-five acres each —evidently intended as a convenient place for the private residences of such of the towns-people as might be able to live privately. The sale taking place so far away as Sydney, the Melbournians were, to a great extent shut out of the market, and the consequence was that the purchasers were, with few exceptions, New South Welshmen. The land averaged about £7 per acre; and a remarkable instance of a great bargain (if kept until to-day) is the north-east corner of Nicholson Street and Victoria Parade, twenty-five acres of which were knocked down to Hughes and Hoskins, an old Sydney mercantile firm, for £6 10s. per acre. Fancy what a nugget could be now made out of these twenty-five acres at so much per foot! The Sydney men speedily commenced to turn over the pennies, and in their anxiety to realise, the sacred allotments were very soon cut up piecemeal, and sold and farmed and rented in every possible manner, for the putting up of tenements of every conceivable kind, from the two-storied brick to the shaky weather-board; from the "wattle-and-daub" to the bark hut, or canvas, sometimes old blanket-covered, tent. The villa notion vanished, and with some exceptions, the supplementary settlement presented to the spectator one of the queerest conglomerations of habitations for man or beast that could be well imagined. It was called Newtown, and its early limits of location comprised the square from Nicholson Street to Smith Street, and from Victoria Parade to Moor Street. Newtown was changed in name to Collingwood, and so remained until that settlement began to advance down to the flat, when the original quarter was constituted a municipal ward of Melbourne and styled Fitzroy, after Sir Charles Fitzroy, a Governor of New South Wales. Gertrude Street was called after the daughter of a captain, whose name I forget. Mr. Robert Russell writes me that Napier Street was named in this way:—"Suburban 50, 25a, Fitzroy, was subdivided for Captain Cole by me in August, 1849, and he, doubtless, thought of the illustrious Sir Charles, who had been nursed in the same cradle with himself, and after him named the street."

If Mr. Russell's supposition be correct, it will be a white feather in the cap of Napier Street to be nominally associated with a hero who fills a distinguished niche in English history. When the time came for proclaiming the streets, the members of the Melbourne Corporation accepted a grand opportunity of gaining a nominal, though very empty, immortality, for we find no less than eight of the old mayors placated by themselves in this way, viz., Condell, Moor, Palmer, Hodgson, Nicholson, Bell, Greeves, and Smith. Just below Moor Street is a block, bounded by Brunswick, Greeves, Young, and St. David Streets, and this is "the lost Square of Fitzroy," whose queer story is told in the chapter on the "Melbourne Corporation," and which Mr. John M'Mahon, the mayor for 1880-1881 (and the most indefatigable mayor Fitzroy has ever had), has taken much trouble to find. Reilly and Johnston Streets were called after the names of two aldermen. Young Street after one of the first councillors for the Ward. A private property-owner, of very Orange proclivities, took an early opportunity of dedicating two adjoining streets—one to King William, and the other to his beloved Hanover; and a very distinguished and respectable citizen now in England—William Westgarth—is perpetuated in another. Brunswick Street, at an early date, blossomed forth into a kind of quasi-aristocratic region, for it contained a few neat cottages, which were tenanted by some of the then *élite*. The house now ornamented with the prominent scroll of "Blakemount House," and whose iron gate is emblazoned with a thick brass plate inscribed with the legend "J. R. M'Inerney, Physician and Surgeon," was the residence of Major St. John, one of our first police magistrates, of whom strange stories, recounted in another chapter, used to be told. The late Mr. Justice Williams, when he started in professional life amongst us, set up in a cottage, still standing, nearly opposite the last mentioned, until recently occupied by another physician, Dr. Browning. This is the spot rendered memorable by the confession made in Mr. Hartley Williams' maiden electioneering speech, some years ago, at St. Kilda, that Fitzroy can claim the high honour of being his birth-place. Mr. H. Williams is now a Judge on the same Bench where his father sat before him, so that one judge tenanted this house, and another judge entered the world there. The once well-known Mr. J. D. Pinnock was also one of the fashionable "swells" that abided here. He had arrived from Sydney with the appointment of Deputy-Registrar of the Supreme Court, an office held by him until Port Phillip was separated. Near the corner of Nicholson and Palmer Streets (then unnamed), two remarkable stone twin-houses—one the facsimile of the other—were erected for Messrs. Watson and Wight, mercantile partners, and for several years were occupied by them; but on the arrival of the first Sisterhood of Nuns from Ireland, in 1857, this place was considered a suitable spot for the founding of a nunnery. The "twins" were purchased, passed along to other guardians, and, after various processes of extension, alteration, and improvement, are almost unrecognisable in the comfortable, well-looking, well-ordered, Convent of Mercy of to-day.

On the subject of "nomenclature," Mr. Russell further wrote at length, thus:—"Few streets in Fitzroy, Collingwood, and Richmond—the true old suburban ground—have obtained their designation from public colonial men, Nicholson, Smith (John Thomas, no doubt, for it was not my father-in-law), stepped in in lieu of plain Government roads, their predecessors. Condell slipped in when a name was wanted; Kerr dethroned Argyle (if I mistake not, in suburban 83, sold 23rd October, '49, by the Bank of Australia). As similarly at Richmond, Coppin transplanted Elizabeth. Again strange cases occur when the original name is misunderstood. Thus Fraser, as now pasted up, takes the place of Euphrasia Street at Richmond. Large proprietors, as Otter and Docker, naturally retain a street in their own name. But, in general, the streets were named when the land was cut up; and it is amusing to look back to this process. For instance, suburban 49, in Victoria Parade, 25 acres, Crown to Thomas Walker, passes to Smyth and Baxter; and 8th May, 1849, they subdivided it, and forthwith appear Brunswick and Gertrude Streets; the latter, probably, a family name; whilst the half chain road, east of Brunswick Street, not having been considered worthy of mention, years after is suddenly seized for, or by, the well-known David Young. Next on the east on suburban 50 comes our friend Napier, and then George Street. Suburban 51 again on the east presents us with Gore Street. The Crown purchaser was Thomas Gore. It was claimed by John Gore, 29th July, '42 by advertisement; sold 8th May, 1850, by Captain Cole, the name Gore sticking well to it from first to last. We then (still on the east) come to the Walmer Estate, upwards of 70 acres, Crown to Sandeman and to Donaldson, which subsequently passed to M'Killop, the first

subdivision of which, dated 15th February, 1840, was sold by Charles (known as Captain) Hutton, and here the tide sets in strongly for men of note, such as Peel, Stanley, Derby, and Wellington. Next on the eastward come 47¾ acres, Crown to D. S. Campbell and to Hughes and Hosking, which passed to Hodgson and M'Kenzie, who sold about 1843. Here we have Rupert and Cromwell Streets in close fraternity to Islington Terrace, Hyde Terrace, Rokeby and Burlington Streets. Still on eastwards came Dr. (afterwards Sir Charles) Nicholson 57, 58, and part of 59 suburbans, granted to himself and to Charles Bradly, which were subdivided by Penrose Nevins, surveyor, in 1851. Charles, William, Lithgow, Albert, and Mollison appear; names commonplace enough, but connecting with the owner, Mr. Mollison, who managed his affairs at Port Phillip. It is not, however, until we step over to Richmond and consider suburban 19 and 28 that we get another haul of notabilities. These 50 acres passed into Thurlow's hands, and two subdivisions were made—the one (probably the first) by Williamson, the surveyor; the other by H. B. Foote, the surveyor. This last was acted upon, and forthwith appear the names of Brougham, Abinger, Lyndhurst, etc. Suburban 18 and 29 (which adjoin the last) take quite another character. These were first granted to Brodie and to another, and passed on to Watson and Hunter, who subdivided and sold them. The Richmond flat was at that time subject to water privileges, and Neptune and Corsair Streets show a feeling in that direction, Hunter and Euphrasia Streets being their associates. Again, the suburban in which was Highett's Paddock, with its Erin and Sackville Streets, probably obtained this distinction through Charles Williams, the auctioneer, who at one time possessed a large portion of it. And Type Street, near the Richmond Bridge, in suburban 30, receives its facetious title, I apprehend, from Strode, the printer, who held property there."

It would be unpardonable for me to pass without a word what was, until it recently vanished, the oldest two-storied house in Fitzroy, at the corner of Victoria Parade and Fitzroy Street. It was an old friend of mine, though it has put on half-a-dozen new faces since we first met. It was built as a private residence for Arthur Kemmis, one of our first merchants, who did not long survive his installation there. The next comer was a keen, quiet, canny little Scotchman—Alastair M'Kenzie—who, standing well with Downing Street, arrived in the colony with the appointment of Sheriff in his pocket, was subsequently nominated Treasurer by the Colonial Office, and died after enjoying his higher billet and its emoluments for two or three years. I next knew it as the "mia-mia" of jolly, good-natured Jemmy Stewart, of the firm of Brown and Stewart, wine merchants of Elizabeth Street, who was very much liked by the old colonists, and was the best judge of a glass of whisky in Port Phillip; but "Jamie" would just as soon give as take a nip. He found his way into the Legislative Council, and represented the Eastern Province for a few years; but never made much of a stir in public life, if I except the stunning trade he used to do with the Melbourne pubs, for the house of Brown and Stewart was a taking one. He died at a comparatively early age, both respected and regretted. It was at one time rumoured that this house had a special ghost attached to it, and that the usual mysterious indications of an unearthly visitant were not wanting. If there were any truth in this, his ghostship was effectually "laid" when the tenement passed to the possession of the well-known lawyer and politician, Mr. (now Sir A.) Michie. Probably it was hearing of this that induced Mr. Michie, several years ago, to deliver one of his eminently clever lectures on Ghosts, at the Mechanics' Institution, and possibly it was the preparation of the lecture that caused the ghost to skedaddle. The building was afterwards devoted to the purpose of a boarding school and young women's "home." It would be difficult to imagine a more irregular network of lanes and bye-ways (they were not thoroughfares) than obtained in these times. All about and along Moor Street, from Nicholson to Smith Streets, it was one bewildering way-maze which baffled all power of alignment until a clue was found in a £50,000 endowment of a Fitzroy Ward Improvement Fund, and this was the sesame by which the streets were finally opened. Mr. (afterwards Sir) John O'Shanassy, then a member of the Legislative Assembly, was a powerful means of effecting this, and such a good turn should never be forgotten. But it was forgotten very soon, for the definition of the *Plebs'* gratitude is a recollection of favours to come. Up to 1850 Smith Street was quite a one-sided affair, and a very queer ragged-regiment kind of affair too. All down the flat was a morass where one would hardly think human *habitats* could ever spring up. There was an excuse for a house of some kind or other thrown up here and there, and, "though few and far between," they were anything but "angels' visits." A change began, but slowly,

to be effected, until the golden revelations of 1851-53 changed everything. One quaint-looking two-storied house, nearly opposite the Birmingham Hotel, was the "den" of John Pascoe Fawkner, and from the balcony in front, the old lion might be seen koo-tooing to his friends, and grinning at his foes as they passed by—and it was "Johnny's" lot to have friends and foes in abundance. Here the "oldest inhabitant" died, and the building turned into a toy-emporium. Mac's Hotel, nearly opposite Webb Street, was another very remarkable house, and cannot well be passed over in any historical reference to Smith Street. It was put up by a Scotchman, but from what ilk this special Mac hailed I cannot now say. Though the Mac has passed away, the hotel remains, and if its unwritten memoirs could be compiled, many strange yarns could be twisted out of them. It was the great focus of many of the agitations by which the Collingwoodites used to be convulsed. It was the head quarters of Stumperdom, for there was an open space in front, and an open space in rear, where the so-called great mass meetings used to be held—and stumping exhibited in perfection. Those gatherings used to eclipse the Eastern Market ones of after years, for this was the grand training ground of the agitators; and it was quite a treat to hear the Dons, the M'Minns, the Murphys, the Osbornes, and the Scotchmeres of the age exercising themselves. A roaring trade in "rum" and "two ales" used to be driven at the tavern bar where the "calls" were incessant on a stump night. Times, however, have changed, and there has been a change of *venue* in the meetings in consequence of the stonewaliers and bricklayers having eradicated the stumps; and "Mac's" has since had to run through the usual vicissitudes of modern taverns, and take to its bosom as "lord and master," the good, the bad, and the indifferent. Presuming upon the consent of whoever may now be doing the Boniface, let us (metaphorically) ascend to the roof of the hotel, and behold some of the surroundings of the neighbourhood of old Melbourne, and note some of the changes they have passed through. The "flat" has undergone a transformation at the hands of the builder, and active enterprise and thriving industry go together. Glance along the sinuous Yarra's verge from bridge to bridge, and you behold factories and breweries, and spacious hotels, and miles of streets, big and little, built upon and kerbed and macadamised, where a few years ago mobs of blacks, and flocks of sheep, and the herdsmen and their cattle used to roam about. There is Studley Park, looking well enough to-day, but it was positively grand in the primitive times, when it was the wild bush, and free from the improving touches of civilization. It was one time rented by John Hodgson, who let it out as a grazing paddock at so much per head per week. But Hodgson went the way of all flesh, and his place was held by Mr. Thomas Halfpenny, as Government Ranger, until he retired in 1887. The Park is now a place of public recreation. This is the same "Halfpenny" who was once thought to have risked his life by camping in Collins Street in 1836. Possibly in his solitary park rambles he often sighs for the never-to-return days when, though but a "Halfpenny," he managed to turn in o himself many a penny, shilling and pound in the "William Tell," one of the oldest of hostelries, which once stood in Collins Street, near the Queen Street corner, on portion of the present £60,000 site of the English and Scottish Chartered Bank. History tells us the Yarra Falls in Melbourne, the original crossing-place for stock, was dangerous, and once upon a time, twenty-six head were drowned there; and great was the joy of Gardiner when he found the "Falls" near Studley Park much safer for his sheep and bullocks. A Mr. Dight had a large paddock here, now cut up for sale with a square out of the centre for the use of the residents. These "Falls" were a favourite haunt of the aborigines, and a great fishing station for the early citizens, for herring was taken in large numbers at certain periods of the year.

The laying of the foundation-stone of the first Johnston Street Bridge was quite an event in East Collingwood many years ago. The day was fine, there was an immense gathering, and after the performance of the usual ceremonies, a sumptuous spread was served at the residence of Mr. J. Orr, in the neighbourhood. There was a grand procession too, and Major John Hodgson, at the head of the Volunteers, and Mr. J. J. Moody, the Town Clerk, who wielded great Civic authority over the civilian element, were worth looking at. The vicinity of the bridge is now much altered—some of it for the worse, and some very much for the better. In the bend of the river, to the south, were the grounds and villa of St. Heliers, the residence of Mr. Edward Curr, one of the ablest and best known, though not most popular, men of his day. St. Heliers, in course of time, disappeared, and a worthier substitute occupies its place in the Convent of the nuns of the Good Shepherd with "the tinkling of the silver bell, and the Sisters' holy

hymn." The district of Fitzroy-*cum*-Collingwood may well be proud of the fact of having the two chief Convents in the colony within its boundaries—each placed like a sentinel on the Eastern and Western frontiers. It is very amusing how some of the East Collingwood streets have been named. I am fond of harping on street nomenclature, because I think I see in it an indication of the public taste or feeling of the time. Smith Street, as I have said, was called after the once potent civic magnate—"John Thomas"—and then we have such names as Sackville, Regent, Oxford, and Cambridge, which, when compared with their name-sakes in British Capitals, are most laugh-provoking. We have Easy Street after a long "easy" going auctioneer of that name; Perry Street, but whether after a bishop or another auctioneer, I cannot say. We have Peel, and Derby and Stanley Streets appropriately enough—and the great Duke of Wellington is honoured with a very long street, which, if not "ironed" is always tolerably well metalled; but with execrably bad taste, we have a narrow, lanky, miserable-looking lane, called Napoleon Street, I suppose intended to convey a relative estimate of the military capacity of both heroes. Grim Oliver Cromwell, the gay and dashing Prince Rupert, and poetic Rokeby, are shunted off into an out-of-the-way, and not very salubrious, locality. In another place we have a street called "Gold" where things certainly do not look very golden, and there is a Ballarat Street, which is evidently a nominal relic of the auriferous era—when no people were more bitten by the gold mania than those of East Collingwood.

The region lying between the famous Reilly Street drain and the Merri Creek was bare, barren, and stony, if we except the portion now known as Clifton Hill; and as bluestone began to be required for building purposes, the pick, and the crowbar, and the shovel went to work—and so originated that network of quarry holes that used to be found everywhere here, many of which have been recently filled up. Hence the suburb known so long as "The Quarries," and extending along the Merri Creek and on to Brunswick. The sites of the Heidelberg and Northcote Bridges were the natural crossing places; and the Hill just beyond Northcote Bridge is historical, for it was there Batman entered into his celebrated treaty with the aborigines. It was for a long time surmised that building enterprise would never penetrate to any extent beyond the sickly Reilly Street drain. This due northern region was the most unpleasant of the surroundings of Melbourne; the cold north wind in winter and the hot wind in summer, produced climatic variations anything but agreeable. One was either half-drowned or half-baked, and between mud and dust, and wet and heat, you could hardly dream that homes and hearths could have an abiding place there. In a comparatively short time, however, the auctioneer's hammer knocked all such imaginings to pieces; the land was placed in the market, and then did not land jobbers reap a golden harvest? The result, as now seen, is that quite a town sprang up as if by magic, and Fitzroy is fast being linked to Northcote and Brunswick. In the nomenclature of North Fitzroy, the Fitzroy Council had their turn in naming after themselves, and the streets are called after a swarm of municipal nobodies. There are a few notable exceptions—for we have long M'Kean running head foremost into little Langton, and phlegmatic George Harker plodding the same way as mercurial Tom Rae. And then, as a sort of royal centre-piece, there are the Duke of Edinburgh's Gardens, while H.R.H.'s distinguished boon-companions, York and Newry, are not forgotten.

I must now rapidly keep moving, and ask my readers to clap on all steam and accompany me across by what was the Prisoners' Stockade, afterwards a branch Lunatic Asylum, and now a State School; and skirting along by the fence of the Necropolis, where some hundred thousand human beings have found a resting place in thirty years, we stand on the highest spot of the palæozoic hill on which the greater part of Carlton is built. Looking around you, compare it as it now is with what it was not many years ago, when all the country around by the Royal Park and the other Hill of Hotham, revealed a vista of hill and dale, well wooded and grassed, well suited for a delightful rambling excursion. The perspective now is an untold treasure, planted in the soil, and cropping up in splendid mansions, handsome villas, busy marts, spacious streets, squares, parks, and gardens, and stately churches—all these practical evidences of civilization

"Where flourished once a forest fair."

Carlton and Hotham were once known by the general designation of North Melbourne, and the old Supreme Court building was quite out of town. I well remember when jurymen and suitors, during the

adjournment of the court, instead of poking themselves into some neighbouring tavern to crack hard biscuits and drink bad beer, used to betake themselves to the "bush" at the rear of the gaol, where, *sub tegmine fagi*, they enjoyed their lunch in quiet comfort. The present exceptionally superior appearance of those suburbs, as compared with other localities, may be attributed to the relatively late period when the greater part of the land was sold, and the judgment evinced by the land speculators in subdividing their purchases. When a large portion of Carlton and Hotham was put into the market, numbers of people who had saved money from the early gold years (and better still, knew how to keep it), invested it there to advantage. A taste also gradually grew up for dwellings with the comfort and conveniences of English life, and to such causes are to be traced the superior style of building, very generally prevailing. Municipal self-government was likewise a powerful agent and improver, and much as we may occasionally grumble at the fantastic tricks of Mayors and Councillors, no really impartial observer will be unwilling to accord them a very large share of credit for the substantial benefits they have conferred upon their respective districts, by the generally intelligent and efficient manner in which they have performed their corporate duties. It used to be said of the old unreformed English and Irish Corporations that "they had neither bodies to be kicked nor souls to be damned;" and this was, to a great extent, figuratively true, for they were regular sinks of jobbery and corruption. But, taken as a whole, our own Municipal Institutions have been a great success, and no candid writer can fairly allege otherwise. The first member of the regular villa family in Carlton was the residence of Sir Redmond Barry, who removed there from a small comfortable two-storied house in Russell Street. The villa has been purchased as an hospital for sick children, and it is a transition of an amusing kind—to have the once so-much-admired semi-rural retreat turned into an infantile infirmary. Speaking of hospitals, mention should be made of the Lying-in Hospital (how much better to change it for the more appropriate appellation of Maternity Institution), whose foundation originated with Dr. John Maund, who died many years ago.

I cannot leave Carlton without paying a compliment to the street nomenclators for the improved taste they have displayed in their street-naming of the more modern part of it. The public thoroughfares are mated with names famed in story, for amongst them are some of the giant intellects of Britain meetly recognised, *e.g.* statesmanship in Pitt and Palmerston, administrative ability in Elgin, oratory in Grattan and Canning, science in Faraday, Owen, and Murchison, whilst our own Macarthur, Kay, and Neil are not forgotten; and though last not least, in its far north, Shakspeare holds a place. The older portion of it, eastward of the Carlton boundary line towards Elizabeth Street is, with the exception of Drummond Street, misnamed, and what on earth could have induced the naming of one of the two knock-kneed streets starting from the University, after such a symmetrically well-built man as Sir Redmond Barry? Hotham is much more prolific in the *clarum et venerabile nomen* line, for there we have quite an extensive commingling of English, Irish, Scotch, and Colonial worthies. We have streets called after Peel, Erskine, O'Connell, Shiel, Curran, Macaulay, Adderly, Arden, Brougham, O'Shannassy, Molesworth, Cobden, Haines, Chapman, Murphy, and, though last, not the least of the bunch—clever, slippery Richard Ireland, who, if his application had equalled his ability, would have had no superior either at our Bar or in our Senate. Leaving Hotham, and passing on to a sort of boundary mark dignified by the name of Railway Place, let me glance across the railway lines, far over the Swamp to the opposite Saltwater River—aboriginally known as the *Mirring-gnay-bir-nong*—formerly lined with a dense scrub, but now invaded by abattoirs and factories of all descriptions, and flanked on the other side by the rising town of Footscray. It is now styled the West Melbourne Swamp, but every one in days of yore called it Batman's. It ought to be called Higinbotham, because the eminent railway engineer of that name changed its surroundings very much, and certainly not for the better. Look at it now, and read the following account of its primitive state, when seen by Batman, and thus described by him:—"I crossed on the banks of the river a large marsh about one mile and a half wide, by three or four miles long, of the richest description of soil—not a tree. When we got on the marsh, the quails began to fly, and I think, at one time, I can safely say I saw a thousand quail flying at one time—quite a cloud. I never saw anything like it before. I shot two large ones as I walked along. At the upper end of the marsh is a large lagoon. I should think from the distance I saw that it was upwards of a mile across, and full of swans, ducks, and geese." This was penned upwards of fifty years ago, and pondering over the now and the then, one must acknowledge

the prophetic truth, if he cannot admire the poetic afflatus, of an anonymous Collins Street rhymer, who on the 14th February, 1839, worked off the following effusion for the benefit of an admiring community :—

"Melbourne will rise in mighty state,
And tho' a bantling now,
Will shame her Parent and create
A lustre round her brow.

"Melbourne left in her infant state
To flourish as she may,
Shall, notwithstanding this hard fate,
Behold a brighter day.

"Melbourne will flourish ; raise the cup,
Loudly hurra to her glory !
Her day now dawns—her sun is up—
And SUCCESS will be her story."

The "mighty state" and the "brighter day" have come—but, where is the bard ?

CHAPTER IV.

PRIMARY POPULATION: ITS EXTENSION AND PROGRESS.

SYNOPSIS:—Mrs. Gilbert's Baby and Her Cat.—Convicts from Sydney.—First Official Census.—First Marriage in the Colony.—First White Marriage in Melbourne.—First White Child Baptised.—Melbourne 1838-1888.—Fawkner's Original Groggery.—The Wants of Melbourne.—Arden, Author of the First Pamphlet.—Brickmaking as an Industry.—A Protracted Drought.—General Fast and Humiliation.—An Amusing Prayer Difficulty.—Labour Famine.—Memorial to Home Government for Immigrants.—First Fire in Melbourne.—First Gunpowder Explosion.—Mrs. Clarke's Soirees.—"Servantgalism."—Collins Street "Block."—"Lady's Letter to the 'Lords of Creation.'"—First Private Brick Building.—"Hodgson's Folly."—Population and Property Value in 1839.—"Deaf Adamson's" Sketch.

WHEN Fawkner's schooner, the "Enterprise," sailed from Melbourne, on her return to Launceston, she left behind as the first white population the following individuals, viz.:—Captain Lancey, George Evans, his servant (Evan Evans), James Gilbert (a blacksmith) with his wife (Mary) and Charles Wise (a ploughman), five men and one woman. Except Lancey and the two Evans, the others were engaged by Fawkner, who considerately allowed the blacksmith, as the hardest worker, the solace of his "better half," and for the lady herself, he generously provided a cat, as a pet or familiar; but Mrs. Gilbert in due time (19th December, 1835), supplied herself with a more agreeable companion, under the acceptable semblance of a baby, the first white child born in Melbourne. Lancey and the two Evanses struck out for themselves, and the Fawkner party settled down sedulously to work until joined by their master soon after. They worked for six days in the week and prayed and "kangarooed" on Sunday. They enclosed and planted with wheat some five acres of land, near the Spencer Street Railway Station, where they put up a sort of half-tent, half-hut, wherein to find lodgings for themselves and their belongings. Whether the future fared well or ill for all of them, I know not, but George Evans afterwards became a very wealthy man, by sheep-keeping, farming, and public-house speculations. He died some years ago, at a very advanced age, in Queen Street, and his children were well provided for.

By degrees this half dozen of inhabitants swelled into the round dozen, and on to the score, the hundred, and the thousand. Additional new-comers appeared by every vessel arriving from Van Diemen's Land—owners of, and persons in charge of, sheep and cattle, and others looking out for employment as shepherds or stockmen. Few of them remained in the township, as the chief, and for a time the only demand, was for bush hands; but very soon rough carpenters, builders, and handy and generally useful men grew into request. Wages for shepherds were at first about £20 a year with rations; but the rate soon went up to £40, and such was the desire to submit to no reduction that the following elegant Lynch-law proclamation was placarded in more than one prominent place—"He wot hires to any settler under forty pounds a year will get summot for his pains;" what the "summot" meant deponent sayeth not. Possibly it might be translated as "something hot;" but whether so or not it terminated as harmlessly as most of the hoarding literature of later days. Shortly after the arrival of Captain Lonsdale, as Commandant in 1836, a gang of thirty convicts was shipped from Sydney, for employment in Government works and private assignment; but the place being so distant from head-quarters, the Executive evinced a disinclination to encourage to any large extent a distribution of the prisoner element through the province. Settlers who desired to procure cheap labour from this source were deterred from so doing by the imposition of special restrictions upon convict employment. It so continued until 1838, when a Sydney *Government Gazette* notification was issued, directly discouraging persons in Port Phillip from applying for assigned servants; on 1st January, 1839, convict assignment in towns was discontinued, and in August all male domestic prisoner-servants were disallowed in town and country. And so the incipient plague was

stopped before it came to a head; subsequent attempts to revive it in different forms failed, and the colony was preserved from the direct convict taint. The first official census of Port Phillip, was taken in November, 1836, when the population numbered 186 males and 38 females; and, towards the close of the year, the first death of a child, the son of one Goodman, occurred. There is no record of the date of the first Melbourne marriage, though the first marriage celebrated in the colony was on the 27th November, 1803, by the Rev. Robert Knopwood, chaplain of the Collins' Expedition—and the happy pair were Richard Garrett and Hannah Harvey. The interesting event happened at Sorrento, a fact which ought to tell favourably for that popular watering place, as an auspicious retreat for the proverbial Hymeneal pastime of honeymooning. It is remarkable that Sorrento was the *locale* of the first mortuary and of the first Lucinean* rites, for the first man who died in the colony was cook of the "Calcutta" (one of the Collins' ships), and he was buried there on the 16th November, 1803, whilst on the 25th of the same month the wife of Sergeant Thorne (also a member of the Expedition) presented her husband with a son, and the little stranger was christened, with all the honours, at Sorrento, on Christmas Day following.

In 1836, one birth (a son of Batman's, on the 5th November, some years after drowned in the Yarra) and three deaths occurred in Melbourne, whilst in 1837 the births went up to seven and the deaths down to one. The first white marriage ceremony was performed in Melbourne, in 1837; and on the 30th April of the same year the first white child was baptised in the name of John Melbourne Gilbert. This was the first-born of Melbourne before referred to, and the little stranger that "put the cat's nose out of joint."

Reference has been already made to the journals kept by Captain King and Mr. Hoddle, and the following extracts will give some idea of Melbourne in the March of 1837. The former writes:—"I was very much pleased with the settlement. After pulling for eight miles through a ti-tree scrub, which impenetrably clothes the low banks of the river, the settlement suddenly burst upon our view. It is scattered, of course, at present, but consists, perhaps, of 50 or 60 huts. Some are of sods, others framed and weather-boarded, others wattled and plastered. The framed houses have all been sent from Sydney or Launceston. Were it not for the burnt-up appearance of the place, the scenery about the town would be beautiful; the ground undulates, and between the houses and the river is an alluvial flat of good soil, in which good gardens may be formed, and very productive too. We called upon the ladies of the place, and found them enduring great discomfort, some living in mud hovels, others in tents, and others just entering their new abodes formed of 'wattle-and-daub.' Among them is an old acquaintance of ours, Mrs. D'Arcy; her husband is surveying the country here preparatory to its being sold." Mr. Hoddle remarks:—"The weather-boarded building under Batman's Hill, was erected by Batman, and Captain Lonsdale stayed there until the two road parties' huts were joined together, and formed his dwelling. A tent at the rear of the huts was the dwelling of his cook, a fire in front his cook-house. The huts afterwards had a roof built over them which improved their appearance. Near this was Mason's weather-boarded hut, used as an ironmonger's and other goods' store. This became the property of Allison and Knight. The next weather-boarded hut was erected on the site of the present Custom House, and was used as an inn by one Smith. A few wood and mud huts and tents formed the township in 1837. The site of my house (western end of Bourke Street) was the ground where the tents were erected for Sir Richard Bourke and his party. The Governor's tent was in Great, and mine in Little Bourke Streets, both of which were so named as soon as I had marked out the first blocks and streets."

Sir Richard Bourke, in opening the Legislative Council in Sydney on the 30th May, 1837, refers in the following terms to the newly-proclaimed settlement:—"After I had last the honour of addressing you, I received Her Majesty's gracious permission to open for location the country adjacent to the waters of Port Phillip, and in the vicinity of Twofold Bay. The former of these districts already contains a population of above 500 souls, whilst more than 100,000 sheep may be found grazing on its ample pastures. The expenses attending this occupation have been hitherto defrayed from the revenues of Crown lands, to which the sale of such lands within the district will hereafter largely contribute."

*A poetic allusion to Lucinea, Goddess of Child-bearing.

During the same Session an abstract of the revenue of New South Wales, with its appropriation for 1836, was presented, and under the head of "Port Phillip" appears a schedule of items as expended, which I transcribe because it virtually forms the first "Estimates" of Victoria, and, consequently, must possess some historical interest :—

Salaries and allowances, £445 1s. 5¾d.; Outfit and passage-money to officers and men, £327; Horses and harness, £361 2s. 6d.; Tents, articles of equipment, tools, stores, and other supplies, £335 16s. 10d.; Clothing and bedding, £156 10s.; Timber, bricks, lime, iron, and other materials, £102 14s. 10¼d.; Wages to military labourers, £11 19s. 2d.; Stationery and printing, £93 13s.; a whale-boat and oars, £32 17s. 6d.; Presents of clothing, blankets, and badges to Aborigines, £160 3s. 4d.; Freight from Sydney of the frame for a house, horses, and stores, £132 18s.; Conveyance of stores, £5. Total, £2164 16s. 8d.

The "frame for a house" indicated, in the second last item, is evidently the made-up materials for the first Customs-shed used as such in Melbourne.

No one now amongst us, unless then in the Province, even in the wildest freak of imagination, can well comprehend the extraordinary difference in the Melbourne of 1888 and the nondescript here and there settlement which passed under that name in the early part of 1838. In it there dwelt some thousand persons—a third of the whole population; and it was estimated that there were some one hundred buildings, graduating from the two-storied brick to the mud-made "bothie;" and, though some of the highways dedicated to the public were marked out, the street intersections, gullies, or quagmires were almost inextricable for man or beast once glued into them, whilst the principal thoroughfares were so incommoded with tree stumps that it took years, even after the incorporation of the town, to thoroughly eradicate them. The Yarra, too, was very different from that river to-day; the surrounding country was picturesque and umbrageous, and the ti-tree scrub, which has long since disappeared to give way to wharves and docks and lines of railway, was then in most places almost impenetrable. Melbourne possessed some five or six public-houses, and the only other one in the whole district was on the River Goulburn, near (now) Seymour. To Williamstown was a toilsome trip by land, and a journey to Geelong was quite a hazardous expedition. But there was an active vitality in the very circumscribed public life of the young colony, and the eaters of the bread of idleness were comparatively few. Everyone was not only alive, but wide-awake. Stores were doing a fair business, bill discounters making large profits, ministers of religion putting in an appearance, and branches of the Australasian and Union Banks were in the near future. "Johnny Fawkner" was the proprietor of the Original Groggery, and, to add zest to his tipple, had annexed a reading-room to its bar, whilst his foolscap M.S. newspaper, the *Melbourne Advertiser*, was fattening on a circulation of twelve copies, sold at one shilling each, barring one specially reserved for the enlightenment of those who patronised the editor's doubtful drinkables. A chief constable and a handful of tip-taking policemen were the supposed guardians of the public weal—for, though there was a detachment of Military stationed in the township, their principal duty seemed to be to keep watch and ward over a rascally gang of convicts, set to work on the streets and elsewhere, whose attempts at up and down levelling only made what was originally bad enough infinitely worse. One sentiment, however, animated the inhabitants, high and low—and that was an absolute belief in a wonderful future for their embryo city, their great expectations regarding which were never abated in the smallest degree. The *Melbourne Advertiser* of the 8th April, 1838, thus observes on the building condition of the place :—"The town of Melbourne is rapidly increasing in population and in building. There are at this present time not less than ten brick houses in hand, some of them roofed in, and others, the walls partly built. Some of these houses are large, and six are of two stories, with underground cellars. The wood buildings are more numerous, but generally of less size. In fact, persons who have been absent only a few days, on their return express pleased feelings of surprise at the very evident advancement of this flourishing, but newly settled, town. About 180 allotments have been sold here, and the first hundred in June, 1837—the eighty lots in November last—and already more than two hundred buildings are ready (or nearly so) for dwelling in."

The wants of Melbourne are declared in the *Advertiser*, 23rd of April, to be :—

"Surveyors, a coroner, a judge and court, buoys, beacons, wharf, bridge, the streets cleared of stumps, the local expenditure of the money raised by taxation, and a resident Governor." Long and persistent was the struggle before all these wants were supplied.

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Melbourne
from the falls
1838.

Arden, the author of the first pamphlet written on Port Phillip, in describing Melbourne in 1838, asserts:—

"That it presented more the appearance of the villages he had seen in the interior of India—a nucleus of huts embosomed in forest foliage, and peering at itself in the river stream that laved the thresholds of its tenements—than any collection of buildings formed by European hands. It was at the time possessed of two wooden houses, serving the purposes of hotels or inns to the settlers who frequented the little town upon the occasion of their bringing their wool produce to the port, or new arrivals before they committed themselves to the trials and privations of the bush. A small square wooden building, with an old ship's bell suspended from a most defamatory looking, gallows-like structure, fulfilled the duty of church or chapel to the various religious denominations, whence, however, the solemn voice of prayer and praise, sounding through the yet wild country, had an effect the most interesting and impressive. . . . . Two or three shops, forming a general emporium for every description of immediately useful articles, although exceedingly inferior, opened their wares to the public; whilst a branch establishment of a Van Diemen's bank flourished on its monetary exchanges, discounts, and circulation." Visiting Sydney, and returning after a six months' absence, Arden expressed surprise at the general improvement and rapid progress of Melbourne, its numerous buildings, some even two and three stories, the hotels transformed into handsome and convenient inns, and the line of streets cleared, marked, and in some parts under a process of partial Macadamization. He must have much exaggerated, or erred unconsciously, for, when I first saw Melbourne, three years after, there was not a single three-storied house in the town; and, though the streets were marked, and several of them cleared, but not of stumps, the "process of Macadamization" was even then of the most rudimentary kind. The first three-storied houses erected in Melbourne were, one on the east side of Queen Street, between Collins and Little Flinders Streets, long occupied by Dr. O'Mullane, a well-known physician, and the other occupied by Mr. George James, wine and spirit merchant on the south side of Collins Street, between Elizabeth and Swanston Streets.

As the erection of a more substantial class of houses commenced, bricks grew into demand, and first supplies were procured from Launceston; but brickmaking in Melbourne was started on the swampy flat, between the river and Emerald Hill, though our first local industry obtained the reverse of protection from the Government. This was in 1838, and a tax of £10 per annum was levied for the occupation of the land, £5 for the right to erect a hut, and, worse still, a further sum of £2 10s. was charged for the use of the clay! Lime-burning followed, for which payment in tithe kind was insisted upon, the Government taking unto itself one bushel for every ten produced. Such excessive charges necessarily caused much dissatisfaction, and led to a small *stampede* of the working hands to Adelaide and Valparaiso. There were greater extremes of weather in the old than in the modern times—more sudden transitions from heat to cold, and from wet to dry, more baking hot winds, and swamping floods. In the beginning of the summer of 1838, there was such a drought as has not been since equalled, and apprehensions were entertained, encouraged by the predictions of the Aborigines, that the whitefellow's cattle and the whitefellow himself would be exterminated through dearth of food and water. The people were then, with the exception of meat, mainly dependent for provisions upon the coasting trade established between Port Phillip, Sydney, and Van Diemen's Land. Large stocks were not kept in the shanty-stores of Melbourne, the coasting voyages were often protracted, and an anticipated shortening of rations was a cause of general alarm. But out of this drought an amusing prayer difficulty arose, and the colonists were placed in a curious fix, from which their piety had some difficulty in extricating them. Hot and dry weather prevailed to such an alarming degree throughout the northern portion of New South Wales, that the Government issued a proclamation directing that the 2nd November should be observed as a day of general fast and humiliation in all parts of the colony, and the clergy were requested to offer divine worship in their respective churches. When the time arrived for the general abstinence and devotion, though it was as dry as ever in Sydney, there was such a superabundance of rain in Port Phillip that the sheep-shearing was considerably retarded, and individual prayers were strong and urgent that the flood-gates of the heavens might be for a time closed. The official proclamation was of course *pro formâ* obeyed by the Ministers of some of the denominations, but the public were unanimous on one point, that wet or dry they should have a holiday; and such it was observed, religiously or irreligiously, the latter preponderating, for the half-dozen tavern

taps were in great demand, and so far as a desire for stimulants went, there was individually a very general "spiritual" drought, or thirstiness, perceptible about the township. In January, 1839, however, the heat gave the province its "turn" in a most unmistakable manner, for bush fires raged everywhere along the coast and through the interior, inflicting no small losses upon the settlers scattered through the County of Bourke, Geelong, and other parts of the western and north-western country. One great want pressed heavily on the settlement, viz., something approaching a labour famine, and it was complained, with a degree of justice that could not be gainsaid, that the province was very unfairly treated in the appropriation of the money realised by the sale of Crown lands. Accordingly, in the month of September, a memorial was transmitted from the stockholders to the Governor, begging him to recommend the Home Government to despatch a vessel with immigrants direct to Melbourne; but no response was made until July, 1840, when advices were received that not only one, but several shiploads, were to be deported to Port Phillip by J. Marshall, the then well-known emigration agent. Certainly, in January, 1840, a barque, appropriately named the "Hope," brought from Sydney 130 immigrants, with 30 women and fifty children; but this was, so to speak, only a drop in the bucket. The total revenue for 1838 was £43,524 2s. 9d., made up of the following items, viz. :—Postage, £150; squatters' licenses, £530; publicans' licenses, £200; auctioneers', £100; fees, £400; Customs, £6734 19s. 9d.; and land sales, £35,359 3s.

In the beginning of 1839 Melbourne could not boast of having a single one of those extremes of handicraftism, a watchmaker or a tinker—though there were half-a-dozen shoemakers, two saddlers, three bakers, four butchers, and three tailors—and oh—happy land, Australia *Felix* in reality! only one blessed limb of the law, bearing the unprofessional name of Meek. But though there was no other legal practitioner, Fawkner and a butcher named M'Nall were allowed to act as advocates before the Police Magistrate; and considering the surroundings of the place, it was no misnomer to put them down as "bush lawyers," for they were literally so. M'Nall kept a large butcher's shop, where now is Rocke & Co.'s furnishing mart, in Collins Street; and here he followed his dual calling, but the people preferred his mutton to his law, and affected his sirloins more than his equity. He did a very large business in the victualling line, but what he made in one way was lost in other more risky transactions. He died a good many years ago, and there is now nothing remaining of him except an almost forgotten memory, unless it be a poor bantling of a street in Richmond which is named after him. The first town fire occured in 1838, in a hut, used as a watch-house, near Spencer Street, but no fire bell rang, or brigade mustered to put it out. The place was burned down, and it is unnecessary to say that neither stock nor premises were covered by insurance. The next year the first Fire and Marine Insurance Company was started, but it collapsed after a brief reign. The first gunpowder explosion occurred in 1839, in a not very fire-proof locality, the now Market Street, where there was a row of weather-board shops, and in one of these a Mr. Blanche, the first of our gun and powder sellers, was located with his firearms and combustibles, all of which, with his wife and some customers, were blown up, and five persons killed. Our present numerous and respectable fraternity of barbers, and hairdressers, will be interested by the announcement that their earliest business predecessor was a shaver, rejoicing in the unrazorly cognomen of Lamb: and an accommodating *modiste* of the very appropriate name of Lily, was the first in the field to tender her services in supplying baby-linen to such as might require so interesting a commodity, which was then very slowly becoming an article of necessity; and, as if to assist the Lily patronage, a lady under the rugged appellation of Bear, stationed herself in Elizabeth Street, whence she informed married ladies that she would "be happy to attend those requiring her services during their accouchements." Next, there turned up an undertaker who promised "to attend to funerals on the shortest notice." As the representative of the icy King of Terrors, he was not unfittingly named Frost. He was a well-to-do butcher over the water, where he sought variety by passing from the trade of cutting up carcasses, to that of burying corpses; not much of a transition, though in the latter there was no killing or "cutting up" indulged in. He also started the business of carpenter and joiner, and to the time of his death was an industrous and well-deserving colonist. There was not a regular retail tobacconist in the town until September 1839, when a fancy snuff and cigar shop was opened in Market Street, yet there was a professor of music, a dancing master, and a Mrs. Clarke, "one of the lights of the Sydney stage," who gave occasional *soirees* at 10s. per head. But the poor fancy tobacconist did not keep his pipe long alight, for both it and his life were put out together in the Blanche

calamity, when he was unfortunately present, and was one of those who perished in the burst-up. There was a great disparity of the sexes, and "servantgalism" was at a high premium. Though Collins Street had not yet inaugurated its "block," marriageable young ladies were rapidly picked up, yet not so rapidly as they expected. One of the fair sex, who had evidently been left "wall-flowering" longer than she expected, thus vents her virtuous displeasure upon the presumed selfishness of the lords of creation in a letter to the newspapers. She writes :—"If the gentlemen will leave off for a time counting their pounds, shillings, and pence, and mingle a little among the ladies, they would find themselves well rewarded."

Nevertheless we find advertisements from bachelors languishing to get married; and in the same newspaper columns there is a Thomas Coombes "cautioning the public against allowing his wife, Mary Anne, to go 'on tick,' as he will not be responsible," and a Mr. John Connell crying down the credit of his wife "because she left her home without any just cause or provocation." To the late Hon. James F. Strachan, afterwards of Geelong, is to be accorded the honour of having had erected the first business brick building in Melbourne—a store at the south-east corner of Collins and Queen Streets. Mr. John Hodgson had a house built where the Port Phillip Club Hotel now stands, in Flinders Street, and it was so big for the times that it was known as "Hodgson's folly." Its date was 1838, and there was nothing at all to approach it as a private residence. When Mr. Latrobe arrived, as Superintendent, in 1839, there were in Melbourne, three breweries, two fellmongeries, one tan-yard, some 70 shops, and 500 houses, about half of which had stone foundations. The population was about 3000, and the property was roughly estimated at £112,000: yet, singular to say, in the commencement of this same year, the police protection of Melbourne consisted of only four constables! This is a strong indication of the people's respect for law and order, which one would scarcely expect in a community where such a large proportion of the settlers were expirees from Van Diemen's Land and New South Wales.

In January 1839, the *minimum* price of country Crown lands was raised from 5s. to 12s. per acre, and during 1838 and 1839, some seventy-seven thousand acres were sold, realising nearly £105,000. A portion of this amount was applied by the Home Government in promoting what was termed a system of "Bounty Emigration," and the immigrants so "assisted" began to pour into the country. There was a large admixture of great and small capitalists amongst the general mass of the new-comers; and, at the close of 1839, the population numbered 5822, which doubled the next year, and quadrupled the year after. Hotels and other places of entertainment had now sprung up, newspapers were established, and clergymen, doctors, and stray sheep from other learned professions (a rather mixed black and white flock taken *in globo*) were daily coming to the front. Commercial enterprise began to quicken, and considerable intercolonial and home trade was at work. On the last day of the year, Melbourne could boast of possessing a military band consisting of a drum only. There was also a Temperance Society, a Benefit Society, an Insurance Company, three Banks, Racing and Cricket Associations, one Steam-boat, two Newspapers, a "Melbourne" Club, a Wharf Preacher, and five Religious Denominations. Through the courtesy of Mr. Skene (Surveyor-General) I have received a sketch of Melbourne at this period; and its history is a peculiar one. It was made by a Mr. J. Adamson, familiarly known amongst his friends as "Deaf Adamson." He was a squatter in a small way, as most squatters were in those pristine days, in the immediate neighbourhood of Melbourne. The sketch was engraved in copper and published by Mr. R. Clint, of Sydney. The original copper-plate had disappeared, and was for many years lost and utterly forgotten, until it was found recently in the Melbourne Lands office, stowed away in old boxes. A copy was then taken from the old plate, a photograph obtained from that copy and transferred to the lithograph stone. Though I did not arrive in the colony until the middle of 1841, notwithstanding the material interim changes which had taken place, I can vouch from personal recollection for the general accuracy of this remanent of "Deaf Adamson." In some points of perspective it is defective, for it makes Batman's Hill too small, blocks it up too much to the north, representing the Flagstaff Hill higher and larger than it ever was; but in other respects, it is a tolerably faithful picture of things as they then were. In it one can plainly trace the couple of brick stores on the wharf, the old Collins Street gaol then advancing to completion, the as yet unroofed walls of St. James' Church, the police office and lock-up in the market reserve, Batman's large brick house at the south-west corner of Collins and Williams Streets, known as Williams' auction room, where Mr. Latrobe assumed office as Superintendent, and Fawkner's Hotel opposite, with its quaint, pyramidal roof, bearing

some resemblance to a half-open umbrella with the whalebone slightly out of order. Near this, in Market Street, may be noticed the remains of the "Sporting Emporium" of Blanche, destroyed by a gunpowder explosion on the eve of Christmas Day. Further down in Little Flinders Street, is a new store (still there) large for the time, built for Mr. Rucker, and overtopping the few cribs around; away up towards the north of William Street, is a mansion with some attempt at a tower, where Mr. C. H. Ebden once lived. "Hodgson's Folly" stands in all its glory near the corner of Flinders and Swanston Streets, its nearest neighbours being two humble tenements of the cot or cottage grade, to which it seems to give a cold shoulder. Beyond Swanston Street there is no attempt at street forming; it is all open country, with houses and gardens scattered about, whilst away on the side of a beautifully timbered hill is the Scots' School, as if quite beyond the limits of location. The river is well hit off with its half-dammed falls; the well-known old ferryman's hut on the south side, and a gay-looking survey tent not far off. Such is a meagre outline of "Deaf Adamsons's" sketch, but if the chapters I am now inditing should ever—as I hope they will—be published in a collected form, the exhumed copper-plate will, in all likelihood, figure as a frontispiece. On the 1st of January, 1840, the Tree of Colonisation, planted as an acorn in 1835, had not only taken deep root in the soil, but had grown into a vigorous bole, from which commenced to shoot those branches of Civil Government and Social, Religious, Charitable, and Literary institutions—the outgrowth of modern civilisation, which I shall endeavour to describe under their respective heads. Truly may it be written of Melbourne that thenceforth it so increased and expanded through those material and intellectual developments, as to amply verify the classic legend—*vires acquirit eundo*, which its Corporation, in the after time, so fittingly assumed as the Civic motto.

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CAPTN WILLIAM LONSDALE.

CHAPTER V.

INTRODUCTION OF CIVIL GOVERNMENT: FORMATION AND GROWTH OF THE PUBLIC DEPARTMENTS.

SYNOPSIS:—Captain Lonsdale's Arrival.—Arrival of the Survey Staff.—Convict Prisoners from Sydney.—First Government brick Building.—Mr. Robert Hoddle's Arrival.—Arrival of Mr. Latrobe.—His Panegyric, Prayer and Death.—Disappearance of his Private Secretary.—The Treasury.—MacVitie's Alleged Embezzlement.—First Colonial Secretaryship.—Belcher and Vaughan.—Mr. Robert Russell First Surveyor.—His Visit to Geelong.—First Commissioner of Crown Lands.—Mr. Russell's Return to Sydney.—His Deposition, and Acceptance of Clerk of Works.—Mr. Hoddle's Appointment.—Resignation, Resumption of Office, and Final Retirement.—Customs Department.—Formation of Market Street.—Removal of Mr. Webb.—Mr. J. H. N. Cassells.—His Successor.—The Harbor-Master's Department.—Public Works.—Mr. C. H. Leroux's Death.—Mr. Russell succeeded by Mr. James Rattenbury.—Mr. Ghinn's Appointment.—Yarra Bend Asylum.—The Medical Department.—Dr. Cussen.—Mrs. Lee.—Dr. Cussen's Narrow Escape.—His Death in 1849.—Dr. Sullivan his Successor.—Dr. McCrea.—Aborigines' Protectorate.—Crown Lands.—Commissioners Gisborne and Powlett.—The Scourgers.

CONSEQUENT on the report of Captain Stewart, and the memorial of the inhabitants, on the 29th September, 1836, the first civil functionary and Government representative arrived in Melbourne in the "Rattlesnake" from Sydney. This was Captain William Lonsdale, attached to the 4th Regiment stationed at Sydney, where he passed over to the public service as Police Magistrate. He was to act as Administrator of the Government, under very explict instructions from Head Quarters. His salary was £300 per annum, with £100 as outfit money; and he reigned here until the arrival of Mr. Latrobe. He was an officer with much more good in him than harm, who acted strictly up to the letter of his orders; and, with a natural calmness of temperament and equanimity, took matters easily enough. A man of unblemished character, and impartial in the conduct of affairs, in a season of absolute political quietude, he succeeded in giving general satisfaction, and on resigning the reins of government received a testimonial and address from the inhabitants. The presentation was made in January, 1840, and the following extract from his reply is worth transcribing:—"Having had the pleasure to see the colony advance from its cradle to its present state of strength and prosperity, I can bear witness that that prosperity is mainly attributable to your skill, persevering industry, and enterprise. In no part of the world, I am convinced, has there been a greater display of these qualities; nor can an instance, I am sure, be adduced in which they have been more successful in the same space of time." He then, for a time, officiated solely as Police Magistrate, was subsequently appointed Sub-Treasurer, and in the lapse of years was promoted to the Colonial-Secretaryship, in which capacity he will be again referred to. A few days after the arrival of Captain Lonsdale, the brig "Stirlingshire" brought from Sydney a Survey Staff, consisting of Messrs. Robert Russell (in charge) Frederick R. D'Arcy, and William W. Darke; the first at a salary of £220, and the others £200 each per annum. By the same vessel came Mr Robert S. Webb, as Chief Officer of Customs at £200, Mr. Skene Craig to manage the Commissariat, Ensign King with a detachment of the 4th Regiment, thirty convict prisoners, and a Mr. Joseph William Hooson as a senior constable. Though Captain Lonsdale was supposed to exercise the functions of an Administrator of the Government, he was, in reality, little more than a Police Magistrate, to which might be added the superintendence of a small penal settlement, which was formed at the western terminus of the town. The area, now bounded by Bourke, King, Collins, and Spencer Streets, was then about the nicest spot in all Melbourne. Cut up by no water-courses, and flat as a pancake, spread out at the foot of Batman's Hill, it was covered with a vendure green as a leek, and soft as a Turkey carpet. But Captain Lonsdale and his followers soon pounced upon it, hacking it up in such a manner as to change the whole aspect of the place, every year bringing further additions and alterations, every change for the worse. Mr. Russell has supplied

me with a copy of a plan of this convict kraal, or "Government block," as it came to be called, showing its inception and the alterations it underwent until 1839, and an inspection of this chart is very amusing. Here was concentrated the whole executive power of the infant colony, from its two extremes, of Police Magistrate and flagellator, for flogging was an institution then, not amongst the free, but the bond section of the population. There was no executioner then, because, until the establishment of the Supreme Court in 1841, there existed no court with a jurisdiction over capital felonies, and Port Phillip "hangings" (when there were any) were done in Sydney. Off the north-west junction of what are now known as Spencer and Little Collins Streets, Captain Lonsdale was quartered in a wattle-and-daub "Government House," very different from the palatial pile raised in South Yarra, but surrounded with a luxury of pure air, and unpoisoned by effluvia from a fetid river, about which modern Governors so feelingly complain. Lonsdale, as soon as he got a chance, moved off to a comfortable cottage in the eastern part of Richmond (now Princes') Park, where a gymnasium has for years been training rising generations in calisthenic exercises, and his vacated domicile was turned into quarters for a Lieutenant Smyth, and such officers as succeeded him in the charge of the military detachments for years stationed in the town. At the north-west corner of Spencer and Collins Streets was placed the Survey Office, and near it, in from the street, the soldiers' barracks and a few huts, enclosed by a stockade of ti-tree, in proximity to which, no doubt for protection, were two hovels used as a police office, and guard-room *cum* lock-up. On the north-west corner of Collins and King Streets, were marked two rows of sod-made cabins, where the soldiers were billeted before they went into barracks, and further up, near the Little Collins Street intersection, was placed the Government mechanics' work-shop, three-quarter wattle-and-daub to a quarter brick (where the forge was). Beyond this, in the same line, was the prisoner's barracks, where there is now a police station; not far from the temporary hospital, and near the corner of Bourke Street was the Clerk of Works' office, whilst in the middle of the square, as a sort of formidable head-centre, was the mansion of the overseer of roads, and the scourger squatted in a den on the site of the now Roman Catholic Church of St. Augustine. With the exception of the Clerk of Works' and Survey offices, and the Officers' quarters, the other fixtures were the most miserable, comfortless holes, in which human beings were ever forced to live. The convict prisoners, sent in small drafts from Sydney, varied in number, never perhaps exceeding forty or fifty. These were intended for Government work and (exclusive of two or three hundred ticket-of-leave holders) for private service. They performed any mechanical or menial work required for the Government; some of them were transferred into the mounted police, and others were formed into a gang to make and repair the streets. As a rule, they were a little-good-for blackguard lot, and only for fear of the cat-o'-nine tails, never could be kept within any reasonable bounds of subordination. Captain Lonsdale, fresh from a penal colony, was not unused to this state of things, and took the world as it came philosophically enough. He certainly was not overworked; and that the New South Welsh authorities seemed to be aware of this, may be assumed from the fact of their forwarding him at the end of 1838, the following consignment of Government stores for the public service of Port Phillip:—6 bottles of red and 6 ditto black ink, 1 bundle of quills, 1 box of wafers, 20 fathoms of red tape, and 1 quire of foolscap paper!

On the 27th of May, 1837, Mr. Robert Hoddle relieved Mr. Russell, as Principal Officer of Survey. He was also appointed a Commissioner of Crown Lands, and acted as Government auctioneer at the first public land sales. A Court of Petty Sessions was established in 1838; Quarter Sessions in May, 1839, and towards the end of the same year, Mr. James Croke arrived from England, *viâ* Sydney, and proceeded to act as Clerk of the Crown, Crown Prosecutor, and Law Adviser in Melbourne.

Arrival of Mr. Latrobe.

In June, 1839, it was publicly intimated, for the first time, that a Superintendent was to be appointed, an office likely to be bestowed on a Mr. Charles Joseph Latrobe, of whom very little was generally known, and the announcement gave dissatisfaction, as it was thought that Lieutenant-Colonel Snodgrass would be selected. However, it turned out that Mr. Latrobe was to be the man, and his arrival was looked forward to with much interest. This remarkable event came off on the 30th September, when the "Pyramus" barque arrived from Sydney, with his Honor, Mrs. Latrobe, and a Mr. Lee as Private

Secretary. It was understood that Mr. Latrobe's salary was to be £800 per annum, with allowance for clerk and contingencies, and his patronage was to extend to all appointments not exceeding £100 a year, subject, of course, to confirmation at Head-quarters. On dis-embarking the following day, 1st October, he received a salute of nine guns—and on the 2nd made his official entry into Melbourne, but certainly not under the auspicious indications of Queen's weather, for torrents of rain flooded the almost impassable streets, and the crowd accompanying him were not only ankle but knee deep in slush and mud. He was accompanied by Captain Lonsdale and Mr. Webb. There then stood at the south-west corner of Collins and William Streets, the mart of Mr. Charles Williams, a well-known auctioneer. Here the first Governor made himself known to the community; and, standing on the door-step in the presence of a large concourse (a tithe of whom could not find room inside), and in "the pelting of the pitiless storm," the Governor's Commission was read by the Collector of Customs, and an address was presented to His Excellency. His speech in reply was much better than many of the unmeaning vice-regal utterances, since delivered in "another place." He said, "It was not by individual aggrandisement, by the possession of numerous flocks and herds, or by costly acres, that the people shall secure for the country enduring prosperity and happiness, but by the acquisition and maintenance of sound, religious, and moral institutions, without which no country can become truly great." He prayed to God "for strength and power, that, whether his stay among them be long or short, he may be enabled to know, and to do his duty diligently, temperately, and fearlessly." It must be said of him that he did his best to perform this promise. He was received with unmeasured enthusiasm, and the *Gazette* newspaper thus exclaimed :—"He comes to us as our good genius to assist to develop our resources, and to place us high in the scale of Colonies—Colonies! nay, he comes to found a mighty empire." On the 16th, Mr. Latrobe rode to Williamstown for the purpose of forming an opinion as to the capabilities of the port, and ascertaining what improvements might be made there. Two requirements were obvious to him, viz., the enlargement of the pier and the erection of a lighthouse. His salary was £800 a year, but the Press declared that it should be £2000. It was afterwards increased by the Home Government to £1500. Mr. Latrobe brought out a wooden house from England, which was put up at Jolimont, where he purchased an allotment of land at the upset price of £500, no person bidding against him at the auction sale. When he left the colony in 1854, this was cut up into suburban building lots, and paid an enormous profit on the original outlay. He was a travelled and accomplished gentleman, and, though nothing of an orator, was an agreeable writer, of much culture, and no inconsiderable ability. He had previously acquitted himself to the satisfaction of the Home Government, by reporting, in 1838, on Negro Education in Trinidad and British Guiana. The son of a Moravian missionary, the influences of his religious training marked his whole career, for he was a thoroughly conscientious and honest man, who felt a sincere interest in the welfare of the colony, and always endeavoured to do right under difficulties of no ordinary kind. It was inconsistent with the nature of things that Mr. Latrobe's popularity should continue. He had no "bed of roses;" with little more authority than one of the permanent heads of some of our present public departments, he was often obliged to do things he could not help, whilst official obligations compelled him to bear in silence many an undeserved attack. His chief fault was an unsteadfastness of disposition, and a good nature which forced him at times to say "yes" instead of "no." In dealing with the claims of the several religious denominations, a delicate task was often imposed on him, and though with an evident leaning to Episcopalianism, on the whole he dealt out substantial justice to all. He was repeatedly accused of partizanship in the interest of the squatters, though in reality he was the reverse. He was an ardent promoter of every movement, tending to benefit the Province, and his services in resisting the introduction of transportation, were of incalculable value in bringing the agitation on that question to a successful issue. He was often the best abused man in the colony, though he had the good fortune of always retaining a large circle of influential friends. From 1851 to 1854 he was placed in a position of unprecedented difficulty, through the social disorganisation caused by the gold discoveries, and sufficient allowance has never been made for the exigencies of the situation. He left the colony, however, amidst the regrets of those who knew him best, and secured a retiring pension under an Act of Parliament, passed in the interests of ex-Governors of colonies. For some time before his death he suffered from a deprivation of sight, and died, near London, on the 2nd December, 1875.

The Superintendent's Office,

In the first instance, transacted its rather limited business in a cottage in Little Flinders Street, one of the two apartments of which was used as a sub-Treasury. In February, 1841, these quarters were vacated for a somewhat more commodious brick tenement at the north-eastern corner of William and Little Collins Streets. The Superintendent soon after gave up this place altogether to the Treasury, and moved around to the untenanted house of Batman, on Batman's Hill, and there made himself as comfortable as circumstances would permit. He was little more than a senior clerk, tied up with red tape, with hardly more to do than to receive and answer correspondence from head-quarters, and report progress. In course of time he was entrusted with discretion to a considerable extent, and some of his despatches may be ranked with the ablest State papers in the office of the Colonial Secretary. He used to be facetiously styled "the Twenty pounds Governor," because in the beginning it was said that his financial discretion was limited to that amount. Further he dare not go without a special authority.

The establishment was thus provided for on the Estimates of the time:—His Honor the Superintendent, £800 per annum; Clerk (Private Secretary), £155 per annum; Assistant Clerk, £109 10s. per annum; Forage for horses to His Honor, &c., £139 10s. Total, £1204.

The Treasury having also moved to a skillion in the rear, probably the Batman kitchen, sufficient savings were pared out of the etceteras of the forage item to pay for a Messenger. In January, 1846, the Superintendent transferred himself and his official belongings to a newly erected building in William Street, formerly well-known as the Government Offices, in the centre of the square now covered by the new Law Courts. The business did not increase very much for some years, though His Honor's salary nearly doubled, and that of his Private Secretary was largely augmented. This is how it stood in 1847:—His Honor, C. J. Latrobe, Esq., £1500 per annum; Secretary and Chief Clerk, E. L. Lee, Esq., £240 per annum; Second Clerk, Mr. Alexander Holmes, £140 per annum; Third Clerk, Mr. Charles Holmer, £120 per annum; Messenger, Thos. M'Carthy, £50 per annum. In 1848 the Private Secretary disappeared under circumstances of a mysterious character never satisfactorily elucidated. Having obtained a three months' furlough, on the 15th December he left Brighton on a boating expedition. As the day was unpromising, some friends cautioned him against doing so; but he started in a small boat, with a black boy as his only companion. The boat was provisioned for two months, and Mr. Lee let it be understood that he intended visiting an island in Bass's Strait, where the parents of his sable *protégé* lived. Nothing further was heard for about a month, when an aborigine arrived in Melbourne with intelligence, that he had some weeks previously seen a boat upset in a squall off Point Nepean. The crew, a black and a white man, tried to save themselves by swimming ashore, in which the black succeeded, but the other was drowned. The blackfellow wandered about the country for some time, until falling in with some of the Western Port aborigines, he was killed by them. This story might not have been believed, but for the simultaneous finding of a boat beached on a Mr. Thompson's station in Western Port. Captain Dana, the commandant of the native police, started off at once with some troopers to hunt up further particulars, and succeeded in finding the boat, which was identified as Lee's. Though for nine years the Superintendent's Secretary, this was the first leave Lee had had. There were some who discredited the fact of Lee's alleged drowning, assigning sinister motives for his departure, and sensational paragraphs about him appeared in the newspapers. But Lee was never after seen in Melbourne, nor, I believe, heard of from that day to this. He was soon forgotten, and his vacant desk filled by Edward Bell, who retained the office until after the separation of Port Phillip from New South Wales, an event which raised the status of the department from a simple Superintendency to that of a Lieutenant-Governorship.

The Treasury.

In 1839, Mr. Webb, in addition to his duties as Sub-collector of Customs, was charged with the control of a branch of the Colonial Treasury, which was opened at Melbourne on the 7th July; and in April, 1840, Captain Lonsdale resigned the police magistracy and was appointed Sub-treasurer. The

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CHARLES JOSEPH LATROBE

department towards the close of the year, was thus organised:—Sub-Treasurer, William Lonsdale, Esq., £400 per annum; First Clerk, Mr. W. V. MacVitie, £220 per annum; Second Clerk, Mr. George R. Penn, £125 per annum; Agent for superintending supplies, Assistant Commissary General Howard, £91 5s. per annum; Auctioneers' commission (land sales it is presumed), £600 per annum; Newspapers, Stationery, Printing, etc., £300 per annum; Rent of Office and Incidental Expenses, £76 5s. 8d. per annum. Total, £1812 10s. 8d.

Some of the changes of the *locale* of the office have been already stated. The Treasury followed the Superintendent from Batman's Hill to the Government offices, where it was assigned a portion on the ground floor, after which it migrated to a big blue-stone house, a little more North on the other side of William Street. Here it remained for some years until after the gold discoveries, when, re-crossing, it took up its abode in a three-storied tenement belonging to Mr. J. T. Smith, whence again it moved Eastward to the new Treasury, at the top of Bourke Street, and thence, back to the new Government offices in the rear, where it is likely to remain in perpetuity. Captain Lonsdale was more successful as a Police Magistrate than a Treasurer. No one doubted his thorough integrity; but his new post was not quite in his line. As in most of the departments in the early times, business was not transacted in anything approaching the method that has prevailed for the last quarter of a century. Then the public book-keeping was simplicity itself, compared with the complicated and cumbersome system of to-day. One very efficient, though at times, careless officer suffered for the Captain's laxity. This was Mr. MacVitie, the first Chief Clerk, whose trial for embezzlement will be noticed in another chapter. He was acquitted by the jury, and the Treasury management censured by the Judge. However MacVitie lost his place which was filled by the appointment of Mr. Alexander M'Crae; and some time after, a roll of notes, believed to be the same for appropriating which MacVitie had been tried, was found put away in some musty pigeon hole, wherein the ex-Chief Clerk most likely in absence of mind thrust, and entirely forgot it. In 1851, Captain Lonsdale exchanged the Treasury for the first Colonial Secretaryship, for which he was infinitely less fitted, and Mr. M'Kenzie, the then Sheriff, succeeded him. The first competitive examination in the colony was held in connection with the Treasury, in June, 1845. A clerkship was vacant by the dismissal of a young gentleman, whose ways were rather too fast for Captain Lonsdale. The salary was only a hundred a year, which, with the position it carried, was considered not a very bad thing, as matters then went, and board and residence could be had for a moderate figure. The examination was held at the Custom House and conducted by Mr. Cassells (Sub-Collector of Customs) and Mr. Hoddle (Chief of the Survey Department). Nine candidates offered, but the general bad answering reduced them to three, viz., Messrs. Charles Vaughan, H. N. Hull, and G. F. Belcher, amongst whom the "who shall" heat was to be run off. Belcher's was the best all round answering, but there was a particular question of Cassells' which only Hull succeeded in mastering, and upon him victory smiled accordingly. He wasn't long berthed, however, when he obtained leave of absence, and his brother, Mr. W. H. Hull, was appointed *locum tenens*. As the absentee never returned to his post, the temporary incumbency became a permanency, and the Treasury thus, without the virtue of competition, obtained the services of an excellent officer, who for so many years acted as Paymaster at Melbourne, and retired from the Civil Service some time ago. Belcher obtained a Treasury appointment, without competition, the following year, and through intelligence and efficiency, he ascended to some of the highest branches of the official tree. In after time he became Sub-Treasurer at Geelong, where he remained until he resigned to the regret of all ever brought into official relations with him. A consolation stake was also reserved for Vaughan in a clerkship in the office of the Superintendent, where he continued until after the district was separated from New South Wales, when he became a brewer in Collingwood, and was well-known as the Vaughan of Vaughan and Wild, in Smith Street. But a high municipal and political future was in store for Messrs. Belcher and Vaughan, and the Fates shunted them along in similar grooves, for Belcher was the best Mayor Geelong ever had, and Vaughan the most popular Civic Chief that ever "ruled the roost" in the Council Chamber, at Fitzroy. Both of them also found their way into the Legislative Council. Vaughan has long since gone to his last account. Belcher was recognised as one of the most consistent and independent members in the Upper Chamber of our Legislature, until his retirement to private life at Geelong, where he still resides.

The Survey Department.

Mr. Robert Russell was the first man who placed a surveyor's theodolite on the land which was afterwards marked out as the township of Melbourne. After leaving school, as an articled pupil he entered the office of Mr. William Burn, of Edinburgh, probably the first architect of his day, where he remained five years, and according to an indorsement on his indenture in 1828, "he had faithfully and properly conducted himself during the whole of that time." Proceeding to London, he obtained a position in the office of Mr. Nash, the King's Architect, then engaged on extensive additions to Buckingham Palace, whence he passed over to the Irish Ordnance Survey, then being conducted under Colonel Colby, and whilst there, he made himself thoroughly acquainted with the Irish survey. In 1832, rejoining Nash, he formed the acquaintance of Mr. Francis Clarke (one of the best men in the establishment), who was proceeding to New South Wales, and afterwards appointed Town Surveyor of Sydney. Russell also took it into his head to try his fortune in New South Wales, and having strong introductory letters to the Surveyor General (the subsequent Sir Thomas Mitchell), and Chief Justice Forbes, found little difficulty in obtaining an appointment as Assistant Town Surveyor. It was he who surveyed the greater part of the town of Sydney, prior to the issue of Crown grants. He was thus engaged when a Survey Staff was required for Port Phillip, and at the suggestion of Mr. W. W. Darke, one of his colleagues, volunteered to take charge of the branch department. Mr. Russell's "Letter of Instructions" dated 10th September 1836, was a curiosity in its way. Amongst other duties he was enjoined, while travelling "To be vigilant over the conduct of his men; to forbid their straggling or provoking the Aboriginal natives to acts of hostility, and to have no intercourse with them unless in his presence. To concilitate the natives, and for any assistance rendered, recommend them for presents, to the Police Magistrate; also to observe the disposition of the natives, whether ferocious and hostile to strangers, or showing any inclination to friendly intercourse. To state in his reports, as far as he could, the number of each tribe, how armed, and whether for war or merely for the pursuit of game." Mr. Russell and his party arrived in Melbourne in the "Rattlesnake" on the 5th October, and on the 25th he and D'Arcy went to Geelong in the pinnace of the "Rattlesnake," made soundings in the harbour, ascended Station Peak, and took observations. Returning on the 2nd November to the "Settlement," Russell did not remain idle, but made the sketch of unformed and unnamed Melbourne, referred to in Chapter I.

On the 1st January, 1837, Mr. Russell received his appointment as Commissioner of Crown Lands (the first in the colony), and two days after the Police Magistrate wrote asking him, in his new capacity, to settle a mutual complaint from Messrs. Smith and Highett respecting a sheep run on the Salt Water River. On the 20th, the Commissioner replied to the effect that the matter had been arranged by Mr. Highett agreeing to move off the disputed land. This was the first of a long series of squatting altercations which cropped up in the aftertime, and few of them were so amicably adjusted. The Russell party pushed on with their survey business, and, considering the drawbacks, brought on by the exceptional times and circumstances by which it was beset, made reasonably good progress. A change of management, however, occurred in March, when Mr. Hoddle, who accompanied Sir Richard Bourke, was placed in charge, and Mr. Russell, thus relieved, returned to Sydney. There was no incapacity or misconduct alleged against Mr. Russell who returned soon after in the position of Clerk of Works, and the only manner of accounting for the transfer made in the Survey branch, is a presumption that Sir Richard Bourke wished to replace Mr. Russell by an officer, ranking higher in the service both by seniority and departmental status. If not this, some unexplained undercurrent of favouritism must have effected the removal of an officer for another in no way his superior in professional ability. Mr. Robert Hoddle, consequently, succeeded as Principal Officer of Surveys and Crown Lands Commissioner, and also acted as the first Government land sale auctioneer, but this did not prevent him doing a little in the land-buying way himself, for he one day ventured to bid for the two half-acre lots extending from Bourke to Little Collins Streets, at the west side, and, being the highest figure, knocked them both down to himself for £54—the best bid he ever made in his life. He had also the good sense to stick to them through all the monetary manias in the colony, and the consequence is they are now a mint of money in themselves. Born in London, he was, in 1811, attached to the Engineer Corps of the Military Service, and passed many years of his professional life at the Cape of Good Hope. Arriving in New South Wales, he was appointed Assistant-Surveyor by Governor Sir

Thomas Brisbane in 1822, and was promoted to an Assistant-Surveyorship in 1828. Mr. Hoddle had anything but a sinecure, for as a taste of blood only whets the lion's appetite for more, the proceeds of the early land sales stimulated the Sydney Government to press land into the market, and between the demands of the Executive, the "earth hunger" created by increase of population, and the rage for land speculation, the hands of the survey staff were kept full for some years. At the end of 1840, Mr. Hoddle and the new Sydney Governor (Sir George Gipps) had some misunderstanding, whereupon Hoddle sent in his resignation, a step so much regretted that measures were taken to present him with a testimonial in recognition of the manner in which he had performed his duty, and given very general satisfaction. At this period the department stood thus:—Assistant-Surveyor in charge (Mr. T. S. Townsend), £400 per annum; Assistant-Surveyors, by contract (Messrs. W. W. Darke and H. W. H. Smyth), at 20s. per mile for land and allotments, and 30s. for rivers and ranges; Draftsman employed in the field (Mr. T. H. Nutt), £180; Clerk, Mr. D. G. M'Arthur, £200 per annum; *Messenger, 8d. per diem, £12 3s. 4d. per annum; *Three Overseers of Surveying Parties, 1s. each per diem, £54 15s.; with some £2000 for other contingencies.

The Portland Bay district had a Surveyor and Assistant-Surveyor to itself, in the persons of Messrs. C. J. Tyers and E. Kennedy.

In 1841, Mr. Hoddle consented to resume office, and so remained until 1851, when he was nominated Surveyor-General of the new colony, from the service of which he retired in 1853, on an allowance of £1000 a year. During his official career he made many more friends than enemies. He was in his 88th year, enjoying as good health as could be expected at such an advanced age, and from all appearance was likely to score as many years as his mother did, who died at 95; but on the 23rd October, 1881 he unexpectedly succumbed to a severe attack of gout. If it were only for his instrumentality in securing for Melbourne streets ninety-nine feet wide instead of sixty-six, good citizens ought not to grudge him his long life and pension.

The Customs.

Though Mr. R. S. Webb arrived from Sydney as Chief Custom-house officer in October, 1836, there was very little to be seen of a Customs department for years after. A shabby, leaky, comfortless, weather-boarded cabin was shipped piece-meal from Sydney, and this was put on what was then the side of a hill, rear-ward of the present splendid Custom House. Much inconvenience was felt and patiently borne through the fact that Melbourne was not a Free Warehousing port, and public opinion only uttered muffled growls until the 23rd February, 1839, when a "public meeting of merchants" was held in what was known as the long room of Williams' auction mart, "for the purpose of taking measures to procure Melbourne being declared a Free Warehousing port." Mr. Patricius W. Welsh was voted to the chair, and energetic speeches were delivered, brief, pithy, and pointed, by Messrs. C. Williams, J. P. Fawkner, D. S. Campbell, John Hodgson, Arthur Hogue, Captains B. Baxter and Bacchus. Resolutions were passed affirming the purpose endeavoured to be attained, and Messrs. Welsh, Hodgson, Carey, Campbell, and Williams were appointed a committee to prepare a memorial to the Government. A lengthy and elaborate manifesto was the result, which, supported by many signatures, was transmitted to Sir George Gipps in May, and received his approval on the 17th June. The official proclamation took effect in October, and a small party of officers was despatched from head quarters. It consisted of Captain Lewis as Harbor Master, with Messrs. C. H. Le Souef, and John M'Namara as Tide Waiters at Melbourne, and Mr. John Stafford, Landing Waiter at Williamstown. Towards the end of 1838, tenders were accepted by the Government for the erection of a substantial building in lieu of the wooden sentry-box, and the contract signed, sealed and delivered, was received from Sydney on the 14th December by Mr. Robert Russell the then Clerk of Works. Mr. J. J. Peers, once a well-known master-builder, was the contractor, and on the 17th December, Russell thus writes to the Colonial Architect:—"Peers intends to begin the necessary excavations, which will not be great, next week. I have marked out the ground for him." Four days after he again writes on the same subject, and this extract is interesting, as showing how the addition of a new street to Melbourne originated:—"I have

* These Employés were ticket-of-leave prisoners of the Crown, who were paid small gratuities, and the field labourers belonged to the same class.

taken upon myself to fix the site of the building according to the accompanying plan, for I make no doubt a road will eventually be required on both sides of the ground. That which I have marked by dotted lines is leading directly from the freshwater to the Market Reserve, behind Custom House ground. I also think you will agree with me that a Custom House should have a road all round it." Thus was suggested Market Street, which, before that time, was a part of the Custom House Reserve, and the street was proclaimed as such some time after. The new structure was to be a substantial building of brown stone, with slated roof. It was little thought at the time that it need be replaced by another, at least for a century or more. To give room to the builders, the wooden shed was broken up, and the department was moved to a brick cottage not far off in Little Flinders Street. To transact business in this den, a person had to go up a step-ladder from the unmade footway, and, whatever the weather, it was a risky excursion, for if the day were dry and dusty, one might chance to break his neck, and if wet and sloppy, be either drowned or smothered in the surrounding water and mud. Much caution was necessary in either case, but there was generally no hurry or rush of business. During the first week of January, 1840, the concern was bundled away from the step-ladder to the abandoned counting-house of Messrs. M'Cabe and Co., adjoining the William Street side of the Market Reserve, and in a fortnight after it was started afresh from this to a weather-board house belonging to Mr. Reeves, an auctioneer, placed at the corner of Queen and Flinders Streets, and fronting the Yarra. The erection of the Custom House was stayed for want of funds after the foundation was laid, but a fresh vote led to a resumption of the work after some delay. At length the departmental wanderings came to an end, and it found a resting place in a portion of the new building which was completed in fits and starts. At the commencement of 1841 the Customs was a full-blown establishment, its regular staff comprising :—

Sub-Collector, R. S. Webb, Esq., £300 per annum; First Clerk, Mr. Colin Pentland, £130 per annum; Second Clerk, Mr. Neil Mathieson, £120 per annum; Locker at Melbourne, Mr. J. Miller, £250 per annum; Landing Surveyor, Mr. C. H. Le Souef, £200 per annum; Landing Waiter, Mr. C. Neville, £150 per annum; Tide Waiter (vacant), £100 per annum; Landing Waiter, &c., at Williamstown, Mr. J. Stafford, £200 per annum; ditto at Geelong, Mr. J. M. Kinny, £150 per annum; Tide Waiter, at ditto., Mr. T. Butterworth, £100 per annum. Commander of Revenue cutter, "Ranger," S. Karkeek, Esq., 7s. 6d. per diem, with mate 4s., carpenter 3s. 9d., steward, 2s., and thirteen seamen at 2s. each as daily wage with rather moderate ration allowances. The two officers of the cutter had 1s. 6d. each daily as table money, and the Commander, in lieu of coals and oil, £36 per annum. There was also a Customs boat at Williamstown manned by a coxswain at 2s. 6d., with five boatmen at 6d. per day each, and four boatmen were employed at Melbourne at the same rate. These "sixpenny tars" were Crown prisoners who were supplied with the usual scale of rations.

Mr. Webb continued to act as Collector of Customs until January, 1845, when he was removed from office, in consequence of some mismanagement of accounts, which reflected more on his mode of book-keeping than his integrity. He was succeeded by an officer from the Hobartown Customs, Mr. J. H. N. Cassells, who kept the post until his death, after the province was separated from New South Wales. In the course of time, branches of the Customs were established at Geelong, Portland, Belfast, and Port Albert.

THE HARBOR MASTER'S DEPARTMENT, was organised in 1839, and in 1840 consisted of:— Harbor Master, C. M. Lewis, Esq., £250 per annum; Pilots—Messrs. T. H. Sutton, Wm. Timothy, Alex. M'Pherson, and Josiah Trundle at £50 each, £200 per annum; Meteorologist, Mr. Philip Hervey, 1s. 6d. per day, £27 7s. 6d. per annum; Light-housekeeper at Heads (vacant), £100 per annum; Light-keeper and signal man at Williamstown, Mr. A. M'Naughton, £85 per annum.

Provision of £1000 was made for a pilot vessel and two boats; also for other boats, buoys, mooring tackle and sundry contingencies.

In 1841, Mr. Lewis was succeeded by a Captain Gordon who reigned for some time, when he was supplanted by Captain Bunbury, well-known to old colonists.

THE PUBLIC WORKS

Department was necessarily of early formation, and its head was known as the Clerk of Works. The first incumbent was a Mr. C. H. Leroux who also officiated as an assistant surveyor. Soon after his

installation he took so much to tippling, that Captain Lonsdale was obliged to have him removed, and on the 30th March, 1838, was succeeded by Mr. Robert Russell. Leroux, after his dismissal, went so far from bad to worse, that on the 17th August, 1839, at the age of 34, he was found dead in bed, and the next day Melbourne honoured his remains with a numerously attended funeral, considering the number of residents then in town. In overhauling his official papers, Captain Lonsdale and Mr. Russell found, amongst other scraps, a prescription for the concoction of rum-punch which poor Leroux, no doubt, compounded too often, and, unlike ordinary dispensers, always swallowed his own dose. Neither Lonsdale nor Russell ever experimented on the recipe. One of the first things the new clerk set about was the erection of a suitable office for himself, and this was the first Government brick building put up in the province. I have the plan and elevation before me, from which it seems to have been a brick-walled, chimnied, and roof-shingled cottage of one room, 14ft. x 20ft.; and here he settled down to his drawings, but in January, 1839, was compelled to clear out by the Police Magistrate, who required the place as a temporary Police Court, as the usual Court in the Market Reserve was about to be required for Quarter Sessions purposes. This Russell did, though not with the best grace, but the Police Magistrate was also the Commandant, and his commands, whatever they might be, should be obeyed. Some time after the new building was again used as a Clerk of Works' office, but in 1841 it was turned into "chambers" for the first Resident Judge, who used an adjoining brick building as a court-house. Russell soon grew tired of his appointment—and on the 18th June, 1839, he sent in his resignation, and was followed by Mr. James Rattenbury. In 1840 the staff was thus constituted :—Clerk of Works, James Rattenbury, Esq., £185 per annum; Overseer of Works (vacant) 5s. per diem, £91 5s. per annum; Overseer of Roads and Gangs, Samuel Sparkes, £60 per annum; Overseer of Prisoners, Corporal Hawkins (28th regiment), £18 5s. per annum; Gratuities to Military Artificers, £100 per annum; Rations and Clothing to Prisoners of the Crown, £3600 per annum; Tools, building materials and incidentals, £900 per annum.

Up to this period, the Custom House in progress was the only Public work of any consequence, and hitherto the various small jobs in the way of patching and white-washing the several queer hovels in use for public purposes, were mostly executed by ticket-of-leave artisans and handy men. The Custom House was the first regularly contracted-for building, but sums having been voted for the erection of a new gaol and court-house, the Clerk of Works had something in the way of works to look after. Still the duties were of the most mechanical character, for all plans and specifications were prepared in the Colonial Architect's office at Sydney, and shipped away, cut and dry, to Port Phillip, and precious muddles some of the plans and specifications were. Mr. Rattenbury was a common-place, plodding, pains-taking kind of official, but he had the good luck to secure the services of a Mr. Joseph Burns, a smart, practical, wide-awake fellow, who overseered under Rattenbury's superintendence, and Rattenbury comparatively had easy times of it. Rattenbury, though drawing only a rather minimum salary, did well, and prospered, so far as to be able to build houses in Victoria Parade, and became what is conventionally phrased "well-in;" but as time went on, ugly stories crept abroad about his doings with the contractors, his being "palm-oiled" by some, "rowed" by others, and treated in some other way by more. Incriminating letters appeared in the newspapers, complaints were made to the Superintendent, and twice or thrice, private investigations were held, but nothing, so far as the public were aware, had been specifically shown to compromise him. However, for some reason, Rattenbury was removed from office in April, 1846, and succeeded by Mr. Henry Ghinn, a gentleman still alive and respected in Melbourne. The new Clerk's salary was £200 a year, and he had Mr. Burns as next in command at 6s. per day, but there had been attached to the department a bridge branch, with a Mr. David Lennox (appointed in 1844) as superintendent, with £50 per annum more than Ghinn, and a Mr. J. H. Craig as a clerk at 6s. per day. The lunatic asylum at the Yarra Bend had also been commenced, and for superintending the works there, a Mr. James Balmain received a daily wage of 6s. Mr. Ghinn remained head of the department for several years, and was fortunate in rendering satisfaction to the higher powers, and securing the good-will, not only of the contractors, but of such of the outside public as were brought into official intercourse with him. He was conscientious, firm and courteous, and always ready and willing to co-operate in any movement initiated for the welfare of the community. When events rendered a re-construction of this department necessary, he was appointed Colonial architect, which office he held until he retired from the public service.

The Medical Department

had an early origin. Before the arrival of Captain Lonsdale in 1836, there were no Government invalids to be cared for, and even after, the prisoners committed for trial for indictable offences were, until 1839, forwarded to Sydney, as there was no "trying" machinery in Melbourne. The few cases of illness that occurred up to September, 1837, were attended to by our two first physicians, Drs. A. Thomson and B. Cotter; but on the 14th September Dr. Patrick Cussen arrived from Sydney, with the appointment of Assistant Colonial Surgeon, and forthwith entered upon his duties, which, in the course of a few years, became onerous and troublesome to a degree, for he had to attend to the convict employés attached to the several departments; and not the least troublesome, his services were at the call of the Immigrants staying in the depôt or camp prior to their engagement. He was the Public Vaccinator, as small-pox panics occasionally occurred, in consequence of the epidemic showing now and then amongst the Aborigines. Cussen was a white-headed, red-faced, brown-coated, good-humoured, though choleric little fellow, and between the Immigration tents, the Government Hospital, the gaol, and the newspapers, was kept in a chronic state of tribulation. In the early times the wattle and-daub hut, used as a prisoners' lock-up, had to do duty also as hospital—a queer place one would think in which to promote convalescence; but then the patients were numerically so small, that there were never more than one or two beds, or rather shakesdown, required at a time, and often none at all. As to a lock-up, it might be one literally, for the prisoners were locked in there, but the white culprits had little difficulty in breaking out, and the blackfellows incarcerated used to burrow under the slabs forming the foundation. The first institution of this kind was on "the Government block" before mentioned, off the north-west corner of King and Little Collins Streets, and respecting it Mr. Robert Russell thus answered a query of mine: "The building marked 'Temporary Hospital' in the plan was, I believe, used as a lock-up or watch-house, because the same building in my field-book when I surveyed this block is marked 'temporary gaol,' and I know not where else it could have been. It seems to have been doomed to do double or treble duty. I know it was from this building, or one of those adjoining, that the blackfellow scraped his way out, and I also know that it was used as an hospital when Dr. Cussen was the Government doctor; for he sent a sketch which I made of it to Sydney, to show what a hovel it was." Some time after a stone lock-up was erected in the Market Reserve, and a wooden police office, with a couple of skillions put up near it. The Hospital must have followed in their wake, for, in 1839, the *P. P. Gazette* declared it to be "a close, dirty box, about 12 feet square, the adjoining apartment being turned into a waiting and lounging room to the police office!" It was subsequently transferred to a stone cottage in the north-western part of Bourke Street, flanked by an aromatic bye-way known as Shamrock Alley, and as an Immigration Infirmary, found its last abode, singularly too, in the vacated offices of the Superintendent at Batman's Hill. After the convict element ceased to be employed in the town, and the Russell Street prison was opened, the Government Hospital was mostly used by the newly-arrived immigrants, who, as a rule, were robust and healthy, so that for several years the Government Sanatorium was little more than a mythical institution, about which Old Cussen used to fume and fuss, together with a sort of double, named Leary, as his care-taker and shadow; and I really believe that the pair, misled by the power of imagination, sometimes really fancied they had a whole ward full of shadowy invalids to minister to. In 1840 the department stood on the following moderate footing:—Assistant Surgeon at Melbourne, P. Cussen, Esq., M.D., £136 17s. 6d. per annum; Assistant Surgeon at Geelong, Jonathan Clarke, Esq., M.D., £50 per annum; Dispenser, 8d. a day, £12 3s. 4d. per annum; allowance for quarters to the Assistant Surgeon at Melbourne, £50 5s. per annum; provisions and medical comforts, £120 per annum; utensils and hospital furniture, £100 per annum; incidental expenses, £10 per annum.

One day in 1845, Dr. Cussen was nearly killed in my presence under the following circumstances:—Professional duties led me to the new gaol, now the old southern wing of the metropolitan prison, and on admittance I found Cussen and the gaoler (Wintle) in conversation. There was then no Yarra Bend or any other Lunatic Asylum, and the gaol had to serve the purpose of what is now termed an Hospital for the Insane of both sexes. There was a dangerously demented woman confined in one of the cells on the ground floor, and on the invitation of the doctor we accompanied him to see how the poor creature

was getting on. She was a Mrs. Lee, the wife of a Melbourne actor, and went mad under certain pecuniary reverses sustained by her husband. Being a dangerous lunatic, she was "camisoled," and had evidently determined this day to "jacket," in a different style, the first person she got a chance at. Though her arms were made fast, her lower limbs were under no restriction, and as the cell-door was opened by a turnkey who stood behind, the woman was waiting on the spring, and the doctor being the first person to enter, she dealt him such a kick in the abdominal region as knocked all the fussiness out of him for the time, caused him to make a half-back summersault, and fall flat on the flagging. He was removed in a state of semi-unconsciousness, and sent home. When I saw him some days afterwards, in answer to an inquiry as to the state of his health, clapping me on the shoulder, he exclaimed: "Look here, my dear friend, I never had such a narrow shave for it in all my life. By Jove, it will be a caution to me as long as I live." He lived until 1849, when he was succeeded by Dr. Sullivan, who also died in harness, and was replaced by Dr. M'Crea, cashiered a few years ago, who is still alive and hearty, and known, either personally or by repute, to everyone. The Government Medical Department was never a Sybarite couch to any of its occupants. The billet, though warm enough in some respects, had ever a tendency to get too hot. It was hot water with Cussen, it reached boiling heat with Sullivan, and Dr. M'Crea can best tell whether it was frying-pan or fire with him. The life was worried out of Cussen, the early troubles of the Yarra Bend are believed to have shortened the thread of Sullivan's existence; yet M'Crea had the cat-like tenacity of nine lives, for, though he never fattened, he actually seemed to thrive upon what killed others. In this respect he was a living illustration of the adage that "One man's poison is another man's meat."

The Protectorate of the Aborigines.

In January, 1839, four gentlemen arrived from Sydney, charged with the care of the aboriginal inhabitants of the province. They were Messrs. E. S. Parker, James Dredge, William Thomas, and C. W. Sievwright. They brought amongst them four wives, and twenty-two children, equal to five and a half youngsters each. They were appointed to act under the superintendence of a Chief Protector, a Mr. G. A. Robinson, who had acquired considerable experience in dealing with the natives of Van Diemen's Land. Mr. Dredge was soon replaced by Mr. William Le Souef; the province was partitioned between them, and in 1840 the following arrangements existed:—

Chief Protector of Aborigines, Mr. G. A. Robinson; Assistant Protector for the Geelong or Western District, Mr. C. W. Sievwright; ditto for the Mount Macedon or North-west District, Mr. E. S. Parker; ditto for the Western Port or Melbourne District, Mr. Wm. Thomas; ditto for the Goulburn River District, Mr. W. Le Souef; and to enable them to interpose more effectually in disputes arising between the black and white population, they were gazetted Territorial Magistrates. They were thus provided for:—Chief Protector, £500 per annum; Allowance to same for Clerical Assistance, Office, etc., £100 per annum; Four Assistant Protectors at £250 each, £1000 per annum; Allowance to Assistant Protectors each £191 12s. 6d., £766 10s. per annum; Four free Overseers, each £118 5s., £473 per annum; Four free Constables, each £50 3s. 9d., £200 15s. per annum. Total, £3040 5s.

Each Assistant Protector was required to ration and clothe two prisoners of the Crown, out of the £191 12s. 6d.; and these men were his attendants when engaged on travelling duty. An area of ten square miles of country was reserved in each district, which the Assistant Protector was supposed to use as a homestead and agricultural establishment intended to serve as the centre of operations in his district, and as an asylum for such of the Aborigines as were disposed to drop down into a settled life. Agricultural operations were to be carried on at these stations for the exclusive benefit of the natives, of whom such as were able were expected to give an equivalent in labour; the sick, the aged, and young children were to be rationed. For each of the establishments there were furnished two convict labourers, a dray with six working oxen, plough, harrows, spades, and other requisites; but such supplies were distinct from the Assistant Protector's travelling equipment, which consisted of a cart, two men, tents, etc. These establishments were not to interfere with the itinerating duties of the Assistant Protectors; but were meant to render their services more efficient, for they were to go amongst, and sojourn with the native tribes, and

endeavour to prevail upon the natives to adopt some settled mode of existence. It was contemplated to appoint a missionary to each homestead, where the agricultural operations were to be superintended by a free overseer, and the Assistant Protector was to be aided by a free constable, in the performance of his magisterial duties. The Protectorate continued to exist for some years, and certainly never attained the measure of success so sanguinely hoped for by its promoters. The Assistant Protectors were often placed in positions of much difficulty between the white and black population, and in more than one instance, evinced an undue degree of partiality towards their *protégés*, and so extreme an animus in some *inter se* prosecutions for criminal offences, as to excite much dissatisfaction. In the early feuds between the blacks and whites, it must be admitted that the fault was not always on the side of the Aborigines. Ferocious murders, no doubt, were perpetrated by them, but the world will never know the brutal provocations and retaliations that took place.

Crown Lands Commissioners.

As already stated, Messrs. Robert Russell and Robert Hoddle, the two first Principal Officers of Survey, were nominated successively as ex-officio Commissioners of Crown Lands, but on the 1st July, 1840, the Government deemed it advisable to appoint Special Officers, charged with the administration of the Crown Lands Act 4, William IV., No. 10. The province was divided into two districts, viz., Western Port and Portland Bay, the former of which was assigned to the care of Mr. Henry F. Gisborne, and the latter to Captain F. Fyans. The duties of each Commissioner were the exercise of a general supervision over the working of the Act, to determine disputes as to the boundaries of squatters' runs, trespasses, payment of rent, assessment, and matters of a kindred nature. The Act provided for the enrolment of a corps known as the Border Police, to assist in executing the mandates of the Commissioners. Mr. Gisborne soon resigned, left the colony, and was succeeded by the well-known and well-liked Mr. F. A. Powlett. At the end of 1840, the establishment was thus constituted :—two Commissioners, £450 each per annum, £900; two Scourgers, 2s. 6d. each per day, £91 5s.; rations, clothing, and equipments for 20 men, at £40 each, £800; cost of horses, £500; forage and farriery for horses, £1000; conveyance and incidental expenses, £300. Total, £3591.

Let it not be for a moment supposed that the "scourgers" were required to thrash offending squatters into good behaviour. Their "cats" were to tickle the backs of any offending trooper, as the force was composed of prisoners of the Crown. One scourger for ten men would appear to be sufficient; but the second whip was put on probably by way of a demonstration, and to keep the rascally crew *in terrorem*. Besides the floggers were obliged to make themselves generally useful, so that they were not quite sinecurists. This force was disbanded in 1847, with the exception of two troopers to each Commissioner, to facilitate the due, and sometimes undue execution of the law. In course of time the province was cut up into seven districts, and as many Commissioners appointed at a payment of £1 per day. The Commissioners were, with one exception (Major St. John), men who wielded a petty despotic authority with a fair average success; though not without frequent manifestations of discontent from dissatisfied disputants. Some grave mistakes (if nothing more) used to be made by them, a notable instance of which is disclosed in the action of *Sprot v. Fyans*, summarized in another chapter, where a special jury gave a verdict against the official. The many selfish short-comings of Major St. John, will be more than once referred to elsewhere.

CHAPTER VI.

INTRODUCTION OF CIVIL GOVERNMENT: FORMATION AND GROWTH OF THE PUBLIC DEPARTMENTS.—*(Continued.)*

SYNOPSIS:—Henry Batman's Death.—First Chief-Constable.—"The Tulip."—"Dick" and "Charlie."—Royal Mail Hotel: Its First Boniface.—First Fire Brigade.—Sergeant O'Connor as a Thief Catcher.—Dr. Martin and his Medical Certificates.—Mr. Sturt, Superintendent of Police.—The Mounted Police—Native Police; Captain Dana, Commandant.—Postal Department.—The First Post-office Building.—Postal Revenue in 1838.—First Mail direct to England.—First Overland Mail.—Bourke's Mail Reminiscences.—First Overland Mail to Geelong.—First Postmaster.—Mr. Kelsh's Perplexity.—Self-acting Letter Delivery.—Royal Mail Cart.—Cost of Department for 1841.—Sir George Gipps' Visit to Melbourne.—First Overland Mail to Portland.—Semi-weekly Mail to Sydney.—Loss of Mail at Yass.—New Post-office Act.—"Franking" Abolished.—First Issue of Postage Stamps.—First Public Clock.—Greening's Clock Vagaries.—Daily Mail between Melbourne and Geelong.—Overland Mail Robberies.—A Lady's Predicament.—Stripped in the Bush.

THE POLICE FORCE.

THE beginning of our now extensive, complicated, and highly officered police system, is interesting. The first police official was a queerish sort of original, named Joseph William Hooson, selected in Sydney, and arrived in Melbourne on the 5th October, 1836. Hooson was, for some time, a general without an army, as the only police force he had in charge was himself, often a great deal too much for him. He soon passed from having nothing to do, to "out-running the constable" in more senses than one, and at length, after a four months' spell, he got to be so outrageously bumptious that the Police Magistrate "disbanded" him, and on the 7th February, 1837, gave his billet to Mr. Henry Batman (John Batman's brother). Two sub-constables were appointed, and this triad of rank and file was increased at the rate of about one per annum, for in 1839 there were only four policemen, whose special duty it was to keep guard over the lives and property of the Melbournians—though a few mounted troopers were distributed between Melbourne, Geelong, the Goulburn, Broken River, the Ovens, and the Murray. Henry Batman, who was too big for his berth (and died suddenly whilst enjoying a lie down in his bunk early in 1839), was replaced by Mr. William Wright on the 5th August, 1838. Wright was the first person gazetted as a chief-constable in the province. Unless officially, he was never known as William Wright, for he universally went under the *alias* of "The Tulip." Why he was so complimented, I could never make out, unless that he almost invariably wore a green cloth coat, wrought in some rough way after the fashion of the modern paget, and that he had a big bulbous purply face, somewhat carbuncularly inclined. He had a neck nearly as thick as a bullock's, firmly set in a massive frame, which tended towards what is known as a "corporation." Crowned with a cabbage-tree hat, and screwed into a pair of cords or moleskins, and a set of stout riding boots, you had "the Tulip" ready for action at a moment's notice. Wright had brought over from Van Diemen's Land, a familiar acquaintance with convict trickery in all its moods and tenses, and this was of good service to him in dealing with the rascaldom of the time, and the expiree and ticket-of-leave class, from which was generated three-fourths of the crime of forty years ago. If ten years younger and of slighter figure, he would have been an invaluable police officer, and as it was, he was never equalled by any other chief-constable of Melbourne. He was "fly" to every dodge of a reputed or actual rogue, and could scent like a sleuth-hound the trail of the horse or cattle thief, the sly grog seller or the escaped convict. In January, 1840, there were only the chief and eight constables to maintain the public peace, and in January, 1841, the police establishment of the whole province thus appears on the estimates :—

MELBOURNE.

Police Magistrate, Mr. James Simpson, £300 per annum; Clerk to the Bench, Mr. R. Ocock, £150 per annum; Assistant Clerk (vacant), £100 per annum; Chief-Constable, Mr. W. Wright, £100 per annum; District Constable, Thomas Clews, 3s. per diem, £54 15s. per annum; Watch-house-keepers at Melbourne and Williamstown at 3s. each per diem, £109 10s. per annum; Twelve Constables at Melbourne, and one at Williamstown at 2s. 9d. each per diem, £652 8s. 9d. per annum; Scourger, 2s. 6d. per diem, £45 12s. 6d. per annum; allowance for clothing to constables, £65 17s. 6d. per annum; stationery, printing, and furniture, £100 per annum; freight from Sydney and incidental expenses, £80 per annum.

Police Magistrates and stations were also established at Geelong and Portland as early as December 1839, with Mr. N. A. Fenwick as P.M. at the one, and Captain Fyans (soon succeeded by Mr. James Blair) at the other, each receiving £300 a year. Clerks of the Bench at these places had £100 a year salary, the remuneration of the other subordinates was the same, and each locality had its "two-and-sixpenny scourger."

Geelong had to be content with one district and five constables, and Portland with a district and three. The minister of the law's vengeance (known as "the scourger") received a daily wage of threepence less than the ordinary policeman. The office was more of a sinecure than it is now, for the "cattings" were restricted by law to operating on insubordinate convicts, and when called into requisition, certainly never provided anything like sufficient work for so many pairs of arms. As "the scourger" in after years dropped off the estimates, an "executioner" dropped on, but this officer has, for a long time, ceased to be thus officially recognised, the "capital" and flogging services performed being paid out of the incidental expenses of the Sheriff's department. The ordinary policemen of the first few years were mostly a miserable set of broken-down cripples, with an "odd man" never in trouble, occasionally amongst them; but, as a rule, they were mostly convicts free by servitude, with now and then a ticket-of-leave holder. An able-bodied civilian could, and sometimes did, in a very uncivil style, catch one of them in each hand by the collar and pitch him, "neck and crop" into one of the dangerous pools of mud and water, to be found at every street intersection, and the soaked "bobby" would scramble ashore, shake himself, and sneak away showing his teeth, but without either bark or howl. There was one very remarkable mannikin, a sergeant, Charles Swindle (not inappropriately named) a full-blown butty of a personage. He married a smart, stout stump of an immigrant girl, about his own height and make, whose lively proclivities on the voyage out procured for her the *sobriquet* of "Dick." "Charlie," when on his nocturnal rounds, was invariably stealthily followed by "Dick;" and as he was fond of imbibing, when unfit for duty, "Dick" would drag him home, don his clothes, borrow his lantern, and go his rounds. The half a-dozen constables she would have to visit, were generally absent from their posts, or as drunk as "Charlie," and so "Dick" continued for some time to act as her husband's proxy with impunity. One night, however, she met "the Tulip" in her wanderings, when, his sharp eye penetrating her disguise, he marched her off to the lock-up, and charged her with personating, not her husband, but a police officer in the discharge of his duty. The *bonâ-fides* of her motive in trying to conceal the shortcomings of her spouse, was so apparent that the matter was compromised by both "Dick" and "Charlie" being sent about their business. The ex-sergeant did not long survive his downfall, and so he died, and was hardly cold in his grave ere "Dick," now a buxom widow, soon supplied herself with another partner, who, having a little money put by, took her into the country, opened a bush public house, and, after they lived together prosperously for many a year, he left her again a widow, with half a-dozen youngsters, tolerably well provided for. "Dick," I am told, is still alive, and that her life may be a long and merry one is all the ill I wish her. At first there was no set uniform for the constabulary, and, except handcuffs dangling from a leathern belt buckled round the waist, and a staff, half waddy and half bludgeon, no other insignia of their calling was visible about them; but in 1840 an ukase was issued that the men were henceforth to be distinguished by wearing blue jackets, with a red stripe round the left wrist, and yellow vests, head gear *ad libitum*. After remaining in office for three years, Wright resigned in 1841, and was succeeded by a Mr. F. A. Falkiner, a smartish, conceited sort of young man, who had served in the police of a neighbouring colony. The change was not for the public advantage, at least so the police magistrate thought, for, though nothing was ever publicly alleged against Falkiner, Mr. Simpson took such a liking to

"the Tulip" that he procured Falkiner's dispensation and Wright's restoration. This occurred in the beginning of 1842; but "the Tulip" had hardly taken root in its recovered bed when, for some unexplained reason, probably a desire to provide for a hungry place-hunter, it was eradicated by peremptory instructions from Sydney, and a Mr. Charles Brodie made his appearance with the appointment of chief-constable in his pocket. This Brodie was a shrewd, active officer, but too self-opinionated, and often so persistently crotchety that it was trying to the magistrates to bear with him. Simpson had given up the police magistracy by this time, and Major St. John ruled in his place. Brodie so managed to ingratiate himself into the Major's favour as to become his right-hand man, and though no one was more conversant with the black-mailing and present-taking which precipitated St. John's ruin, he was always adroit enough to keep himself uncompromised, notwithstanding the suspicions and rumours of his complicity which were often so rife. After the incorporation of Melbourne, in 1843, there was a disagreement between the Town Council and the Executive about the levying of a police rate, which resulted in the abolition of the police magistracy, the duties of which office were thenceforth, for several years, performed by the Mayor for the time being. The withdrawal of St. John removed Brodie's mainstay, and in 1844 he so embroiled himself with the town magistracy that the Government was asked to remove him. This was done, but in consideration of his standing well at head-quarters, an office becoming every day a necessity was created for his behoof, and he was nominated Chief-Constable of the County of Bourke, then constituted a separate police district. Here he remained for many years, and in time obtained the appointment of keeper of the gaol at Geelong, where he continued, and was superannuated only a few years ago; but he soon made his exit from the world in comparative affluence, having acquired a handsome property in Fitzroy and other places. Mr. William Johnson Sugden came after Brodie as Town Chief-Constable, and held the office for several years, when he retired to commence business as a Boniface in the Royal Mail Hotel (corner of Bourke and Swanston Streets) of which he was the first landlord. He afterwards kept the Bull and Mouth, in Bourke Street, and an hostelry at St. Kilda, but he, too, has gone the way of his predecessor. He was a tall, straight, good-looking man, who strutted like a retired dragoon through the streets. He once served in a cavalry regiment, which accounted for the half-cavalier manner in which he did other things besides walking. He was sheriff's officer when he got the police preferment, and, whilst Chief-Constable, led an active, bustling life of it. He was at times rather impulsive in his duty, and too confident and pretentious in his conduct; was partial to "blowing" about himself, but, on the whole, served the public reasonably well, and gave pretty general satisfaction. He was also the first superintendent of the first fire brigade founded in Melbourne, but in this capacity he never endangered life or limb, nor did anything specially remarkable as a public "extinguisher." In his treatment of the police he was deficient in that sameness of manner so necessary for the maintenance of proper discipline, for one week he would bounce, and the next do the other thing. Sometimes he was over exacting, and at others too indulgent, and many anecdotes used to be told of how he managed his men. As an instance of his occasional consideration for the comfort of his subordinates, the following occurrence may be cited:—One terrible hot-wind day occurred in February, 1847, when the Melbourne police force, consisting of twenty men, rank and file, though not insolvent were personally in absolute "liquidation" from the broiling heat. They would have melted to the wick like a tallow candle, but for the timely interposition of the Chief-Constable (Sugden), who, on the difficulty being represented to him, generously permitted them to keep their dress jackets unbuttoned, and to wear cabbage-tree hats; but they were to be sure and have their numbers exposed, so that the public might be able to recognise their trusted guardians. For this act of grace the expressions of gratitude were loud and long, and Sugden's praises were sung, at all events until a change of weather came. The Corporation was incessantly crying out for more police protection, and the force was slowly and reluctantly increased, both in town and a few places in the country, so that, on the 1st January, 1847, Melbourne had for itself a chief, four sergeants, two watch-house keepers, twenty petty constables, and a messenger. A clothing allowance was also made, but not on a scale sufficient to encourage much extravagance, for it was only sixpence per day for the sergeants, and fourpence for the privates. The County of Bourke had also its chief-constable, two sergeants, twenty-two petty constables, and two watch-house keepers; and though the rural sergeants were allowed the same clothing rate as the town officers, the privates were docked to threepence a day, as it

is supposed, on the plea that it was not necessary for them to make such a "stylish turn out" as the town constables. No clothing perquisite was granted to the chief constables and watch-house keepers, as they were not supposed to go in livery—though certainly the chiefs always appeared in neat uniform coats at their own expense.

As to the peace preservers at Geelong, Portland, Belfast, and Alberton, they were in no way taken into account in the sumptuary regulations. Time and circumstances brought with them a great change for the better, in the size, age and physique of the force, and by the end of 1847 they were a fairly presentable body of men. It was about this time that Chief-Constable Sugden initiated the detective system in Melbourne. There was in the force a Sergeant Maurice O'Connor, a smart, good-looking, long-headed fellow, and Sugden transformed him into a detective corps. This O'Connor has never been excelled in the metropolis as a thief-catcher, and single-handed he did an amount of work which would astonish some of our senior detective officers of the present day. The experiment worked so well that in a few months O'Connor got an assistant. He fell into bad health in a couple of years, and was succeeded by a Mr. Ashleigh, a recent arrival, and was made sergeant of the detectives, increased to five in 1849, but reduced to three in as many months after. Ashleigh remained in this capacity until after the gold discoveries, and no officer of police ever showed better results for what he cost. Sugden, on his retirement to join the Licensed Victuallers, was presented by that brotherhood with a purse of sovereigns as an indication of the sterling esteem in which they held him, though it may be not unfairly rated as a questionable compliment, considering the powers then vested in the Chief-Constable by the Licensed Victuallers' Act. He was succeeded by Mr. Joseph Bloomfield, as it was believed, through the influence of Major St. John, to whom, as Commissioner of Crown Lands, Bloomfield had acted for some time as a clerk and man-of-all-work. Bloomfield was a dashing officer, with less of craft than any who had preceded him. He was too precipitate in his actions, and as Fire Brigade Inspector was a much better leader than Sugden, for when the firemen were in action, Bloomfield would be up a ladder in quick sticks, where Sugden would cautiously keep out of fire. Bloomfield held his police position until 1852, when everything was topsy-turvey in Melbourne, and any person who opened any sort of a grog shanty was sure to make a fortune. Bloomfield got bitten by the mania for money-making, resigned his appointment, and obtained a license for a place known as the Merrijig Hotel, in the northern part of Elizabeth Street; and an evil day was it for him when he did so. For though he made money, he had not acquired the knack of keeping it. He went into excesses and came to grief, was soon far below low-water mark and remained there. Whether he be dead or alive I know not; but he was, in his day, a generous, free-handed man, and there were many who regretted the troubles by which he was overwhelmed.

In 1849 an amusing episode occurred in police economics which should not be overlooked. Some difficulty arose in connection with the medical attendance upon the force, in consequence of the Colonial Surgeon (Dr. Cussen) not deeming its members as included in that category of Government men, for whom he was bound to prescribe, and the difficulty was surmounted by the police agreeing to contribute a certain monthly sum to remunerate a medical officer for supervising their bodily health. There was then in the profession a James Martin, M.D., an easy-going, smooth-faced, smooth-tongued sort of biped, and the police unanimously elected him to be their "medicine man" subject to the recommendation of the Chief-Constable, and the approval of the Mayor, both of which were without difficulty obtained. The new system worked tolerably well for a while, and the constables were much pleased with the affability and skill of their special practitioner, but it was soon found that things went on too smoothly for the patients, and prejudicially for the public. In fact the doctor grew over accommodating, and whenever a sick certificate was asked, he was either too weak-minded, or too good-natured to say no, and, as a consequence, there used to be too many on the sick list, that the Chief-Constable found himself very much embarrassed by the numerical weakness of his staff. It could not be said to be malingering—for no feigned indisposition was necessary to obtain a certificate of "off duty;" it was only to ask the doctor, and get it. So it came to pass that whether a constable was for, or on, or after, a drunken spree, Dr. Martin stood by him, regardful of nothing except the punctual payment of the head-money on the first of the month. The Chief-Constable at length began to be dissatisfied, then grumbled, and next remonstrated ineffectually with both men and medico, but, at last, one night, when twelve men were to form the town night watch, Bloomfield on calling

the muster-roll, found ten of them represented by as many Martin certificates of incapacity through illness: so he put down his foot, and declared that he should thenceforth refuse to "honor the doctors' paper." Great discontent followed, the men grumbled, and Martin blustered, and protested, but when the subject came to be ventilated by Mr. W. M. Bell (the then Mayor) he abated the nuisance by declaring that if this thing were repeated, he would assume that the police as a body were so unhealthy, that they ought to be replaced by healthier men, and he should therefore have a thorough clearing out, and a new force appointed. After this the convalescence of the police improved so rapidly that the Chief-Constable had no further reason to complain. Martin's spell was broken, and the police soon arrived at the conviction that, as they now received no value for their medical money, they might as well save it, and the M.D.'s services were soon dispensed with. There was no police doctor for years after, and then in times, and under conditions such as rendered a repetition of the scheming trick impracticable.

Towards the end of this year, it was decided that the police of the town and district should be placed under the control of an officer of higher rank than Chief-Constable, and after due consideration and care in the selection of a suitable person, the Superintendent of the Colony conferred the office of Superintendent of Police of Melbourne and the County of Bourke, upon Mr. E. P. S. Sturt, hitherto only known as the occupier of a squatting station in the far West, near South Australia. Mr. Sturt assumed office on the 1st January, 1850, was enrolled on the Commission of the Peace for both town and territory, and assigned as visiting magistrate to the gaol, and subsequently to the Penal Stockade, the erection of which was commenced before the year was over. His salary was £400 a year; he was an officer of promptitude and courage, liked by his men, and trusted by the public. In the early days of Pentridge, his firmness and determination did much to suppress more than one incipient prison outbreak, and during the early days of the goldfields he rendered the State good service. As to his after career as Police Magistrate of Melbourne, and the questionable manner in which he was unceromoniously got rid of, it is for others, not me, to write. Towards the close of 1851 it was evident a total reconstruction of the police system of the colony was inevitable, and it was not long deferred.

The Mounted Police.

This force originated in 1836, by the stationing of half-a-dozen mounted troopers at as many points of thoroughfare throughout the province. The paucity of the number operated more in appearance than reality, and did little or nothing in deterring black or white marauders from their evil courses. The number was slightly and slowly increased during the next and subsequent years. In August, 1839, a batch was sent from Sydney, and in 1840 the force was put into something like established shape, and a Lieut. F. B. Russell, of the 28th Regiment, placed in command. His remuneration as such was 6s. per day, and the rank and file consisted of 1 officer, 7 sergeants, 28 troopers, 1 farrier, 1 servant, and a trooper's wi e, as cook and laundress, I presume. They were all rationed at the daily rate of 1s. 6d., and hutted, whilst the sergeants and troopers were clothed at the rate of £5 each per annum. Except the commander and the lady, the rest were mostly ticket-of-leave prisoners, and the sergeants were allowed 2s. 4d. each per day. The privates were divided into 21 mounted and 7 dismounted troopers, the equestrians receiving 1s., and the infantry 6d. per diem, whilst the solitary member of the fair sex was supposed to work without wage, in consideration of a miserable daily dole of 6d., as "grub money." No doubt she managed to make some pickings and to pocket some unconsidered trifles about the encampment. The annual feeding of the men and woman cost £1049 7s. 6d., whilst 29 horses absorbed each 4s. per day, or £2117, in supplies of hay and oats; and though the clothing of the bipeds was done for £175, the saddling and shoeing of the quadrupeds swallowed £272 15s. per annum. The arms and ammunition were rated at £50, stationery at £10, and fuel and light at £40 yearly. This force had barracks and stabling in the Richmond paddock, and was chiefly employed in country duty, as a whole, not giving any extraordinary return for the money spent in its maintenance. Its presence, however, acted to a certain extent as a deterrent of crime in the interior. Seven years after it appears shorn of some of its fair proportions, for Lieutenant Russell and the laundress have disappeared, whilst Lieutenant Mair figures as the commandant; the sergeants have lost one of their number, and the troopers are cut down from 28 to seven. Lieutenant

Mair, a Sergeant Rose, and five troopers are established at Melbourne, whilst such important places as the Goulburn, Broken River and the Murray must be content with a sergeant and trooper; Geelong and Portland with a trooper and a corporal; Port Fairy with only a trooper; and the wild extensive country of Gippsland with—nothing. The gold developments soon rendered a re-organization and considerable increase of that corps necessary, and there was plenty of work for it for several years to come.

Native Police.

So far as actual experiment proved, the Australian Aborigine had not been a successful repressor of black or white outrages, or capturer of criminals. As a police subsidiary the modern black-tracker may be useful, though his powers in the search of white criminals have been much exaggerated. An experiment of this sort was tried in the early days, and, after being tested for years, was given up in despair as an abominable, costly toy, which did more injury than otherwise. In 1840, a notion prevailed that the inauguration of a mounted corps of blackfellows to be used as a supplementary bush police, would be a capital thing and work wonders, especially in the detection of aboriginal evil doers; and accordingly the Legislature of New South Wales voted in the Estimates for 1841, £1000 to start the experiment. This was to be appropriated to the payment of a salary of £100 to a Superintendent, and the balance for rationing, clothing, and equipping thirty-five Aborigines as policemen. The organisation was soon after effected, and the expenditure as usual in all such projects, swelled considerably. Instead of one officer the corps had a 1st, 2nd, and 3rd in command. A depôt or barracks was formed at Narree-Narree-Woran, near the Coran-Warabil Range, some twenty-three miles from Melbourne, in the trans-Dandenong country, and hence it operated for years, making a great noise occasionally, its chiefs quarrelling, and in one instance, as related elsewhere, with nearly fatal results. Periodical excursions used to be taken, "cooked" reports furnished to the Superintendent, any quantity of row and bustle, with little or nothing of utility to show. Instead of the native police "force," this piece of useless extravagance should be called the "farce," for it was actually one, relieved by a touch of tragedy which sent its second officer for years to Pentridge. It went on for some time, and, to add, if possible, to the absurdity, every year lopped off some branches from the main body, whilst increasing the ornamental part until 1847, when the corps actually numbered five white officers to hector four booted and belted blackfellows, the rate of pay graduating from top to bottom at from £5 to 1s. 9d. per week!

The rank and file were thus:—Commandant, Captain H. E. P. Dana, £250 per annum; Second Officer, Mr. W. H. Walsh, £100 per annum; Third Officer, Mr. W. A. P. Dana (the Captain's brother), £60 per annum; Sergeant Henry McGregor, £40 per annum; Corporal, £20 per annum; four Privates (natives) at 3d. each per day.

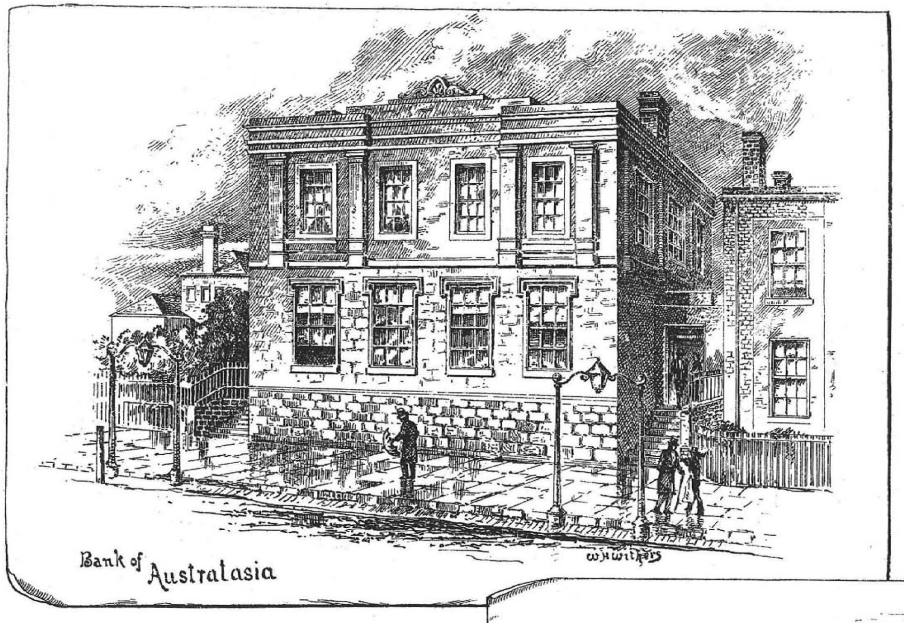
Of course there were, besides, such incidentals as rations, horses, equipments, uniforms, forage, and other etceteras. The nuisance was persisted in until it became simply intolerable, when it was abated, to the regret of no one except the few individuals, black and white, pecuniarily, and even pennily interested. This miserable abortion would soon have died out, but its life was prolonged by the unexpected breaking out of the yellow fever, which so changed everything that the coloured contingent shared the same fate as other branches of the public service in a considerable augmentation.

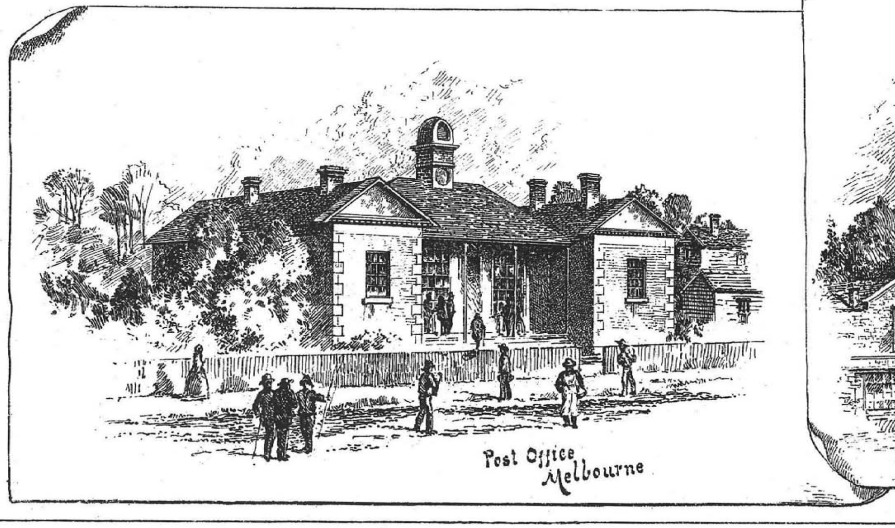
The Post Office: Mails and Mail Robberies.

Nothing in our history can be more amusing than the queer and shabby origin from which has arisen, first by slow gradation, and subsequently by leaps and bounds, the vast, complex, and multifarious system now head-quartered in the expensively ornate pile known as the Melbourne General Post Office. The birth of this institution in Port Phillip is wrapped in a nebula of fable, which it is difficult to penetrate, and though I have been a good deal mystified in groping through the haze, I have no reason to doubt the accuracy of the following narrative. After the first settlement of the province in 1835, the few letters that arrived for the small and scattered population were taken

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Bank of Australasia


Post Office
Melbourne


Mechanic's Hall.

charge of by John Batman, and kept until called for at his house on Batman's Hill. His brother Henry, for a short time in charge of a police force, which could hardly be said to have an existence, then took to looking after the letters until the end of 1836, when this little more than nominal duty was transferred to a person named Foster. At that time a row of small huts extended, at intervals of a few yards, along the ridge in front of the now Scott's Hotel, in West Collins Street, eastward in direction of Queen Street, and one of these—bark-formed, bark-covered, and with a mud chimney, was occupied as the Post Office, and so matters remained for about a year.

In December, 1837, an arrangement was entered into between the authorities in Sydney, and Mr. Benjamin Baxter, to undertake the duties of Postmaster, and the office was forthwith transferred to a brick-nogged, shingle-roofed, two-roomed cottage, rented from Mr. J. P. Fawkner, and situated off the line of Flinders Street, eastward of the now Royal Highlander Lane. Baxter received £150 a year for so doing, out of which he had to pay the landlord's rent; and there he not only kept the Post Office, but resided also with his wife. When it is taken into account that the whole postage income for the following year (1838) averaged only £8 per month for the first half, and £17 per month during the remainder, or in all £150—just the sum paid to Baxter—it will be admitted that the Post Office began to be a non-self-supporting establishment at an early period. The brick-nogged cabin was embedded in a dense ti-tree scrub, with a narrow approach, half cleared in front, and this thoroughfare was in a chronic state of mud or water. In wet weather it was unapproachable, unless over a rough causeway of stumps, on which one had to tread warily as if crossing a stream by uneven stepping-stones, and if you looked either to the right or the left, you risked a possible dislocation or a dipping. The Postmaster was an ex-Captain of the 50th Regiment, a smart, gay, good-looking fellow, more at home in the club-room, on the race-course, or running private theatricals, than in the Post Office hole, and the sorting and delivery business consequently, in the main, devolved upon his wife, who was much more complaisant and civil-tongued to her window visitors than some of our young lady hands are said to be now-a-days. The hours of attendance were four per diem, viz., from 10 to 12 and 3 to 5, and Mrs. Baxter (who is still alive) got through the work pleasantly enough. It was she who despatched the first mail direct from Port Phillip to England in the "Thomas Laurie," the first wool-laden ship which sailed from the port for London, in January, 1839. A person may form some notion of the postal inconvenience of the period when it is stated that, in 1838, the settlers located in and about the Geelong country, used to be sometimes two months, and longer, before receiving a letter or newspaper from Melbourne, in consequence of "the uncertain and dilatory passage by water"; and to provide, in a partial degree, against such an inconvenience, the proprietors of the *Port Phillip Gazette* offered, if they got fifty subscribers from the complaining district, to forward their journal, by express, once a month, or fortnightly if the stipulated number increased to one hundred. The offer was not accepted, and no facilities for inter-communication were presented until the following year; for though I have read that a Government conveyance was put upon the overland route in 1838, there is such a confusion of dates as places me in considerable doubt about it. In the March of 1839 the Baxters resigned, and the Government prevailed upon Mr. Skene Craig, a merchant, to undertake the Post Office business, and he did so, though it is said he had no relish for the post. It was thereupon moved to Skene's premises, in Collins Street west, at the corner of King Street. At this period the postage of a letter to Sydney was 1s. 3d., and as it was three weeks going, and the answer as many returning, the course of post between Melbourne and Sydney was between six and seven weeks, as compared with our two days now. The first overland mail contractor was Mr. Joseph Hawdon, who (1st January, 1838) commenced to convey it fortnightly between Melbourne and Yass. It was carried on horseback to and from Melbourne and Howlong by his stockman, John Bourke, who for some time acted as mailman, and anxious and miserable times he must have had in his solitary canterings up and down the north-eastern route, in a day when "iron horses," travelling post offices, and itinerant letter-sorters were undreamed of. Bourke's mail reminiscences could recount many a hair-breadth escape by flood and field while riding on Her Majesty's service. He had to camp out at night, swim flooded rivers and creeks, wade saddle-deep through marshes, and, travelling through a hostile

country, literally carried his life in his hand. Once he had a horse drowned under him in the Murray; many a time was he chased by blacks, and on one occasion he fell into an ambush, was surrounded by a mob of yelling savages, who endeavoured to spear him; but, and as if by a miracle, got off "by the skin of his teeth." This John Bourke was afterwards a wealthy publican in Melbourne; but, meeting with reverses, found a refuge in advanced life in the General Post Office, which he recently left on account of his advanced age—an event that was followed by the presentation of an eulogistic address from his late fellow employés. The fortnightly mail was replaced by a weekly one on April 1st, 1839, and the first overland mail between Melbourne and Geelong was started on the 6th June, 1839; Mr. William Wright obtained the contract. The conveyance left Nodin's Store, Market Square, each Wednesday at 7 a.m., arriving at Timm's Store, Geelong, the same evening. Passengers' fare was £2, and luggage per small parcel 2s. 6d. It was not until the 9th September, 1839, that the first regularly appointed Postmaster arrived from Sydney, and another was appointed to Geelong. The former was a Mr. David Kelsh, sour and uncivil, unless to a few recognised magnates of the time. Kelsh's civility was an unknown commodity, and it may be stated that he and his Geelongese colleague, were permitted to whack between them the munificent allowance of £200 per annum, payable as a commission upon the proportion of work done by each. Each of them was allowed the sum of 30s. a year "for light, for sealing, and night duty," but very little could be "cabbaged" out of this liberal extra. The Melbourne "establishment" was removed to a small brick cottage in Chancery Lane, above (now) Temple Court, and the hours devoted to the public requirements were as before, though the postal business was now rapidly increasing. Kelsh was Postmaster, sorter, and window-clerk. The English mails occasionally arriving *viâ* Sydney and direct, were considerable, as compared with the population, and then the delay in delivery was almost unendurable. The newspapers were usually distributed upon a self-acting principle, for they were suffered to deliver themselves, not to the persons to whom they were addressed, but to the friends and favourites of the Postmaster, who had leave to help themselves. The consequence was that by this Liberty-hall way of doing business the few were surfeited, and the general public thoroughly dissatisfied. Heaps of newspapers used to be for days and weeks knocking about unsorted in the Postmaster's room, and when this place was filled they were barrelled in old casks in the yard. If you were unacquainted with him, and unless you found him in a good humour, you might as well expect to knock a newspaper out of a neighbouring gum-tree; but if you belonged to his "set" you had the private *entrée* and could rummage the penetralia, and help yourself to newspapers *ad libitum*, without the slightest appreciation of the obligations of *meum et tuum*. The delivery of letters was extremely unsatisfactory, and many were the bickerings, heart-burnings and disappointments caused by letter miscarriages. But what could poor Kelsh do? He was left to make a one-man fight amidst all his paper troubles. In March, 1840, a private carrier was appointed without responsibility, his remuneration being a penny on each letter or paper, payable by the recipient, who, if he objected to pay, had to go or send to the Post Office for his correspondence; no provision being made for the conveyance of ship mails from the bay to Melbourne, it depended upon the captain's pleasure when he would deliver it, and if the Captain was not sufficiently obliging it did not come for perhaps two or three days; and then as a matter of chance. The inconvenience was first remedied by the public spirit of a person now forgotton—Liardet, the pioneer of Sandridge, who, in April, 1840, offered to bring the ship mails to town; and this he did until the 20th August, when a "Royal Mail" cart commenced to make three trips per diem between Melbourne and Sandridge, carrying mails and passengers—fare for the latter, 2s. 6d. each way.

The overland mails to and from Sydney were subject to frequent delay from floods. Indeed, in those times, many mails would have never reached their destination were it not for the Aborigines about Albury, on both sides of the Murray; for, though in the beginning they would readily murder a mailman if they had the chance, in after years, when the river was flooded, they often lent their canoes and risked their lives in helping the mails to be ferried over.

Kelsh, and his Little Collins Street *régime*, continued to toil and growl together until the following year, when he was allowed a regular letter-carrier at the not very liberal salary of £30 per annum, with a £7 red coat livery; and, though the smart little Hibernian who slipped into the lucrative billet didn't fatten on his screw, changing times saw him comfortably anchored in a public-house, where he dwelt,

and amassed a handsome fortune. The bar practice, as often happens, did not suit his constitution as well as his postal perambulations, and, like many another colonial Boniface, when he made the money he didn't know how to enjoy it, so he withdrew before his time to a quiet corner in the old cemetery, and left to others the enjoyment of the harvest which he worked so hard to secure.

The sum appropriated for the whole Mail Department of Port Phillip for 1841, was only £2105 10s., and was thus apportioned :—

Postmaster at Melbourne, Mr. David Kelsh, and Deputy-Postmaster at Geelong, Mr. P. M'Keever, commission to be shared between in proportion to the business transacted at their respective offices, £200 ; Letter-Carrier at Melbourne—per annum, £30 ; Conveyance of Inland Mails, £1800 ; Conveyance of Coast Mails, £25 ; Allowance to Masters of Vessels for Conveyance of Letters to and from Foreign Ports, £25 ; Allowance to two Postmasters for Light, for Sealing and Night Duty—3os. each, £3 ; Uniform for the Letter-Carrier at Melbourne, £7 ; Stationery, £8 ; Mail Bags and Boxes, and Incidental Expenses, £7 10s.

It may not be uninteresting to append the rates of postage then chargeable in the province :—

Letters or Packets put into any Post Office for Delivery at such Office, 1d ; For every Letter or Packet under half-an-ounce put into the Post Office to go under 15 miles, 4d. ; under 20 miles, 5d. ; under 30 miles, 6d. ; under 40 miles, 7d. ; under 80 miles, 8d. ; under 120 miles, 9d. ; under 170 miles, 10d. ; under 270 miles, 11d. ; under 300 miles, 1s. ; Each additional 100 miles or part thereof, 1d. ; For Conveyance by Sea to any Colonial Port, 4d. ; and in the same proportion for letters or packets of greater weight, each Ship Letter, in addition to the inland postage, if single, 3d. ; if double, 6d. ; if treble, 9d. ; if quadruple, 1s. ; for every additional quarter of oz., 2d. Colonial newspapers, if put in within seven days of the date, unwritten on and marked "newspaper only," free ; otherwise to be charged as letters. Foreign newspapers, re-posted in the colony, to be charged as letters.

On the 12th August, 1841, Kelsh moved his Post Office from Chancery Lane to a small brick building, specially built for the purpose on the present Post Office site, and he was allowed one clerical assistant. But fresh troubles were in store for him. Sir George Gipps visited Melbourne in 1842, and didn't like how things were going on. So, on his return to Sydney, he sent down Mr. H. D. Kemp to "inspect," and the result was that Mr. Kelsh was suspended, and Mr. Kemp (on a regular salary) succeeded him on the 1st July. The new broom was a vast improvement on the old one. Punctilious, polite, and efficient, Mr. Kemp proved himself worthy of the position, and the public confidence in the department was enlarged.

The district of Mount Macedon was without mail communication until August, 1843, when a post office was established there—fifty-five miles from town—with Mr. C. Wedge in charge. A mail used to leave Melbourne at 10 o'clock every second Saturday morning, and arrive at the Mount at 4 p.m. on Sunday. The return mail started at 6 a.m. on the Wednesday, reaching Melbourne at 4 p.m. on Thursday.

The first weekly overland mail to Portland commenced on the 25th May, 1844.

The salaries for the Melbourne Post Office in 1845 were :—Postmaster, £380 per annum ; two clerks, one at £125, and one at £109 10s. ; with two letter-carriers at 4s. each per diem. There were now fifteen post offices in the district. In the beginning of this year the overland mail to and from Sydney was made semi-weekly.

Much inconvenience and expense was caused to the colonists by a Home postal contract made by the Government, in consequence of which, all correspondence, unless addressed otherwise, was forwarded from Great Britain to Sydney, and the Port Phillip portion thence re-forwarded overland to Melbourne. This entailed sometimes a fortnight's delay, and saddled the recipients with the payment of inland and ship postage. The Town Council had unavailingly remonstrated against the grievance ; and on the 2nd September, 1846, a numerously attended meeting, presided over by the Mayor (Mr. H. Moor), was held, when a strongly-worded petition was adopted, praying for the discontinuance of the conveyance of the English mails in the Sydney contract packets. After further remonstrances from the public and the Press, the iniquitous practice was abandoned.

The now populous two-citied district of Fitzroy-*cum*-Collingwood—a dreary, swampy area of hill and morass—had not only no post office up to the end of 1846, but the ambition of the then few politicians of what the people's agitator of after years—C. J. Don—designated the "purloins," went no further than to secure the services of a letter-carrier for themselves, and for which they struggled loudly and lustily. The so eagerly desired boon was at length granted, and in March, 1847, the first letter-carrier for the then Newtown put in an appearance in the person of a Peter O'Flaherty, a half-wild Irishman, a

compositor by trade, and a well-known identity in the old newspaper offices. Peter was to make two rounds daily from the Melbourne Post Office, and a receiving-box was fitted up at the shop window of a Mr. William Sterry, in Brunswick Street, which the postman was to empty, and thus secure a return cargo for Melbourne. There were no postage stamps then, nor any uniform rate, the letter postage being payable on a graduating scale of from 1d. to 1s. 3d., according to distance, and as only unpaid letters were receivable by the box, Peter's back freight was neither very onerous, nor the advantages of the branch office much of a convenience.

A very valuable mail, which left Sydney for Melbourne on the 23rd May, 1847, was lost in the river near Yass, when both man and horse were drowned. Throughout the whole of this winter much difficulty and danger was experienced in passing the mails between Wodonga and Albury. It never could have been done but for the employment of bark canoes, steered by the blacks, and under the direction of a very active officer of police, known as Sergeant O'Neil.

On the 1st January, 1849, Mr. E. B. Greene, a most efficient mail contractor, started a four-horse coach on the route between Melbourne and Sydney, but smashes and mishaps of some kind or other were the order of every second or third day.

A new Post Office Act came into operation on the 1st January, 1850, when the often abused privilege of "franking" was abolished. Uniform rates of postage were established by which half-an-ounce prepaid letters were to be passed at the following rates:—For delivery not in the town where posted, 2d.; for delivery in the town, 1d. Ship letters, in addition to inland postage, 3d. If not prepaid, double charge —the scale to be increased according to weight. Newspapers, if sent out of the colony, 1d. prepayment, or, in default, to be charged by weight; and no hackney coaches were allowed to ply, or hawkers, newsvendors or strollers to loiter on the pavement near the Post Office under a penalty of £5. There was also a scale for the carriage of packets. Postage stamps were now for the first time issued in the colony, and through an amusing bungle, either designed or accidental, the supplies were non-adhesive, so that a person could not stamp a letter without sealing-wax, gum, glue, paste, or some other equivalent. Some of the newspapers attributed the blunder to the parsimony of the New South Wales Government, through a desire to do the thing as cheaply as possible. The stamps, however, though inferior to the English aritcle of the time, were pronounced superior to those used in Sydney. They were supplied by Mr. Thomas Ham, one of the earliest of our engravers, a brother of the present firm of that name in Swanston Street.

In September, 1850, the Post Office was surmounted with a tower, and Melbourne had the satisfaction of, for the first time, getting the time o' day from a decent town clock, specially imported from England. And here I may dovetail a historiette of the first public clock in Melbourne. This horological machine was purchased in 1840, under difficulties described elsewhere, and in 1841 was made a fixture in the top of the building. It was placed under the superintendence of Mr. Joseph Greening, a watchmaker who kept a small shop in the western part of the now Chancery Lane. He used to divide his time between his mechanical calling and "clerking" at St. James' Church, and the probability is that his skill in chronometry was about equalled by his knowledge of psalmody. However, he had much trouble with his charge, and used to be sadly put about by its vagaries. The principal trait in its bad behaviour was the bad hours it kept, sometimes jumping forward half-an-hour at a time, and the next day limping as if on crutches. It was the worry of Greening's old age, and to make confusion worse confounded, the Post Office authorities used to humour the eccentricities of the versatile time-keeper by regulating the mail hours according to its crotchets. Often it would be a quarter of an hour slow in the morning and three-quarters fast in the evening, and *vice versâ* a day or two after, and the window was opened and closed, and the mails delivered or despatched accordingly. One day in February, 1847, the guardian of the clock was in a terrible state of consternation, for both he and his ward lost their heads altogether. Greening ran about everywhere, declaring that he had no artificial horizon wherewith to ascertain the real time, and as the clock was equally confused, it could not help him. At length the so much needed horizon was found, and the town clock had to be put back eighteen minutes seven seconds.

In the course of this year Mr. Kemp was superannuated on the ground of ill-health, and was succeeded by Captain M'Crae, transferred from the Chief Clerkship of the Treasury, to which Mr. W. H. Hull was promoted.

A daily mail between Melbourne and Geelong was commenced on the 1st January, 1851; and on the 29th March a public meeting of merchants and others was held to petition the Queen and the Imperial Parliament for a reduction in the rate of sea-borne letters to the colony. It was then 11d. per single letter, *i.e.*, 8d. to pay in England and 3d. in Port Phillip.

The robberies of inland mails were of such frequent occurrence as to alarm the Banks, and the Superintendent sanctioned a special ship mail between Melbourne and Geelong per the "Aphrasia" steamer, which started from Melbourne at 10.30 a.m. on Thursdays, and returned the day after, more particularly for the transit of bank parcels. As an indication of the postal business in the Melbourne Post Office, the following return shows the number of letters and newspapers despatched to England and foreign parts:—In 1849—38,616 letters, 51,310 newspapers; in 1850—58,723 letters, 41,808 newspapers.

At the end of 1851 the Melbourne staff had been enlarged to:—A Chief Postmaster, £450; Accountant, £215; Clerk, £175; one do. at £125; and eight at £115 each per annum, £920; Extra Clerk, 5s. per diem, £91 10s.; five Letter-carriers, at 4s. each per day, £366; Messenger, 2s. 6d. per day, £45 15s. Amongst the Acts passed by the first Session of the first Legislature of Victoria (1851-2), was one to amend the postal law, and the following rates of postage were legalized:—Town letters, per half ounce, 1d.; ship letters, 3d.; inland letters, 2d. Newspapers within the colony, free, if posted within seven days of publication; but for delivery within the town where posted, 1d.

Overland Mail Robberies.

That this species of outrage should be of frequent occurrence in the early days is not to be wondered at, especially when the unprotected condition of the interior is taken into consideration. The only matter for surprise is that there were not more depredations of the kind.

1. On the 2nd December, 1840, the first robbery of a Port Phillip mail was perpetrated at the Murrumbidgee. It was the Overland *en route* from Sydney to Melbourne, and was conveyed on horseback by one James Spittal. Two armed bushrangers sprang from under cover of a tree, faced the mailman, and swore they would shoot him down unless he stopped and gave up the bags. Spittal saw nothing for it but a speedy compliance, and when the robbers were in possession of their booty they cut the leathers, examined the letters, which they flung aside as refuse, and pocketed their contents. The proceeds seemed to put them in good humour, for they wouldn't let the mailman go until they lighted a fire, made some tea, and told him he could have as many billies of the fluid as he felt disposed to imbibe. No trace was ever after found of the scoundrels.

2. A similar outrage occurred in November, 1845, when the mail from Melbourne to Sydney was stuck up and plundered between Yass and Gunning. Two bushrangers were again the perpetrators. The mailman was not treated to a cup of tea this time, but was threatened with gunpowder of a less agreeable taste, if he didn't make quick tracks at once, and tracks he made accordingly, without as much as bidding his assailants a good-bye.

3. The mail which started from Melbourne to Sydney on the 20th July, 1847, was robbed on the 22nd under the following circumstances:—At 4 p.m., Isaac Barrow, the carrier, started on horseback, with his bags strapped on a led horse, from the Albury Post Office, and rode on to Foote's Creek, some fifteen miles. Here he was pounced upon by two men whom he recognised as Edward Clark and Henry Turner. After a word or two of conversation, one of the fellows seized the bridle of the ridden horse, whilst the other pulled the mailman off. Conducting him and his horses a mile and a half into the bush, they tied Barrow to a tree. Turning their attention to the mail, they cut open several bags (except four packets afterwards found unbroken), and took whatever of the contents they cared for. When they had completed their work, they rode away on the post-horses, without untying the unfortunate man. Barrow struggled hard for his liberty, and an hour's effort set him free, whereupon he doubled back for Albury, and communicated the outrage to the police. Sergeant O'Neil and a trooper went off in pursuit, but some of the Wagga police got the start, by meeting the robbers, and arresting them on suspicion near the station of a Mr. M'Leay, on the Murrumbidgee. O'Neil was within a couple of hours' ride of the scoundrels when they were apprehended. The prisoners were tried at Berrima, and sentenced to fifteen years' transportation.

4. The Overland Mail from Melbourne to Portland was waylaid and robbed near Bacchus Marsh, by two armed bushrangers on the night of the 9th October, 1848. The mailman when he had reached Pyke's Station, was suddenly confronted by two men, who levelled each a pistol at him, vociferating "surrender, surrender!" The mailman paused for a moment to consider what was best to be done, and the robbers, as if enraged at the hesitation, grasped the rein of the ridden horse, and the other discharged a pistol in the mailman's face. The firearm, was believed to have been primed with powder only, as the bodily injuries sustained were limited to a blackened face and scorched eyes. The mailman succeeded in making his escape, and gave information to the police. But this was of little use, as constable Tucker had no horse for pursuit. Warrants were issued, and £30 reward offered. District Chief-constable Brodie, with a couple of mounted police, went tearing away everywhere, but to no purpose. The mail had been robbed of several cheques, acceptances, letters of credit, and bills of exchange. Still no one was arrested on suspicion. Some time after, two persons named White and Sommerset were taken up for other offences. The one was sentenced to penal servitude for burglary, and the other to six months' imprisonment for vagrancy. The police had a firm belief that this pair were the mail robbers, but no evidence was forthcoming to sheet home the charge to them.

5. The mails from Belfast to Warrnambool, due on 22nd February, 1849, were not delivered until next day. When examined by the Post-master he found that the bags had been opened and robbed, and the mail-carrier was *non est.* By some he was put down as a rogue, and by others a fool. Two men were arrested, committed for trial, and convicted. Further particulars of this, and a Portland mail plunder, will be found in a chapter devoted to "Remarkable Trials."

6. An attempted mail robbery was frustrated in a singular manner in 1849. Three of the most daring of the Melbourne thieving fraternity entered into a conspiracy to plunder the Overland Mail from Sydney, when it should arrive on the top of the Big Hill, near Kilmore. Their names were Thomas Mullins, Thomas O'Brien, and Arthur Day, and they set forth on their mission early on the 12th June. They raised supplies by obtaining cash and goods under false pretences from one Leary, a tailor, whose suspicions were aroused, and he took out a warrant for the apprehension of the supposed swindlers. Some of the District police started after the fellows, overtook and made prisoners of them at Donnybrook, and by the time they calculated they would be overhauling the mail-coach on the Big Hill, they were returning in handcuffs to Melbourne. When searched they were well armed. They were convicted and punished for "goosing the tailor," and, while taking it out in durance, the facts connected with the projected mail robbery leaked out.

7. The Melbourne and Sydney Overland Mail was robbed on the 14th March, 1850, a mile and a half from Goulburn in New South Wales. The coach was stuck up by three armed men, who ordered the passengers to alight. These were a constable, a lady, and a Mr. Thompson from the Murrumbidgee, who were spoiled without exception of the contents of their pockets. Clothing was deemed more valuable than cash to bushrangers, but the policeman's uniform would be more an injury than a service, and the mail driver they did not care about stripping. The lady's apparel was useless to them, as stays and petticoats would embarrass more than facilitate predatory operations, but the squatter was comfortably garbed and wrapped up for his trip, and he was commanded to strip accordingly. He was speedily ungarmented as if about to be triced up to the triangle, notwithstanding the vehement Caledonian patois in which he inveighed against such an invasion of all rights of personal property. He was repeatedly ordered to doff the trousers, but here he drew rein, and declared that they might go as far as the waistbelt, but no further. Here he would draw the line certainly (though a leather one), but "he'd be shot," if he parted with his nether remnant of civilization. Shot he was going to be, but for the presence of mind of the lady, who, with a winning smile and silver tongue, pleaded hard on his behalf, though she put the case not so much for him as for herself. She appealed not only to the humanity, but to the gallantry of the robbers, not to strip the man mother-naked, for if so she should herself go mad! To be left in the wild bush with a nude blackfellow, even that she should not so much mind, but to have in her company a Scotchman, without even a shred of breeks or philabeg, as bare as Adam before he took to the tailoring of fig-leaves, would drive her to distraction—why, they might as well think of stripping herself. The picture of the situation, so drawn by the impassioned artist, who wound up with a peroration of hysterics, was so blended with the ludicrous and pathetic, that the thieves burst into a fit of boisterous laughter, and with a few unpolite oaths, declared they

couldn't have the heart to hold out against such persuasiveness, and it was consequently decreed that Mr. Thompson should be permitted to retain his pantaloons. The highwaymen then rode off, across the country, as they thought with all the carriable plunder, but in the hurry and excitement they left the Melbourne mail-bag behind. The coach resumed its journey, with the constable, the lady, and Thompson, the latter coiled up in a cloak belonging to his companion, and reached the next stage without further hindrance, but nothing was ever heard of the robbers.

8. Just a fortnight after, another mishap occurred to the same mail. It reached a place called Tarcutta, when two men, armed to the teeth, leaping out of some brushwood, asked the mail-driver for a light. This was refused, and a couple of pistols were instantly levelled at the driver's head, which caused him to pull up. There was only one passenger, a Mr. Townsend, a surveyor, in the coach, and, whilst one of the robbers kept him and the driver under aim, the other fellow, mounting the box-seat, drove the vehicle for some distance into the bush, when a halt was made, and the work of plundering commenced. The horses were unharnessed and secured, the driver and the surveyor were next pillaged; and Townsend, having no female eloquence as an intercessor, was stripped of every stitch of clothing from hat to boot, and he and the driver lashed with strips of green hide to a coach wheel. The robbers secured the mail bags, and, mounting the coach horses, disappeared after cautioning the tied-up not to attempt to free themselves for a couple of hours at least. After an hour's tugging and striving, the driver loosened his bonds and emancipated the half-perished, shivering Townsend. They made for the next station, several miles off, where they arrived after much knocking about in the darkness, and Townsend hardly able to stand in consequence of his enforced *puris naturalibus*.

9. The Belfast mail for Melbourne starting at its usual hour on the 29th June, 1850, was challenged by an armed bushranger, at Spring Creek, and robbed without resistance. The post was pulled from his horse, and after giving him a kick or two the thief rode away with horse and bags. The outrage was reported to the police, whereupon a Dr. Foster volunteered to accompany Chief-Constable Frizzell in pursuit of the robber, and next day overhauled the fellow near Warrnambool. He had "melted" some of the stolen cheques on the road, and was in merry mood when the Philistines pounced upon him. In his possession was found a considerable share of the contents of the abducted letters but nothing more, and he refused point blank to say how he had disposed of the mail bags. His name was Codrington Revingston, and he was committed for trial, and ordered to be forwarded to Melbourne in the schooner "Cecilia," to sail next morning. He was put on board handcuffed, and in charge of a constable, but during the night the custodian fell asleep, and Revingston watched a favourable opportunity to slip overboard into a boat made fast to the vessel. Though manacled, he managed to get clear of the schooner, and was wafted to land without the aid of either oar or paddle. The noise of the getting away woke the constable, who rubbed his eyes, saw the flying bird, and fired at it without disarranging a feather. The ex-prisoner escaped to the bush, knocked off his irons, lay in wait for the mail of 30th July, and plundered it also. He was never retaken.

10. On the evening of the 8th August, 1850, an attempt was made to stick up the Portland to Melbourne mail, some three miles over the Saltwater River. Two armed men commanded the mailman to surrender; but he broke away, and got off unharmed, though he was pursued for a couple of miles and several shots fired at him, one of which perforated his hat.

11. Codrington Revingston remained at large, unheard of, until November 18th, when he had another shy at the Portland and Melbourne mail. Accordingly at half-past 5 p.m. he intercepted it at Mount Sturgeon, half choked the mailman, secured the bags, and after helping himself, returned the bags to the man, whom he ordered to clear away at once about his business, a mandate that required no repetition to enforce compliance.

12. The mail from Melbourne to Geelong was waylaid about 10 p.m., on the 15th May, 1851, midway between Duckponds and Cowies' Creek. The mail cart carried only the driver and a lady passenger, and it was suddenly challenged by two masked men, shouting loudly to stop. Pistols were levelled, and the driver was ordered to turn off the roadway and proceed towards the beach, the robbers following with presented arms. Drawing in, according to order, under the shadow of a large tree, the driver and the lady were told to jump out, after which the harness was cut and the horses taken out. The robbers

had some rope with them, and out of this and the driver's necktie and handkerchief, and the lady's shawl, scarf and wrapping, sufficient ligatures were fashioned, by means of which the driver was securely bound spread eagle like to one of the wheels, and the fair one harnessed to one of the shafts. Neither man nor woman suffered any further indignity—except that the former was lightened of his watch and a trifling sum of money. The robbers next struck a light, and by the aid of a flickering tallow-fed torch, leisurely cut open the bags and inspected the letters. They annexed what they wanted, left the rest in a heap of *débris*, warned the captives to make no noise, and rode away on the unsaddled cart horses. The mailman, by dint of teeth and fingers and muscular power, succeeded in extricating himself after a couple of hours' hard labour. He then released his companion, and both trudged along on "Shanks's mare" towards Geelong, which was reached about 2 o'clock in the morning. The police were at once made aware of the outrage, and a search party forthwith organised of horse and foot, with maximum of noise, and a minimum of effect.

13. A few days after, the Western mails from Melbourne were bailed up and robbed near the River Leigh, by, as was supposed, the same men. The mail cart was stopped and the driver and two male passengers, not only despoiled of the contents of purses and pockets, and loose wearables, but pinioned with pieces of cordage and handkerchiefs, and pitched into a dry gully a little off the roadside. Two men named Owen Suffolk and Christopher Farrel were arrested on suspicion some days after, and circumstantial evidence, especially the uttering of stolen cheques, adduced, which led to their committal for trial before the Circuit Court at Geelong, where they were convicted and severally sentenced to ten years hard labour on the roads, the first three years in irons.

14. On the 29th June the mail from Colac to Belfast was stopped six miles from the former place by two armed men, who, under threat of blowing out the mailman's brains, forced him to surrender both mails and horses. The mailman was then tied to a tree, and watched by one of the fellows, whilst the other made a leisurely and business-like examination of the contents of the bags. There were cheques and orders representing over £2000 in the letters, but these were not touched, and nothing except bank notes taken. When the inspection was completed the robbers considerately untied the mailman, and taking off the horses, left him lamenting over the violated mail bags with a heap of torn letters and newspapers to give him but cold comfort. It was believed that this robbery had been perpetrated by a gang of desperadoes who had broke prison at Geelong, and the gaol-birds who occasionally got away from the Pentridge Stockade, when it consisted of only a few slab and wooden huts, surrounded by a timber enclosure or palisade.



CHAPTER VII.

THE SUPREME COURT, AND MINOR TRIBUNALS.

SYNOPSIS:—The First Resident Judge.—An Unfortunate Selection.—First Sittings.—Subscribing the Oath.—Judge Willis' Squabbles.—His Suspension and Eccentricities.—The "Gazette," "Patriot," and "Herald."—Shaving an Attorney.—Sir Redmond Barry.—Press-baiting.—Barristers and Stallions.—Bullying an Editor.—A Short Truce.—Fining and Imprisoning an Editor.—Arden's Indictment of Judge Willis.—Arden's Imprisonment and Fine.—A Memorial for Judge Willis' Recall.—Remission of his Sentence.—Assaulting a Judge.—Bullying a Barrister.—Judge Willis and Guy Fawkes.—Dr. Thomson's Imprisonment.—The Judge Cut by the Bar.—A Magistrate Sentenced.—Mr. J. B. Were's Incarceration.—Judge Willis' Removal.—Mr. Jeffcott, Second Judge.—Farewell Dinner to Judge Jeffcott.—Rival Editors.—Judge Jeffcott leaves for England.—His Knighthood and Death.—The Third Resident Judge, Roger Therry.—His Knighthood and Death.—Mr. William a'Beckett's Arrival.—His Newspaper Contributions.—His Panegyric on Corio Bay.—Its Resemblance to Naples.—His Knighthood, Pension, and Death.

TRADE and commerce increased as rapidly as the pastoral resources of the district underwent a continuous process of extension, and it was not long before the existence of a Court, competent to deal with the more important branches of Civil and Criminal jurisdiction grew into an indispensable necessity. A Court of Police and Petty Sessions was established after the arrival of Captain Lonsdale, in 1836; in 1839, the Quarter Sessions were opened; and in 1840, the Court of Requests; but their respective functions were very restricted. The Police Court had ministerial and judicial powers of a certain kind; but the only debts recoverable there were wages claims. The Quarter Sessions possessed a criminal jurisdiction over certain felonies and misdemeanours; but it could not try capital offences; whilst its civil authority was confined to appeals from Petty Sessions; and as to the Court of Requests, it could adjudicate only upon plaints not exceeding £10. The consequence was that no creditor could sue, excepting for trifling amounts, no probate or letter of administration be taken out, no mortgage, conveyance or bill of sale registered, no order of sequestration made, and no person committed for a capital offence tried, other than through the medium of the Courts at Sydney. This question had engaged the attention of the New South Wales Executive as early as 1837; and there was a difference of opinion as to whether a Resident Judge ought to be appointed for Port Phillip, or Circuit Courts be held in Melbourne once or twice a year, to be presided over in rotation by members of the New South Wales Bench. Sir Richard Bourke was favourable to the constitution of a Provincial Judge, and was disposed to appoint as such Dr. Kinchella, subsequently Crown legal adviser of New South Wales. The question was, however, hung up undetermined for some years, but the grievance having been so far intensified as to amount virtually to a denial of justice, had become almost intolerable. Even the Crown was a sufferer, and one case, *Rex v. Whitehead* (a charge of murder), is mentioned, wherein the conveyance of two material witnesses from Melbourne to Sydney and back, cost £115 1s., so that pocket argument conquered at last, and eventuated in the inauguration in Melbourne *anno* 1841, of the Supreme Court, which was an offshoot of the New South Wales judicature, with an exclusive jurisdiction in Port Phillip, subject to the reservation of a power of appeal to the original Full Court. This Law Administering Apparatus was thus composed and compensated:—Resident Judge, the Hon. J. W. Willis, £1500 per annum; Judge's Associate, Mr. H. H. Kitson, £150 per annnm; Clerk of the Court, Mr. H. F. Gurner, £450 per annum; Deputy-Sheriff, Mr. Samuel Raymond, £400 per annum; Crown Prosecutor, Mr. James Croke, £400 per annum; Crown Solicitor Mr. James Montgomery, £300 per annum; with tipstaff, bailiffs, stationery and other incidentals.

The First Resident Judge.

Mr. John Walpole Willis was the first Resident Judge, and, as the sequel will show, a more unfortunate selection could not have been made. He was the son of Dr. Willis (who attended King George III. in his illness), a physician famed for his skill in the treatment of persons afflicted with insanity. Judge Willis was a member of the English Bar, of some standing in Equity business, and possessing official influence, he obtained a judicial office in British Guiana, where he soon so embroiled himself in a public quarrel, that a memorial was presented against him which led to his recall. It was not long before he was gazetted to a Judgeship in Canada, where he clashed with the Governor who suspended him. He threatened legal proceedings, and as a *quietus*, he was next sent out as a Puisne Judge to New South Wales, and so comported himself towards his brother Judges and the Government, that they were only too glad to shift him to Port Phillip when the opportunity offered. He was admittedly a man of much legal acumen, great application and considerable power of composition; but he was impotent to control a bad temper; he lacked dignity, and was capable of being easily prejudiced. Besides, in religion he was a bigot; in politics a partisan; an intermeddler in other people's affairs; and always eager to overstep the bounds of judicial propriety, and dabble in matters not regularly before him. At the opening of each monthly Criminal Sessions when the first twelve jurymen entered the box, it was his wont to address them as the Judges in Great Britain do a grand jury, but unlike them, rarely taking the state of the calendar as his text. His opening orations were always clever, discursive, irrelevant, pedantic, and spiced with pungent personalities. He had an over-weening confidence in his own infallibility, and, as was said of Macaulay, "was so confoundedly cocksure about everything." He was ever in a state of hostility towards some one, whether journalist, magistrate, merchant, barrister or attorney. He constantly urged settlements by arbitration, as if inclined to shirk responsibility; volunteered advice (both on the Bench and off it) to rumoured litigants, and not only received petitions and communications from everyone who chose to so address him but used to act so *ex parte* as to send for individuals complained against, and threaten them with pains and penalties unless they agreed to some compromise. Accompanied by Mr. Samuel Raymond, as Deputy-Sheriff, and Mr. H. F. Gurner, as Clerk of the Court, and Mr. H. H. Kitson, as Associate, Mr. Willis arrived from Sydney on the 9th of March, and on Sunday the 11th, indued in judicial robes, and attended by Mr. Brewster, a Barrister, in forensic costume, was present at divine service in the Episcopalian Church of St. James.

The Supreme Court was opened in a temporary Court-house in Bourke Street for the first time on the 12th April, when His Honor delivered an able address.

The Judge, who was to officiate also as Chairman of Quarter Sessions and Commissioner of Insolvency, had been previously sworn in before His Honor the Superintendent. Mr. Raymond subscribed to the oath as Sheriff, and Mr. James Croke ditto, as Crown Prosecutor; after which, Messrs. Croke, E. J. Brewster, Redmond Barry, R. W. Pohlman and A. Cunninghame were admitted as the first members of the Port Phillip bar, and Messrs. Gurner and Kitson were sworn as officers of the Court. His Honor announced that Dr. W. B. Wilmot, recently appointed to the Coronership, had been sworn before the Superintendent and himself, on a previous day.

The Criminal Sessions being commenced, the first prisoner favoured with an introduction to His Honor was Jeremiah Murphy, charged with stealing 100 shillings, 100 sixpences, and 50 half-crowns, the property of Thomas Halfpenny, at Melbourne, on the 22nd January. He was defended by Mr. Brewster, found guilty, and sentenced to seven years' transportation. The first Civil Sitting began on the 29th April, when there were eleven undefended causes for the recovery of small sums, and one application for probate. Messrs. Barry and Cunninghame appeared as counsel. On the last day of the sitting, 9th May, there was a regular rush of attornies applying for enrolment, and also two barristers.

Judge Willis was destined to have anything but a bed of roses, for the rose-leaves not only crumpled, but were quickly turned into thorns which stung him sometimes to the very verge of distraction. There were three newspapers then published in Melbourne, the *Gazette*, the *Patriot*, and the *Herald*. The *Gazette* and the *Herald* soon opened fire on the Judge, and as the *Patriot* was always in opposition to them, it naturally

took the "other side." His infirmity of temper, and the curious pranks in which he frequently indulged, presented but too many openings for fair and unfair criticism; and such was his irascibility, and so often was the Court the arena of unseemly squabbles, that people who had no business there, attended to see "the fun," for, as there was no theatre in town, Judge Willis was reckoned to be "as good as a play." Some of the attorneys of the period were finished scoundrels, whilst others were the reverse, yet with most of them, good and bad, the Judge was, some time or other, at loggerheads; and he took an early opportunity to exhibit himself against members of the Bar, who certainly gave him no tangible cause of complaint. He contracted an aversion to some of the Magistracy, and by his perverseness obliged Mr. Simpson, the best liked man in the Province, to resign his Police Magistracy. He brow-beat Mr. Brewster into retiring from practice, and there was not another of his Bar, with the exception of the late Judge Williams, with whom he did not come into collision. He carried his Bench scoldings so far that few persons in any position escaped, until soaring for higher prey, he assailed Captain Lonsdale, the Superintendent, the Sydney judges, and even the New South Wales Government; and so, ultimately rushing on his fate, he paid the penalty of his infatuation. Still, he had his good points. He usually leaned towards the poor as against the wealthy, and it was his pleasure to hawk at high rather than low game. He was generous in assigning counsel to prisoners destitute of means, not confining himself to capital charges. Even in civil causes he permitted suitors to apply in *formâ pauperis*, and would request counsel and attorneys to act for them. He would make great efforts to be at times impartial, but his success was a rare exception instead of a general rule. A great stickler for punctuality, he would smilingly strike out the causes if the legal gentlemen retained were half a minute behind time; yet, as he resided at Heidelberg, and was not favoured with a good road, he was often a laggard himself, and was known to keep the Court not infrequently waiting for him. For such intromissions the two hostile newspapers were eternally rating him—whilst the third, in a heavy, lumbering way, rang out in laudation. The warfare was incessant without quarter or truce, and the Judge was so eager for the fray, that he might be described as always in his "war paint." In their encounters neither he nor his antagonists ever seemed to care about observing any recognised rules of fighting, for both he and they struck "below the belt;" they hit out at him right and left, and his punishment was never taken kindly. Aggressive as often as defensive, he cared little how he struck provided he administered a "home" blow. Independent of the two editors, he had many other assailants who adopted indirect modes of annoying him —in fact, he was not unlike a kangaroo perched upon the stump of a tree surrounded by a pack of yelping, biting dogs, at which he used to snarl and snap in return, and, when one of them would approach too near, the "old man" would give him a claw or a hug which he would have reason to remember. As a detailed account of some of Judge Willis's almost incredible vagaries will be found on page 69 of this chapter, only one amusing incident will be introduced here. On the 15th October, 1842, he induced the Rev. A. C. Thomson, Church of England minister, to attend as chaplain at the opening of the Criminal Sessions and offer prayers. His reverence did so, and preceding the Judge to the Bench, there knelt and prayed in approved orthodox fashion, after which he read the proclamation for the suppression of vice, a duty hitherto devolving on the Clerk. Mr. Thomson continued his monthly attendance until the session of February, 1843, when he was unexpectedly absent, a discourtesy that worked the Judge into a furious rage, not abated by the non-attendance of twenty-eight jurymen, who were fined heavily for their default. In the course of the day the Judge was informed that the reason of his chaplain's absence was the celebration of an important marriage, which brooked no delay, whereupon he pettishly exclaimed, "Oh! then I suppose when a lady is in the case all other things must give way." His Honor introduced the custom of Term breakfasts, but when he quarrelled with the Bar, he was left without guests and the "feeds" were necessarily discontinued.

Judge Willis's position was one in which no single person should have been placed. Even a man of much more equable temperament and a more judicial turn of mind, would have had an arduous task to give general satisfaction in the exceptional state of things then prevalent. Assuredly his successors contrived to evade the quicksands by which he was hemmed in, but some of the original difficulties had been cleared away in the meantime. During 1841-3 commercial trading had been greatly overdone, and most of the merchants and settlers of the time had got their affairs into such labyrinths of intricacy and roguery that it became almost an impossibility for any Judge, not gifted with the patience of a Job, to wade through the tangled mazes of chicanery, sharp-practice and swindling disclosed by the *Nisi Prius*, Equity,

and Insolvency suits which engaged the attention of the court. And then Judge Willis had not the advantage of a learned brother on the Bench with whom to confer on questions of doubt or difficulty. Thus the Court in which he presided was the scene of most unbecoming exhibitions: he was never in a state of peace, and the hatchet was never buried. His antagonists goaded him without intermission; but his adherents, though weak in social *status* and influence, kept manfully by him. In November, 1842, a public meeting was convened to express confidence in his administration of justice, but a breach of the peace was anticipated, and the Judge, for once, had the good sense to insist on the abandonment of the project. An address was, however, persisted in, and when three hundred names were appended a deputation waited upon him in Chambers (11th March, 1843), and presented it through Mr. John Bear, a cattle salesman of high repute. The Judge was much gratified by the compliment, and, in replying, intimated that he had written to the Secretary of State for the Colonies, soliciting an inquiry into his conduct. On the other hand, four memorials were transmitted to the Governor, praying for the Judge's recall; and one of them bore the names of 523 persons, including 18 magistrates, with its prayer recommended by his Honor the Superintendent. This occurred in May, by which time the Judge had quarrelled with the Governor, the Executive Council, and the Judges of New South Wales, the Superintendent of Port Phillip, the magistracy, the legal profession, the press, and was otherwise distasteful to more than one-half of the community. His removal was, therefore, inevitable, and how and when it came will be gathered from a report of what occurred on the last occasion of his presiding in Court (25th June, 1843).

Judge Willis was sitting in *banco*, and Mr. Williams had moved for a writ of *Habeas* to bring up a prisoner named Hill, with a view to his discharge from custody. In the course of the argument, the Judge, with accustomed irrelevancy, declared that the Queen could not delegate to any person the power to appoint justices of the peace; and therefore it was doubtful if Governors of Colonies possessed such a power. He cited 27th Hen. VIII. C. 24. Messrs. Croke, Barry and Williams joined in a sort of conversazione, in the course of which the Judge averred that he held his Commission from the Queen direct, and it was only through illness, or absence, the Governor could interfere with the Judges at all. After this digression, the *Habeas* business was resumed, and the Judge was beginning to grow personal in his remarks to the Crown Prosecutor (Croke), when the Deputy-Registrar signalled to him in such a significant manner as induced him to rise and leave the Bench. Returning after an absence of a couple of minutes, His Honor remarked:—"That circumstances over which he had no control had transpired, which will prevent his proceeding any further in this Civil Court. It might have been otherwise had he been sitting in the Criminal Court." He ordered the crier to adjourn the Court, which was done, and then retired; whilst the barristers, attornies, and public also withdrew, wondering what the Judge was going to do next. Their wonderment was soon dispelled by the news that the overland mail from Sydney that morning had brought the Judge's suspension.

This event was the cause of much public emotion, though it hardly surprised any thoughtful person, for the way in which matters had been drifting from bad to worse, rendered the Judge's removal inevitable. The *Gazette* and the *Herald* were subdued in their crowings over their un-benched foe; but the *Patriot* flared up like a maniac, inveighing furiously against the Superintendent and the Governor. It had been more than once broadly hinted, and as often denied, that the *Patriot* was under pecuniary obligations to Judge Willis, and it was not until years after, that the publication of official correspondence revealed the fact that the Judge had lent £1200 at 20 per cent., £550 of which was for the *Patriot* proprietor (Mr. Fawkner), and the residue to accommodate the editor (Mr. Kerr).

The indignation of his party boiled with great intensity, and a requisition was forthwith forwarded to the Mayor to convene a public meeting to protest against the injustice with which they alleged Judge Willis had been treated. The meeting was held at the Mechanics' Institute, and Dr. Greeves appointed chairman, but the proceedings were very disorderly. Resolutions of confidence and sympathy, and an address embodying them were adopted; but the uproar was so loud and incessant that the demonstration could be regarded in no other light than that of a turbulent and rowdy ebullition. During the evening the letter of the Colonial Secretary was read, in which it was stated that so far back as January, the Judge had been warned, and he was removed from office pending the Queen's pleasure. A virulent personal

contention in the newspapers set in, and the controversy was long and bitter. The majority approved the course taken by the Government, and the moderates of both sides concurred in the belief that if some such step had been much further delayed the community would be landed in a state little short of anarchy. The Willisites—a powerful and influential minority—fought bravely for him, backed up by the *Patriot*; whilst the *Herald* was as untiring on the other side—the *Gazette* (with Greeves as a *pro tem.* editor) zig-zagging in a state of oscillation, blowing hot and cold, and qualifying on the morrow the assertion of the day before. The ex-Judge declared he should appeal to Her Majesty in Council—an assurance out of which his adherents affected to pick large crumbs of consolation, and gradually cooled down accordingly.

They professed their confidence that their favourite would be reinstated, and both Sir George Gipps and Mr. Latrobe would be cashiered—not to mention such a trifle as the stern rebuke which Downing Street would fulminate against the Sydney Judges. Two addresses were presented to Mr. Willis prior to his departure. To one were affixed 1425 names and the other was supposed to emanate from settlers resident in various parts of the district. The ex-Judge, throughout all the post-judicial agitation, remained quiescent, and, with his wife and family, sailed on the 18th July, 1843, out of Hobson's Bay, in the "Glenbervie" for London.

The deposed Judge appealed against the action of the Colonial authorities on various grounds, which formed the subject of long, and apparently interminable motions and arguments before the Judicial Committee of the Privy Council, occupying a period of nearly three years. At length, on the 1st August, 1846, judgment was given, reversing the order for the removal of Judge Willis from office, of the 17th June, 1843, on the ground that some opportunity of being previously heard against the amotion ought to have been given him by the Governor and Executive Council of New South Wales; but reporting to Her Majesty as their opinion that the Governor-in-Council had power by law to amove Mr. Willis, under the authority of the 22nd Geo. III., and that upon the facts appearing before the Governor-in-Council, and established before their Lordships, in this case there were sufficient grounds for the amotion of Mr. Willis. The Queen approved, and an order was transmitted from the Secretary of State revoking the appointment of Willis as a Puisne Judge of New South Wales and Resident Judge of Port Phillip. Mr. Willis applied to the Secretary of State for permission to resign his office, for a retiring allowance or pension, and also reimbursement of the expense incurred in prosecuting the suit. To these demands a courteous but decided refusal was given, and all he obtained was—his back pay on account of salary, computed from the date of last payment to the date of the warrant of revokement, and such was given only because of the reversal of the amoval order.

It was a dear quarrel for the colony of New South Wales, for it was paid for to the following tune :—Arrears of ex-Judge's salary, £4862 10s.; Costs paid by Colonial Agent, incurred in defending Sir George Gipps, £865 4s. 2d.; ditto, through postponement on behalf of defendant, £22 12s. 8d.—£5750 6s. 10d.

The unwigged Judge made several efforts to obtain official employment, but the Downing Street authorities, taught by the past, would have nothing to do with him, and he died in 1877.

Eccentricities of Judge Willis.

Judge Willis had hardly settled down on the Bench when he commenced a series of vagaries, altogether unprecedented in any British Court in the world, and utterly subversive of the profound respect which a law-abiding community invariably accords to any high officer of justice. The Supreme Court soon became a laughing-stock with the public who collected there every morning, as if to a free theatre. Not content to deal with things as they came officially before him, the Judge frequently merged the dignity of the dispassionate functionary in the fussiness of the extreme partizan. The Crown Prosecutor he first cajoled, next bullied; and when that official declined to be made a cats-paw any longer, the Judge so brow-beat and insulted him that the Bar indignantly rose in defence of their "father," and one day withdrew *in globo* from the Court-house. Judge Willis began with the attornies, and it must be frankly admitted that a few of these were as sharp practised and unscrupulous rascals as could well be found; but he did not always swoop down upon the real wrong-doers, and in his impulsive rashness the innocent were punished as often as the guilty escaped. His admirers declared that it was his love of justice that

prompted him in his dealing with the supposed professional delinquents, but it might be attributed rather to his love of mischief—an inquietude of mind, and erratic yielding to irascibility. In as many weeks he had half-a-dozen of the attornies pilloried before him for misfeasance of the most fanciful and trumpery character, and he rated them and threatened them, and promised all sorts of pains and penalties if they did not better behave themselves in the future. *Facta non verba* became his motto. He fined Mr. William Meek £5, for putting what he (the Judge) deemed to be a false plea on the files of the Court; and he attached Mr. H. N. Carrington for refusing to produce certain accounts, and render certain explanations in an insolvency matter with which Carrington was connected. The latter respectfully but firmly declined to produce, for what he conceived to be strong legal reasons; but the Judge flew into a passion, and off-hand signed Carrington's commitment. As the difficulty arose out of a civil process, the offender was permitted to confine himself within a specified area of the town, known as "The Rules"; but the Judge was amusingly foiled, for Carrington's house being in West Lonsdale Street, came within "The Rules," and the punishment simply amounted to a compulsory staying at home—a joke which was pointed with much merriment against the Judge. But Willis was equal to the occasion and accordingly ordered Carrington to appear in Court, and sent him to the common gaol for continued contumacy. "The Rules" it should be remarked, comprised a certain portion of the town which the Judge was empowered to proclaim a place where persons subjected to imprisonment for debt might reside upon entering into recognisances not to depart therefrom until legally released. This course was necessitated by the smallness of the gaol, which was inadequate even for criminal offenders.* Carrington was in partnership with Mr. F. L. Clay, and in the office of Carrington and Clay was, as managing clerk, a young man of the not uncommon name of Smith. He was ready of tongue, fluent of pen, and not deficient in pluck. He took up the cudgels on behalf of his incarcerated employer, and printed a letter in one of the newspapers, which the Judge did not at all relish. So ever more when Mr. Smith appeared before the Judge in Chambers, the relations between the pair were not of the most pleasant nature. Once Smith was summoned on a jury, and the Judge ordered him to give evidence in a case on trial; but Smith objected to do so, because he had not been subpœnaed. The Judge, however, insisted, and Smith was forced to go into the witness box; but he had his innings next day, by the publication of a smart, caustic letter. This so riled his Honor, that shortly after, seeing Mr. Clay in Court, he publicly intimated to Clay that the clerk (Smith) would in future be forbidden to transact any business in the Court, and added in a tone of scornful contempt—"that party is too insignificant for an attachment; his law is as absurd and insignificant as himself." The "party" so stigmatised is Mr. J. M. Smith, the well-known legal practitioner in Melbourne. Mr. Smith was admitted an Attorney, Solicitor, and Proctor of the Supreme Court, and he has had a run of paying business to the present day.

Shaving an Attorney.

In the legal profession, *tempore* Willis, was a Mr. Edward Sewell, a dandified solicitor, who attached much importance to the adornments of the outer man. Up to 1851 whiskers were not articles of common wear in Melbourne, and moustachios and beards were unknown, unless with passing visitors from the bush, who periodically burst into town for a spell, and as suddenly burst out again when their cheques were liquefied. The early town colonists were well content with the barefacedness which prevailed in England since the time of William III., and were loth to encumber the human face divine with hirsute protuberances. Sewell sometimes affected the exceptional, and, at the risk of being out of the fashion, aimed occasionally to be out of the common, and took it into his head to create a slight sensation. Accordingly, going into retreat for some time, he emerged unexpectedly from his seclusion, with a fiercely luxuriant moustache, which, if it did not increase admiration of him, certainly rendered him *pro tem* the "observed of all observers." Making for the Supreme Court, he stalked in with the swagger of a half-daft peacock, and gazed with solemn superciliousness around him. The Judge was startled and stared with much wonderment. He wriggled in his seat, and with much difficulty restrained himself until the business in hand was disposed of, and then Sewell, advancing towards the Bench,

* The dimensions and conditions of "The Rules" are given in the chapter on Gaols.

asked permission to appear for a client in an Equity suit, as all the limited Bar had been retained by the other side. The Judge regarded him with astonishment, as if unable or unwilling to recognise him in his disguise. At length he roared out that his Court was not a place for

"A whiskered pandour or a fierce hussar!"

If the person who had spoken was desirous to appear as counsel, he ought to have assumed the semblance of one. As it was, his physiognomical get-up was enough to frighten a man out of his wits! He had better clear out, or he would not be long an officer of that honourable Court. The astounded Sewell, scared by such an unexpected reception, hastily retreated from the precincts of the highly irritated dignitary, and, fearful of being struck off the rolls if he put in a second hairy appearance, dashed away for the nearest barber's shop, submitted to a thorough tonsorial operation, and returned with a face and a conscience equally clear to the presence of the offended impersonation of Justice, where he was received as a repentant sinner, obtained absolution, and was taken (metaphorically) to the Judicial arms.

The late Sir Redmond Barry was one of the first barristers who incurred Judge Willis' ire, and they used to have a set-to now and then; but Barry's imperturbable politeness and equanimity always conquered. In fact, the moral magnetism of the gentleman usually cowed the privileged autocrat. Their first encounter occurred in this wise:—

One day in the month of July, 1841, Mr. Barry was supporting a *demurrer*, when it seemed to the Judge that counsel was cutting it a little too fine in his argument, and he burst upon him with this interruption:

JUDGE WILLIS: "Mr. Barry, sir, I do not wish the justice of any case to be frittered away by such special pleading. If the rules of special pleading adopted in Westminster Hall were to be introduced here, I do not think anyone would understand them."

MR. BARRY: "Perhaps all have not the knowledge of your Honor."

JUDGE WILLIS: "I do not take to myself greater ability than that possessed by members of the Bar, but I might say that I have had more legal experience."

Mr. Barry made one of his most profound obeisances, and the gust blew over.

At the July Criminal Sessions a prisoner was being tried for an assault, and the Judge inquired if the Magistrate before whom the depositions had been taken was in attendance. Committing Justices were bound to be present under 7 Geo. IV., Cap., 64.

THE CROWN PROSECUTOR: "Your Honor, Mr. Simpson, the Police Magistrate, was the Committing Justice in this case, and he is engaged in private business at the Bank of Australasia."

JUDGE WILLIS: "Private business at the bank, Mr. Croke! Private business at the bank! What do you mean? Is that to be taken as an excuse? Private business at the bank, forsooth, and by a man who styles himself, by his own affidavit, Acting Police Magistrate of Melbourne! Private business at the bank, Mr. Croke! Why, if he has no better excuse than that, he is not fit to remain in the Commission of the Peace. Private business at the bank, Mr. Croke, indeed! What next, I wonder?"

At this stage the surcharged choler boiled over in a sharp fit of coughing, and the Judge was obliged, by a strong effort, to save himself from asphyxia.

PRESS-BAITING.

By this time the *Gazette* and the *Herald* had well taken his Honor's measure, and knew accurately the points of his armour through which they could pepper him with their paper pellets, which he soon learned to fear as much as if they were bullets. They had him well in range, and very hot they made it for him. Mythologically they might be assimilated to a couple of scorpions despatched to earth by the Eumenides to torture Judge Willis during his stay in the colony, and they plied their task unremittingly. Scarcely a day passed without the application of a typographical blister to the Judge, and the blistering was anything but a relief to him. Each morning he would arrive in town in high nervous excitement as to what might be in the newspapers about him, and on reaching his Chambers the first order invariably given was—"Bring me the *Gazette* and the *Herald*." Hastily glancing over the contents, if he found anything about himself, he despatched his tipstaff to verbally summon the offending editor, who waited upon him, and got rated, warned and threatened to his heart's content. Such interviews grew so much

into matters of course, as to have all their novelty brushed off; and the first question usually asked by Messrs. Arden or Cavenagh on coming to their respective offices was—"Has the tipstaff been here yet?"

The "Chamber" remonstrances invariably failed in their intended effect, and the stinging of the "scorpions" increased in its acridity. Judge Willis was at length driven to appeal to the Crown Prosecutor for protection, and that officer on the 20th August moved for a rule *nisi* for an attachment against Mr. George Cavenagh, editor and publisher of the *Herald*, for printing in that journal an incorrect report of the remarks of the Judge in respect to the Police Magistrate (Mr. Simpson). This was granted, and Cavenagh was asked to disclose the name of the writer, which he refused to do; but assumed the responsibility of the report objected to, which he declared had not been inserted with any malicious intent. The Judge intimated that he should discharge the rule, and let Cavenagh off this time, telling him, however, that he (Cavenagh) ought to be very thankful for the leniency shown to him.

Barristers not to be Stallion-keepers.

A few days after, Judge Willis one morning read in a newspaper an advertisement announcing to all interested in the improvement of the breed of horses, that *Houndsfoot*, a stallion, would be available for the season at the station of Mr. Cunninghame, on the Goulburn. Jumping at once to the conclusion that the "Cunninghame" so mentioned was the Barrister of that name, the moment the Crown Prosecutor came into Court Judge Willis directed his attention to the astounding notification, and requested to be informed whether it was possible that the proprietor of the stallion could be one and the same person who was an officer of his Court? The Crown Prosecutor assured his Honor that he was quite unable to satisfy him on the point, whereupon the Judge severely reprobated any Barrister who could trade in horse-flesh in a manner so exceedingly derogatory to the respectability of a learned and honourable profession. It subsequently transpired that the owner of *Houndsfoot* and the Goulburn station was not Mr. Cunninghame the Barrister, but that gentleman's brother.

Bullying an Editor.

On the 1st of October the Crown Prosecutor brought under the notice of the Court a letter signed "Scrutator," published in the *Gazette*, in which the writer inveighed against the intermeddling extra-officiousness of the Judge in pronouncing opinions upon matters not judicially before him, his strictures upon the magistracy, the bar, attornies, jurors, and witnesses, and declared such a person altogether unfit for his position, "being in every case so much a creature of deluding impulse." The communication was an able and eloquent production, but much of its effect was marred by the bitter personality with which it was saturated. As a specimen of unmitigated scurrility it would be difficult to find a parallel to this extract:—"The egotism and vanity which actuate his every look and expression have demonstrated that the fountain of his acts is drawn, not from the pure sources of liberal learning and enlightened knowledge, but the sterile rock of ignorance and self-conceit; coupling these with his penurious and miserly habits (for never was he, who, from his position and salary, should be an example of liberality, known to see a friend within his poverty-stricken doors) is he, I would ask, a proper person to have been sent to a young colony as its Judge?" Having read the whole article, counsel moved for a conditional order for an attachment against Mr. George Arden, the registered proprietor of the *Port Phillip Gazette*.

Judge Willis inquired if Arden was in Court, and some person responded that he was at home busily engaged in preparing for the following day's publication.

Judge Willis: "Oh, then, in that case I call upon the Police Magistrate to issue a warrant for his apprehension."

Major St. John, the then Police Magistrate, being in Court, made out and despatched the warrant *instanter*.

Judge Willis declared that had it not attacked his judicial character, he would have treated with contempt a slander emanating from a "ruffian without a name." He entered into a lengthy vindication of

his career, and declared "that where truth prevailed discussion should be as free as the winds of Heaven." As to issuing an attachment himself, he should not do so even had he the power.

Arden made his appearance in the custody of the Chief-Constable, whereupon the Judge signified that he left the Police Magistrate to deal with the prisoner upon the affidavit referred to, which alleged, in deponent's belief, that the letter was a false, scandalous, and malicious libel, written with a view to bring him into contempt and ridicule, and injure him in the estimation of his friends.

The Police Magistrate was joined by some other Justices, and the scene that ensued is thus transcribed from a newspaper of the period :—

MAJOR ST. JOHN : "Mr. Arden, I have consulted with the Magistrates present, and we are of opinion that it is necessary to bind you over to keep the peace, yourself in £400, and two sureties in £200 each."

MR. ARDEN (to the Judge) : "Your Honor will allow me to say a few words."

JUDGE WILLIS : "Not one word ! If you have aught to say, say it on affidavit."

MR. ARDEN : "Your Honor has had every opportunity of vindicating your conduct in your own Court, on your own Bench, retorting upon me in fact ; will you now refuse to allow me an opportunity of vindicating my conduct from the aspersions that have been heaped upon it ?"

JUDGE WILLIS : "Silence ! Another word and I commit you. Take care what you say before me, or I will commit you for contempt. Whatever you have to say, say it on affidavit."

MR. ARDEN : "If I am not to be allowed to speak, why bring me here ? The fairest way would have been to let this case go before a Court in Sydney."

JUDGE WILLIS : "I have no time to go to Sydney ; you may consider yourself fortunate in having escaped so well."

MR. ARDEN : "Will your Honor not let me say a few words ?"

JUDGE WILLIS : "Not one word ! Silence ! or I commit you !"

MR. ARDEN : "What am I to do ?"

JUDGE WILLIS : "Be silent ! Tipstaff ! Do———."

MR. ARDEN : "Your Honor ———."

JUDGE WILLIS : "I will tell you what it is ; one single libel more published in your paper, and your recognizances will be estreated."

Mr. Arden, thus silenced, and apparently much astonished by such conduct, sat down.

Judge Willis then rose, muttered a few inarticulate words to the magistrates on the Bench, and retired to his room.

Mr. Arden then said, as His Honor had left the Court, most likely for the purpose of affording him an opportunity of justifying himself, he hoped the Bench would hear him.

MAJOR ST. JOHN : "I have no objection—."

MR. VERNER : "I think we had better not ; this is not our own Court, Mr. Arden."

MAJOR ST. JOHN : If you will pass your word for your appearance, this case will be deferred till to-morrow morning, when you can come up and enter into the necessary recognizances."

Mr. Arden acquiesced, rose and left the court. His appearance outside was hailed with loud cheers, and the Judge on hearing the noise, rushed in a state of trembling rage from his room on to the Bench, and waving his hand indignantly, his feelings found vent in the following words :—"Tipstaff ! Apprehend them all ! bring them before me ! *all*—if I cannot keep other places so, I will, at all events, take care to keep the precincts of this Court free from insult."

The Judge waited in breathless expectation for the consequences, but the delinquents did not appear and His Honor's order fell impotently to the ground—the extensive body of the "Tipstaff" swayed carelessly to and fro within the confines of his capacious box—and all was still.

On the next day Arden appeared at the Police Court, when there were on the Bench Major St. John, Mr. J. B. Were, and Dr. M'Crae ; and, rather irregularly, Arden was not only allowed to make a statement, but succeeded in getting the case re-opened and the previous day's decision reversed. Messrs. Carrington and Connolly, solicitors, appeared for the defendant. Finally the complaint was dismissed—because the Judge's affidavit did not aver that deponent was in bodily fear of Arden, or that the libel was likely to lead to a breach of the peace. The result was received with loud peals of approbation.

The Court of Quarter Sessions, of which the Judge was chairman, sat on the following Monday (4th July), and its machinery was made available to bring Arden to his senses. The Crown Prosecutor accordingly applied for the issue of a warrant to bind him to the peace, in support of which the Judge (or Chairman) swore an amended affidavit, setting forth that the publication of the libel complained of "was calculated to excite the resentment of deponent's friends, and thereby provoke a breach of the peace." Arden was in attendance, and was ordered to enter into peace recognizances. He then preferred a counter application to have Willis also bound over for the use of "violent, calumnious, and offensive language," but after some discussion the application was refused on the ground that the Bench had not the power to enforce a decision against the chairman. Mr. Carrington next applied for copies of the Judge's two affidavits, but was interrupted by the Chairman re-appearing, and peremptorily commanding the instant adjournment of the Court.

Not many days were permitted to elapse ere the *Herald* was showing up the Judge, both in leader and paragraph, and on the morning of the 8th of July the figure of the well-known "Tipstaff" appeared at the *Herald* office to command the attendance of Mr. Cavenagh to the angry presence of His Honor, who treated his solitary listener to a long talk against a licentious Press, and declared solemnly that the next time the journal transgressed, either through the editor or reporter, he or they should be sent to gaol.

At the opening of the Criminal Sessions on the 15th, the Judge read a lengthy dissertation on libels, censuring Arden in unmeasured terms, and indirectly rating Cavenagh. He wound up by a fulsome eulogy of the Governor (Sir George Gipps), whose arrival in Melbourne was shortly expected, and a most exaggerated panegyric of Mr. Gurner, whom he characterised as

"An honest man, the noblest work of God."

This generous outburst was occasioned by Gurner's contemplated retirement from the Deputy-Registrarship, in which office he had shown himself one of the Judge's most faithful satellites. When the Judge had finished, Mr. Cavenagh, who was in the jury-box, rose and declared that after the remarks which had fallen from the Judge he hoped he should be excused from serving, and Willis, *mirabile dictu!* allowed him to retire.

A Short Truce.

"Like the breeze o'er the seas
Where the halcyon hath her nest."

The gusts of discontent swelling almost to a gale were stilled by the presence of Sir George Gipps, who poured oil on the troubled waters, and during the temporary calm Judge Willis performed an act of grace by annulling the peace-bonds given by Arden, but destroyed its moral effect by an injudicious admonition.

There was quietness for two or three weeks following the departure of Sir George Gipps, but the Court pantomime soon recommenced, and the Judge directed the Crown Prosecutor to proceed against Carrington for what he deemed a gross offence of sham pleading; the squall was suffered to blow away, but not for long. The next deal of cards turned up what the Judge fancied would be a grand trump, *i.e.*—the *argumentum ad crumenam*—and sought to punish the newspaper-men through their pockets. He discontinued subscribing to the three journals. The silliness of this act was ludicrously accentuated by Cavenagh, of the *Herald*, refusing to accept His Honor's discontinuance of that paper without payment of the current quarter's subscription, for which, according to journalistic usance, he was liable. He even threatened to sue the Judge in the Court of Requests; so the back money was paid up and the *Herald* dropped.

The Christmas vacation deprived the numerous Court frequenters of their fun for a few weeks, but the new season set in with renewed vigour. On the 12th February, 1842, there was an Arbitration case at hearing, and the inspection of a deed of partnership in the possession of Mr. Cavenagh, was considered necessary. Cavenagh, happening to be there when the application was made for its production, the Judge ordered him to produce it at once. Cavenagh objected to the peremptoriness of the order. The production of the deed might affect his personal interest, and he asked for the suspension of the mandate until he could consult with his solicitor. The Judge refused to allow even a minute's grace, and the following colloquy ensued :—

JUDGE WILLIS declared Cavenagh's conduct, in refusing to produce the deed, as not according with the station in society in which Cavenagh moved.

MR. CAVENAGH: "I am not ashamed of any act of my life."

JUDGE WILLIS: "Oh! I am sure you are not, for there is no shame in you."

MR. CAVENAGH: "Of course your Honor makes these observations from the Bench, and I am compelled to hear them."

JUDGE WILLIS: "If you say another word I will commit you."

MR. CAVENAGH: "Your Honor has told me so before."

JUDGE WILLIS: "Tipstaff! Tipstaff!"

MR. CAVENAGH: "Your Honor, I beg to state ————"

JUDGE WILLIS: "Tipstaff! I will commit you!"

The Judge looked hastily round for his tipstaff, but found that that functionary had vanished. The hot winds of the Court-house habitually had a parching influence upon the fauces of this worthy, and he occasionally popped out of his box for a "refresher." He was very partial to what is known as a "long drink," and this day he ran off to "wet his whistle" at the "Southern Cross" Tavern, on the opposite side of the street. The Judge used to tolerate his minion's little weaknesses, and by the time he resumed his place, wiping his mouth with his coat sleeve, the Judge had cooled down, and Cavenagh was allowed another day to live.

The next morning, one of the trustees of the party, in whose interest the production of the deed was required, stated that Cavenagh had shown him the deed privately, and he was quite satisfied. The Judge, however, had overnight prepared a long written harangue, which he delivered at Cavenagh for the public delectation, and ended by declaring that if the deed had not been produced, he should have issued an attachment by virtue of which Cavenagh would have lain in gaol to rot until he produced the deed, and no Insolvent Act could get him out.

FINING AND IMPRISONING AN EDITOR.

The Criminal Session was opened on the 15th February, with a review of a recently passed Insolvent Act which entailed a punishment of fifteen years' transportation for fraudulent insolvency. After the Judge had concluded, the Crown Prosecutor moved for a rule *nisi* for an attachment against Mr. George Arden, proprietor of the *Gazette*, for printing and publishing a libellous attack upon the Administrator of Justice. Affidavits were put in from three officers of the Court, Messrs. Gurner, Pinnock, and Kitson, testifying to the propriety of demeanour, dignified conduct, and temperate bearing of the Judge. Pinnock had only just arrived from Sydney, and been installed in the Deputy-Registrarship, and it is difficult to account for such a "clean bill of health" upon any other supposition than that the judgment of the deponents had been warped up by the impulse of personal feeling. Certainly such a certificate of character could, under the existing circumstances, carry no weight with the public, but as for the libel charged, it needed no auxiliary appliances to establish its utter unjustifiableness. *Ex. gra.*, take the following specimens of what it was:—"From the hour when Mr. Justice Willis landed in the colony, his personal behaviour on the Bench has been that of an 'infuriate,' . . . . Can John Walpole Willis stand in the presence of that God whose name and precepts are so frequent on his intemperate lips, and absolve himself from crime past and present—of crime in married life, and in single—of crime in office and at home—of prejudice, passion, and pride—of a ready spirit to lash the faults of those below him, whilst he is wisely cautious of noticing those above him—of hastiness of thought and action—of violence of language, of bitterness of expression, and of thoughtlessness of carriage? Can he *not* absolve himself of all these, and yet will he continue day after day, to satirize, interfere with, annoy, and injure, by every means in his power, the conduct and character of those around him?" The rule was ordered to issue, returnable in four days, and Arden was informed by the Judge that he could be compelled to answer certain interrogatories *in vinculis;* but he would be allowed bail himself in £800, and two solvent sureties in £400 each. It was as a matter of favour he was permitted to answer in recognizances, and not *in vinculis*—and he was to appear on the following day. Messrs. C. H. Ebden and Langhorne, well-known merchants, tendered themselves as

bailsmen, and after a sharp questioning as to their private means, the Judge consented to accept them. On the 16th, Arden surrendered, and a schedule of five interrogatories, with his answers thereto was handed in by the Crown Prosecutor. Nos. 1, 2, 3, were in reference to the printing, publishing, and proprietorship of the *Port Phillip Gazette*, and the answer to each was an expression of belief that there was no legal proof of such under the Newspaper Act. Interrogatory 4 was as to whether Arden was the writer of the libel; and 5—did he, or did he not, cause the article complained of to be printed and published? The answers were substantially the same as to the others, *i.e.*, that there was no legal evidence under the Newspaper Act to obtain a conviction, if he had done so. The answers had been sworn to before Mr. Pinnock, the Deputy-Registrar. The Judge designated the answers as evasive, and deserving the same punishment as a confession. He declared them to be mere subterfuges, and the respondent a miserable, wretched man, who attempted to evade the sanctity and sacred character of an oath by saying "*he believes.*" The papers were handed over to the Crown Prosecutor with the view of having a bill filed for perjury, and Arden was sentenced to twelve months' imprisonment in Her Majesty's gaol, and to pay a fine to the Queen of £300, with further imprisonment until the fine should be paid, the Judge concluding with those significant words :— "This is a personal sentence, and would be a matter of difficulty to be got rid of, even by the Crown, without my assent."

This summary punishment was heard with indignant surprise hard to be suppressed by the crowded Court, wherein Arden's sympathisers mustered in large force. He was at once taken into custody, and accompanied by a large circle of friends escorted to the gaol. The prison being very full Arden was in a few days transferred to the watch-house newly built on the Eastern Market reserve, and here the State prisoner was domiciled and permitted daily to receive visits from his well-wishers.

So arbitrary an exercise of judicial power created much discontent, and a memorial was immediately set rolling praying for the recall of Judge Willis, whose adherents commenced a counter-movement in the guise of an address of confidence. Meanwhile Arden remained incarcerated, suffering much both in pocket and in health. In the month of April, the Judge, moved by some conscientious or other unknown impulse, took it into his head to enlarge Arden. On the 15th, the prisoner was brought up on a writ of *habeas*, when the unexpired term of the imprisonment was remitted, and the fine left to be disposed of by the Executive, Arden to be allowed at large on entering into recognizances pending his appeal to the Governor-in-Council. The Superintendent (Mr. Latrobe) ultimately consented to Arden's discharge on his finding sureties to pay the £300 fine or surrender in a month. The Judge was strongly of opinion that the payment of the fine ought to be enforced, and declared he should so represent to the Governor. Messrs. Cavenagh, of the *Herald*, and Thomas, a merchant, were accepted as Arden's sureties, after a cross-questioning as to their solvency, and he was released. A very influentially signed petition was transmitted without delay to the Governor, praying for a remission of the fine, and much to Judge Willis' chagrin, it was successful.

Assaulting the Judge.

Carrington, the Attorney above referred to, had appealed to the Full Court at Sydney, from a decision of Judge Willis, in a case *Carrington v. Snodgrass*, and it became necessary to serve some legal process on Willis. For this purpose Carrington, accompanied by Mr. C. H. Ebden as a friend, attended at the Court-house on the 2nd August; but the Judge having had some intimation of what was about to happen, declared that he would commit them both for contempt, and was in the act of ordering Ebden's arrest, when the latter got off by making a vague apology, and disavowing any intention of offering disrespect to the Court. After the business was over on the following day, the Judge and the Deputy-Registrar were walking arm and arm in Bourke Street, with the tipstaff moving leisurely behind. When passing by the St. James' Church Reserve, Carrington and Ebden approached, and the former making some remark, either threw or dropped a paper at the Judge's feet, but the Judge declared he had been hit by it. Willis at once ordered their arrest which was effected by tipstaff and a passing policeman, who marched them away to prison. The Judge returned to the Court, and messengers were sent out everywhere to seek the Police Magistrate and either pack or pick a Bench. (By the way Willis always had a Mr. Verner, Mr. Lyon Campbell, and a couple of other J.P's. hovering about him in town, to be prepared to give him a lift out of

any emergency in which he might get fixed, and where their services could be available.) In three-quarters of an hour the Bench were got together at the Police Court, and herein Carrington and Ebden were escorted in like two common malefactors from the gaol. The Crown Prosecutor was also fossicked out, and Judge Willis was in his glory. He charged the defendants with having "unjustifiably and indecently assaulted him. Carrington as principal and Ebden as constructively implicated." The Crown Prosecutor talked hard to sheet it home, and Willis swore that Carrington, though a prisoner in "The Rules," had committed an assault on him. Carrington was told in answer to some observation, "that if he had anything to say it must be in open Court, and immediately after he threw a bundle of papers which hit him (the Judge) on the shoulder, and fell to the ground. Ebden, by his position and demeanour, was countenancing, aiding, and abetting the other." Mr. Barry appeared as counsel for Ebden, and several witnesses were examined, when the case as against Ebden completely broke down. Carrington's defence was that Willis having improperly struck his (Carrington's) name off the roll of Attorneys, and otherwise injured him, he had appealed for redress to the Full Court of New South Wales, and had received some legal process from Sydney to serve personally on Judge Willis. He had written to such effect to his Honor, but his communication was not acknowledged. He had tried to serve the Judge in Chambers, but he was told he could not be admitted, and should see the Judge in Court. In Court the moment the Judge caught his eye, he threatened him with committal for contempt if he only moved a muscle; and so after playing the game of hide-and-go-seek from side to front door and back again until he was tired, he resolved upon serving Willis in the streets and had done so and nothing more. He told the Judge his purpose, and when service would not be accepted, he endeavoured to touch the sacred person with the parchments and this was all. Ebden swore, that on the preceding day, he and Carrington called at the Judge's Chambers, and the papers were offered to the Clerk of the Court in the Judge's room, when the Judge roared out from an adjoining apartment, "Send them away, Mr. Pinnock, send them away and have nothing to do with them." The case was so absurd that the Magistrates could not do other than dismiss it, and the result was cheered uproariously in Court. Ebden afterwards brought an action against Judge Willis for false imprisonment, and obtained damages; but then Willis was not the Judge in his own case, for the trial did not come off until after he had left the district.

It is as well to mention that Carrington's appeal was from a decision of Judge Willis ordering him to be committed under the Insolvent Act. Willis offered no justification whatever, and the appeal was allowed.

Bullying a Barrister.

In the Supreme Court on the 11th November, 1842, an action of *assumpsit* to recover on an overdue bill of exchange was being tried, Mr. Barry for the plaintiff, and Mr. Croke for defendant, when a non-suit was asked for, and during the arguments Willis and Barry did not hit it very well with each other, and indulged in a slight verbal sparring. Mr. Croke persisted in pressing his point, and was replied to by Mr. Barry, who contended that until the plaintiff's right was impugned, he had made out a *prima facie* case, and cited an authority. He was aware the rules of pleading were changed and quite different at the present day.

Judge Willis (sneeringly): "Our rules of pleading at the present day!"

Mr. Barry: "Really your Honor, your manner is so contemptuous towards me that I feel a difficulty in proceeding."

Judge Willis: "Sir, I really cannot allow such behaviour. I shall not suffer any man at the Bar to address me in such terms. I never heard of a Judge being accused on the Bench of treating a Barrister with contempt. I shall not permit it again, so take care or I shall suspend you from practice."

Mr. Barry: "I never in any Court was guilty of intentional disrespect."

Judge Willis: "If you do not conduct yourself respectfully, I shall be compelled to suspend you from practice."

Mr. Barry: "I hope I may be allowed to proceed."

Judge Willis: "I hope for your own sake you will take care how you do proceed, and do so properly."

In a couple of weeks after they had a stiffer tiff over another non-suit, when this "scene" occurred—

JUDGE WILLIS (vehemently): "Mr. Barry, you are misleading the Court, sir."

MR. BARRY: "Really, your Honor, I am undeserving of such an imputation being cast upon me; and I do not think such language should be used towards me when I am only doing my duty towards my client."

JUDGE WILLIS: "Your conduct is most disrespectful to the Court. I must and shall be treated with common decency."

MR. BARRY: "The words I used have been wrung from me."

JUDGE WILLIS: "If you do not know how to conduct yourself, I shall be compelled to take steps to prevent you from practising in this Court until you learn to do so. It is not the first, second, third, or fourth time you have acted most disrespectfully to the Court, and I shall not allow you or any other person to continue to do so."

MR. BARRY: "I have only to say that it was not my intention to mislead the Court."

JUDGE WILLIS: "Sit down, sir, and do not dare to reply upon the Court."

Judge Willis never liked the Hon. J. A. Murray, a member of the Bar, though he was a very general favourite. The latter had taken a trip to Sydney, and it came to the Judge's knowledge that he had been quietly "slating" him at head-quarters; so that the first time Murray showed his nose in Court after, Willis accused him of having made use of a private letter, written to him, which he had shown to the Attorney-General in Sydney.

Mr. Murray protested in the most positive language that could be used that his Honor was doing him an injustice.

JUDGE WILLIS: "I declare, on the honour of a Judge, that what you say is not correct."

MR. MURRAY: "Then I declare, on the honour of a Barrister, that I never did so——"

JUDGE WILLIS: "I shall have no more of the gross manner in which you have chosen to contradict me. What I have said was correct, and I——"

What his Honor intended to have said will never be made clear, for his utterance was cut short by an officer of the Court putting a quaintly-looking addressed letter into his hand. It was hastily opened and glanced through. The Judge, forgetting all about Murray and the Sydney letter affair, turned every colour of the rainbow, and was near going off in a fit of apoplexy, brought on by intense wrath. On recovering something like consciousness, he informed the audience that the letter was the work of some anonymous villain, and sent to worry him. The writer designated the Judge an "old guy," and promised to have him "burned in effigy like Guy Fawkes, before he left the Province; and when this world was gone, and the next come, the Judge should undergo a real, not mimic ordeal by fire, in that over-heated region, where it was believed the original Guido was roasting." The roars of laughter with which this interesting intelligence was received, nearly drove the Judge into a relapse—so, hastily handing the innocent cause of this *faux pas* to the Crown Prosecutor, with injunctions to be sure and discover the writer, he adjourned the Court and hurried home to Heidelberg.

Soon after this, certain irregularities, professional and private, of a Mr. Deane, an Attorney, greatly exercised the mind of the Judge, and one day, from the Bench, he declared that "As to Deane, I have no doubt the mind of that gentleman is in such a state as to incapacitate him for performing any business; but I am afraid he has brought it on himself. From having frequently seen him of late, I verily believe Deane is not in his senses."

DOSING A DOCTOR.

On the 15th April, 1843, as the Court was sitting in Insolvency, and Mr. J. B. Were examining, Dr. Thomson handed a scrap of paper to the witness, which the Judge noticing, he pounced on the poor Doctor in a twinkling. He denounced such conduct as a contempt of Court, and sentenced the Doctor to seven days' imprisonment. Whilst Thomson's warrant of committal was being prepared, the Judge read the intercepted memo., which simply conveyed the impression on the writer's mind of Were's evidence, whereupon Willis declared such an interference with a witness whilst in the hands of the Court, to be

absolutely outrageous, and he increased the sentence from a week to three months. Thomson was then removed, but, in the course of the day, he applied, through Mr. Williams, for permission to apologise, and was brought up for that purpose. He did so by declaring that he had not the remotest intention of contemning or offending the Court; and in ordering his enlargement, Judge Willis pronounced Dr. Thomson to be the last man in the colony who ought to have asked for mercy from him. "The Doctor's meddlesome propensities were known well enough, and they would get him into a scrape some day or other unless he was very careful." The Doctor seemed so astounded that he could not at once comprehend such a caution. He continued standing, as if fascinated, glaring through his spectacles at the now amused Judge, who grinned at him like a Cheshire cat, and such was the *status quo* until some friendly by-standers timidly dragged Thomson off out of the way of further harm.

The Judge Cut by the Bar.

Willis' conduct, both on and off the Bench, continued to add to the daily hostility now fretting like an angry surge around him. He ridiculed the proceedings of the Sydney Judges, and was so infatuated as to drag some of the private dealings of Mr. Latrobe and Captain Lonsdale into publicity in one of his so-called judicial orations. The complaints of his misbehaviour were so frequent and formidable that Governor Sir George Gipps felt it his duty to invoke the intervention of the authorities in Downing Street. One day he indulged in such grossly disparaging remarks upon the Crown Prosecutor that that official at length lost all patience, put up his back, and bowing, left the court, followed by the Barristers. This exodus was endorsed by the publication of a pronunciamento, signed by the entire Bar, viz., Messrs. Williams, Cunninghame, Raymond, Barry, Pohlman, and Stawell, declaring the Judge's remarks to be an unwarrantable attack upon Mr. Croke, and thanking him for the manner in which he had maintained the dignity and privileges of the Bar. The Judge took an early opportunity of making a *viva voce* reply, by assuring his hearers that both himself and the Court could get on very well without a Bar at all. The following day, it was his duty to read in Court a judgment of the Full Court dissenting from a decision of his, and he did so with much unbecoming levity. His reading of passages was accompanied by a running commentary, wherein he mixed up stale jokes with poor chaff, and exhibited himself in anything but an enviable character. The same day the quiet and harmless Mr. Pohlman (so well-known for his inoffensiveness and amiability in after years) ventured, like a stray sheep, into the wolf's den. This was his first appearance there since the presentation of the Croke complimentary address, and the Judge, when he saw him, was on for a row. In a cause proceeding an attorney hastily handed Pohlman a brief, but when he intimated his appearance, the Judge, with what was meant to be a scowl of contempt, exclaimed, "Do you think I am to be made a child of? If you do, you are much mistaken." Pohlman would gently insist that he had a *locus standi*, but was scared almost out of his senses by the Judge furiously vociferating, "I tell you you are not in the case at all, and I do not require an *Amicus Curiæ*. Take yourself away and *cure* somebody else. When I am in need of *your* services I shall send for you. I wonder, after the treatment I have received, you should presume to ask any indulgence at my hands."

An application was made to the Judge for a criminal information against his favourite newspaper, the *Patriot*, for the publication of a very flagrant libel upon Mr. John Stephen, a Master-Mason and member of the Town Council. During the discussion His Honor vented his indignation in the most furious language against his own libellers. "I well know," shouted he, "what it is to be libelled, for I have been repeatedly libelled in that scurrilous paper, the *Herald;* I have placed the matter in the hands of the Crown Prosecutor, who, I hope, may be able to reach the editor. I have been so scandalously libelled in that infamous paper as to make it utterly abominable. I do not care for their libels personally; but only as regards the Judge of this Court."

A Magistrate Incarcerated: a Cumulative Sentence.

On the 2nd June, the cause of *Atkins v. Manton and Co.*, was being tried. It was an action of *assumpsit*, to recover £474 9s. 11d., amount of a promissory note. Mr. J. B. Were, as a Justice of the Peace, sat on the Bench, taking no part in the business, as the trial was before two Assessors, but being

called as a witness for one of the parties, the Judge sharply told him "to go into the witness box: the other witnesses go there, and he must do the same as other people." Mr. Were's condition became anything but a pleasant one. The cross-examination had not proceeded far when the following extraordinary interlude was *improvised* in the day's performance:—

MR. BARRY: "Will you swear that you told Atkins you gave consideration for the note?"

MR. WERE: "I do not recollect."

MR. BARRY: "Will you swear to the contrary?"

MR. WERE: "I cannot do so."

MR. BARRY: "And yet you negotiated the bill?"

HIS HONOR: "This is the most extraordinary *Non mi ricordo* evidence ever given. The witness first swears one thing and then another."

MR. WERE: "Your Honor cannot expect me to swear what I do not know."

MR. BARRY: "Did you make the arrangement yourself, or did you get a person to go between you as in Howitt's case?"

MR WERE: "I presume I made the arrangement myself with Atkins, because neither my brother nor Mr. Dunsford interfered with Rucker's affairs. Will swear that I do not recollect of any conversation taking place with Atkins at the time; nor have I any recollection of where the arrangement took place."

HIS HONOR: "I cannot allow a witness to trifle with the Court in this way."

MR. WERE: "I cannot take it upon myself to say when, where, or how the arrangement was made." * * *

HIS HONOR: You first say the exchange was not made by yourself, but by Dunsford; and then you say it was made by yourself."

MR. WERE: "Will your Honor be pleased to take down in the evidence that I added, I understood from looking over a book at the private counting house, and from which I took a memorandum, that Dunsford was not at Geelong at the time? Will your Honor take down what I have said?"

HIS HONOR: "I shall put you elsewhere directly." (Part of the evidence read by the Judge.)

MR. WERE: "Will your Honor be pleased——"

HIS HONOR: "I shall please to exert my authority over a witness who has prevaricated; and will commit that witness to the Melbourne Gaol for two months for gross prevarication."

MR. BARRY "hoped His Honor would allow the examination to proceed, as by a late Colonial Act he was entitled to have Mr. Were's evidence."

HIS HONOR: "I cannot permit such a witness to proceed further. Sheriff, take him into custody."

MR. WERE addressed Mr. Barry, and handed him a slip of paper. He hoped he would do him the justice of adding to his evidence, the explanation he gave from that note.

HIS HONOR repeated his order to the Sheriff to take the witness into custody. If it had been a poor man who had so prevaricated he should have committed him, and Were's station in life was an aggravation of the offence. Considering the mode and tone of the examination, he (the Judge) should not be doing his duty if he acted otherwise. The whole conduct of the witness was such as merited the strongest reprobation.

MR. BARRY pressed for the benefit of Mr. Were's evidence. He was very sorry indeed.

The Judge rose from his seat to retire to his private room, and as he did so, he, with some sarcasm repeated Mr. Barry's "very sorry indeed;" and just as he was about to disappear, Mr. Were sang out from the custody of the Sheriff, "I dare say you are very sorry indeed," whereupon the Judge turned round, came back to his seat, and looked furiously at the audience. Making an effort to control his feelings, he contrived to say, with enforced calmness, "I thought as I was on the point of leaving the Bench I heard an expression of 'very sorry indeed.'"

A brief pause ensued, during which the Judge glared around, as if intimating to everybody that he was pausing for a reply. Mr. Barry, at length, awoke the deep silence, and declared that he understood Mr. Were to have addressed the words to him. This was corroborated by the Sheriff, whereupon the Judge was mollified, and withdrew from the Court. On his return the case was resumed, and in summing up the Judge declared Were's testimony to be valueless. "The *Non mi ricordo* of Majocci was nothing to be

compared with it; such conduct was most disreputable in a magistrate of the territory, disreputable to him as a magistrate of the town, disreputable to him as a merchant, and disreputable to him as a man. Indeed, it reflected disgrace on the whole Province, for what will the people now think of Port Phillip?"

MR. BARRY "hoped such a general conclusion as unfavourable to the Province would not be drawn."

The Assessors found for the plaintiff, and Mr. Were, all this time in custody in Court, bore his tribulation with much stoicism. After the delivery of the verdict he was even plucky enough to renew the fight, by asking the Judge for a copy of his evidence.

HIS HONOR: "I will not give it to you."

MR. WERE: "Will your Honor allow me to sign it. I do not think it has been taken down correctly."

HIS HONOR: "I can commit you, you know, for another contempt."

MR. WERE: "I do not care! I will still protest against the correctness of the evidence as taken down."

HIS HONOR: "I shall not bandy words with you, and will certainly commit you for another month."

MR. WERE: "I still protest against the registry of that evidence, and I shall do so as long as I stand here."

HIS HONOR: "Let him be committed for three months."

MR. WERE (leaving the Court with the Sheriff), looked towards the Bench, bowed, and said, "I wish your Honor a good morning."

HIS HONOR (Excitedly)—"Let him be committed for four months, for gross contempt."

MR. WERE: "I am obliged to your Honor, for I know that every month you give me will add to the pleasure it gives to yourself."

HIS HONOR: "Let him be committed for another month."

MR. WERE was by this time got to the door of the Judge's room, where he was heard to mutter something indistinctly.

HIS HONOR (in great wrath)—"Then let him be committed for six months."

Before Were had time to continue any further doubtful compliments, and so have his durance prolonged, the Sheriff and some officers of the Court thrust him outside and closed the door. After the lapse of a few moments, the Sheriff re-appeared, and represented to the Judge the very bad accommodation the gaol afforded. He hoped the sentence might not be carried into execution.

HIS HONOR: "Mr. Sheriff, I will not be trifled with any longer. Let the prisoner be removed at once."

And removed he was, to anything but comfortable winter quarters.

Since the foregoing was written the following facts, of which I had no previous knowledge, have been communicated to me:—

Mr. J. B. Were arrived in Melbourne in the latter end of 1839, and, as the bearer of letters from the Secretary of State, would have obtained any Government appointment he might desire, but he settled down to mercantile pursuits, and was a well-known figure in the commercial world. On the 20th July, 1840, he was especially appointed a local magistrate for Port Phillip, and on Judge Willis' arrival in 1841, His Honor and Mr. Were became very close acquaintances. Indeed, Willis, appreciating Were's ready tact and commercial knowledge, liked much to have his assistance at *Nisi Prius* sittings, when most of the causes used to be then tried by a Judge and two Assessors. The *entente cordiale* did not continue long, and was snapped thus:—John Batman had appointed Captain Lonsdale one of his executors, and after the testator's death, Lonsdale irregularly transferred his part of the trust to a Mr. P. W. ("Paddy") Welsh. Willis ferreted this out, and vowed that the first chance he got, he would send Lonsdale to gaol, and leave him there until he turned to a mummy. With exulting voice, and an ecstatic hand rubbing, he used to gloat over what he was meditating to Were, but the latter being on intimate terms of friendship with Lonsdale, did not respond so sympathetically as desired to Willis' charitable anticipations. So they cooled towards each other, and Willis, who was quick in his transitions of temperament, was soon Were's inveterate foe. The action, out of which Were's cross-examination arose on the day he got the six months' dose, was one of a series of legal

proceedings that sprung from a curious monetary transaction known as the "Twelve Apostles," and if Willis had only given him time to answer, he could very satisfactorily have done so, as the question at issue was the consideration given for a certain bill, and the *bonâ-fides* of this could be established beyond a doubt. But the Judge did not want a satisfactory answer, and only hoped to be able to place Were where he so longed to send Lonsdale. Hence the outburst of petulant bullying and the result. Mr. Were, however, only passed one night in the prison, for the small place was so crammed that next day the Judge, on application felt forced, against his will, to permit his enlargement, but confined him within "the Rules." Mr. Were lost no time in bringing his ill-treatment under the notice of the Executive Council, and his memorial was endorsed by a number of very influential signatures. It is stated as beyond doubt, that on its receipt, the very first act of the Council was to pass a resolution removing Judge Willis from office on various grounds—the principal one being his acting oppressively to suitors in his Court, not belonging to that section of the community known as the Judge's sycophants.

The Beginning of the End.

Melbourne was now in the turmoil of its first election of a Legislative Council representative, and its first member did not win his seat without a hard fight for it. The candidates were Messrs. Curr and Condell, and the election was decided more by the religious creed of the man than his political proclivities. Personal feeling and sectarian intolerance mingled their bitter waters to swamp the chance of Edward Curr, whose superiority over the other was never questioned; and Judge Willis, bigot as he was, leaped into the whirlpool, from which he, of all men in the place, should have stood aside. He had the audacious folly to personally canvass the persons with whom he dealt, to vote for Condell, simply because "he was an honest man." In the height of the electioneering campaign, Willis and Curr met face to face at Williamson's drapery establishment, in Collins Street (now Rothschild Chambers), when Willis began a loud gushing canvass for Condell, looking and speaking at Curr all the time. Curr, though an older and more pacifically disposed man, had some notion of subjecting the sacresanct person of the Judge to a taste of corporal punishment, but he prudentially restrained himself, satisfied with hieing off to the Police Court, where he laid his grievance at the feet of the Police Magistrate, and applied for a "protection order" in the form of a warrant to apprehend the Judge, as otherwise a breach of the peace may be provoked. Major St. John would as soon think of jumping into the Yarra as complying, even if he had the clearest perception of his power to do so, for he stood awfully in awe of Willis, though he thoroughly detested him. So the Major pooh-poohed the affair, and Curr's good sense kept him from going any further. This electioneering *escapade* of the Judge was the last straw on the camel's back; but the crowning and most cowardly of all Judge Willis' mad tantrums remained to be enacted at the opening of the Criminal Session on 15th June, 1843. The Crown Prosecutor was obliged to absent himself through severe illness, and though this was known to the Judge, he took the opportunity to publicly blame him for the inefficient manner in which he had discharged the functions of a grand jury, viz., by omitting to find bills in certain cases where there had been open cross-swearing and conflicting affidavits. Some of them he particularised and connected them with the names of Were and Lonsdale. He declared that bills would be found soon enough against poor men, but the rich men were overlooked, and there should not be one law for the rich and another for the poor. If the Crown Prosecutor longer declined doing his duty, it would be for him (the Judge) to make a representation of the circumstance to Her Majesty's Government. "If such cases as these were to be smothered and nipped in the bud, then an end at once to all prosecutions, and an end to all hopes of good faith in the higher ranks of society, and bad faith will be engendered towards the mercantile community."

This was about the last of his public improprieties, for the sands of his official life were running through the glass faster than he expected. He little dreamed at the time that the Executive Parcæ had already pronounced his doom, and that the Atropos, whose scissors were to sever the thread of his judicial existence was then posting hither in the overland mail from Sydney.

Such is an uncoloured *résumé* of some of the almost inexplicable vagaries of the brief reign of the first Resident Judge of Port Phillip, collated, after a flight of over forty years, by the unprejudiced pen of one who was an astonished witness of most of them.

Mr. William Jeffcott,

The second Resident Judge of Port Phillip, arrived from Sydney in the revenue cutter "Prince George," 11th July, 1843. He was a member of the Irish bar, and had been Law Adviser at Dublin Castle. He was brother of Sir John Jeffcott, once Judge in South Australia, and was described by the Sydney correspondent of a Melbourne journal as "bland in his manners, of first-rate talents, and about 40 years of age." He had practised for a short time in the Sydney Courts, and obtained the Port Phillip appointment because no other Barrister of any standing would take it. He was a bachelor, and accompanied as Associate by Mr. R. W. Shadforth, son of Colonel Shadforth, of Sydney. He took up his quarters at the Prince of Wales Hotel, in Little Flinders Street east, then the most select place of entertainment in Melbourne. The new Judge was an early riser, a great stickler for punctuality and etiquette; and he commanded the Deputy-Sheriff and Deputy-Registrar to appear officially costumed in Court, and his Associate to mount a wig and gown. The wig was ultimately not insisted on.

On the 15th July, Judge Jeffcott, took his seat in the old Court-house; but as the New Court-house was completed, he at once adjourned the Session there. In the New Court-house, therefore, the new Judge virtually made his first appearance.

In the civil jurisdiction, Mr. Raymond presented a petition from Mr. J. B. Were, detailing the circumstances of his imprisonment by Judge Willis, and praying to be discharged from custody.

Judge Jeffcott declined to entertain the memorial in its then form, because it imputed motives to the late Judge. He suggested its amendment by the omission of everything except a plain narrative of the circumstances connected with the imprisonment; and adjourned the Court to 3 o'clock.

The amended petition apologised for any warmth of feeling evinced by the petitioner on the previous occasion, and had an affidavit attached that Were had not, and had not intended to have, committed prevarication when so summarily dealt with by Judge Willis. A document was also put in signed by Major St. John, Captain M'Crae, Messrs. Raymond, Ebden, Campbell, Welsh and others, declaring that Were had not in reality been guilty of any contempt.

His Honor regretted that the memorial had not been presented to Judge Willis, who would, he believed, under the circumstances, have felt it necessary to abate the severity of the sentence. He therefore did what he thought the late Judge would have done, grant the prayer of the petition; and the Sheriff was ordered to discharge Mr. Were forthwith from custody.

And now things began to go smoothly. Judge Jeffcott was the antithesis of his predecessor. He was good-tempered, firm, impartial, and methodical. He presided on Mondays in Common Law, Tuesdays in Equity, Fridays in Insolvency; and, as an *entré* and *exit* rule, it was directed that spectators should use the main entrance facing south; magistrates, barristers, attornies, and press, the western door; and jurors, sheriff's officers, and officers of the Court the eastern door. He was a vast improvement upon the gentleman he succeeded, and the Court business was no longer a series of gratuitous farces for public amusement. From a bear-garden it became a decent, well-behaved place. The golden rule of *suaviter in modo et fortiter in re* was thoroughly exemplified in the new Judge. Mild and courteous to a degree, his firmness and determination taught both branches of the legal profession a lesson by which they promptly profited. The monthly oration to the criminal jury was discontinued, and the public was allowed to go its own way, up or down, right or left, without anything of the semblance of the ultra-judicial homilies of old, which always irritated and never edified. Even the improvised services of Parson Thomson were dispensed with, and the Criminal Session was opened simply by the crier's sonorous iteration of "O yez! O yez!" a change duly appreciated by a community desirous of no sectarian or religious ascendancy of any kind.

Judge Jeffcott did not remain long in the district, for he resigned his office towards the close of 1844, and the 4th of February, 1845, witnessed his last appearance in Court. The Crown Prosecutor presented his Honor with a farewell address from the Bar, in which special reference was made to the courtesy and amenity of temper, the untiring energy and uncompromising integrity, ability and zeal displayed by the departing functionary. The Judge was deeply affected by the compliment, and, in an appropriate reply, declared "that his position as sole Judge in a young colony, which was struggling at the

time of his arrival with the severest commercial distress, would have been one of overwhelming anxiety, if he had not had the good fortune to be assisted by a Bar who united with the high and honourable feelings of gentlemen, learning, industry, and ability in the discharge of their professional duties."

It was not to be supposed that the Melbournians could permit a gentleman who had so endeared himself to them to leave without a parting demonstration of respect, and this assumed the form of a public dinner, at the Royal Hotel, on the evening of the 6th February, when some one hundred and fifty persons were present. The Mayor (Mr. Henry Moor) officiated as chairman. His Honor the Superintendent was there, and everything went on "merry as a marriage bell" until the toast of "the Press" was given, whereupon there ensued "a scene" positively disgraceful. The Stewards had assigned the response to Mr. Cavenagh, the editor of the *Herald*, and when he was called on, the rival editors (Messrs. Kerr, of the *Patriot*, and M'Combie, of the *Gazette*) jumped up simultaneously, and loudly and vehemently objected. They were repeatedly called to order, but persisted in their disorder, until, after much persuasion, M'Combie sat down, or, rather, was pulled into his chair; but Kerr would not give way. For nearly half-an-hour he stood, vociferating, "I'll not be put down," and clamorously insisting upon a hearing. After a lengthy interlude of indescribable confusion, the chairman, with much difficulty, succeeded in getting the disturber audience; but the first sentence uttered conveyed a reflection upon some judicial decision of the guest in whose honour they had assembled, and this brought on an increased renewal of the uproar. The Superintendent and the ex-Judge contrived to slip away during the *mêlée*, and Kerr, upon discovering their flight, turned on the Mayor, whom he charged with drunkenness. The shindy was thus intensified, and so continued for another half-hour, when Kerr was ejected from the room. The plea subsequently set up for him by some of his friends was intoxication, which was indignantly denied by others on his behalf. Mr. Kerr was an Alderman of Melbourne at the time.

On the 11th February, a public meeting was held, at which a committee was appointed to prepare a valedictory address to the late Judge. This was done, and the document, subscribed by 1118 signatures, was presented to him by a deputation of some of the principal residents. It was of a highly complimentary character, and was suitably and feelingly replied to. Mr. Jeffcott left Port Phillip on 21st February, 1845, in the "Royal George," for England. He was accompanied to the wharf by the Superintendent, the members of the Bar, the principal Government officers, and a number of settlers, merchants, and shopkeepers. He carried with him the good wishes of the community. On arriving in Ireland, he resumed practice at the Dublin Bar, and so remained until December, 1849, when he was appointed Recorder of Pulo-Penang, and Chief Justice of Criminal Judicature for that island and Singapore. A Knighthood was also conferred on him, and in a few years after he died.

The Third Resident Judge

Of Port Phillip was Mr. Roger Therry, the only Roman Catholic who has as yet sat upon the Supreme Court Bench in Victoria. He was born on the 22nd April, 1800, was called to the Irish Bar in 1824, and was a personal friend of the great Irish lawyer and politician, Daniel O'Connell. Though wanting the legal ability of Willis, and the independence and strength of character of Jeffcott, he possessed a fair share of tact and good temper, and had acquired considerable official experience. Arriving in New South Wales in 1829, as Commissioner of the Court of Requests, he filled that office for eleven years, and had acted as Attorney-General during a two years' absence of Mr. J. H. Plunket. He represented the County of Camden for some time in the Legislative Council of New South Wales, and when nominated to the Port Phillip Judgeship, was in his forty-fourth year. Prior to his arrival, it was stated in the *Patriot* that he had been appointed by Governor Sir George Gipps without the concurrence of his Executive Council, by reason of Dr. Broughton, the Episcopalian Bishop of Sydney's declaration that he would never consent to place a Roman Catholic on the Bench. (Bishop Broughton was a member of the Executive at the time.) This was contradicted by the *Sydney Herald*, for the appointment could not have been made outside the Council. Mr. Therry presided for the first time in the Supreme Court on the 8th February, 1845. As a New South Wales politician, Mr. Therry was not a favourite. He was a "trimmer," and ever anxious to stand well with the Government; but it would be difficult to find a more patient, painstaking or conscientious

Judge; and the manner in which he presented cases to a jury rendered much satisfaction. As in Jeffcott's time, the proprieties of a Court of Justice were observed, and nothing of a "scene" occurred, except a harmless "flare up" now and again between the brusque old Crown Prosecutor and some opposing Barrister. In the beginning of 1846 Judge Therry tendered his resignation, to accept a seat on the New South Wales Bench; and on the 11th February an address, signed by all the then Bar (Messrs. Croke, Brewster, Barry, Pohlman, Williams and Stawell), was presented to him, in which the subscribers expressed regret for the loss of "a Judge whose assiduity in the unaided discharge of his duties has upheld the dignity of the Bench, and whose extreme urbanity of deportment, invariable courtesy, and considerate attention to the members of the Bar have rendered less difficult the discharge of their professional labours." In his reply, the Judge declared that "no change of position, nor time, nor distance, can ever efface or weaken the sentiments of respect, esteem, and gratitude towards the Bar of Port Phillip with which I am deeply imbued for the kindness with which, when a stranger amongst them, they received me on my arrival, and for the uninterrupted manifestation of fair-minded and amicable dispositions which have marked their intercourse with me from the commencement to the close of my tenure of judicial office in this young, prosperous, and rapidly advancing community." The Attornies and officers of the Supreme Court rendered him a similar compliment, and prior to his departure he was entertained at a Bar dinner in the Prince of Wales' Hotel, where their Honors the Superintendent and the new Judge (A'Beckett) appeared also as guests. Mr. Therry returned to Sydney, and obtained a seat on the Bench there, which he held until 1859, when he retired, and proceeded to England. He was knighted, and died on the 17th May, 1874. In ten days after Lady Therry died also.

Mr. William a'Beckett

Arrived as Resident Judge from Sydney on the 7th February, 1846, per the steamer "Shamrock." He appeared to be in very delicate health. Born in London, on 28th May, 1806, he was admitted to the English Bar in 1829, and after his arrival in New South Wales quickly took a good position in the Sydney Courts, where he was Solicitor-General in 1841, and ultimately Supreme Court Judge there. To benefit his health, an exchange was negotiated between himself and Mr. Therry, who was an ardent Sydneyite. Mr. a'Beckett was fêted at a numerously attended Bar dinner in Sydney, and received a very laudatory address from forty-nine Solicitors. On the 16th February, the new Judge was inducted. He was suffering from an attack of rheumatism, and was supported to his place by the Sheriff. This was the first maiden assize in the province, though the time-honoured presentation of white gloves was forgotten. Messrs. Croke and Pohlman were the only Barristers in attendance, and the absence of business was not occasioned by any dearth of prisoners for trial, because there were several in gaol; but the change of judges had interfered with the issue of the necessary *venire*, a preliminary without which a jury could not be constituted. Judge a'Beckett was a man of cultured mind, varied attainments, large intellectual calibre, and a deep groove of thought. Some of the Sydney newspapers passed strictures on his brief judicial career there, insinuating a vacillation of purpose, and a proneness to be unduly influenced by colleagues, but these inuendoes were not justified by Port Phillip experiences. Learned and impartial in the judgment seat, liberal in opinions, freehearted in charity, and tolerant of all religious denominations alike, a Unitarian himself, he won the respect and esteem of the community, and his delicate health never interfered with an official career, the reverse of a sinecure. He was, besides, an accomplished writer and lecturer. Some meritorious effusions from his pen appeared occasionally in the Melbourne newspapers under the *nom de plume* of "Malwyn," a family name, and were much admired. The *Herald* was usually selected as the medium through which his bardic utterances winged their way into the world; but a time came when some of the rival journals penetrated the anonymity, and spoke out their mind about the improper preference, so the current was cut off, and the Parnassian chirrupings heard no more. Judge a'Beckett also displayed a good deal of quiet humour on the Bench. The queer old Crown Prosecutor, often as uncouth in his tongue as in his general demeanour, used to be very loud in his talk at times to those about him, and one day he and Chief-Constable Sugden were "barneying" about some hitch in a criminal case. Their recrimination attracted the attention of the Judge, who, looking determinedly at both the offenders, exclaimed "Mr. Croke,

it would be extremely inconvenient for me to have to commit the Crown Prosecutor for contempt during the Criminal Sessions; but (turning to Sugden) if the Chief-Constable *does* not hold *his* tongue, I certainly shall commit *him*." "Old Croke" sat down with a guttural grunt which might mean anything; but the caution was not lost on the Chief-Constable, who ever after took care to keep his often loud and unruly tongue in a state of good behaviour. For several years during Judge A'Beckett's tenure of office, he was persistently and cruelly abused by some of the Melbourne newspapers, for the publication of inflammatory speeches delivered two or three times in the City Council. For printing one of these tirades an editor was committed for trial, and on another occasion an attachment was issued from the Supreme Court; but a reluctance to appear as Judge in his own case, and to resort in any way to the despotic power so abused by Judge Willis, constrained Mr. A'Beckett to treat with silent contempt the calumnies unsparingly hurled at him. In 1850, Circuit Courts were established, the first of which was held at Geelong on the 20th January. Judge A'Beckett attended divine service at Christ Church, and afterwards opened the business of his Court in an address of much research and no small rhetorical power. It was one of the most readable judicial deliverances ever printed in the colony, and, as a sample passage descriptive of the surroundings of the once romantic bay of Corio, I transcribe a brief extract:—"Let me pause to say a few words of the locality where we are now assembled. Standing within a bay, which from certain points presents no unworthy resemblance to the far-famed one of Naples, the situation of Corio is at once beautiful and imposing. Washed, but not too rudely, by the waves, and refreshed by the breezes of the sea, the town and neighbourhood afford many delightful points of attraction. Let the spectator ramble in which direction he will, he cannot but be struck by the beauty of the surrounding prospect. Before him stretches an amphitheatre of coast terminating in a mountain, which, sweeping gracefully to a picturesque height, contrasts with the silvery hue of the waters at its base, in ever-varying reflexions of the tints and shadows of the sky and clouds above. Turning towards the shore, a lovely landscape of hill and dale, and no less full of agricultural promise than of scenic beauty, everywhere meets his view. If he wander along the banks of the Barwon, he will perceive both the garden of the villa and the meadow of the farm; and if he ascend to the summit of the Barrabool Hills, he will be rewarded by a sight of one of Nature's most magnificent panoramas." For the year or two before Separation, the judicial duties were becoming too onerous for a single Judge, yet Justice A'Beckett continued at his work with unflagging assiduity; and after Port Phillip became the Colony of Victoria, he was nominated the Chief Justice of the first Full Court of three Judges. A Knighthood followed, and he retired upon a well-earned pension at the inauguration of Responsible Government in 1856. He died on 27th June, 1869.

CHAPTER VIII.

THE SUPREME COURT AND MINOR TRIBUNALS—*(Continued).*

COURT OF QUARTER SESSIONS.

SYNOPSIS:— Mr. Edward J. Brewster, first Chairman.— The first Military and Civil Jury Panel.—First Criminal Trials.— First Sentence of Transportation.— First Female Tried.— First Perjury Prosecution.—"Pulling the Professional Nose."— First Conviction for Libel.— Sentence on Mr. George Arden.— Cremation.— Fawkner: Boniface and Library Proprietor.—Advocate Carrington's Supersession.—Military Juries Discontinued.—First "Strikes."—Mr. J. G. Taylor burned in Effigy.—The Insolvent Court.—Mr. Wm. Verner's Appointment.—The First Insolvent Estate.—A Payable Insolvency.—The Minimum and Maximum of Insolvent Estates.—M'Connell's Sufferings.—The Court of Requests.—Mr. E. J. Brewster, first Commissioner.—Mr. Richard Ocock, first Registrar.—Commissioner Barry's "Little-Go."—A Lady Litigant's Politeness.—Extension of Jurisdiction.—Augmentation of Salaries.—Marsden and Frencham.—The Rev. Mr. Barlow in Court.—Commissioner Barry's Retirement and Successor.—A Police Court and Lock-up.—The Stocks.—Petty Sessions.—First Magisterial Roll.—The Rev. E. J. Brewster.—From Bar to Pulpit.—St. John and the Reporters.—The Wolf and the Lamb.—"Watch-housing" the Newspapers.—Muzzling the Major.—St. John and "Garryowen."—Boniface Sibering and his Wife.—St. John's Peccadilloes.—A Court Squabble.—Finn's Note to the Major.—Unpaid-for Whisky.—St. John's Transgressions Annotated.—The Major destroys Finn's Inventory of Accusations.—The Magisterial-cum-Reporter's Compact.—St. John on the Road to Ruin.—The Compact Inviolate.—"Jimmy Whistler."—The Evil Eye.—Forensic Birds of Prey.—"Staggering Bob."—Opening of the Police Buildings, Swanston Street.—Racy Scenes on the Bench.—Arson and "Shindyism."— The "Axe" of Parliament.—The "Scabbard" of the "Apple of Discord."

THIS was the first Criminal Judicature in Port Phillip, and was established under the *Melbourne Quarter Sessions Act* 2 Vic., No. 5 (15th August, 1838). It could try "crimes, offences, and misdemeanours" in addition to a small appellate jurisdiction from the Courts of Police and Petty Sessions. It was presided over by a Chairman, and in its jury system possessed the dual peculiarity, that a prisoner had the privilege of being put on his country before either a military or civil jury. This was a remnant of the old Penal Laws of New South Wales, and its origin may be thus traced. The New South Wales *Constitution Act* Geo. IV., c. 83, sec. 5, provided for the trial of offences before the Supreme Court, by a jury of seven commissioned officers of His Majesty's Land or Sea Forces, whether on full or half-pay, a species of semi-martial law, necessary, no doubt, in the infancy of a convict colony, where the material for civilian juries did not exist. The 10th Geo. IV., No, 7, establishing Courts of Quarter Sessions, passed some time after, extended this mode of trial to such Courts. As free settlement progressed an Act was passed in 1833 (4th Wm. IV., No. 12) modifying the original system so far as to make informations triable either by a military jury, or a civil jury of twelve inhabitants of the colony at the option of the accused; and Sec. 12 extended this sort of trial to Quarter Sessions. The military juries were abolished by the 3rd Vic., No. 11 20th September, 1839, from and after 31st October, 1839.

The first Chairman was Mr. Edward Jones Brewster, an Irish barrister, and the inauguration of the Melbourne Court was appointed for the 28th March, 1839, but it was adjourned to the 13th May, when the Chairman, having arrived from Sydney, business was commenced in the old Police Office, at the south-western corner of the Western Market Reserve. The names on the military and civil jury panel (previously compiled by a Mr. Michael O'Brien, a sheriff's officer), were called over. The military jurors were Captain Smith, commanding the military force; Smyth, of the mounted police; Scott (on half-pay), of Royal Marines; Mr. Howard, the Acting Commissary-General; Lieutenants Newton and Addis, R.N. (on half-pay), with Lieutenant De Vignolles, and Ensign M'Cormac, commissioned in the Regimental Detachment stationed in the town. Mr. H. N. Carrington, a solicitor, had been appointed Crown Advocate, and appeared accordingly.

The Chairman congratulated the public upon having obtained a "Home Tribunal," which would afford protection to person and property, at but little inconvenience and expense. The judicial functions of the Court would be performed by the magistrates of the district, who possessed both local experience, and a knowledge of the people. Matters of fact would be decided by the juries, who would, he felt assured, act independently and honestly.

The particulars of a General Sessions of the present day would be far from interesting; but as the first criminal trials ever held in the colony took place at this ancient tribunal, a certain novelty attaches to some of them; and for this reason I enter into some details which, in 1888, can hardly be read without a curious interest. There were twenty cases on the calendar, and the first prisoner placed on trial was John Robert Pritchard for robbing his master, a Mr. Snowdon, of 1s. and a pair of trousers. Of the prisoner's guilt, no doubt could be entertained, but on his behalf evidence was adduced which, while it left no uncertainty of his previous good character, rendered his sanity very doubtful, so he benefited so far by the doubts as to be acquitted.

The first person convicted was George Reynolds, for stealing some wearing apparel from Thomas Nicholson, and sentenced to six months' imprisonment.

The first person sentenced to transportation (for 14 years) was Joseph Hudson, for robbing Mr. Pittman's store of a quantity of silk and other articles. Though a "free" man, he had served two previous sentences of transportation.

The first woman tried was Henrietta Neil, as a receiver of the property stolen by Hudson. She was found guilty, and sent for two years' imprisonment in the 3rd class of the "factory."

The first perjury prosecution was heard on the 14th May against a sly-grog seller named Moore. Two constables swore point blank to the offence, and a David Thomas point blank the other way. The magistrates preferred the "two to one," fined Moore, and remanded Thomas, who was now tried for the false swearing, and transported for seven years.

The 15th May, 1839, was a somewhat remarkable day on account of two trials which created quite a storm of sensation in the public mind. There were two well-known residents, both sporting men and favourites of the people, viz., Dr. Barry Cotter and Mr. John Wood. There was also (a not unusual occurrence) a lady in the case, from whom the medico considered himself justified in warning all trespassers, which so annoyed Wood, that one day meeting Cotter in street, he not only gave him a sample of his tongue, but wrung the professional nose, and even resorted to rougher treatment.

Doctors don't like to be "nosed" in this way, though some of them often deserve it, and "Barry" prescribed for his assailant by pulling of another kind, viz., bringing him before the Police Court, where he was sent for trial to the Sessions. Here he was convicted, fined £100, and imprisoned for a month. Mr. Wood was also prosecuted the same day for libelling Lieutenant De Vignolles, by writing a defamatory epistle to him. The proof of the hand-writing broke down, so in this case the defendant scored a victory, as a partial set-off to the other.

The first conviction in the colony for libel was obtained on the 16th May. Mr. George Arden rented premises as his *Port Phillip Gazette* office from a person for whom Mr. W. F. Rucker acted under power of attorney. Arden called one day at the agent's office to settle a rent-account, and in the course of conversation took it into his head to ask Rucker to produce his authority for acting as receiver. This threw Rucker into what is vulgarly known as "a scot," and he ordered Arden to clear out, or "he'd precious soon make him." The offended editor withdrew in great dudgeon, and in the next issue of his newspaper gave Rucker such a peppering as caused him to apply to the law for protection. Arden was subjected to a criminal prosecution, and the jury returned a verdict of guilty. The Chairman passed a sentence of twenty-four hours' imprisonment and £50 fine.

The August sittings commenced on the 5th, during which some noteworthy charges were investigated. Mrs. Catherine Reardon was indicted for keeping a disorderly house in Collins Street, and loudly protested her innocence, saying she had no objection to place herself in the hands of a civil jury. To her surprise she was convicted, fined £50, and in default six months' incarceration.

James Morris was called to account for feloniously assaulting a young woman named Dobey, a domestic servant of Lieutenant Addis, at Geelong. The chief witness for the prosecution was a Master

M'Arthur, a nephew of Addis, who deposed to having seen the prisoner attempt improper familiarities with the prosecutrix, which she repulsed, whereupon he struck her with a paling, causing her to cry out "murder!" Lieutenant Addis proved to hearing a disturbance at his place, and on going to ascertain the cause, saw the woman with her dress torn, and bearing marks of a violent blow. The prisoner was found guilty, and sentenced to be imprisoned for twelve months, one week in each of the first three months in solitary confinement.

A trial unparalleled in the criminal annals of the colony was investigated on the 8th August. James Davies and Abraham Brackbrook were arraigned for misdemeanour. The indictment contained two counts, viz.—(*a*), indecently burning the dead bodies of two aboriginal natives contrary to civilized usage; and (*b*), burning the same with intent to defeat the ends of justice by removing the traces of a supposed murder. The prisoners were the assigned convict servants of a Mr. Bowerman, a station-holder in the Western District. A mob of blacks one day gathered near the homestead, when a conflict arose between them and some of Bowerman's bush hands. Shots were fired by the whites, as alleged in defence of their lives. Two blackfellows were killed, whose bodies Bowerman caused to be removed and burned by the prisoners. The prosecution was promoted by Mr. Sievwright, one of the Assistant-Protectors, and he and a Mr. Allan (a free superintendent on the run) were the principal witnesses for the Crown. In defence, it was alleged that the shooting had been necessitated in self-defence; that the circumstance was forthwith reported to the Police Magistrate in Melbourne, and that after this had been done the cremation took place.

The Chairman ruled that the mere act of burning the bodies was not a recognisable offence except done with a view to defeat the ends of justice. Unless the jury were satisfied of the existence of a criminal intent in the action of the prisoners they were entitled to an acquittal. The jury, under this direction, found a verdict of not guilty. The *Port Phillip Gazette* of the period declared that the Crown Advocate manifested much ill-temper during the proceedings, and a desire to brow-beat and sneer down the jurors after the verdict was returned.

At the November sittings a fraudulent sale prosecution was heard. The defendants were John Mills, a brewer, and Edward Symonds, the master of a coasting craft known as the "Pickwick." The information alleged a fraud in disposing of, to John Cummins, a rival beer-maker, as an imported article, a quantity of very inferior barley. Mills, it seems, had on hand some rubbish which he wished to get rid of to advantage, and so induced the skipper to palm it off on Cummins as having been recently brought by him in his vessel from Launceston. The dodge succeeded, and Cummins was victimised. The defendants were found guilty and fined—Mills £50, and Symonds £100.

The principal butcher in Melbourne, John M'Nall, was indicted for a nuisance generated from the deposit of offal and other kinds of noxious *débris* about the premises. He was fined £20, and the Chairman strongly censured the Government for neglecting to provide a system of town sewerage.

The last trial of the year presented two very notable persons. In order to supply intellectual, as well as spiritual, recreation for his customers, Mr. J. P. Fawkner, the first innkeeper, attached a small library to Fawkner's Hotel.

There arrived in the district a Mynheer-Von-Bebra, who, though sporting Dutch and German prefixes to his name, vauntingly proclaimed himself an Italian Count of very distinguished pedigree. He was a smart, accomplished, pushing sort of young fellow, with pockets almost as empty as his title, and he lost no time in looking out for something to do, for *necessitas non habet legem*, and even a Mynheer-Von-Count, as he was bombastically designated, should procure bread and cheese in one way or other. "Johnny" Fawkner's bibliothical collection was not very extensive; but the addition of a curator of his circulating library, possibly descended from one of "Old Etrurias' ancient kings," seemed such a trump-card, that he clutched it and appointed the Mynheer-Von-Count his book-keeper in the most comprehensive sense of the term, for he was charged with not only the care of the library, but authorised to get in some little grog scores and other trifling assets outstanding. The "Von" went to work with a will, and was more generous with Fawkner's cash than the latter liked. One day it transpired that portion of a disputed account had been paid to Bebra, which he denied, and when Fawkner began to bully, in that nettlesome style so peculiar to him, the Italian Count magnanimously cast all distinctions of rank and position to the wind, and treated Fawkner to such a hammering as to give him a pair of decorated eyes, and a nose so

twisted as to resemble an inflamed cork-screw. For this he was brought before the Police Court, Fawkner supplementing a charge of obtaining money under false pretences. The Count was committed for trial to the Quarter Sessions, but the case was laughed out of Court, Fawkner vowing vengeance against Judge, jury, and "every mother's soul" involved in his discomfiture. At the beginning of 1840, Mr. Crown Advocate Carrington was superseded by Mr. James Croke as Clerk of the Crown and Crown Prosecutor. There were no longer military juries, which were, as a rule, preferred to civil juries by the prisoners. "Strikes" occurred at an early period, and in February several journeyman bakers struck for increased wages, and assaulted and burned in effigy a Mr. J. G. Taylor, one of the employers. By an unreasonable mode of set-off, the master bakers got up a "strike" against the bread-eaters, by entering into what was considered an illegal combination to exact extortionate prices. Prosecutions were commenced against the offending parties, who were tried at the April Quarter Sessions and convicted, when Henderson, the leader of the mob who assaulted and burned the Taylor imitation, was fined £50, and imprisoned for fourteen days, whilst some of the smaller fry of journeymen were let off with fines of £5 each. Of two master bakers indicted, a Mr. Overton was fined £100, and adjudged one month's incarceration. The following batch of aboriginals were tried at the June Sessions:—Tar-roke-nunnin, Nan-der-mile, Longer-ma-koom, Cowen-yow-let, Mor-rer-mal-roke, Peel-beep, Lam-bid-er-nuc, White-gum, Pine-gin-goon, and War-war-rong. The prisoners were accused of having committed various acts of assault and robbery. War-war-rong was discharged. The remainder, though ably defended by Mr. Barry, were found guilty, and each sentenced to ten years' transportation.

At the termination of 1840, the Department was thus constituted:—Chairman, Mr. E. J. Brewster, £350 per annum; Clerk of the Crown, Mr. J. Croke, £400 per annum; Clerk of the Peace, Mr. James Montgomery, £100 per annum; Crier, Charles Jones, £40; Allowance to Witnesses and Jurors, &c., £500; Stationery and incidentals, £100. Total £1490.

On the introduction of the Supreme Court in April, 1841, the Criminal Jurisdiction of the Quarter Sessions was transferred to the higher tribunal, the Chairmanship tacked on to the duties of the Resident Judge, and the whole staff disbanded. The Court itself dwindled into little more than a cipher, languishing in inglorious ease until it got its quietus by the passing of an Act establishing our present General Sessions.

The Insolvent Court.

The initiation of this well-known, oft-used, frequently abused, and highly popular institution was contemporaneous with the establishment of the Supreme Court, of which it was a subordinate off-shoot, and originally the Resident Judge acted as Commissioner. It was just the kind of work that suited the temperament of Judge Willis—a fresh arena in which to stir up strife, make mischief, and pitch into any unfortunate who incurred his displeasure. And here he had a rare hunting ground in which to amuse himself, for some of the insolvents who figured before him were such unmitigated swindlers, that they bore away the bell from all the black sheep appearing there since. During the commercial crisis of 1842-3, it was an asylum for scoundreldom, to which dishonest traders fled like the murderers of old to a church for sanctuary, with this advantage, that the Insolvent Act white-washed the former with ease and impunity, and they re-appeared like whitened sepulchres to rogue and rob afresh. Take the very first case that came before the Judge as an example. His Honor presided in Insolvency for the first time on the 3rd June, 1841, and the very first business brought before him was an application to discharge from gaol one G. P. Anderson, detained there as a debtor. The prisoner, as is almost invariably the case, was able to retain counsel, and Mr. Brewster appeared in support of the application, which was opposed by Mr. Barry on behalf of certain creditors. It was elicited that Anderson was incarcerated for non-payment of £45, and though his assets were returned at £1300, it was probable that not so much as one farthing would be realised! The Commissioner indignantly refused the application. During this year there was not a single sequestration, and His Honor began to think that it was *infra dig.* for the sole Judge of the Supreme Court to officiate longer in the Insolvent Court, and where, in the event of an appeal from his decision as Commissioner, it would be to himself in the Appellate Court. The cogency of the latter objection induced the Executive to consent to the appointment of a separate Commissioner, and the office was bestowed upon

Mr. William Verner, a gentleman of good discretion, not deficient in educational acquirements, but of no legal attainments. He was of high social position, a territorial magistrate, and one who took an interest in public affairs, but a trusty henchman of Judge Willis, and between them a strong friendship subsisted. The Insolvent Court hitherto held in the Supreme Court building was, in 1842, removed to a small brick cottage, one of a row that ran along a right-of-way, off King Street, where now is Gallagher Lane, but then known by the fashionable designation of Roache's Terrace. The following year when the Supreme Court travelled away from the "red barn" to the newly-erected Court-house in Latrobe Street, the minor Court followed in its wake, and found shelter in an apartment afterwards turned into a Judges' Chamber. Originally the officers received no stated salaries, the Commissioner being allowed to retain all the fees, and remunerate his underlings as he liked, and for a couple of years, no doubt, he gathered in a paying harvest as shown by the following figures:—In 1842, there were 114 insolvencies, with scheduled liabilities amounting to £212,805 1s. 9d.; assets, £143,862; deficiency, £68,943 1s. 9d.; whilst in 1843 the sequestrations were 123; liabilities, £468,467 8s.; assets, £215,410 7s. 5d., and £253,057 0s. 7d. as a deficit—the realised dividends are unobtainable, or they would show a curious result. I have come across an old scrap, however, which I transcribe, as affording some queer information about the indebtedness of the olden time, when Melbourne was a very small place, and the population of Port Phillip numerically inconsiderable. The first sequestration of an Insolvent Estate was on the 8th of February, 1842, and during that and the next year the total was 237, whilst there were only 46 in 1844, and 11 in 1845, or 294a for the four years. The total liabilities were, for the same period, £812,785 7s. 6d.; assets, £458,269 18s. 10d.; balance, deficiency, £354,515 8s. 8d. The highest dividend realised was in the estate of T. B. Alexander, which paid 20s. in the £, with 10 per cent. interest, and left a surplus of 1500 sheep for the (miscalled) insolvent. The lowest dividend was *nil*, and could not well be less. The two next lowest dividends were severally one halfpenny, and 1½d. in the £. There was a "*nil*" dividend in 122 cases, and estates were indebted to official assignees in 63. In 17 instances the property was mortgaged to or over the full value—debts were not recoverable or no assets realised, and in two cases only the insolvents bolted. The largest amount of liabilities in an estate was £74,148 12s. 3d., and all the realised assets were absorbed in two actions at law, brought by the assignee. The *minimum* amount of liabilities in any case was £22 14s. 6d., and the dividend was *nil*.

At the end of 1843, the "farming" plan of remuneration was altered, the Crown taking the fees and assigning certain salaries to the officials; but as business rapidly fell off with the disappearance of the commercial crisis, it was a losing "spec" for the State, and after a year's experiment the old system was reverted to, but so modified that the Commissioner, Clerk, and Messenger shared the fees rateably. Upon this principle, the Chief no doubt had the lion's share, but even his *modicum* was sometimes not worth acceptance by a gentleman. In the beginning of 1845, Mr. Verner decided to pay a visit to Europe, and as he had no difficulty in getting leave of absence, Mr. R. W. Pohlman was nominated his *locum tenens*, who entered upon his duties appropriately enough on Fools' Day (1st April), for he was no sooner installed than Verner changed his mind, and the befooled Pohlman felt himself in honour bound to resign in his favour.

He was not much of a loser, for during the year 1845, the insolvencies dwindled to eleven, and the fees shrunk accordingly. During November, about the best month, the takings reached only £5 11s. 6d., which sum was thus apportioned:—The Commissioner, £3 16s. 8d.; Clerk, £1 8s. 9d. Messenger, 6s. 1d.

The Clerk was a Mr. James M'Connell, and this state of things drove him into private life, whilst the Messenger—a huge wild-looking North of Irelander—found that a fifteen-pence-a-week pittance would not only not keep him in bread and cheese, but it would not buy him oatmeal and water. His face gradually assumed a wolfish appearance, and as he strode starving through the streets, he would often stand opposite the butchers' windows, glaring at the uncooked carcases of beef and mutton, as if disposed to banish any vestige of Christianity remaining with him and turn cannibal. But the life was tough in him, and poor Jim was chastened by his enforced fastings and invalided for life in his acoustic organs. Business more than doubled the next year, and he was put on a one-and-nine-penny day wage, Sundays included, and after all his abstemious tribulation he now deemed himself happy as a king.

The self-cashiered Mr. M'Connell, was succeeded by Mr. J. M. Seward, for many years favourably known as Chief Clerk in the department of the Master in Equity; and Mr. Verner unconditionally surrendering in April 1846, Mr. Pohlman was recalled *en permanence*, and was sworn in on the 29th. On the 15th July, 1851, the Equity Mastership was affiliated with the Insolvent Court, and Pohlman and Seward became Master and Clerk in addition to their other duties. Mr. Pohlman held the combined offices for some time, when he was appointed Judge of the newly created County Court, where his long, laborious, and conscientious career was well-known and appreciated. The oldest Official Assignees were Messrs. Archibald Cunninghame, James Graham, Archibald M'Lachlan, and Edward Courtney. They were recompensed for their services by commission on the amount of realised assets.

The Court of Requests.

This was a legal contrivance for the recovery of small debts, restricted to sums not exceeding £10. The first Commissioner was Mr. E. J. Brewster, at a salary of £100 a year. The first Registrar was Mr. Richard Ocock, a solicitor, afterwards residing at Ballan, but finding that he could take his intellectual wares to a better market, bid the establishment good-bye, and was succeeded by a Mr. Kirkland, who, in turn, made way for Mr. John Sealy Griffin, a doctor, who threw his physic to the dogs, and preferred the small Government billet with little to do, and but little pay in the beginning. The Court opened for the first time at 8 a.m. on the 1st April, 1840, with a cause-list of sixty-two plaints. Mr. Brewster held office for some eighteen months, when he resigned. The second Commissioner was Mr. Redmond Barry, who stuck to the place so long that it acquired the sobriquet of "Barry's Little-Go," and in course of years became one of the minor standing institutions of Melbourne. It was a good deal knocked about in finding quarters, for it was bundled out of the Police Office and hurried away from west to east, where it found temporary shelter in a building erected at the south-eastern corner of the Eastern Market Reserve, and long known as the Eastern Hill Watch-house. The exigencies of the times sent it whirling back again, towards the occident, at the intersection of King and Bourke Streets, to the brick tumble-down, which did duty as a Supreme Court from 1841 to 1843, and here it squatted until March, 1846, when it was transferred to a superannuated billiard-room, a portion of the appurtenances of the Lamb Inn, a once fast weather-board hostelry, thrown together on the ground where Scott's Hotel now flourishes. The billiard-room was of brick construction erected at the west end of the wooden tavern (which was a little in from the street-way), abutting sideways on the public thoroughfare, the entrance at the end facing a small area in front of the main building. The room was approached by a few stone steps, and when the Court was in session, a stranger, the moment he got inside, was surprised with the human contrasts presented by the principal performers in this drama of real life. The centre-piece was the Commissioner at the other end of the room, perched above the common herd, in forensic costume, a veritable gentleman in black, with his head wreathed in Chinese mourning, his bands and neck-cloth of glistening white, an unmistakable symptom, which demonstrated that, even then, the manual art of the laundress and the digital skill of the gofferer, had arrived at almost perfection; and as for the wig it always looked as if just taken off the block of the perruquier,—not a wrinkle in the curls, not a single hair awry, and set with as much precision in its position as if glued to a marble figure-head. The Barry bust was on such occasions well worth seeing, and the more so, because underneath there was what might be denominated an actual fiery "Griffin" only for the crowning broad patch of baldness, which looked like a small, bare, blaze-girt islet—so red was Registrar Griffin's encircling hair, and so utterly hairless his largely developed pate. Like twin griffins of a different species, were posted near the bench two other individuals known as bailiffs, both of whom were as ugly as sin, though of different patterns of facial unattractiveness. One of them was as bluely red in the face as the gill of a turkey-cock, and the other with a countenance so peculiarly indescribable as to render it impossible to tell by his physiognomy from which of the primitive branches of the great human race he derived his descent. The red-faced official was in some respects the reverse of his colleague, because he was generally civil enough to the suitors; whilst the other was coarse always, and discourteous at most times.

It is one of the paradoxes of human nature hard to be accounted for, that Commissioner Barry never had a good-looking fellow among his "Little-Go" followers. He was himself a splendid specimen of

masculine organisation some forty odd years ago, and one would think that his well-known appreciation of the fitness of things in most other respects would have stepped in here, and saved his Court from the imputation of never, even by accident, having a presentable servitor connected with it. Though the Court of Requests could never compete with the judicial establishment of Judge Willis, in putting on its stage the "stunning pieces," which rendered the Supreme Court, in its infantine days, so highly sensational and entertaining to the public, nevertheless, there used to be, occasionally, a deal of genuine fun, between the Commissioner, the suitors, the Registrar, and especially the unhandsome bailiffs. One of them usually acted as Court Crier, and he went through this stereotyped duty in such a comical manner as induced one to believe that he had lost his vocation in not having been brought up to the stage—for if so, Coppin never yet had his equal in screaming farce or low comedy. No one but a born genius could ever evoke the peals of laughter out of a simple cause-list, a string of plain, common, though sometimes uncouth names, as this Stentor used to effect, by the tone of voice in which he would vociferate them, a style of utterance midway between a wobble and a bray. The audience used to get convulsed with laughter, the suitors called, purposely closed their ears thereby ensuing an encore, the howler would be commanded by either the Griffin or the Commissioner to howl louder, but plainer, the tongue used to pop in and out as if there was a spasmodic *émeute* amongst its tissues, and the barking, though noisier, grew more inarticulate at every repetition. The people would renew their screaming, the Griffin would flop down in his seat, with his face as fiery as his hair, and begin to pat the islet with the palm of his hand to keep it cool—whilst the Commissioner would lie back in his chair of judgment, inclined for a good laugh but for its gross impropriety, and eyeing the unconscious cause of all the boisterous merriment, with a look of bland severity, give himself up to a temporary dignified resignation. What I have feebly endeavoured to describe was of frequent occurrence, yet it was permitted to go on, for Barry was good-natured, and no doubt inwardly amused with what passed before him. Yet notwithstanding all these funny episodes, an amount of business was got through, actually astonishing. The "Little-Go" used to sit once a month, and though it commenced with sixty cases in 1840, in 1842 and '43 the list was often over a thousand. In one month, early in 1843, there were between three and four thousand plaints taken out, though hundreds of them never came to trial, and the wonder is how any man with the mental calibre of Mr. Barry, could wade through the mass of trash that was thus developed. Yet he did so with methodical stateliness, courteous solemnity, and a rigid conscientiousness not excelled, when in after years he was the Acting Chief Justice of the Supreme Court. All this he did for £100 a year, at a time when he had a considerable practice at the Bar, and he was rarely absent from any public movement calculated to promote the public good. Mr. Barry's most trying moments in the Court of Requests were when there was a lady in the case. In the £10 jurisdiction the plaintiffs and defendants had to conduct their suits without legal assistance, and though, on the whole, it much expedited the business, it sometimes produced irregularities which led to occasional small "scenes." Where the disturbing element was a "lord of creation" the Commissioner had not much trouble in bringing his lordship within the bounds of propriety, but he could not lord it so easily over a lady. Occasionally a maiden lady or matron would (in some case about the making of a dress, or the cost of a head of cabbage) dispute his law, laugh at his logic, jeer at his polite remonstrances, and flout his decision. At this he would first smile and bow, next politely remonstrate, then grow severely serious, and when at last driven into a corner by the volubility of the feminine tongue, sometimes fluently polite, and not seldom vulgarly emphatic, he would turn at bay and bring his tormentor sharp up by a curt little oration, of which the following may be taken as a sample :—"Madam, pardon me for a moment. I must not be interrupted. Permit me to observe, madam, that you have outstripped all the bounds of decorum. You have transgressed the limits of strict propriety, and disregarded the amenities that should be observed within a Court of Justice. If you were a man I should experience but little difficulty in meting out condign punishment, for the contemptuous manner in which you have comported yourself in my presence. Your sex, however, protects you from the extreme measure, which I should otherwise be prepared to take. Now madam, you have already heard my decision, and you will have the goodness to withdraw." Whilst the "lady" thus talked at drew in her breath for a rejoinder, a graceful semi-circular bow, low as the inkstand before him, astonished her, and then a rebound of the wigged head and a mandate to the crier to call the next case clinched the business, and the litigant would take herself away with an incipient sob of

dissatisfaction, which broke out into a good cry before she reached the outer door. Mr. Barry's indiscriminate "Ma-dam-ising" had a magical effect, and acted as a soothing balm to the ignorant dames of the lower grade of society. Many took it as a compliment for such a great man to speak in an unknown tongue to them. But one day, an old lady who kept an oyster shop in Little Bourke Street, was suing a cab-driver for an unpaid shell-fish account, and when she was treated to the eloquent infliction, misapprehending the allusion to the male sex, and the "out-stripping" propriety, she defiantly exclaimed: "Look ye here, my nice bit of a bloke with your rigged up jasey. You gab a deal about gents and unstripping, but I tell you what, me fine cove, if I was my Bill, and not Bill's ould ooman, so help me Bob, if I wouldn't stack my duds there foreninst you on the flure, and have a go into you slick off. Come now, that's the chat, and I don't care that for you" (snapping her fingers). The bland Commissioner was horrified, but what could he do? He could not under any circumstances take up the gage of battle half thrown down; and it wouldn't look well to have the pugilistic termagant locked up. He was obliged to swallow the retort which he did with a ludicrously austere grimace, and by his directions the "lady" was bundled out; but the laugh at him was such as he must have remembered for many a long day after.

In addition to the regular Court staff, there was a "small fry" known as sub-bailiffs taken on when business was brisk, and they were often the cause of much worry to the urbane Commissioner. Some were arrant rascals, and used to harass the poorer people by the manner in which they levied under distress warrants. Now and then one or other of these fellows got well thrashed by some ill-treated defendant, and on the *fracas* being reported to the Commissioner, if he found that the bailiff in any way deserved what he complained of, he not only did not sympathise with the official, but dismissed him to boot. On the other hand, where his legal minions were unjustly maltreated, he took the offenders into the Police Court, and appeared there himself to obtain satisfaction for the wounded feelings or contused head of his deputy. Some of the "Little-Go" bailiffs did well out of their business, not in the way of pickings or perquisites, but in small usurious transactions, justifiable according to the strict letter of the law, but most certainly on the shady side of equity. Having saved up a nest-egg in dry money, they put their shillings and pounds out to hatch amongst the hard-up, though not insolvent, customers of the Court, and many clutches of golden chicks were multiplied therefrom. Sometimes a glaring case of something verging on gross extortion would come to light, and though the Commissioner would see a technical difficulty to his actively interposing, he would censure, and caution, and was finally driven to issue a prohibition against any of the officers of his Court engaging in such generally lucrative, though sometimes hazardous, speculations. In one notable instance he was cooly defied by an underling who had landed many a good haul of the gold fish, and the consequence was that the recusant was obliged to disconnect himself from the establishment, but he little cared about the consequences, for he died one of the wealthiest men of his time.

Much dissatisfaction was felt at the smallness of the jurisdiction of the Court of Requests, as both expense and delay were entailed by the recovery of debts in the Supreme Court, wherein all claims exceeding £10 (except servants' wages) were determined; and on 26th May, 1846, a public meeting was held with the Mayor (Dr. Palmer) presiding, to petition the Government for an extension of the jurisdiction of the Court from £10 to £30. A memorial was prepared, numerously signed, and transmitted to Sydney. The Superintendent strongly recommended its prayer, and the result was that by the commencement of the ensuing year the favour asked for was granted. In 1847 the Commissioner's pay was raised from £100 to £250; The Registrar's from £100 to £200; and the Bailiffs' (two) from £40 to £70 each, with an extra hand at £30 per annum. The first £30 sitting of the Court was held on the 7th April, 1847, before the Commissioner and two Assessors (Messrs. Isaac Buchanan and Charles Bradshaw). The only member of the Bar present was Mr. Stawell, and the first case on the list was *Boursiquot* v. *Fulton*, for the recovery of £25 7s. 9d., for advertising in the *Melbourne Daily News*, and there was a verdict for the defendant. As the Court acquired additional powers and importance it decreased in fun. Nearly all the spontaneous drollery of the "Little-Go" had disappeared, and a solemn sameness ruled in its place. The Commissioner sat enthroned, as lugubrious-looking as an undertaker on duty, and the Assessors were as staid and silent as a pair of mutes. Even the voluble tongue of the inharmonious crier had lost much of its intermittent elasticity. The £30 jurisdiction communicated this despondency to the £10 branch, and all was dull as ditchwater during the residue of the Barry reign. Of course there were exceptions, when a stray flash of

the old merriment would burst upon the scene; when some recalcitrant suitor would be committed for a few hours for contempt; or some flippant scoffer fined for allowing a refractory oath to slip through his teeth, and the Commissioner sometimes shrugged his shoulders, and indulged in a genteel yawn as if bored by *ennui*. I more than once fancied he felt lonesome, and would take it as a god-send if the old oyster woman were to appear and re-invite him to a bout at fisticuffs. One day, however (25th April, 1851), within three months of the Barry exit, something did turn up to give a fillip to the somnolent atmosphere of the old billiard-room. As one of the individuals involved is a respected citizen, still alive, I was in some doubt whether I should not omit it from this notice, but it was such an unparalleled occurrence, before or since, that even at the risk of incurring his displeasure I cannot pass it over. I transcribe it *verbatim* from a Melbourne newspaper published the morning after it happened.

"MARSDEN AND FRENCHAM *v.* THE REV. THOMAS BARLOW."

"This was a suit to recover the sum of £10, for cash paid on account of the defendant, who was a minister, attached to a Congregational Church at Collingwood. The reverend defendant filed a plea, and in this document he set forth that one of the plaintiffs (J. A. Marsden) was a blackguard, a drunkard, and a glutton. As soon as the Commissioner observed the tenor of the plea, he addressed the defendant by asking him how he dared, by an assertion of this kind, to offer an insult to the Court. As a warning to others to be more guarded, he would order the defendant, for the language he had thought fit to employ, to be committed to gaol for fourteen days for contempt of Court. Upon this announcement, two or three respectable individuals came forward and entreated the Commissioner to retract his decision, as the defendant had erred more from ignorance than wilfulness, and with no intention to insult the Court. The Commissioner, moved by the venerable appearance of the Rev. Mr. Barlow, and the intercession of his friends, required the defendant to alter his plea, and pardoned the indiscretion. The case was ordered to stand over until the next sitting."

The reverend defendant was served right, and it was an error of judgment for the Commissioner to let him off with impunity, for the plea was not only a gross impertinence, but a malicious libel. No member of the community was better known and respected than the plaintiff so grossly calumniated—and as will be shown in other portions of this work, no colonist, old or new, ever served his country in more various ways. But religious disputes, like religious wars, are, as a rule, most irreligiously fought out; no quarter is given, it is a conflict to the bitter end—when the winning side is shamelessly vituperated, and as to the loser it is *væ victis* with a vengeance.

The time had at length come when Commissioner Barry was to be divorced from the Court which he had nursed from its infancy, and for which he had conceived a kind of affection. A higher sphere was opening for the exercise of those abilities, which were in the future to secure for him a reputation that will endure in the judicial annals of Victoria. On the 1st July, 1851, "Port Phillip" blossomed into the "Colony of Victoria," and Mr. Barry into a Solicitor-General. The Commissionership and he parted company for evermore. Mr. E. E. Williams was appointed his successor, and commenced duty as such on the 21st July. And so drops the curtain upon my imperfect sketch of "Barry's Little-Go," and the old associations by which it was surrounded.

THE POLICE COURT.

A police office is incomplete without a lock-up, for they go together as naturally as brandy and sodawater, the one acting as a corrective to the other, and both combined constituting one of the ingredients without which the existence of modern society would become an impossibility. In all my peregrinations through the misty past of Port Phillip, the tomb-searchings and exfoliations accomplished, and the multifarious and minute enquiries prosecuted, the tracing of the early police courts and watch-houses have been the most difficult. What has been written of them is little or nothing, and even that infinitesimal quantity is absolutely mythical. The existence of the first theatre, the identity of the first pound, the whereabouts of the first barracks, or the construction of the first breakwater, was perplexing enough in all reason; but the sites of the first places where Justice fixed up her scales, and where the early law-breakers

were detained for judgment, are buried in a dense layer of obscurity, from which it is a task of extreme difficulty to disinter them. After six months' persistent investigation, this mildewed old topic, more intricate than a cluster of spiders' webs, I have endeavoured to unravel in the following narrative, of the correctness of which there can exist no reasonable doubt.

When Captain Lonsdale arrived as Police Magistrate in 1836, and possessed himself and his small convict settlement of the "Government block" previously described, his first business was to provide quarters for himself, and almost the next was to set going the legal machinery necessary to keep his rascally retainers to their good behaviour. It was not needful then to have a Court-house gazetted as such, for the Police Magistrate carried about him the inherent privilege of making a Court when and everywhere he liked, so that if he only had his ink-horn and goose-quill (steel pens were then ranked amongst the "things not generally known"), his constable, and flogger, he could open his law-shop anywhere *sub Jove* or *sub tegmine*, according as his whim or duty dictated. Lonsdale, having billeted himself off the north-west terminus of Little Collins Street, he fixed upon the other side, a little eastward of the Sailors' Home, between Collins and Little Collins Streets, as the position of the Police Court. It was something of a "betwixt and between" an aboriginal mia-mia and a roughly made summer-house, formed of wattle-tree boughs and branches, and thatched, or rather heaped over on the top with reeds. This rural retreat had for its floor a solid substratum of mother earth, and its dimensions were about twelve feet square. The entrance or hole for admission faced the rising, whilst a chair or some convenience passing for one, was backed towards the setting sun, and here by himself, minus a clerk, with a kind of rheumatic table before him, sat the Commandant of the embryo colony, "monarch of all he surveyed," the sole representative, judicial and ministerial of the majesty of Britain, dispensing justice to those who claimed it, and to others who would be only too glad to escape it. His business was mainly confined for some time to the punishment of insubordinate or drunken convicts—prisoners who could only, under the surrounding circumstances, be kept within proper bounds by a brisk application of the lash, and lashed they used to be accordingly. A few yards away from this bower, in the direction nearer to Collins Street, was the guard-house and lock-up, built also of ti-tree, reed-roofed, but of more compact and substantial make than the Court-house. This place consisted of two compartments, an outer and an inner division. The former was always occupied by a small military guard on duty, whilst the other was the lock, or rather, shut-up, for into this oven the prisoners would be crammed, and secured, but whether by lock or bolt and bar is uncertain—probably by nothing more than the presence of the guard, whose loaded muskets were always on the *qui vive* to pop off should any confinee attempt an escape. The two divisions communicated with each other by a door, very shaky in the hinges, with a circular aperture cut out of the upper half, through which the guard could peep in, or the prisoners peep out whenever they liked. This whole concern was, in 1837, fired by some black sheep-stealers screwed in there, in a manner exhibiting no small native ingenuity, and the entire place went up in a grand blaze. Particulars of this extraordinary outrage—the first fire in the colony—will be given when I come to write of the conflagrations of the early times. The effect of the arson was to compel a shifting of the lock-up across near King Street, in another hut edifice, placed close to the prisoners' barracks, and where, by a strange coincidence, the West Melbourne Police Station is now located. A guard-room was also put up here by the utilization of a second hut, and the miserable den—the lock-up—occasionally served as an hospital. Towards the end of 1838, the first real watch-house was erected at the south-west angle of the Western Market Reserve. It was built of stone, from a plan prepared by Mr. Russell (the Clerk of Works), and though a palace as compared with its predecessors, its great fault was smallness. It contained three apartments, *i.e.*, a central room of ten feet by nine feet, as a residence for the keeper, with a cell at each end, fifteen feet nine inches by nine feet, for the reception of prisoners, and an entrance corridor four feet in width. In 1840, a second watch-house was built at the south-east corner of the Eastern Market. It was on a somewhat larger scale, and in after time served occasionally as a relieving prison, where women used to be enclosed. It was also useful as a temporary Lunatic Asylum. The Police Office followed the house of detention, and the Police Magistrate shifted the pennant of office to a turf and sod hut, roofed with bark, and pitched about the centre of the Market-square. This Court-house was about fourteen feet by twelve feet, and here Lonsdale "captained" it, until the beginning of 1839, when the establishment of a Court of Quarter Sessions rendered it absolutely necessary to provide something like

suitable accommodation regardless of expense. A sensational *canard* in connection with an early Police Court-*cum*-lock-up has been found floating in the clouds of antiquity, and this vagrant was deemed even worthy of a niche in print. It is to the effect that one night, either some intoxicated roysterers or a bull of Batman's rushed the place, and laid it in ruins and that a reward was subsequently offered for the identification and apprehension of either the bull or the bull-ies. I have tested the accuracy of this statement, and to a query transmitted to Mr. Robert Russell, the best living authority, have received the following reply:—"Of the tradition to which you refer as to the Police Office, the bull and the rowdies I know nothing. Batman had no bulls running about wild, but his well-known horse, 'Post Boy,' one fine morning made a flying excursion through 'the settlement,' to the great terror of the inhabitants—and a small building (not a Police Office), belonging to Mr. Nodin, having become offensive, was violently assaulted and overthrown, bodily, one dark night, by four or five rowdies, whose names I could give you, but not the sketch by D'Arcy of the event, for I have lost it. On these stern facts, I think Mr.——has built his pleasing fiction." Mr. James F. Strachan, one of the primitive merchants, having had built a brick store at the corner of Collins and Queen Streets, vacated a wooden tenement in William Street, and this was purchased by the Government for conversion into a Police Office. It was shifted bodily, or rather, simply moved round close to where the new watch-house had been put up, and as it was in a somewhat dilapidated condition, it underwent a thorough overhaul to make it ship-shape, for the new and important *rôle* in which it was destined to play a prominent part for many years. On the 15th February, 1839, official instructions were issued for the doing up of this old rookery. This looked like business, and Captain Lonsdale lost no time in abandoning the mud hut, ensconcing himself comfortably in the vicinity of the new-made fireplace, and enjoying his comfortable quarters, never dreaming of ejection until the morning of the 13th May, when he was suddenly awoke by the startling intimation that he must clear out to make room for the superior tribunal of the Quarter Sessions, to open on the same day. He could not do otherwise than yield, and as the Sessions would continue for some days, he forthwith despatched a curt memo. to the Clerk of Works (Mr. Russell), commanding him to "give up the Clerk of Works' office that the necessary arrangements may be made to hold the Police Office duties there during the sitting of the Quarter Sessions." The building, so unceremoniously asked for, was the one-roomed brick cottage erected the year before in King Street, for the special accommodation of the then Public Works Department. But if Lonsdale, who had ordinarily much of the slow-coach in him, could be imperative in minuting his desire, he had his match in Russell, who sent back a counter-memo., the next day, "declining to give up his office, because he required it for the security of such documents as he had received from the Colonial Architect, and also because it was requisite that he should have some room in which to make the necessary drawings, &c., for the public buildings under his superintendence." Though nominally subordinate to the Police Magistrate, the Clerk of Works was then professionally responsible only to the department of the Colonial Architect in Sydney, of which he was an officer, and this circumstance may be considered in justification of his non-compliance with the wishes of Captain Lonsdale. A personal conference subsequently induced the Clerk of Works to obey the order of the "Commandant," and the Police Court was transferred temporarily, as desired, but was moved back to the Market Reserve as soon as the Quarter Sessions had terminated.

The Police Court had acquired a "local habitation," but to render it sufficiently effective for the time, it had to be provided with an instrument of punishment and exposure known as "the stocks." For the information of such as may require it, it may be stated that "the stocks" was a modification of the historical pillory, but intended for the feet instead of the head and hands. A bench, capable of seating half-a-dozen persons, was made fast in the ground to the right of the Police Court door, a few yards away, and facing all who passed to and from the Court. Fixed in front was a strong wooden frame, composed of two beams, the upper one working on an hinge at one end, and secured with a strong padlock at the other. The beams were fashioned with leg holes, so that a person seated would have his legs fastened something on the hand-cuff method, and when the upper beam was let down and locked, he was securely hobbled. Only offending ticket-of-leave convicts and incorrigible drunkards used to be condemned to this pillory, and very coolly and philosophically used they to "take it out" there. There was no guard to object to the passers-by having a "yarn" with the unfortunates, so that it often came to pass that their "pals" and other sympathisers would have a confab with the fellows in trouble, and give them figs of tobacco, as modern

philanthropists treat the monkeys to nuts at the Acclimatization Society's Gardens. Even instances have been known when a nip of rum was surreptitiously supplied—a mode of sly-grogging which perhaps under the circumstances was not altogether inexcusable. Three or four times an outrageous harridan of an abandoned woman was "stocked," the concession being made in her favour that only one of her feet was shackled, and she could kick away as she liked with the other. "The stocks" remained a not-much-patronised institution until 1846, when three or four well-dressed rowdies were consigned to a couple of hours' baking there one hot day, and that same night they returned and made smithereens of the affair, which was never after replaced. The regular out-and-out scoundrels much preferred a spell in "the stocks" to the watch-house, for it was a sort of State-outing much enjoyed. It was "baccy and grog" free gratis, without the trouble or danger attending the contrabrand transit of presents to prisoners now-a-days.

Regular Petty Sessions were not held until 1839, and the first Magisterial Roll consisted of Captains W. Lonsdale, P.M., F. Fyans, Smith (80th Regt.) Lieut. De Vignolles, Messrs. J. Simpson, W. H. Yaldwyn, with the Aboriginal Protectorate—Messrs. G. A. Robinson, E. S. Parker, James Dredge, William Thomas, and C W. Sievwright. The first Court had a certain martial air about it which consorted but poorly with the shabbiness of the hovel Court-houses, for the Captain-Police Magistrate had as his official "Friday" another Captain, *i.e.* the Mr. Baxter already mentioned as the second Post-master. He was appointed Clerk of the Bench (16th January, 1838), and a series of officers followed in quick succession, viz., Ocock, Kirkland, a red-headed, sulky-looking worthy named J. M. M'Lauren, a rather mild-faced, black-haired customer, C. Forrest, and then Mr. William Redmond Belcher. He had been an auctioneer, and transferring his abilities to the Police Court, applied the mental hammer there for so many years that he got to be regarded as one of the best-known men in town. He was not a very pleasant man to look at, and used to "ride the high horse" with the Bench, some of the members of which were rather cowed by him.

The newspaper reporters and he often had a tiff, but they were too many for him, or, rather, they had power to carry their wordy war out of Court in a way denied to him, and a caustic paragraph or cutting remark made him cut up anything but comfortably. Belcher was a thorough man of work, an indefatigable official, and at heart a kindly good fellow. It was easy to get up a breeze with him, but when the squall blew over he was not unwilling to forgive and to forget. He held the office of Chief Clerk of the City Court for many years, from which he was deservedly promoted to a Police Magistracy more than a quarter of a century ago, and an efficient and impartial Magistrate he made. Poor "W.R.B." has long gone to his account, where many a worse fellow had preceded and will follow him. But I am making too much way, and must reverse the engine and return to 1840. Captain Lonsdale was appointed Sub-Treasurer, and Mr. James Simpson was nominated Police Magistrate. Of the latter, there could not be found a better selection, and the public business was now disposed of with some propriety. At the beginning of 1841, there were thirty-six gentlemen in the Commission of the Peace, and of these there is only one living, viz., Mr. E. J. Brewster in England.* Previous to the incorporation of Melbourne in 1842, there was only a territorial magistracy with a jurisdiction running throughout the colony, but the Corporation Act introduced an order of town magistrates by excluding from the town adjudication any justice not on the Burgess Roll. Judge Willis was not long acting as Resident Judge when he so quarrelled from the Bench with Mr. Simpson, as to cause that gentleman to resign to save further judicial snubbings, and Major Frederick Berkley St. John, another retired military officer, was appointed in his place. This he filled until 1843, when the Town Council and the Government disagreed over the levying of a police rate, which so irritated Sir George Gipps that he declined to continue the pay of a Police Magistrate out of the Colonial Revenue, and so St. John lost his billet, and the duties of Police Magistrate were performed by the several Mayors until after Separation. The Major was not altogether shelved, for he was appointed a Commissioner of Crown Lands for the Western Port District. In 1841, the salary was £300, with two clerks, one at £150, and one at £100. Major St. John set to work with much earnestness, but he was bounceable and capricious, and felt a sort of enjoyment in hectoring some of the early newspaper reporters. Praise or flatter him, and he swallowed the bait; frighten

* Mr. Brewster gave up practice at the Bar some years ago, and is now officiating as a clergyman of the Church of England at Chester, in England.

him if you could, and he fawned on and feared you; he was altogether such "a mixed lot," that it was difficult to say whether his good or bad points preponderated. The probability is that though his virtues were few, his vices were not numberless. After being divested of the Police Magistracy, he knew better than to discontinue his attendance at Court. He was qualified by his franchise to act as a Town Magistrate, and acquired an almost irresistible influence as a Licensing Justice, from the fact that several of the early Mayors were, from their carrying on either brewing or Wine and Spirit selling businesses, debarred from interfering in cases coming under the Licensed Victuallers' Act.

The unedifying scenes of daily occurrence in the Supreme Court, between Judge Willis and the Press reporters as well as editors, extended the contagion to the Police Court, and St. John got touched by the epidemic. It therefore amused him to be down like a small clap of thunder upon any reporter who spoke above his breath, laughed, or made any noise in the reporters' box, or sat anywhere out of it. These funny incidents amused the people, and tickled the Major immensely, who, though he never liked being laughed at, much enjoyed being laughed with. To bellow at a reporter, command him to keep quiet, and threaten that he should be dragged off to the watch-house by the Chief-Constable, was a species of by-play in which St. John revelled. Take the following as a specimen :—

Mr. Joseph Byrne, a reporter of the *Herald*, took a seat one day in December, 1841, at the table reserved for the legal practitioners in consequence of the Press box being crowded, and on being asked some question by a person during the progress of the case, was quietly replying when the Police Magistrate thus addressed him :—"I order you to leave that place at once. Hold your tongue, sir, will you, and don't disturb this Court, or I'll order you out of it. Chief-Constable, do not, in future, admit any person except legal gentlemen." The reporter complied without demur, and moved into the reporters' box. After the business had concluded, the reporter, addressing the Magistrate, expressed surprise at the discourtesy shown to him, and supposed it was in consequence of some remarks on the Major's conduct, which appeared in the paper he represented. Major St. John declared it was nothing of the kind, and threatened if the journalist spoke again in Court he would have him put out. Thereupon ensued the following lively dialogue :—

REPORTER : "Do so at your peril. If you so insult me, I shall appeal to the Judge for protection."

THE MAJOR : "If I allow you to come into my Court to report, I am not to be disturbed. I will not have it, and the next time you speak I will have you turned out."

REPORTER : "And I shall not be insulted by you in the discharge of my duties. The Judge will protect me, and I shall appeal to him."

THE MAJOR : "Silence, sir, I say, will you ?"

REPORTER : "You say I am *allowed* to come here; am I to understand that it is on sufferance then ?"

THE MAJOR : "Certainly; this is *my* Court, and I will not have it disturbed."

REPORTER : "This is a public Court of Justice, open to the public, and as such I *claim* and do not *ask* admittance. I will not be insulted by you, and shall appeal to Judge Willis."

THE MAJOR (terribly excited and in a loud voice) : "I tell you if you do not hold your tongue, I will commit you for contempt of Court."

REPORTER : "Do so, then, and I shall appeal for protection to the Judge, and he will give it to— "

THE MAJOR : "Silence, sir, I tell you, immediately, or I will have you taken into custody and commit you!"

REPORTER : "Very well, do so, then, and I shall appeal to the Judge."

THE MAJOR : "Silence, sir; another word and I'll commit you."

The cream of the joke is that the same Byrne who so readily threatened to seek protection under the ægis of Judge Willis, used to be threatened with committal by Willis for misreporting and paragraphing him in the *Herald*. But Byrne was soon quits with the Major. About a fortnight after the occurrence of the scene narrated, one Lamb appeared before the Court on an information charging him with sly-grog selling. He was convicted and fined £30, whereupon he inveighed loudly against the decision, declaring "that he had not received justice!" The Major, very touchy when his impartiality was questioned, jumped up, and, looking like a hungry wolf preparing to spring upon a veritable lamb, roared out in a

thundering voice, "Another word from you, and by God I'll send you to gaol for forty eight hours!" The "Lamb" subsided and made himself scarce, but not so the reporter Byrne. He waited until the Major had retired from the Bench, and then applied to another magistrate for a summons against Major St. John for blaspheming in Court. The case was heard some days after, and the Major was fined 5s. for taking the name of God in vain. Poor Byrne, however, was made to pay the piper for his indiscretion, for in a week or two his services were unceremoniously dispensed with by Mr. Cavenagh, the *Herald* proprietor, owing, it was believed, to the Major's underhand influence exercised against him.

"WATCH-HOUSING" THE NEWSPAPERS.

Mr. John Davies, one of the best known of the early reporters, and for years employed on the *Patriot* and the *Gazette*, was on the 2nd February, 1842, sitting in the reporters' box and talking to some bystander, when the Major ordered a Sergeant of Police to turn him out amongst the crowd. This was done, and the next morning the Magistrate got hotly peppered by a newspaper paragraph; and on Davies making his appearance in Court, the Major ordered him to be *instanter* locked up in the watch-house. Here he was kept sweating for an hour, when, by St. John's direction, he was brought back to Court, and there informed that he was discharged, and the reason he was not sent to gaol until next day was the fact that the prison was overcrowded with inmates! Davies commenced an action for false imprisonment, which was privately arranged by the intercession of mutual friends. The Major even sometimes had the hardihood to fly at such high game as an editor. In August, 1842, an article appeared in the *Patriot*, censuring in severe and offensive language the public conduct of the Major, who at once issued a summons against Mr. William Kerr, the editor, and on Kerr's appearance, in addition to a sharp scolding, to which he would permit no retort, the Major committed and sentenced him to twenty-four hours' imprisonment with hard labour in the common gaol. Kerr was marched off to *durance vile*, but in the course of the afternoon was brought before Judge Willis on a writ of *habeas*, and discharged through an informality in the warrant of commitment. He subsequently brought an action for false imprisonment, which was heard the following year, and obtained a verdict of £50 damages. St. John had various quarrels with other editors and reporters towards whom he would comport himself in an insolently over-bearing manner, but they never went so far as to end in the lock-up or the gaol.

MUZZLING THE MAJOR.

There was one representative of the Press, however, one of the smallest and least pretentious of the units of old journalism, in whom the Major, very much to his astonishment, met his match, and the following amusing circumstances now see the light of print for the first time. Major St. John was ostensibly a man who would as soon think of committing suicide, as trafficking in justice, in any shape or form. He professed to entertain such a horror of bribery of every shade and degree, that he would mercilessly sack an unfortunate policeman for receiving as much as a glass of beer, or a fig of tobacco; and yet he gradually established a system of his own, by which for years he unblushingly, not only accepted bribes, but in some cases solicited them, where he thought there was a reasonable chance of success and concealment. Rumour of his doings in this line crept abroad, at first only as big as a man's hand, but increasing from month to month and year to year, until the cloud burst and overwhelmed the offender. At an early period Mr. E. Finn* (until recently filling a government appointment in Melbourne) joined the reporting staff of the *Port Phillip Herald*, and rendered himself so useful to the paper, that in very changing times, when there used to be much chopping and changing amongst newspapers, he remained the same through every alternation, and so by continuous attendance at the Police Court, was well-known in what was then a favourite resort for those who had and those who had not business there. He got on tolerably well with the Major, because he was gifted with a fair share of caution, and the journal to which he was attached was the semi-official organ of the Melbourne Club, and of the would-be aristocratic coterie, of which the Major was for a

* Garryowen.

considerable time regarded as one of the shining lights. Finn had special facilities for acquiring a knowledge of the Major's shortcomings in the tip-taking line; and he and Mr. Charles Brodie (Chief-Constable of the County Bourke Police), barring the Major himself, knew more of that high official's peccadilloes than any other two in the Province. Any well authenticated tit-bits of St. Johnian scandal with which he became acquainted, Finn dotted down in black and white, so that he had a log-book of the Major's obliquities with days and dates, and all other etceteras. At the corner of Market and Little Flinders Streets, stood a small cosy tavern kept by a Mr. Thomas Ball Sibering, the host and hostess of which were so much alike that, allowing for the difference of sex, they looked like fat twins, the male twin being larger in size, and the female inclining to the condition known as "squatty." Tom Sibering was civil and his wife was plausible. Good liquor was kept there, and "tick" to the newspaper men was encouraged as long as there was the remotest chance of payment. The newspaper fellows, the Chief-Constables, and some of the Sergeants of Police often met there for the consumption of the excellent bottled porter, and "two ales" always on tap: the Major and his doings were often on the *tapis* too. Such of the reporters as had undergone the ordeal of the Major's "bossing" used to be freely chaffed, and amongst those who most freely indulged in that kind of amusement, Finn was conspicuous. It was often predicted that it was only a question of time between him and the Major for his turn to come, and the wonder was how he managed to escape so long; but he took the presaging lightly, and was heard to declare repeatedly that the first encounter that took place between him and St. John would also be the last. As for the first he used to say laughingly that if it were to come, the sooner the better; but of this he was certain as he was of his existence, that there would never be a second. It is very possible that Chief-Constable Brodie, the Major's most trusted myrmidon, mentioned this vaunting to his chief, for though the event was long deferred, it came off in July, 1847. The business of the District Court used to be transacted on Tuesdays and Thursdays; and as it was a tedious drudging through petty wages, trespass and impounding cases, was not much affected by "gentlemen of the fourth estate." The proceedings, as a rule, were not reported at length, and often not noticed at all. On a certain Thursday afternoon there was a lengthy cause list, and Major St. John and Dr. Wilmot, the Coroner, composed the Bench. The only reporter in the Press box, was Mr. Finn, absorbed in the perusal of one of Lever's raciest novels. Major St. John was chairman of the Bench, and it was noticed from his gruff and imperious treatment of the suitors that something had gone wrong with him—that, in slang phraseology, he was "off his chump." He started and looked round, sniffing the air, like a war-horse scenting the battle from afar—in fact, he was eagerly looking for something to turn up in the shape of a row. Even Brodie noticed this, for, coming over near Finn, and tapping him on the arm, he said, *sotto voce*, "Don't go away; there is some mischief brewing, and there'll be fun to-day." "All right," replied Finn, and was off again to the companionship of the harum-scarum hero of the novel. In ten minutes, an introduction to that drollest of fictitious personages, the inimitable "Micky Free," helped probably by Sibering's XX.—for it was after lunch hour—caused a peal of laughter to ring like a small bell through the Court. The explosion burst from the solitary student of the Press box, and the moment he heard it, the Major turned his chair fiercely round towards the corner from which the bell-music came, narrowly escaping a tip over, and addressing the cause of the merry outburst, exclaimed, "What do you mean, sir, by such mockery? Do you think you are in a bear-garden—the fit place for you? Let me have no more of that."

REPORTER: "I beg your pardon, Major St. John, I am well aware I am not in a bear-garden, for which you are so complimentary as to say I am fit; though I assure you there are others in Court that would adorn a bear-garden more than I."

THE MAJOR: "Come, come, I won't allow you to address me in this style. This is *my* Court, and I'll make you behave yourself in it."

REPORTER: "Your Worship, I am sorry if I have offended, but my laughing was involuntary. It was the book I was reading that laughed, and not myself. Knowing me so long, I think you might have been a little more for-*bear*ing in the tone of voice in which you addressed me."

THE MAJOR: "Ho! ho! and so you are going to lecture me on the proprieties, eh! By gad, that's good—Eh Wilmot? Now, look here, you fellow, if you ever dare to interrupt the proceedings of my Court again as you have done to day, I'll make very short work with you."

REPORTER: "Major St. John, even at the risk of being committed for contempt, I must respectfully submit that your oft-asserted theory as to this Court being *yours*, is based, to put it mildly, on misapprehension This Court belongs to the Town of Melbourne, and not the County of Bourke, as a Justice of which you are now sitting, and even were it otherwise, Dr. Wilmot, the other Magistrate, is for the present, at all events, a co-proprietor."

THE MAJOR: (shaking with passion); "Confound you, will you stop that jawing of yours? Have you the impudence to talk to me about what constitutes a legal title to a police office? Look here, Brodie," (to the Chief-Constable), "if that fellow says another word, I order you to take and lock him up for six hours in the watch-house."

During this verbal altercation the second Magistrate (Dr. Wilmot), looked through his spectacles at the talking pair. He appeared as a man dazed, trying to comprehend what was going on, and with difficulty half succeeding. He was a mild-mannered, amiable, old gentleman, with a great deal of the "old woman" in his disposition. He would have liked very much to act as peacemaker, but he wanted the pluck to interfere; and so he prudently let matters alone, through a fear of making what was undoubtedly bad decidedly worse. Mr. Finn had no notion of being incarcerated for the six hours, so he immediately rose, bowed to the Bench, and marched out of the Court, followed by the sniggering of Brodie who chuckled at finding him in for it at last.

At seven o'clock that evening, Mr. Finn stood at the door of Major St. John's private residence in Brunswick Street. The Major was in, but could not be seen. The visitor, prepared for this, had a peremptory note written, requesting a private interview on business that brooked not delay. And this was taken in. Amongst the more thoroughly developed bumps in the Major's craniological system was that of curiosity, and when he read the missive he felt an amused interest to know what on earth could the person whom he so roughly-tongued that day want with him, and in private too, at his own house. The Major was by no means an unread man, and possibly at the moment the well-known lines from Scott's *Marmion* occurred to him—

"And dar'st thou then
To beard the lion in his den,
The Douglas in his hall?"

He was neither ungenerous nor unforgiving, especially after dinner, and in something approaching a gleeful humour, answered the note in person, received the stranger cordially, and ushered him into a small back room, where a lively log-fire burned, and a natty table displayed certain appliances by no means discouraging. There were two chairs, and the Major, drawing one towards the fireplace, motioned his visitor to be seated. Retiring for a few moments, he returned with a bottle of whisky, and declared he would give the other something, the like of which he did not taste since he left the land famous for potatoes and potheen. Hot water and sugar were not long behind, and after the grog had been mixed, stirred, and tasted, the Major said: "Well, how do you like it?" to which Finn replied that "It was the best un-paid for whisky he ever drank." The Major, at first not understanding the drift of the remark, was a little puzzled how to take it, and asked Finn "What did he mean?" when the answer was, that "The bottle of whisky was no doubt portion of a present which the Major received the week before from Mr. ——, a spirit merchant, who was interested in the issue of a license to a tenant of his." The Major burst into a terrible fume of rage, and asked Finn "If he had the audacity to come into his house to insult him?" simultaneously taking up the poker, and stirring the fire with it, declared that only the fellow was in his house, he had a notion of breaking his head. Finn took the business very coolly, and also another taste of the toddy, and quietly spoke to his host to something like this effect:—"Look here, Major, put your bluster in your pocket, and your poker aside. Though you are in your own house, you are not in your own Court now, and there is no Brodie to lock me up, so I am grateful for your hot whisky, and reciprocate your respect for the laws of hospitality. I have come here to-night forced by your outrageous treatment of me to-day, to do a little business and to that let me come. Your goings on for the last few years are sufficient, if known, and circumstantially verified, to ruin fifty like you. Now I have in my pocket an inventory of a few of your transgressions, annotated with day and date, chapter and verse, and just have a little patience while I recapitulate them." Drawing from an inside pocket a sheet of foolscap, Finn proceeded to read

the "inventory" he had prepared to the first astonished and then thunder-struck Major. The narrative entered into minute details of the Major's peccadilloes, viz., the receiving of divers and sundry bribes and presents given to him in his capacities of a Licensing Magistrate, and Commissioner of Crown Lands, such as a load of hay from one man, a hamper of wine from another, a case of whisky from a third, a £5-note from a fourth, and ringing the changes from a ham of bacon, a bag of potatoes, a fat goose, a load of wood, a hen and clutch of chickens, a wheelbarrow of bottled beer, and a basket of fresh butter, down to two dozen of eggs. The names and residences of the donors, with date of delivery, even the quality of the articles, were enumerated, in a resolved, defiant tone, the Major during the recitation moving in his chair like a cat on a hot griddle; and when at length it came to a close, Finn wound up by saying "Now, Major St. John, is it to be peace or war between us? You may some day have me locked up in the watch-house, but I'll then bring an action against you, and certainly will get heavier damages than Kerr did, for he was obnoxious to three-fourths of the jury panel summoned in the case. You cannot have me dismissed from the *Herald*, as you did poor Byrne, for your friend Cavenagh cannot do without me. Now should there be a second 'set-to' between you and me at the Police Office upon any pretext whatever, as I'm a living man, the following day, will find Superintendent Latrobe in possession of even a longer 'black list' than you have heard from me to-night; and to prevent the possibility of his 'burking' it, which I think impossible, I shall transmit a duplicate by the ensuing overland mail to the Colonial Secretary at Sydney. Say then, once for all, are we to have peace or war?" The Major was now working into a state of intense excitement, though he affected an unnatural coolness. At length he burst out:—"I don't believe you read what you pretend is written in that paper, at all. It is only a sham; show me the paper and let me see." The paper was handed to him, and clutching it eagerly, he threw it into the fire, stirred the logs, and a sudden flame blazed up the chimney. "Ha!" roared the Major, "you confounded little thief, there goes your pack of lies, and a brass pin would make me shove you up the chimney after them. I defy you now, you rascal." Finn burst out laughing and rejoined, "Major, you must suppose me a born idiot, if you fancy I would be fool enough to hand you that paper if I had not the original at home. Why, man, it's only a copy, and surely, as a Magistrate of no small experience, you must know that an original is the real thing." "I suppose," responded the Major, "it is so. You're a bigger rogue than one would think for your size. Come, let us mix another glass, and by the time 'tis drunk, I'll tell you what I mean to do with you." The punch was encored and leisurely drank, and the unwelcome guest praised the whisky a couple of times, at which the Major most perceptibly winced. After the tumblers had been emptied, the Major turned round suddenly, and, with a cordial smile, said—"Look here, I always believed that the Irish were good-hearted fellows. My wife is an Irish woman and a countrywoman of yours. Give me your hand, and promise solemnly that what has passed to-night shall never be revealed as long as I am in the colony, or alive. From your years you will in all likelihood outlive me, and when I am dead I care not who knows. Promise me this, and you and I, so far as I can prevent it, shall never quarrel more." The offer was accepted, the plight was given, and as the Major showed his visitor to the door, and bade him good-night, he expressed a strong desire that all notice of the *fracas* might be kept out of the newspapers. This was easily managed, as only the one reporter, the actor in the scene, was present when it occurred. The Major's marked courtesy to the *Herald* reporter thenceforward, was often the subject of remark and wonderment, but the reason why, never transpired. Anything in the way of exclusive local news, official or otherwise, in the Major's power to communicate, was imparted either verbally or in notes to the office, so that Mr. Cavenagh, the *Herald* editor, was frequently surprised, and tried unavailingly to penetrate the mystery. Both the high contracting parties faithfully adhered to the treaty negotiated through the medium of the un-paid for whisky. Meanwhile, the Major travelled rapidly along the road to ruin, and Finn's "log-book" continued to receive some racy additions to its previous collection. At length his doom overtook St. John, and his misdemeanours became the subject of a Supreme Court trial, described elsewhere. J.P. Fawkner, at a public meeting, denounced the Superintendent, as conniving at the Major taking bribes, whereupon Mr. Latrobe directed St. John to bring a civil action for libel, which eventuated in the *cause celèbre* of ST. JOHN *v* FAWKNER tried in the Supreme Court, and the jury disagreed. Messrs. Fawkner and T. M'Combie took much trouble in hunting up evidence for the defence, and tried hard to elicit some information from Mr. Finn, who it was surmised, could put them on the trail of much valuable

testimony; but he shook his head, and said simply he had nothing to say. More than once they consulted the oracle, but it remained dumb. If it had spoken, and produced the "log-book," the chances were five hundred to one, that instead of a disagreement, there would have been a verdict for the defendant. Mr. Finn, however, was no private detective; what he knew *in globo* was known to others partially, and he left those individuals free to tender their evidence voluntarily, or the defendant's agents to find them out. He was neither a profiter by, nor a contributor to, the Major's blackmailing, and washed his hands of the business. Besides, he was never amongst the Fawkner following, but very much the other way, and therefore so far as he was concerned, the Fawknerites should fight it out without help from him, and if they failed, let their principal take the consequences. And such is the queer story of how the Major was muzzled, now told for the first time.

Mr. James Smith (of whom some amusing reminiscences are given in the chapter on Banking) was a plodding, painstaking, well-meaning magistrate; but so tedious in groping his way through any but the plainer cases, as to be almost intolerable. Sometimes he would be adjudicating singly in some petty Crown prosecution, with the Chief-Constable on one side, and an Attorney on the other, and to make confusion worse confounded the clerk (Belcher) would strike in as *amicus curiæ*, when the verbiage would be so overwhelming as to addle the poor old gentleman. It was as if three small hoses of Yan Yean water, slightly different in temperature, played in succession, and about every two minutes simultaneously, on his head. He would stoop over a law-book, apparently so stunned as to be incapable of comprehending a fractional part of what was said, and slowly raising his head would look bewilderingly about him and decide as well as he was able. He was known by the *alias* of "Jimmy Whistle." At times he would snarl at the newspaper representatives, and once refused permission to the editors to sit at the Solicitors' table (a courtesy usually conceded) for which he got paid off in a style that caused him to relent. There was one prominent member of the reporting staff, Mr. John Curtis, the deftest hand at inditing exaggerated paragraphs that ever troubled a compositor. His style was of the paraphrastic, piling up half-a-dozen small fictions on an atom of fact, and in police reporting, "Jack," as he was called, was unequalled in his line. "Jimmy" Smith couldn't bear him, and Mr. William Hull abhorred him. "Jack" liked to pitch into the magistrates whether they deserved it or not. He came after the Major's time, and was, therefore, never ordered to the lock-up; but he was often turned out of the reporters' box, and had to take notes on his hat in the crowd of unwashed outside the barrier. If a magistrate was five minutes late, Curtis would write him down as an hour and a-half behind his time, and he annoyed their worships very much by so doing.

"THE EVIL EYE."

One day the Rev. Irving Hetherington, a well-known and respected Presbyterian minister, came into Court to speak on some pressing business with Mr. Hull, who was on the Bench. They had a couple of minutes' conversation, and Mr. Hetherington departed. In the next issue of the *Daily News* (Jack Curtis' paper), appeared a third of a column of a most spitefully written, though florid notice, in which Mr. Hull was "roasted" for wasting a couple of hours of the public time, in a confab with a black-coated, white-chokered expiree from Van Diemen's Land. Hull read the paragraph, and bottled up his wrath carefully until the following Wednesday, the day he was rostered to officiate, when he made his appearance, uncorked the bottle, and gave poor Curtis the full measure of it. He denounced him as everything that was unbecoming a gentleman of the Press, winding up with what he thought would be a stunning clincher, by proclaiming Curtis to be a writer of fables, the humour of which so tickled "Jack," that he laughed uproariously, and a policeman was ordered to remove him from the box, which was done, and the offender ook his stand in the body of the Court. Mr. Hull warned him, on pain of committal to prison, never, on a Wednesday, to dare to enter the reporters' box, and so every other day Curtis used to appear in the prescribed place, but on Wednesdays he appeared amongst the *ignobile vulgus*, in a particular spot that would bring him *vis-à-vis* with the irate Magistrate, at whom he stared as if resolved upon looking him down. Mr. Hull was ever on the most friendly terms with the Mr. Finn before mentioned, and between them there subsisted a mutual esteem, only broken by Mr. Hull's death. In a conversation one day the subject of Curtis' perpetually eye-focussing Hull was mentioned, and Finn told the Magistrate, with a view to

get Curtis back to his old place, some nonsensical stories about the superstition of the "Evil Eye," or what the Italians call *malocchio*, and cited instances of its pernicious effects upon friends of his own in Ireland. This information, so authenticated, seemed to make a strong impression upon the not usually simple-minded Magistrate. Whether it did so or not was never known, but, singularly enough, Mr. Hull so far relented on the ensuing Wednesday as to invite Curtis to offer an apology for his misbehaviour; which "Jack" had not the slightest objection to do, and so, with a gentlemanly caution to be better behaved in future, he was permitted to re-enter the Elysium, from which, like a fallen angel, he had been banished.

Offending Attornies.

Now and then a legal practitioner would get into trouble through some sort of misconduct, *ex. gra.*, appearing in a "state of beer" before their Worships, extorting money from a client, or using disrespectful language. Some of the Attornies of the time were the most arrant pettifoggers, though in the colony the profession has never been free from that species of bird of prey which profits by, if not battens on, everyone having the misfortune to be numbered amongst its *clientéle*. The greatest rogues of them were hunted, through fear of Judge Willis, from the Supreme Court, but the large and small vermin ratted about the Police-office and watch-house on the look out for scraps or crumbs. Having only a trifle more law than honesty, bounce was often tried on, sometimes successfully, with the more timid-minded Magistrates, but often a sad failure. I heard Major St. John one day order a drunken Solicitor out of Court, and tell him if he was not quick about it he would kick him out; and in one week after the same fellow so ignominiously evicted, returned "tighter" and cheekier than before, when the Major, happening to be in high spirits of another kind, considerately adjourned a case, in which the Bacchanalian was engaged, for a couple of hours to enable the "gentleman by Act of Parliament" to take himself over the way to Sibering's for a sleep, and a bottle of soda. The sinner, overwhelmed by the consideration shown him, hiccuped out his acknowledgment, and reeled off, but instead of taking his two hours' grace in seidlitz or balmy sleep, he wooed a different "Nature's sweet restorer," and if he did take half the Major's advice, and dip his lips in the soda water, its effervescing restorative potency had been well dashed out by a copious admixture of P.B. The result—"Half-seas-over," and the moment the Major caught a glimpse of "Staggering Bob" struggling to enter the sacred precincts, he roared at him to get out of his sight, commanding the constable at the door not to let him pass. The case in which the delinquent's valuable services were retained, was then called on, and so that justice might not be frustrated, the Major actually leant to the party done out of the fee, and pulled him safely through the difficulty. Attornies were often suspended by particular Magistrates for offensive expressions, and as there was a doubt whether a general suspension could be legally enforced, the offended official would simply decline to adjudicate in any case in which Mr. So-and-So appeared. On one occasion the whole Bench struck against a particular Attorney. Attornies, as a rule, were the aggressors, and Magistrates bore with more impertinence than was becoming. One thing, however, must be recorded to the credit of the Justices, that no matter how outrageous the disrespect, they were always ready and willing to forgive the moment an apology was tendered. The suspended Attornies often bounced a good deal, and threatened an appeal to the Supreme Court, but cooler moments taught them that an apology was a cheaper and surer mode of putting matters right.

For years the "Town and District" business was transacted in the one room in the old wooden store, by assigning certain days of the week for each branch; an arrangement unacceptable to the Territorial Justices, but there was no alternative, for they had no other place wherein to meet. A special meeting of the District J.'sP. was held on the 3rd March, 1845, Mr. James Simpson (then Warden of the County of Bourke), presiding, at which resolutions were passed, viz:—(*a*) in favour of separating the Town and District business, and (*b*) asking the Government to fit up an old abandoned gaol building in West Collins Street as a District Police Court. A memorial to such effect was transmitted to the Executive; but nothing ever came of the movement, and the Law Courts remained joint tenants of the Market Square Establishment so long as it continued such.

Increase of business, the growing importance of the community, and the advancing infirmities of what was once Strachan's store, now wheezy and asthmatic, at length rendered it necessary that a suitable

Police Office should be built in a central locality, and where the Police buildings now stand in Swanston Street, was chosen as the most desirable site. Tenders were accepted for the present edifice in June, 1847. The first contract was for the blue-stone shell, and Mr. James Webb (a well-known builder) was the tenderer at £2000. The digging for the foundation began on the 1st August. Further contracts were from time to time entered into, and the building took just two years to complete, for it was opened for the first time for public business on the 2nd August, 1849, when the following Magistrates (City and District) appeared on the Bench, viz., the Mayor (Mr. W. M. Bell), Messrs. James Smith, Andrew Russell, William Hull, R. W. Pohlman, Archibald M'Lachlan, W. B. Wilmot, William Firebrace, Charles Payne, and Alexander Johnstone. Not one of these gentlemen is now alive. The present watch-house was not commenced until October, 1849, and, as originally built, contained five cells for prisoners, and another (styled a room) for the keeper. It was opened for the reception of prisoners on the 22nd December following. The double Court business continued to be transacted in the new building for some time, when that of the District was removed to a two-storied house in Little Collins Street East, which, for many years, formed the business premises and private residence of Mr. Andrew Russell, an ex-merchant, and one of the ex-Mayors.

On the establishment of a separate Court for the District, Mr. Robert ("Bob") Cadden was appointed its Clerk, and during the many years he filled the post, there could be no better officer or greater favourite with Magistrates, police and suitors.

The City Police office and watch-house of to-day are very different from the structure of 1849, for though the kernels of both remain, they have been so altered, added to, and built about, that either externally or internally they are almost unrecognisable. Yet I doubt much whether more substantial justice is meted out now than in the olden time. The early unpaid Magistrates were, perhaps without an exception, men of good position, and possessing a degree of education and culture in which the three R's. did not rank as an occult science. Though they sometimes packed a Bench, they could not be rounded up like sheep in a paddock when a case affecting some special individual or interest was set down for hearing.

There used to be queer and racy scenes occasionally, of which a few specimens are here selected, all of which owe their parentage to the modern age of J.P.-ship. I purposely omit names, times, and places, as I wish not to be personally offensive.

One day at a Court not twenty miles from Melbourne, a person was charged with the offence of arson, and though there was strong circumstantial evidence for the prosecution, the presiding Solon dismissed the case with these sapient remarks, and a withering scowl of contempt at the Sergeant standing near him: "Arson! what does it mean? There is no such law crime as that, why didn't ye pull the fellow up for shindyism, and then I'd send the scoundrel to gaol!"

In another place the police had filed several *qui tam* informations, which were entered on the cause-sheet as *Regina* v. Tom, Dick, and Harry, &c. When the first case came on, Tom did not answer the roll-call, and "*Regina* v. Tom" was repeated several times. The noise seemed to wake up the Magistrate from a condition of semi-consciousness, and he roared out "Rejinee! Rejinee! I suppose he's some foreigner chap; maybe a Chinee! Constable, go and call him three times more at the door, and if he don't answer this time, I'll issue my warrant to arrest him!"

Again, there was a legal discussion on a certain Bench as to what branch of law a particular transgression came under, when the Mayor of a municipality pompously declared "That common law was the law of the people generally, and Equity the axe of Parliament!" On another occasion a fussy little Justice Shallow, with less brains than impudence, in his eagerness to clear up some abstruse point to the satisfaction of his "learned" compeers, rushed the Clerk as if going to butt him, saying, "Come be quick and get me the Hact of Parliament that has the common law in it!" The Clerk would be a deal cleverer than the Magistrate if he could do so.

A respected and inoffensive Attorney was once mildly arguing a case before another J.P., when some remark made was snapped up as offensive, and the "worshipful" was down on the practitioner accordingly. He said something harsh and vulgar, whereat the other expressed a hope that at least he should be treated in a gentlemanly manner. "You a jintleman," yelled the supposed representative of all that was right and proper, "Why you're only a 'solster,' an' if you don't belay your gab in a jiffy, be Jove I'll have you in chokey before you can say Jack Robinson."

There was once a meeting of Magistrates in Melbourne to consider some knotty point of procedure, and the warmth of debate threatened to rival a modern Legislative Assembly in its liveliest of moods. It resembled a "Pow Wow" more than a quorum of Justices, and, in the midst of the yabbering, one iron-lunged voice roared down the rest by exclaiming: "Now, jintleman, I'll tell you what—I came ere to-day with a desire for conciliation—to talk the question hover in a mild hand rational way; but now has the happle of discord as been hintroduced I throw haway the scabbard." The rhetorician had once been in the spirit-selling business, and if he watered his grog as imperfectly as he blended his metaphors, he never would have succeeded as he did. And so on *ad nauseam.*

Up to the date of Separation there were only three Police Magistrates in Melbourne, viz., Messrs. Lonsdale, Simpson, and St. John, the first and second did good service in their time, and the third might have done equally well but for himself, and upon himself he brought the consequences which almost invariably, sooner or later, wait upon official misdoings.

The Sheriff's Office.

Though this could not be classed as one of the Public Departments, being a ministerial adjunct of the Supreme Court, it may be as well to include a brief notice of it. Prior to the introduction of a branch of the Supreme Court in 1841, Port Phillip was within the circuit of the New South Wales shrievalty, and the business was exclusively confined to levies and sales of property, under writs of execution sued out of the Courts at Sydney, and entrusted to the management of a Mr. Michael O'Brien, as curious and wide-awake an old card as it was possible to find. He was one of the raciest story-tellers of his generation, and as a *raconteur* of anecdotes of the old convict times, it would be difficult to find his equal. On the arrival of a Resident Judge, "Old Mick" found his occupation gone, a dead-lock he did not long survive. During the connection of Port Phillip with New South Wales, there were only two Deputy Sheriffs in the Province, and the first was Mr. Samuel Raymond, who accompanied Judge Willis from Sydney. Mr. Raymond was a Barrister, and during his stay in Melbourne, both officially and privately, he made himself a favourite by his courteous and gentlemanly demeanour. His appointment was provisional only, and at that time permanent appointments had to be confirmed by the Potentates in London. In 1842 a Mr. Alastair M'Kenzie was shipped out, a cut-and-dry Sheriff from Downing Street, and Mr. Raymond thus relieved, joined the Port Phillip Bar, got into fairly good practice, and would have done well had he remained. His father, Mr. James Raymond, held the office of Post-master General of New South Wales, and as he was a man of good colonial influence, the son obtained the appointment of Chairman of Quarter Sessions, then a gift vested in the New South Welsh Magistracy. Mr. M'Kenzie continued in the office until 1851, when he was appointed to the Treasurership, vacated by Captain Lonsdale. He died in the new colony of Victoria. He was something of the same stamp of Treasurer as Lonsdale, and throughout his official career made few, if any, enemies. He was punctual and precise, often rather fidgety, but civil and obliging, doing much more good than otherwise. The first Sheriff's office was a brick cottage, close by the Insolvent Court, in Roache's Terrace, off King Street, already referred to. The first Sheriff's officer was a Mr. John Bullivant, the second Mr. W. J. Sugden (afterwards Chief-Constable of Melbourne), the third Mr. David Lyons, and the fourth Mr. Henry Addison. So ends the list as far as 1851. This quartette subsequently embarked in the business of licensed victuallers, at which two of them did well, and the other two otherwise. Mr. Bullivant retired from business, comfortably provided for, and died many years ago. Mr. Lyons, after doing well at the Bar, did not keep his money idle, but embarked in various other enterprises. He succeeded with everything he took in hand. He was one of the most enterprising of the old colonists; and at Sydenham, on the Brighton Road, in the "sunset of life," reaped the reward of a long career of honourable industry until his death, some four years since.

CHAPTER IX.

OLD MELBOURNE DESCRIBED.

1840—1843.

SYNOPSIS:—Difficulties of Pedestrianism.—Early Legal Difficulties.—The Queen's Wharf.—Solar Perplexities.—First Public Clock.—Early Letter-carriers.—Tardy Mail-deliveries.—First Burial Ground.—A Threatened Famine.—Early Mercantile Firms.—Jewish Residents.—Population of Colony in 1840-1.—Nocturnal Outrages.—Bill of Wants.—Sir George Gipps' Visit.—"Kite-flying."—The Unemployed.—Street Procession.—Open-air Demonstration.—Population of the Town.—First Executions of Criminals.—Commercial Depression.—Mr. Wentworth.—First Boiling-down Establishments.—Revival of Trade.



PERSON now standing on the summit of Parliament House, and looking at the city spreading its wings, fan-like in every direction—its steeples, domes, and edifices glinting in the sunlight—the people, like bees, buzzing and busying about—the vehicles of every description, tram cars, and other evidences of active life thronging the streets—the whinnying and whistling of the "iron horse" as he rushes through the suburbs, and the fleet of shipping in Hobson's Bay—will smile with incredulity at my portraiture of the Melbourne of nearly half a century ago, yet it will be limned to the life without a single shade or tint of exaggeration thrown in to set off the effect. Forty odd years is such a brief period in the life of a great city, that unless the Melbourne of 1840 could be attested by an eye witness, it is difficult even to imagine the state of things then existent as compared with the present, and there never has been a stronger verification than the comparison supplies, of Burke's famous adage, that "fiction lags after fact, invention is unfruitful, and imagination is cold and barren."

Melbourne in 1840 was certainly not a city, and could hardly be called a town; nor did it even partake of the characteristics of a village or a hamlet. It was a kind of big "settlement," in groups pitched here and there, with houses, sheds, and tents in clusters, or scattered in ones and twos. There were streets marked out, and stores, shops, and counting-houses; but with the exception of those in the old Market Square and portions of Flinders, Little Flinders, Collins, and Elizabeth Streets, so dispersed that, after dark, residents incurred not only trouble but danger in moving about. The taverns, or houses of entertainment, were few in number, and, with a couple of exceptions, the accommodation for the public was of the most limited and comfortless description. There were several brick-built houses and a few weather-board cottages, with some, though not much, pretension to comfort; but the majority of the business or residential tenements were made up of colonial "wattle-and-daub," roofed with sheets of bark or coarse shingle, for slates or tiles were not to be thought of, and the corrugated iron age had not arrived. As for the thoroughfares (misnamed streets), they were almost indescribable. In the dry season some of them were in places barely passable, but in wet weather it needed no sign-board with "No Thoroughfare," or "This street is closed" inscribed thereon, for then a "close season" veritably set in, and all out-door operations, if not stopped, were materially impeded by flood-waters. In fact, during winter, the streets were chains of water-holes, and the traffic had to be suspended in places. Along the street line there was the greatest irregularity in the manner in which the tenements were placed, some being in accordance with the surveyed alignment, others several feet back; and not a few built out on what could be only in courtesy, styled the footpath. A considerable number of the allotments abutting on the streets were either unenclosed commonage, or, in some places fenced in, and a miserable abortion of a potato or cabbage garden attempted. Trees, tree-trunks and stumps were to be found everywhere; and laundresses used to suspend their wash-tub lines from tree to tree across the streets. Frequent accidents occurred through the fluttering and flapping of the white drapery so elevated, frightening horses and causing "bolts." In one instance a

very respectable townsman was treated to a broken collar-bone, by being jerked from his trap into the highway, and just stopped short of a coroner's inquest. The washerwomen, and the half-dozen police then in existence, were on the best of terms and seemed to understand each other thoroughly; so the ladies were allowed to have a good deal their own way. Elizabeth and Swanstons Streets were shallow gullies, with deep and dangerous ruts every twenty yards. Flinders Street was a swamp, and even Collins Street was so slushy and sticky, that often to cross over from any portion of the now well-flagged and fashionable "Block" one required to be equipped in a pair of leggings or long mud-boots. Horse-power was useless in many places, bullock teams being chiefly the order of the day, and some of the most dangerous "boggings" of the cumbersome vehicles of the time happened at the intersections of Collins and Queen, and Elizabeth and Bourke Streets. In two of the localities of greatest traffic now, there were then two fissures running towards and discharging into the Yarra, which for some years were known as the rivers Townend and Enscoe. The former starting from near the junction of Collins and Elizabeth Streets, some thirty-six feet above sea level, took its name from a fat, comfortable-looking grocer who long did business in a little shop at the south-west corner; whilst the other propelled its waters along near the north-west corner of William and Flinders Streets, and was designated after one of the limbs of a mercantile firm having a counting-house there. Such was the condition of Elizabeth Street in winter, that it was seriously proposed to put on a punt or two there for the transit of goods and passengers; but the project was regarded as unworkable. In one of the newspapers of the day this advertisement appears—"THE STREETS—Wanted immediately one thousand pairs of stilts for the purpose of enabling the inhabitants of Melbourne to carry on their usual avocations—the mud in most of the principal thoroughfares being now waist deep." Stilts would be about as useless as walking-sticks for the purpose indicated, and the notice, though a skit, did not very much overrate a condition of affairs which now appears simply incredible. One of the earliest popular delusions was a belief that Little Flinders Street would be the best business part of the town, Collins, Elizabeth and Bourke Streets being merely second, third, and fourth fiddles. Swanston Street was little thought of, and all the other streets except portions of William and Flinders Streets, as business places, were completely out of the running.

There was, consequently, a desire to secure building sites in the western quarter of Little Flinders Street; and how the longest heads may sometimes be foiled in their calculations is amusingly exemplified by this incident:—Mr. W. F. Rucker, deemed a shrewd and wide awake man for his generation, owned as part-purchaser with J. P. Fawkner, the allotments of land about the corner of Collins and Market Streets, upon part of which the Union Club Hotel is now built. The purchase took in frontages to Collins, Market and Little Flinders Streets, and when it came to a division of the property, Rucker thought he had done a very clever trick when he persuaded Fawkner to take the Collins Street half, which was considered the less valuable. Time soon told him that he had the worse of the bargain, and Fawkner used to laugh over the supposed smart stroke of business for many a day after. The township east of Swanston Street was then known as "Eastern Hill;" and anyone who could think of investing there for anything other than a dwelling, a timber yard, a brewery, or a house of prayer, was booked as little less mad than a hare in the March season. An auctioneer in puffing a tract of land offered for sale a short distance above the present *Argus* office asseverated as a strong inducement to intending purchasers that there was a very valuable and inexhaustible stone quarry on the ground. As for the suburbs, they were at a discount. A few well-to do merchants and professionals had cottages (which they called villas) erected at Brighton, South Yarra, Richmond and Fitzroy (then Newtown); but nothing in the shape of business was dreamed of in such far-away places. In consequence of the manner in which land was sliced up into small sub-sections at Newtown, bunches of cabin residences leaped up there, formed of sods, brick, wood, canvas, or any other sort of material available; and down about where Brunswick and Moor Streets now embrace each other, there gathered a conglomeration of huts, which offered a harbour of refuge for the worse half of the rascality of the town, and whenever a "spotted" individual was wanted by the police, he was sure to be picked up either there or at the Brickfields between the Yarra and Emerald Hill, an area squatted upon by a brood of the greatest scoundrels in the district. As for Emerald Hill itself, it was a sheep pasturage; and the present flourishing Sandridge was represented by the one tent of an adventurer, who afterwards was well and favourably known as "the Liardet," but in the course of a few months he put up an hotel there, and was generous enough to offer to bring the mails from the shipping to Melbourne without charge.

The "West End," *i.e.*, the quarter of Melbourne lying between William and Spencer Streets, and the Yarra and Bourke Street, was for a time a subdivision of the town of some stir and importance. The offices of the Superintendent and Sub-Treasurer were at the North-Eastern corner of Little Collins and Williams Streets, though subsequently transferred to Batman's Hill. The Survey, Immigration, Public Works and Medical Officer's Departments were planted in this region. The gaol was also here, and in 1841 the Supreme and Insolvent Courts and Sheriff's Office were added. Though the Lonsdale Penal Settlement had been considerably curtailed in some of its least attractive proportions, the barracks remained, wherein were quartered the military party stationed in town, and a stockade for the ticket-of-leave holders not yet called in. The duty of the military was mainly to provide a guard for the newly put up gaol in Collins Street, and to overawe the convicts. The latter, though privileged on account of presumed good behaviour, were a pack of as arrant blackguards as ever disgraced a free community. The Immigrants' Depôt, consisting of a couple of rows of canvas tents, formed an encampment in rear of the site of the present Model Lodging-house, off King Street, and the Immigration Officer (Dr. Patterson) had often unpleasant times in keeping off undesirable male and female visitors. The ticket-of-leave men were supposed to constitute a gang for employment in making and mending the streets, but they did little else than beg from the passers-by, and, whether by begging, borrowing, or stealing, some of them contrived to get drunk over-night, and for so doing got soundly flogged next day. Occasionally a squad of sailors, "three sheets in the wind," would roll up towards the stockades, where, convivialising with the soldiers and the prisoners, the nocturnal orgies frequently indulged in were beyond description, especially as the roysterers were generally able to set at defiance one chief and eight constables, the sole public protection. The Yarra was crossed by means of a punt and ferry-boat; and, though well enough off for general provisions, the people were wretchedly provided with water. Unless when the tide was low, the river was brackish, for there was as yet no real breakwater at the "Falls," and the water had to be procured by hand-buckets. After a time pumps were fixed, and the fluid retailed in loads to water-carters, by whom households were supplied. But if the water was bad, there was an abundance of the now almost unknown luxury, unwatered milk, for everyone of any means kept a milch cow, which, for a trifling weekly sum was taken charge of by a town herd, and there was such an abundance of cow-feed about the township, that pure new milk was easily attainable.

At almost every turn one met with the Aborigines, in twos, and threes, and half-dozens—coolies, lubras, gins, and picaninnies—the most wretched-looking and repulsive specimens of humanity that could be well found. The men half-naked, with a tattered 'possum rug, or dirty blanket, thrown over them, as far as it would go; and the women just as nude, except when an odd one decked herself out in some cast-away petticoat, or ragged old gown. The young "gin" had usually stowed in some mysterious receptacle on her back, a sooty-faced, curly-headed baby, whilst the younger members of an "unfair sex" dandled mangy-looking cur-dogs as playthings in their arms. Their eternal "yabbering whine" was for "backsheesh" in the form of white money, a "thikpence" or so, to invest in tobacco or rum, for they soon grew inordinately addicted to both. It is said that a seaman of the Collins' Expedition of 1803 treated a blackfellow to a mouthful of rum one day at Sorrento; but the moment he tasted it, fancying he had a plug of firestick between his jaws, he spat it out in disgust, and could not be induced to repeat the dose. Well would it have been for his unfortunate countrymen had they always acted likewise, for the fire-water of the whitefellow became a potent factor in the extinction of their race.

Such is a general outline of the state of Melbourne when the Superintendent (Mr. Latrobe) began to settle down to his work; and though the district was prospering in an extraordinary degree, considering its little more than four years' growth, he had before him a task of unexampled difficulty; and few persons can withhold from him the credit of having done the best that was possible, and with no ordinary ability and efficiency. Nothing could well exceed the neglect and superciliousness with which Port Phillip was treated by the Executive of New South Wales, and the facts to be disclosed in this *résumé* are almost beyond belief. At the commencement of 1840, there was, perhaps, no British community with a population, natural resources, and hopeful prospects such as Port Phillip possessed, and with such limited legal machinery; for, though supposed to be under the laws and government of New South Wales, all legal and constitutional protection was of a meagre description. The only courts in operation were those of

Quarter and Petty Sessions. If a man was to be hanged, or made insolvent, a probate or letter of administration to be applied for, a title to land or bill of sale to be registered, the delay, risk, and expense of recourse to Sydney interposed an inconvenience amounting almost to a denial of justice. No merchant or tradesman could locally recover the smallest account, for, though the Court of Requests Act had been passed, no Court had been appointed for the district until April, and even then it could only adjudicate on claims not exceeding £10. There was no mode of detaining a runaway creditor unless *vi et armis*, and if a baffled bolter were subjected to such process, he could not readily bring an action for false imprisonment. There was no coroner to hold an inquest, or pilot to bring a vessel into the Bay, or means for procuring the mails when they arrived. Harbour or wharf accommodation did not exist. The Queen's Wharf was a mud-flat, and the vessels coming up the Yarra had to be made fast to the stumps of trees. The first pile for the Melbourne Wharf was not driven until September, 1841. Though people managed to ascertain the day of the month and week, they were ignorant of the correct time o' day, and a precise answer to "What o'clock is it?" could not be had, for there was no such thing as a public clock. The clocks and watches in town ticked away as they liked, fast or slow, subject only to the regulation of the sun's rise or set; and the two or three watchmakers in business were in a state of literal chronic disagreement, for no two of them were ever known to approach to even a rough approximation of how the hours were gliding by. This so incommoded business as to stimulate the first co-operative effort in the public subscription line wherewith to buy an old-fashioned clock which an enterprising watchmaker, named Ley, had ventured to bring with him from England. He offered to sell it to the commonwealth for £65, and "the hat" was accordingly sent round. The whole amount was at length raised (on paper); but next arose the difficulty of turning the promises into a legal tender. Mr. D. C. M'Arthur patriotically volunteered his services as an emergency man, and the clock became the property of the public; but it had no sooner changed hands than "the public" was disappointed in having no suitable place wherein to put it. The market reserve was the only *locus in quo* likely to secure general approbation; but there was no tower or fixture of any kind to which it could be elevated. It was suggested that a pillar, pedestal, or obelisk should be erected in the centre of the square for the purpose; but as this would necessitate either a further levy, or the floating of a public loan, it was not to be seriously thought of. There was a large gum tree growing in a corner, and the notion occurred of providing an upper bunk for the time-piece there, until an expert announced that on windy days the vibration of the clock-case would affect the equilibrium to so great an extent as to render it impossible for the pendulum to observe due regularity in its oscillations. The clock was looked upon as something akin to a white elephant, so it was deposited in the police office, and there it remained in dumb show, a silent, if not always a solitary prisoner, on the floor of the court until 1843, when it attained the height of its ambition by being placed on the summit of the first Post Office erected on the site of the present pretentious edifice.

Letter-carriers were not yet known; and there was no street letter-delivery until an arrangement was sanctioned in March, by which a private person acted as post-letter carrier, and was paid for his trouble by such of the public as chose to accept his services. This practice continued until Government provided a regular red-coated Mercury.

Another postal abuse was the non-delivery of the English ship mails, which included nine-tenths of the letters and newspapers received. There were no funds to meet such a contingency; and as it depended on the pleasure of the captains of vessels, important mails were delayed sometimes for a couple of days or more in the Bay before they reached Melbourne.

The second great effort at a public subscription was to provide for fencing the General Cemetery. The first burial ground was on a side of the Flagstaff Hill; but it was found to be unsuitable, and a reserve of eight acres was granted where the Old Graveyard now is. Interments were thenceforth made there; and as it was a mere open track, the sights became repugnant to public feeling. Stray cattle grazed and trampled on the graves; but pigs and dogs learned to do worse. As Mr. M'Arthur financed the Town Clock movement, so Mr. J. H. Patterson took that of the cemetery in hand, and by a persistent door to door solicitation, and collections in some of the churches, £200 was obtained, and the good work partially accomplished.

A Threatened Famine.

In the infancy of the various Australian Colonies the probability of a Flour Famine was a cause of much periodic uneasiness. Of beef and mutton there was no lack; but as the cultivation of cereals was not general, the possible disappearance of the indispensable "damper," or 4lb. loaf, was a phantom requiring something more substantial than one's imagination to lay. New South Wales had such warnings of this kind that it learned from experience to look ahead, and its Government imported cargoes of flour from Calcutta and other Indian ports, had it ground by convict labour at Sydney, and stored in granaries, or siloes, ready for the needful day. In the early part of this year there were grave apprehensions of a dearth of flour in Melbourne, the average weekly town consumption being estimated at fifteen tons. For two months not a single shipment was received from Launceston, Hobartown, or Sydney, and the bakers were such unscrupulous cheats that, not satisfied with high prices, they resorted to that seemingly inevitable trick of the craft—the fraud of light weights. The stocks were running short, and the flour trade being in the hands of three or four individuals, the screw was put on accordingly. The price ran up to £65 and £75 per ton, and was for a time as high as £90—the 4lb. loaf bringing from 3s. to 4s. Other provisions also increased in value; potatoes ranged from £16 to £18 per ton; butter, 3s. per lb.; and eggs, 6s.—and even 8s.—per dozen, whilst hay brought £15 per ton, and soap £52, or 53s. per cwt. Luckily there was a large surplus supply of Indian flour in Sydney, ground in 1839, and some timely consignments of this article were sent down and disposed of by auction. The market was thus eased, and an impending crisis tided over. This was done a couple of times in as many years, and was of very material benefit.

Meanwhile, in many respects, the district was on the advance. Squatters continued to take up land, the germs of innumerable flocks and herds were introduced, and Bounty Immigration from Britain added thousands to the bone and sinew of the soil. The Crown Lands Act gave capitalists a right of selection, and what were known as "Special Surveys" were secured in various directions, such as Dendy's at Moorabbin, or Brighton (first known as Waterville); Unwin's, on the Yarra, opposite Heidelberg; Jamieson's, near Cape Schank; Elgar's, at Kilmore; Rutledge's, at Port Fairy, etc., etc. Mercantile firms (some of them bubbles that burst, others that lasted and prospered) sprang up in quick succession, and amongst them figured the well-known names of Rucker, Kemmis, Campbell, Wooley, Were, Graham, Craig, Broadfoot, Thomas, Enscoe, James, Welsh, Manton, Gourlay, Cain, Cole, *cum aliis*. General retail shops and stores increased, and Harris and Marks, Cashmore, A. H. Hart, and the Benjamins were some of our earliest Jewish shopkeepers. The auctioneers were represented by Williams, the Auction Company, Brodie, Power, Salmons, Kirk, and others. These gentry sometimes took high hand with their constituents, and on one occasion they condescendingly agreed to allow the owners of property offered for sale only one bid, after which there was to be no buying in.

Several companies were started, and amongst them, providing a supply of water, the erection of a bridge over the Yarra, the establishment of a Tradesman's Bank, etc., etc.

In July an Exchange was opened at the rooms of the Auction Company in Collins Street. There were three Banks and a Steam Navigation Company in full business, and the Insurance Company, started in 1839, was plodding along slowly, but safely; whilst three newspapers—the *Gazette*, *Patriot* and *Herald*—represented the public, but united in believing personal abuse and recrimination to be the cardinal tenet in the creed of journalism. Two Club-houses were in full play, and three breweries in full blast. Education was not altogether forgotten. Embryonic literary and charitable institutions were much talked of, and ministers of religious denominations wrought hard in pointing the way to eternal salvation, according to their doctrinal lights. At the end of the year 1840 the population of the colony was returned as 10,291, *i.e.*, 7254 males and 3037 females, an under-estimate by some thousands. 358 births, 198 deaths, and 177 marriages are recorded. £220,000 had been realised by Government Land Sales, and an extent of 3000 acres (an over-ratement) was stated to be under cultivation. The stock statistics showed 782,000 sheep, 51,000 horned cattle, and 2500 horses in the district.

The new year (1841) opened with a population of between 5000 and 6000 in Melbourne, protected by a police corps of ten constables and a chief, 25 soldiers for guard and escort duty, and 250 ticket-of-leave

convicts—thirty as a street gang, and the residue assigned as servants in town and country. Three pilots were appointed in January to superintend the navigation of the Bay. Two steam sawmills, put up in Flinders Street by the Mantons, and Alison and Knight, commenced work, and a Mr. Dight, recently arrived from Sydney, prepared to establish a flour mill at the Studley Park Falls, which thenceforth adopted his name.

Owing probably to the insufficiency of the police force, the setting-in of the winter was marked by a series of nocturnal outrages, and robberies became so rife that the shopkeepers of Collins Street were compelled, *pro aris et focis*, to retain at their own cost the services of two private watchmen for night duty; but very poor value did these worthies return for the many easily earned (or rather unearned) shillings they pocketed, for the incumbents were generally discarded constables or expirees—lazy, dissipated, bullying rascals, much more disposed to go halves with a thief in his plunder than to attempt to apprehend him. The town kept gradually pushing its way into the bush; brick houses and cottages or cots kept popping up, trade and traffic increased, and the wonder was how such progress could be made in the teeth of the worse than apathetic neglect shown at head-quarters. The Superintendent did all he could to satisfy, or stave off, public requirements; but this was little more than nothing, for no matter what might be his will to do good, he was rendered impotent by stronger than red-tape obstacles, for he had the "iron-hand" of Sir George Gipps firmly closed to every popular demand, no matter how urgent or reasonable.

And so the year 1841 passed away amidst constant discontent, and repeated protestations against absentee misrule, until public feeling assumed such a threatening attitude, that, probably in consequence of the urgent representations of Mr. Latrobe, Sir George Gipps signified an intention to visit Port Phillip and see and judge for himself. There can be no better index of the neglect and injustice with which the young colony had been treated than a recapitulation of the "Bill of Wants" prepared for the Governor on his arrival, as published in the newspapers of the time. According to this, Melbourne needed a river made navigable, the harbour properly buoyed, traversable streets, a bridge and breakwater for the Yarra, a road to the beach (Sandridge), effective Police, and a Police, Survey, and Sheriff's Offices, a Town Surveyor, Health Officer and Hospital, a Barracks and code of signals to advise the arrival and sailing of ships, extended jurisdiction of the Court of Requests, an enlargement of the powers of the Superintendent, and an annual visit by the Governor of the colony. Sir George came, saw, and departed, chary in promises, and more chary in the performance of them. Nevertheless, exaggerated notions were entertained as to the miracles his visit would effect, and the ardent minds of the colonists conjured a brilliant phantasm of what the future had in store for them, little dreaming how all this airy architecture would be shivered into atoms by contact with the reality during the next couple of years. The population of the district increased by December to 20,416, of whom 14,391 were males, and 6025 females, the births 618, deaths 319, and Hymen had 406 hypothecated as his share.

KITE-FLYING.

Almost from the commencement of commercial operations over-trading had set in, and over-credit ensued. Men began wholesale and retail businesses with little or no capital, and, starting on paper, rattled away until their houses of cards tumbled down about them. Small beginnings rapidly increased, and in 1842, bills and promissory notes, renewals, assignments, and re-assignments, presented such a complicated reticulation of what was known as "kite-flying" in the commercial system of Melbourne, as almost defied unravelment. How things got into such a maze of entanglement is a marvel to the uninitiated, but there was a general trading upon nothing, and every Jack, Bill and Harry gave and received accommodation bills *ad libitum*. To this financial embroglio a mania for land speculation contributed a powerful ingredient; and, as prior to the opening of the Supreme Court, the process of sueing was a risky and expensive experiment for the creditor, the debtor had the odds vastly in his favour, and a pleasant "from hand to mouth" time of it. But now the Supreme Court was in working order, and the judge officiated *pro tem.* as Commissioner of Insolvency. The consequence was a pouring in of plaints for the recovery of claims, with verdicts for the plaintiffs, sheriff's sales, and sequestrations of so-called "Estates" by the score. The newspapers teemed with notices of compulsory auction sales, fore-closures of mortgages, assignments and insolvencies; and as is always the case when depression is at its worst, the banks applied the break, restricted discounts, screwed up defaulting customers, and so completed the universal embarrassment.

THE FIRST OPEN-AIR DEMONSTRATION.

As an addendum to the greater monetary troubles of the time, the since hackneyed grievance of "The Unemployed" sprang up to drop its quota into the chaldron of discontent. It is a mistake to classify it as "a weed of modern growth," for it became acclimatized in the colony as early as 1842. There was plenty of employment, and fair wages for those able and willing to work, male or female, single or married, with or without families, if they would only go a few miles into the country to get them; but they would not. They loafed and prowled about the Immigrants' Depôt, and at every tavern door the men sponged for a "nobbler" whenever they could get it, and after swallowing one, thirsted or re-sponged for another. They clamoured for Government employ, and the Superintendent directed some to be set to work on the streets; and others to form a road between Melbourne and Sandridge. One day in June it was announced that the wage was to be reduced from 20s. to 18s. per week, and there was a general strike *instanter*. Pitching aside wheel-barrows and shouldering picks and shovels, the men formed into line, and marched, about two hundred strong, upon the town. Preceded by a giant of a fellow with a large loaf of bread stuck on the top of a ti-tree, they crossed by the punt, and this, the first popular demonstration that ever turned out in Melbourne, tramped through Collins Street and pulled up at the office of the Superintendent. Failing an interview with with him, they grew much excited, and muttering what they would and would not do, passed along William Street towards the Flagstaff Hill. Tidings of the menacing turn of the movement were conveyed to the police office, where Major St. John (the Police Magistrate) happened to be sitting. So he jumped up, pocketed the Riot Act (without which he never travelled), and, mounting his horse, galloped after the procession, which he soon overtook. The Major, who was as brave as a lion, and, unless when much irritated, gifted with a large *quantum* of good humour, rode in amongst the crowd, and by a clever admixture of bullying and palaver, obtained a respectful hearing. When he had finished, a man armed with a big cudgel, exclaimed in a stentorian voice, that "it was better to fight and die than live and starve," and springing forward was aiming a tremendous blow at the magistrate, when the latter, wheeling his horse round, took the fellow near the butt end of the ear with the hammer of his riding whip and "floored" him. The pluck and promptitude of the act, and a few conciliatory words, well seasoned with promises, caused the assemblage to quietly disperse, and though St. John, on returning to his office, issued warrants for the apprehension of half-a-dozen of the ringleaders identifiable by the police, nothing further was heard of arrests or riots.

The town population had increased to about ten thousand, and burglaries and other felonies abounded. Though there were no pawn shops where stolen booty could be readily put away, the thieves' want was supplied by the night auctions, which answered equally well. Several of these places were regular dens for the receipt and sale of improperly acquired property, and so much the resort of the light-fingered fraternity, that whenever any particular scoundrel was in request, from sunset to midnight, there was little difficulty in catching him in one of those cribs. Horse and cattle stealing also prevailed so much than an Association was organised by the settlers for its suppression, and an Inspector or Ranger appointed at a liberal salary. Murders by whites and blacks were perpetrated in several places, and Melbourne beheld the first executions (in public) of black and white criminals. Three aboriginal women and a child were barbarously shot by a party of white demons in the Western District; and though the Government offered a large reward, and three persons were tried the following year for the massacre, no conviction was obtained, and the blood-stained slayers, whoever they were, escaped "unwhipt of justice."

Commercial distress and financial difficulties so far from abating, went on increasing, and to such a pass had matters come, that on the 11th October a public meeting was held, on requisition to the Deputy-Sheriff, to consider the steps advisable to be taken for the relief of the existing monetary depression. The admitted causes of the crisis were insufficient capital, over-trading, too much credit, extravagant habits, reckless expenditure, excessive land speculation, and the excess of imports over exports turning the balance of trade against the Province. At first it was thought that some Legislative interference should be asked for towards the introduction of a modification of the usury laws; but this idea was abandoned. The Banks allowed 7 per cent. upon deposits, and charged 10 per cent. for discounts, which with the ease with which credit was obtainable, was supposed to have occasioned the deplorable condition of affairs. The difficulty

was intelligently ventilated, and resolutions were passed appointing a deputation to interview the banks, to urge a reduction of discounts to 8 per cent.; and deposits, of whatever duration, to 4 per cent. A resolution declaratory of the firmest confidence in the vast resources and ultimate success of the colony was also agreed to. The Insolvent Act was very defective; it was a premium upon roguery instead of security for the honest. Judge Willis one day in the investigation of a suit, exclaimed from the Supreme Court Bench, "There are so many insolvents that I do not know their names. I never saw any place in such a state before." And again in the same case, "The whole Insolvent Act appears such a chaos that it blinds me entirely, and the only dividend it has ever produced is 1s. 7d. in the pound." The Bank of Australasia and the Union Bank soon after offered to advance upon the season's clip of wool, the bills of lading being deposited as security—a proposition hailed with much pleasure by the settlers, though distasteful to the Commercial houses. Hitherto, when a settler obtained an advance upon a wool shipment, he had to take it in bills from the merchant. It is an old saying that "it never rains but it pours," and in more than one sense this was amply verified, for since the advent of winter there had been an unusally heavy rainfall, and the floods produced much loss of property and distress throughout the country. Sheep-shearing was greatly retarded, and considerable damage sustained by the clip. In one respect Melbourne had made a step forward (though a small one), for the town had tasted of self-government—First, by the creation of a Market Commission, and, secondly, by its Act of Incorporation. The year closed with a population of 23,799, in which the males counted 15,691, and the females 8108—a small increase; but there were 1025 births, whilst the deaths reckoned 413, and marriages 514. The proceeds of land sales amounted to only £21,085, and imports exceeded exports by £78,644.

The New Year (1843) was the harbinger of great expectations as making and mending the public highways, and hope was quickened by the enactment of an Amended Constitution Statute, conferring upon the District the privilege of returning six members to the Legislative Council of New South Wales. The banks reduced the rate of interest upon deposits from seven to five per cent.; but this did not produce any appreciable effect, for reckless credit, reckless trading, trafficking in accommodation bills, and excessive expenditure (where it could at all run it) continued. Things were drifting into such a terrible state (in February) that the most influential newspaper advocated the closing of the Supreme Court for twelve months as a desperate remedy for a desperate disease. Commercial property became unsaleable, unless at ruinously low prices; sheep and cattle did not bring a third of what ought to have been their ordinary value, and bills were scarcely negotiable. House and land property had fallen fifty and seventy-five per cent.; and as a few out of many instances it may be mentioned that the freehold of a cottage and garden in Lonsdale Street, previously let at £360 per annum was sold for £450; and another cottage occupied by a solvent tenant at a yearly rental of £150, brought only £157 10s. An allotment of fifty-four feet frontage to Bourke Street, was disposed of for 15s. per foot, and a station near Cape Schanck with 323 head of cattle, 51 calves, 2 horses, 2 imported Durham bulls, another high-bred bull, and station appurtenances, implements, etc., all changed hands for £800 cash! Mr. Williams, a well-known auctioneer, in preparing his schedule, prior to a declaration of insolvency, could not get a valuator to assign any value to a tastily built cottage and grounds at South Yarra, which only two years before cost £1800. Fat cattle were selling for £1 a head, sheep 2s. each, and a good leg of mutton could be had for sixpence; but the "tanner" then was a coin of the realm more potent than a florin now. Servants had much difficulty in obtaining payment of their wages, and one day at the Police Court thirty-three claims were adjudicated, running from £2 to £30, the total amount sued for being £441 10s. 5d. One thousand small debt plaints used to be filed for a monthly sitting of the Court of Requests, but the retailers, driven by self-preservation, pronounced against giving more trust, and though not successful in the general introduction of cash payments, the effort very perceptibly diminished the Court of Requests Cause Lists. In April the banks reduced interest to three per cent. on current account deposits, and five per cent. at three months; the discount upon bills having not more than 100 days to run, was lowered to eight per cent.

To intensify the daily accumulating troubles, two special, though unintentional contributories added their dividend to the vortex of general discontent—the Corporation and the Resident Judge. The Town Council was severed into contemptible cabals; and its meetings were ebullitions of personal spite and rancour. When not quarrelling with the Superintendent and the Executive, its members were rowing with

each other—the welfare of the town, if not altogether forgotten, being a matter of minor importance. The townspeople in such hard times were either unable or unwilling to pay the municipal rates; warrants to levy were issued in large batches, and the Corporation bailiffs and auctioneers had such a brisk season as "distressed" almost everyone but themselves. By all thinking people the Council was voted an intolerable nuisance, and burgesses began to repent having ever asked for such a worrying sample of Home Rule. Judge Willis was passing from bad to worse. He was like a self-acting, social firebrand; and though much allowance must be made for the circumstances surrounding him, and the mazes of rascality through which he had to grope without a clue, interwoven with the complicated equity and insolvency suits brought before him, his unfitness for his important position was unquestionable. He had warred with not only the principal officers, but had almost every man of position and reputation arrayed against him, and an influentially-signed memorial for his recall had been transmitted to Sir George Gipps. The state of the district was attracting the attention of the neighbouring colonial press; and the *Sydney Australian*, a very ably conducted journal regretted "the examples of judicial indecency, municipal wrangling, social discord, and universal embarrassment which the southern district of Port Phillip presents," and believed "that the Governor must see the expediency of interposing his authority, at all events as far as Judge Willis is concerned." Though the New South Wales Executive could not abolish a Corporation, it could extinguish a Judge, so Willis was snuffed out, and a gentleman succeeded him in every way a vast improvement.

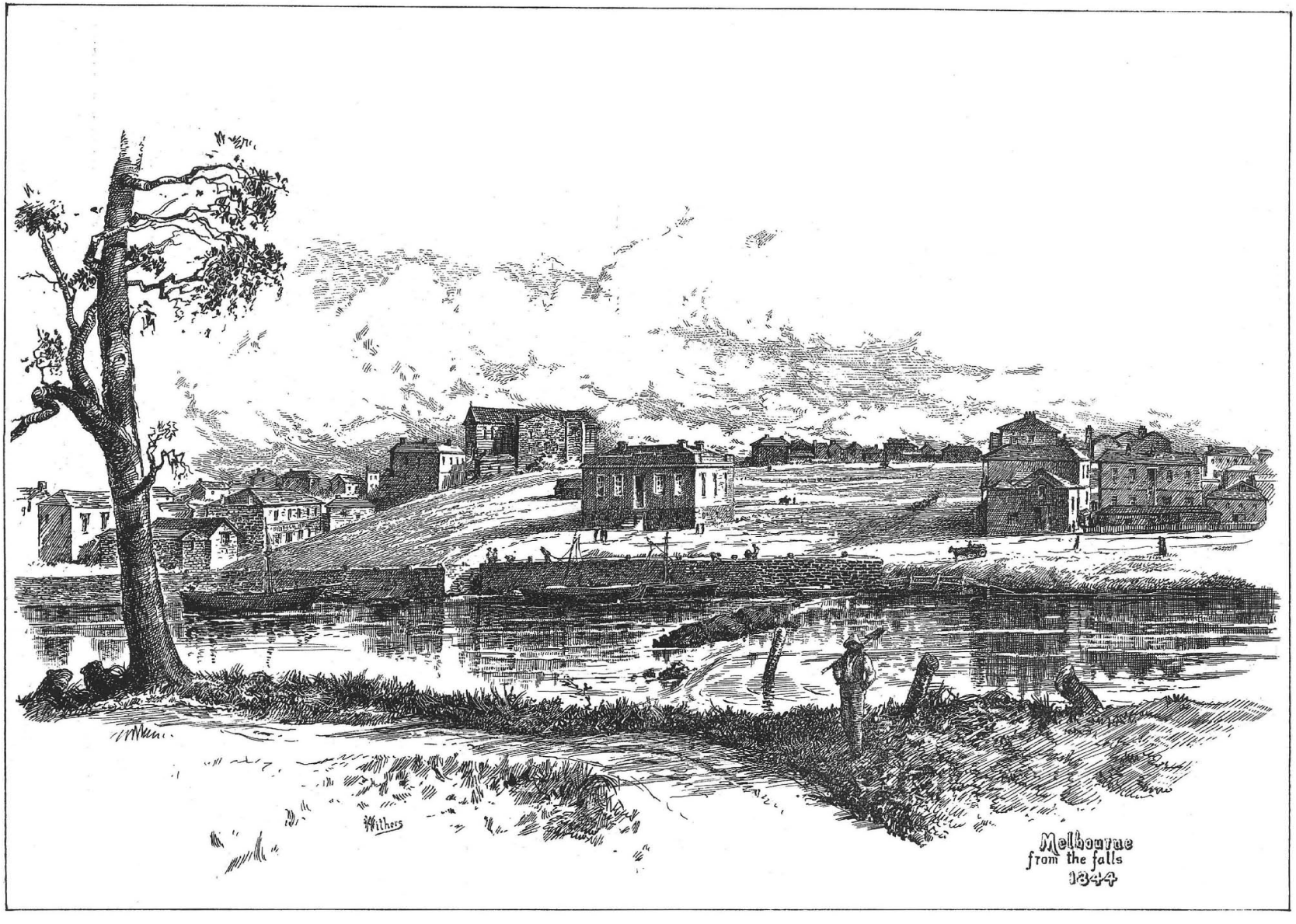
By a strange freak of chance, whilst the cloud of almost universal distress brooded over the land, the novelty of the first political General Election was introduced, and so far had the good effect that it forced the public for a while to disregard the coming shadow of the door-wolf, and to launch into the whirlpool where candidates and canvassers, election addresses and election promises (brittle as the proverbial pie-crust) were floating about. For the first time in the colony the embers of religious bigotry were gathered up, some fuel added, and, fired by the "Lucifer" of Fanaticism, the town was lighted by the lurid blaze until the election was over. The "flare-up," flickered for a while, and burned out. Efforts have been since made at rare intervals to rekindle it, but the unholy fetish never found a congenial abiding place amongst us. The elections over and the year advancing, commercial troubles still kept to the front, and continued their pressure; but as there is no cloud without a silver lining, a gleam of hope flashed at a time and from a quarter least expected.

The Turning of the Tide.

Mr. Wentworth, the greatest son of the soil ever born at the Antipodes, could not see why, if sheep and cattle could not be rendered remunerative by converting their flesh into meat, the desired result might not be accomplished by turning their fat into tallow. He was a man, prompt in deed as in thought, and forthwith purchasing a sheep at a butcher's stall in Sydney, had it slaughtered and boiled down, when it yielded 24lbs. of tallow. The experiment was repeated, and eventuated in a grand success; such a discovery was not long making itself known—a Mr. Henry O'Brien of Yass, and others, further tested it; and the boiling down of not only sheep, but cattle, soon spread. Port Philip was not slow in profiting by what might be termed an invention, the importance of which could not possibly be over-rated. Boiling-down establishments, as they were called, were opened in several places, the first at the Salt Water River, by Bolden and Ryrie, two squatters, who placed it under the control of a Mr. R. Forrest, possessed of much practical knowledge acquired in Cork, the then pig-killing *entrepôt* for the exportation of pork carcase-meat from the South of Ireland to England. Mr. Edward Curr opened another at Port Fairy, and Dr. Thompson, at Geelong. Hunter Somerville and Co. built premises for the purpose in Bourke Street; Brock and Mollison, and Watson and Wight had large establishments at the Melbourne swamp (now the Spencer Street Railway Station). Boiling down was soon improved into melting down (the complete antithesis of the meat freezing projects of to-day) and the profitable outlet thus presented for realising on stock wrought such a change, that prices immediately improved and manifestations of amendment showed themselves. Another new industry was added to colonial products by the exportation of bark, with which the name of Mr. William Hull must be always associated. Amidst those indications of returning prosperity the resumption of Free Immigration (for some time suspended) was announced and gave much satisfaction; and people

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Withers
Melbourne
from the falls
1844

began to think that the crisis was over, that the district was clearing the breakers so long threatening to swamp it; and that at last there was a good time coming. The year's returns shewed only a very small increase of population and births, a decrease in marriages and deaths, and an addition to departures. Land sales had diminished by more than half; live stock had increased, though not so much as it ought. Imports had decreased, whilst exports shewed an increase.

Such is a cursory view of the condition of the colony at the most peculiar stage of its early history. It suffered, so to speak, from a surfeit of excesses, and the regimen which adversity had for a time prescribed, was working off the noxious humours and pointing to convalescence. In fact, the vigorous young patient was "suffering a recovery," and, warned by the tribulation of the past, was righting itself and preparing for that future in which the colonists always implicitly believed. Little did they dream of the revolution which the coming decade would work in the land of their adoption—by which the earth would give up its golden treasures, and cause such a social and material disruption as would render 1843, when compared with 1853, as a mole-hill is to a mountain; and much less could the most sanguine imagine that many of them would live to see the "unnamed village," in less than four decades more, undergo such a magical transmutation as to make it the metropolis of the Southern Hemisphere, inviting all nations to several displays of the industrial resources of the world in an International Exhibition Temple, the erection of which cost a quarter of a million of Victorian money.

CHAPTER X.

RELIGIOUS DENOMINATIONS: THEIR FOUNDATION AND FIRST CELEBRATIONS.

SYNOPSIS:—First Religious Service.—Dr. Thomson.—First Baptism.—First Sabbath-School Teacher.—Church of England.—Bishop Broughton's Visit.—The First Minister.—Rev. Mr. Gryll's Leave of Absence.—Is Succeeded by Rev. J. Y. Wilson.—Foundation of St. James' Laid.—Church Fees.—Prayers for the Queen.—Dr. Broughton's Second Visit.—"Parson Thomson's Cabbage Garden."—Rev. E. Collins at Geelong.—Foundation Stone of St. Peter's.—Port Phillip an Independent Bishopric.—Right Rev. Dr. Perry, first Bishop.—His Arrival and Installation.—Letters Patent Mislaid.—The Bishop's First Sermon.—Sectarian Discord.—"Jack Ketch" in Church.—Geelong an Archdeaconry.—Dr. Macartney's Appointment.—Bean, Braim, and Bloomfield at Geelong.—Episcopal Conference at Albury.—St. James' and St. Lawrence's Cathedral Sites.—Richmond Church.—St. Paul's Church.—The Foundation Laid.—Reverend Thomson's Return, and Farewell.—Death of the Revs. Forbes and Geoghegan.—Diocesan Board of Missions—Church Conference.—The Rev. Clowes, First Minister at Collingwood.—First Deceased Clergyman in the Colony.—Proceedings of the Diocesan Society.—Death of the Rev. D. Newham.—Opening of the Church at Brighton.—Ministerial Changes.—Dr. Perry's Resignation and Departure.

THE historical work of Mr. Bonwick before referred to, supplies a few curious incidents connected with the early religious services in the colony, and the arrival of the pioneer ministers of the chief Christian communities. Mr. Bonwick had access to special sources of information, both oral and otherwise, and for several of the events narrated, as having occurred anterior to 1840, I am in some degree indebted to his researches. Whatever else may be written of the motives actuating the Batman co-partnery in their purposed acquisition of the public territory, credit must be given them for a desire to provide, though on a very limited scale, for the religious and moral requirements of their employés; for it is alleged that none but married servants were to be engaged by them, and Dr. Thomson's services were retained as the Company's Medical Officer and Catechist or Lay-reader. In April, 1836, the Rev. Mr. Orton, Wesleyan minister, came on a visit with Batman's family from Van Diemen's Land, and the first regular religious service was performed by him on the 25th, in Druidical fashion, under "the blue ethereal sky," surrounded by sheoaks, on Batman's Hill. It partook slightly of a dramatic display, and was invested with attractions which would be quite a novelty at the present day.

In addition to the white portion of the audience there was a large muster of opossum-rugged, blanket-covered, half-naked aborigines, who squatted about; and as the proceedings were about to commence, Batman marched in a contingent of ten blackfellows, brought from Sydney to facilitate his land-buying from the Chief. These darkies were costumed in black neck-ties, white trousers and red shirts, and their head man or *Serang* cut quite a dash in a cast-off military uniform, given him by Colonel Arthur, Governor of Van Diemen's Land; the inevitable cocked-hat and feathers were included, and in the language of the chronicler formed "the crowning ornament to a dress which he wore with ease and grace." The service of the Church of England was read by the Wesleyan minister, Mr. James Simpson acting as the respondent. "The hymn tunes were pitched by Dr. Thomson, the Surgeon-Catechist, and the preacher's text was the Saviour's address to Nicodemus:—'Except a man be born again he cannot see the kingdom of God.'"

Captain Lonsdale henceforth added to his other duties those of temporary chaplain, and occasionally read prayers in the old Police Court to a mixed gathering of townspeople, soldiers, constables, and convicts. Towards the close of 1836, Mr. George Langhorne, principal of the Black Missionary Station, established in the now Botanic Gardens, though not an ordained clergyman, was able to prepare and preach his own sermons, and for a time was acknowledged to be a very worthy *pro tem.* pastor. His ambition was to take orders in the Episcopalian Church, and this necessitated his early departure to Sydney. His place was supplied by the very useful man-of-all work, Mr. James Smith, who became afterwards so thoroughly identified

with the Savings Bank. "Jimmy" had been for a few years a purser in a man-of-war, and being of a religious turn of mind, made the study of sermons his chief recreation. Happening to have a supply of such sea-stories by him, he now utilised them to the spiritual advantage of his hearers, and with such effect upon himself that in their delivery he is recorded "to have frequently evidenced his own interest in the subject by the shedding of tears." There was then a sheep-pen belonging to Batman on the spot where St. James' Church, in William Street, is built, and this had soon to make way for the "fold" of a "flock" of a different kind, as the erection of a place of worship in this locality was decided upon, and for which, with parsonage and school-house, five acres of the land thereabout were afterwards granted by the Government. "State aid to Religion" was not yet available, and a small wooden building was put up by public subscription, Batman heading the list with £50. Though nominally for the Church of England, other denominations were to have the privilege of using it for afternoon services—an opportunity availed of by all except the Roman Catholics, who never recognise open questions of this kind. The structure was supposed to afford accommodation for about 100 persons, and here the free and the bond, and the military, used to assemble, the convicts by themselves at one side, "and in an opposite corner, screened by a curtain, were the singers." On the 30th April, 1837, the Rev. J. B. Naylor conducted service, on which occasion the ceremony of baptism was performed on the first child so treated in Melbourne. This was the John Melbourne Gilbert, already referred to as the son of Fawkner's blacksmith, and the first white baby born in the colony. In November, 1837, Melbourne was visited by Messrs. Backhouse and Walker, two worthy Quaker missionaries, from Hobartown. They preached in the church and at the Aboriginal Station, and on taking their departure, declared that "Our gracious Master was pleased to grant a more powerful sense of His presence than we had ventured to hope for." The late Mr. John Thomas Smith, who could take a hand at many things, was the first teacher of the first Sabbath-school started at this period, and it is avouched of him that "he was a constant attendant at the Primitive prayer meetings." Mr. Smith's youthful religious inclinings did not, however, grow with his years, though he was anything but an irreligious man, and his various pursuits in the changing circumstances of the colony, might, perhaps, account for any apparent backsliding. One thing may safely be averred that the "prayers" he afterwards heard in public-house-keeping, theatre-managing, and election-carousing were far from being as "primitive" as those of the little ancient Sabbath-school, but he was no worse than thousands of his fellow-colonists, and better than many of them, and was a staunch and liberal supporter of the creed he professed up to the hour of his death. With these few preparatory observations, the respective religious communities will next be reviewed in rotation.

Church of England.

The ricketty, wheezy *pro*-Cathedral (over the roof or covering of which was fastened an old ship's bell, like the battered comb of a cock after a tough fight, to ring out a hoarse, asthmatic, warning-note to intending worshippers) did not suit the expectant pretensions of a congregation of the Church of England. A new church and a permanent clergyman were required, and a meeting was convened for the purpose of securing general co-operation. This gathering came off on the 30th January, 1838, and, as it was the first town demonstration reported in a newspaper, the following record of the proceedings may not be historically uninteresting. It is copied *literatim* from Fawkner's *Melbourne Advertiser*, 5th February, 1838. "A public meeting was held at the School-house in this town on Tuesday last, to arrange for the erection of an Episcopal place of worship, and to collect funds to that end. A very liberal subscription was then entered into, and as part of the sheep and cattle pasturing here belong to persons residing in Sydney and Van Diemen's Land, subscription lists will be sent to those places to enable them to assist in the pious work. The resolutions passed at the meeting are to be published at Sydney, Launceston, and Hobartown."

Two months after, an event of the highest ecclesiastical importance occurred, which was no less than an episcopal visitation by the Right Rev. Dr. Broughton, the Metropolitan of New South Wales. His Lordship was a passenger in H.M.F. "Conway" from Sydney, and after a few days' sojourn, left for Hobartown on the 19th April.

During his brief stay he preached in the temporary church, and christened six children. On the 18th, he proceeded to the burial ground, and consecrated the portion assigned to the Episcopalian

persuasion. It was understood that on returning to Sydney, he would take steps to give the province the benefit of a clergyman and a school-master. His Lordship had not much idle time of it whilst in the new settlement; and yet did not give unmixed satisfaction, for he is thus gently rated in the *Advertiser* of the 23rd, for performing an important religious ceremonial without giving, what was deemed to be, proper public notice:—"On Tuesday and Wednesday the Bishop of Australia christened six children. We are sorry that we cannot recount one, no, not even one solitary marriage. On Wednesday, pursuant to notice, (but an hour later than the time announced) the Bishop proceeded to the burial ground, and in the presence of a very few persons, consecrated a piece of ground for the reception of the bodies of the Melbournians and others who may depart this life. We think that publicity seemed to be avoided, for no public notice was given as to the Bishop's motions, except a few words read on a rainy day in the church. The Press is the proper organ for publicity, and in this case would have answered well. Monday, Tuesday and Wednesday were the days on which the Bishop was prepared to christen, to wed, and to consecrate. We know that persons, very many persons, would have attended the consecration, had the time of consecration been made public in a proper manner."

On the 30th July, another meeting was held "to consider the means to be adopted for procuring a church and a clergyman." It was proposed to collect by subscription £200, as the nucleus of a building fund, and hopes were entertained of receiving some help from the Government. The cash, however, did not roll in as freely as expected, and the proposed erection was modified into repairing the original concern. Tenders were called for the alteration in November, 1838, but still the needful was needed. By the end of February, 1839, the public liberality had been so far quickened, that the "repairs" were completed and merely consisted of a cedar pulpit, and eight cedar pews for the gentry, executed by Mr. Thomas Napier.

On the 12th October, 1838, the much-wished for minister arrived, and he had as shipmates Arden and Strode, with an old wooden printing-press and a heap of discarded *Sydney Herald* type, the *débris* from which the *Port Phillip Gazette* was to arise like a *Phœnix*, from "pye" instead of ashes. The Reverend J. C. Grylls, of the Universities of Cambridge and Dublin, is represented as being "of small stature, with a gentle and amiable disposition," and as a preacher it is writ of him "that his sermons were read with solemnity, and were not without their influence upon some of the audience." He officiated on the following Sunday, taking his text from St. Paul: "I desire to know nothing among you, save Jesus Christ and Him crucified." His elocution was marred by a stammer, or as Bonwick euphuistically puts it, "an incoherence of speech troubled the good man," for which, however, Providence vouchsafed him the compensation of a "general demeanour, kind and consistent, which gained him the good-will of the colonists." Before leaving England, his reverence laboured under the delusion that Australia was a country of cut-throats and cannibals, and he left his family, including five fair daughters, until he should have an opportunity of reporting progress. To his agreeable surprise, he found that, though not quite an elysium, Port Phillip was far from being pandemonium, and that he and his family ran small risk of being murdered by bushrangers, or "grilled" into *entremets* for a corroboree banquet. Consequently he soon became desirous of returning home for the *lares* remaining after him, and his good-natured parishioners not only provided him with a "testimonial" (the first of the kind on record) but threw in a twelvemonths' leave of absence. He was succeeded by the Rev. J. Y. Wilson, so well-known for many years at Portland. Of Mr. Grylls it may be mentioned that after his return to the colony, he did not resume his missionary labours, but the five fair daughters were as welcome as a treasure-ship. The *Gazette* in alluding to the first arrival of Mr. Grylls as "Surrogate of Melbourne" exclaimed in quite a dispirited style "there seems to be a desperate want though of marriageable ladies," but the writer little thought that his ex-fellow-passenger would in a comparatively short time, import a very valuable consignment for the Hymeneal market. The girls did not remain long unwedded; they all married into the upper-crust of society, and with one exception, lived to see not only olive branches, but grand tendrils blooming like young peach-blossoms around them.

Pursuant to the provisions of the Act of Council 7 William IV., No. 3, the Executive on the 28th February, 1839, issued regulations for grants of money to religious establishments, subject to the conditions that no minister's stipend could be made until there were at least one hundred adults attending the services; and no allowance for a place of worship or a pastor's house, until £300 had been not only subscribed, but paid. These requirements could now be complied with; the stipulated sums were available, a church site

was obtained, and Messrs. W. F. A. Rucker and P. W. Welsh were elected Church Wardens, Mr. Ralph Walton being the first to hold the office of Clerk. In 1838 trustees had been appointed, but they resigned, and there was a meeting of subscribers in the temporary building on 10th June, 1839, Mr. D. C. M'Arthur presiding, when, on the motion of Mr. William Meek, seconded by Mr. James Smith, it was resolved "that the Lord Bishop of the Diocese be respectfully requested to become sole trustee of the intended Church of St. James." At this period it was estimated that the Episcopalians in the district numbered about 900, a third of whom were located in and near Melbourne. The temporary church would hold only 90, and as an outlay of £200 would render it twice as commodious, it became a question for consideration, whether it would be better to incur this expense, or wait a little longer and put up a new one. The latter course was the more desirable, and tenders were invited. On the 7th September a meeting was held, when it was decided to adhere to the original plan to build with brick upon a stone foundation—only a portion of the structure (the nave) to be proceeded with, though the whole building was ultimately of the ugly brown stone, of which some of the first public buildings in Melbourne were erected. There was a sum of between £500 and £600 available, and as much more, it was believed, could be obtained from the Government. It was stated that Mr. Latrobe (the new Provincial Superintendent) had raised £500 before leaving England, and this £1100, with the official subsidy, more than justified a beginning in a work which, as proposed, would cost £1500. The 3rd October, 1839, should be marked as a *dies notanda* in the old annals of Mebourne Episcopacy, because the minister performed a marriage ceremony at 10, a burial service at 11, and a christening at 4 o'clock—a remarkable trio of events at the remote era of which I am writing.

The foundation stone of St. James' was laid with many of the usual formalities, on the 9th of November, 1839. At 11 o'clock the temporary church was crowded, and the service was characterised by a somewhat unusual vocal display of psalms and hymns, accompanied throughout by a Mr. Puller, who worked a seraphine with the most praiseworthy perseverance. The Rev. J. C. Grylls read the Collect, "Prevent us, O Lord," &c., and, as a Lesson, the 1st chapter from the Prophet Haggai. At the close of the service His Honor Mr. Latrobe read aloud from a slip of parchment the following inscription engrossed thereon :—

SAINT JAMES' CHURCH, MELBOURNE.

THE FOUNDATION STONE OF THIS CHURCH,
Was laid this 9th day of November, in the year of our Lord, one thousand eight hundred and thirty-nine, and in the third year of the Reign of HER MOST GRACIOUS MAJESTY QUEEN VICTORIA, by
HIS HONOR CHARLES JOSEPH LATROBE, ESQ.,
Superintendent of Port Phillip,
HIS EXCELLENCY SIR GEORGE GIPPS, KNIGHT,
Being Governor of the Territory of New South Wales and its Dependencies,
THE RIGHT REVEREND WILLIAM GRANT BROUGHTON,
Lord Bishop of Australia, Sole Trustee.
This Church is erected for the worship of Almighty God by the members of the United Church of Great Britain and Ireland.
ROBERT RUSSELL, ARCHITECT.

This, with some gold and silver coinage of the (then) year of the Queen's reign, was enclosed in a bottle and deposited in the cavity prepared for it, in the understone. The upper stone was slowly lowered from its suspensive position and placed. A mallet was handed to Mr. Latrobe, with which he knocked thrice on the stone, and then looking around declared it to be laid in the name of the Father, Son, and Holy Ghost. The Pastor next offered a short and appropriate prayer, after which a hymn was sung, and the proceedings terminated with a benediction.

The Rev. Mr. Grylls departed for England in the beginning of 1840, and efforts were made to procure funds to haste with the church, and some of those pious subterfuges—means supposed to be justified by the end—were resorted to, in the extraction of cash from pockets not always assailable by a more direct mode. Amongst these, was a concert, for which the patronage of the Superintendent was solicited, which Mr. Latrobe withheld from conscientious motives—for which he was not easily forgiven, especially when

some time after he patronised a similar entertainment, the first regular professional concert given in Melbourne, by a Monsieur and Madame Gautrot, new arrivals from Sydney. About this time there was printed the following schedule of Fees in the Diocese of Australia:—Marriage by License—Clergyman, £1 10s.; Parish Clerk, 10s.; Sexton, 5s. Total, £2 5s. Marriage by Banns—Publication of: Parish Clerk, 1s.; Marriage: Clergyman, 5s.; Parish Clerk, 2s. 6d.; Sexton, 1s. 6d. Total, 10s. Churching of Women—Clergyman, 1s.; Parish Clerk, 6d.; Sexton, 6d. Total, 2s. Burial—in a Grave—Clergyman, 2s.; Parish Clerk, 1s.; Sexton, 3s. 6d. Total, 6s. 6d. In a Brick or Stone Grave—Clergyman, 10s.; Parish Clerk, 5s. 6d.; Sexton, 5s. 6d. Total, £1 1s. In a Vault—Clergyman, £1 1s.; Parish Clerk, 7s. 6d.; Sexton, 7s. 6d. Total, £1 16s.

There are some amusing inconsistencies in this tariff which it is difficult to reconcile:—as, for instance, what in the name of common sense could a sexton have to do, in tying the knot of connubial bliss, indispensable though his services might be in piloting a deceased husband or wife out of the world? Or how could the same grim official earn a sixpence in the interesting ceremonial of "churching?" Then the clergyman and clerk both received five times as much for seeing a corpse stowed away in a brick or stone grave as if the interment were in an ordinary one, though the sexton's allowance was only increased about one and a-half, whilst burial in a vault was, as compared with a common grave, ten times as remunerative to the clergyman, seven and a-half times to the clerk, and only twice as much to the sexton. Towards the close of the year 1840, the official staff of the Church of England, in Melbourne, was thus:—Minister—Rev. John C. Grylls, (absent in England on leave); Minister—Officiating, and Bishop's Surrogate for granting Marriage Licences, Rev. James Y. Wilson; School-Master—Mr. James Clarke; Clerk—Mr. Ralph Walton; Sole Trustee—The Right Rev. the Bishop of Australia; Building Committee—His Honor C. J. Latrobe (President), Deputy Acting Commissary-General Howard (Treasurer), the Officiating Minister (Secretary), Dr. Farquhar M'Crae, David C. M'Arthur, and James Smith, Esquires.

The position which the Government occupied towards the several denominations will be best understood by the publication of the sums voted by the Legislative Council of New South Wales, for church and school establishments at Port Phillip for 1841, and though inserted here for convenience sake, its application is intended to be general.—Clergyman of the Church of England, £200; Two Presbyterian Ministers (one to be stationed at Geelong) £150 each per annum, £300; Wesleyan Minister, £150; Two Roman Catholic Clergymen, £150 each, £300; Towards erecting churches and ministers' dwellings, on condition of sums to an equal amount being raised by private contributions, £2000. Total, £2950. In aid of the establishment, and in support of schools, on condition of sums to an equal amount being raised by private contributions, £700.

It was always objected that in a country where there was no State church, an undue favouritism was manifested by giving an Episcopalian £50 a year more stipend than any other minister. Some declared it to have been because of the possible or actual burden of a family; but, if this objection held as against the Roman Catholic priest, it could not do so with the Wesleyan and other ministers, some of whom were as prolific as those more highly endowed.

In 1841, it was definitely understood that the Rev. Mr. Grylls would not return to his pastorate, to which the Rev. Adam Compton Thomson was associated, and he finally replaced the Reverend Mr. Wilson, whose ministrations were for several years after zealously employed in the Western district. There was a marked difference between the two men, though each endeavoured to do his duty according to his convictions. Mr. Wilson was the abler and more eloquent, Mr. Thomson the more plausible and better diplomatist. The former was a fierce and often intemperate controversialist, prone to acrimonious preachings, and writing long, angry diatribes in the newspapers against the alleged fallacies and false teachings of the Church of Rome; whilst the latter managed to get on very well with his "separated brethren," and was not ashamed to live on friendly terms with the early priests, and to go hand-in-hand with them in any undertaking initiated for the public good, irrespective of country or creed. During the seven years that "Parson Thomson," as he was universally styled, officiated as the chief Episcopalian minister in Melbourne, he was highly esteemed, though not generally liked, and every one who had opportunity of judging him by his public acts in a clerical or lay character, could find no other opinion of him than that he was both a good missionary and a good citizen.

In May, 1841, the number of Church of England worshippers was put down at 4626, for the "township and the County of Bourke." The erection of the church was far advanced, and the congregation, before it was completed, took steps to procure a site for a second one on the opposite, or Eastern Hill, as the region north of Swanston Street was then called. A meeting was held (23rd June, 1841) at which was announced that the East Melbourne Church movement had met with so much encouragement that more than £300 had been contributed without much solicitation. The Melbourne Episcopalians were now stated to number 2926, and it was agreed to make immediate application to the Government for the land, and the cash advance. In the course of the year, Mr. George Beaver, a master-builder, put up an extensive room or workshop at the eastern end of Little Bourke Street, and this was utilised as a place for occasional worship, by the Rev. Mr. Wilson, pending the erection of the second church. Meanwhile the old wooden structure on the Western Hill was continued in its religious duty, whilst the new one by its side was proceeded with more slowly than was desirable through a lowness of funds; but the day at length came when it was opened for service, to a large congregation. This was on Sunday, October 2nd, 1842, when the Rev. Mr. Thomson officiated, and preached an effective sermon from 2nd Chronicles, chap. 7, verse 15: "Now mine eyes shall be open, and mine ears attend unto the prayer that is made in this place." A collection was made to defray the expense of moving the sittings from the old to the new building, and £11 18s. 3d. received. On Sunday the 30th October, prayers of thanksgiving were offered in St. James', and some of the other places of worship, for the escape of the Queen from assassination by John Francis, on the 30th May of same year.

Nothing worth special mention occurred until the spring of the next year (1843) when a second episcopal visitation was made by the Right Rev. Dr. Broughton. The Bishop arrived at Geelong on the 25th September, per the "Rajah" from Sydney, and continued for a fortnight in the Western District. On the 9th October he came by the "Aphrasia" steamer to Melbourne, and was met at the wharf by a number of gentlemen from whom he received a respectful and cordial welcome. Dr. Cussen (the colonial surgeon) had his carriage in readiness, into which the Bishop and the Rev. Mr. Thomson stepped and were driven to St. James'. Here there was a brief service, after which his Lordship and a few friends proceeded to the residence of Mr. James Smith, on the south side of Collins Street, where they breakfasted. This cosy snuggery was placed at the Bishop's service during his sojourn in Melbourne. On the 15th his Lordship preached at St. James' and the next day a public meeting was held at which he presided. Their Honors the Superintendent (Latrobe) and the Resident Judge (Jeffcott) attended, when a resolution was passed affirming the necessity for vigorous action to liquidate a debt of £950 on the church, a special subscription for the purpose was opened, and it was determined to make a ward collection through the town. The Bishop held a confirmation at St. James' on the 20th, when some 80 persons, aged 14 and upwards, were confirmed, and the church was densely crowded on the occasion. Dr. Broughton, took several excursions into the country, and was indefatigable in arranging and suggesting for present needs and future contingencies. The contemplated erection of a church on the Eastern Hill was an object of the first importance, and in order to infuse new life into a movement which had become semi-dormant, one of the best attended and most influential gatherings yet held in connection with church matters came off on the 13th November, in Beaver's building. The Bishop was present in the chair, and delivered an earnest and interesting address. The other speakers were Messrs. E. E. Williams, James Simpson, J. D. Pinnock, R. W. Pohlman, P. Davis, Drs. Palmer, Campbell, Clutterbuck, and Major St. John. The speech of the day was Dr. Palmer's, but its literary excellence could be better appreciated by reading, than hearing, it. He was always learned, ornate, and impassioned; an accomplished essayist rather than a popular speaker. On this occasion he sketched a brilliant *résumé* of the liberal manner in which the ancients endowed the temples of Paganism, and, passing on to modern times, urged upon his co-religionists the necessity for liberal co-operation. "Look," he exclaimed "at our own native land, or to the broad expanse of Christendom, and everywhere do we behold, in its length and breadth, structures at once beautiful and imposing raised by the piety of our forefathers; and, should it be objected, that to propose such examples for our imitation is unbecoming a Christian or a Protestant, I would answer that at least they may serve to shame us into greater liberality. It may surely be permitted us to animate our zeal from such sources; nor is there aught which should forbid us to light our torches at Pagan altars or to sharpen our spears at the

forges of the Philistines. Our zeal needs to be re-kindled, that it may bear some proportion to our increased intelligence."

It appeared there was a sum of £250 available, and it was resolved to endeavour to raise it to £400, when application could be made to the Executive for land grants for church, parsonage, and school-house, as well as the pecuniary aid to which the congregation would be entitled under the Church Act Regulations. No one dreamed at the time that a couple of years more would pass before any real building commencement would be made. The Bishop returned to Sydney, a few days after, amidst a cloud of good wishes.

A misconception had for some time existed in reference to the grant of the site of St. James'. Two portions of land, bisected by Little Collins Street, constituted the Church Reserve. There were three acres on the side whereon the Church was erected, whilst the remaining two, on the northern side, were annexed by the minister, and the area was known for years as "Parson Thomson's Cabbage Garden." As there was no State Church, the other religious denominations believed, and not without reason, that the Episcopal Church had been unduly favoured, by getting a couple of acres too much, and the Press protested vehemently against it. The vexed question was referred to Sir George Gipps in 1844, who after a thorough consideration of the case, expressed a belief that his predecessor, Sir Richard Bourke, had intended that the whole five acres should be given, and he consequently refused to interfere. The Town Council took the matter up, and, though the Crown grant for the whole parcel had issued, the street, now known as Church Street, or the western end of the disputed block, continued for years to keep alive an acrimonious feeling between the Council and the Government, until it was ultimately settled by a compromise, the terms of which will be found in the chapter devoted to the Melbourne Corporation.

In November, 1843, a General Financial Statement was submitted by the Building Committee from which it appeared that the total receipts on account of St. James' amounted to £5,927 11s. 4d. In this sum were included £1000 received from the Government, £200 borrowed from the Savings Bank, and £75 9s. due to the Bank of Australasia, the remainder being made up of subscriptions, church-door collections, pew rents, and two small items as Bank interest on Deposits. The disbursements were thus:—

Erecting old church, afterwards removing, pewing, enlarging, etc., etc., £332 10s.; Mr. Beaver for again enlarging, £100; Making a drain around the Church, £2; Mr. George Beaver, to amount of contract, £1885 1s.; Mr. Alexander Sim, to amount of contract, £3275 3s. 10d.; Mr. Russell, Architect, to account, £193 10s.; Interest of Bank of Australasia on loan and other advances, £139 6s. 6d. Total, £5927 11s. 4d.

The outstanding liabilities were £930 17s. 6d., for contractors' accounts, the balance due to the Bank of Australasia, and £218 6s. 6d. to the Savings Bank. The subscriptions promised since the arrival of the Bishop, would realise £450, in which case the deficit would not exceed £480 17s. 6d., which would be liquidated by an expected grant of £500 from the Government. And so St. James' Church continued to go ahead. A choir was formed, an organ obtained, and the services began to assume a respectable and comfortable aspect; but at the Sunday service of 17th November, 1844, a *contretemps* happened, at which people could not help laughing in the midst of their devotions. There had been a heavy rain the night before, which flowed in freely through portions of the roof, and when the organist tackled to his instrument, to his ineffable dismay he found the pipes of his instrument filled with water, and all his music washed away.

The Eastern Hill church remained in embryo during 1845, but in January 1846, the Government consented to give £1000 towards its erection, with the usual proviso that a like sum be raised by contributions; and intelligence was received from the Bishop that a balance of £1684, remaining to the credit of the Church of England for 1844, would be appropriated to Port Phillip in the following proportions, viz.:—St. James' (Melbourne), £500; Geelong, £150; Portland, £75; and the residue in moieties to Portland and Belfast. The Eastern Hillites again put on a spurt, and nominated Messrs. James Simpson, R. W. Pohlman, and J. D. Pinnock, as building trustees. The requisite vouchers were forthcoming, the land granted, and further preliminaries, plans, specifications, etc., were decided on. Geelong had for some time displayed so much activity, that by March, 1846, they had erected a church, parsonage, and school-house, and the Rev. E. Collins, a newly-arrived clergyman, was sent down as the first regular minister.

Of the plans prepared for the Eastern Hill church, that of Mr. Charles Laing was approved by the Bishop, and in April the tender of Messrs. Webb, Brown, and Co., for its erection was accepted for £1333 8s. The ceremony of laying the

FOUNDATION STONE OF ST. PETER'S

was performed on the 18th June, 1846 (Anniversary of Waterloo-day) in the presence of a numerous attendance, though only two clergymen, viz., the Rev. A. C. Thomson, of Melbourne, and Rev. E. Collins, of Geelong, were present. The proceedings commenced by the Rev. Mr. Thomson, and some of the assemblage repeating alternately verses from the 132nd Psalm—after which followed lessons from Isaiah iv., 1 Cor. iii.. and the Collect for St. Simon's and St. Jude's day. His Honor the Superintendent then came forward, and in the usual receptacle for such mementoes, placed a sealed bottle containing a parchment scroll thus inscribed :—

THE FOUNDATION STONE OF ST. PETER'S CHURCH,
In the Town of Melbourne, District of Port Phillip, Colony of New South Wales,
Built by Local Subscription, Aided by an equal amount from the Colonial Government,
Was laid by
HIS HONOR CHARLES JOSEPH LATROBE, ESQ.,
Superintendent of Port Phillip,
On the 18th day of June, A.D., 1846, and in the ninth year of the reign of QUEEN VICTORIA.
WILLIAM GRANT BROUGHTON, D.D., of Australia.
ADAM COMPTON THOMSON, Minister of St. James' Parish of Melbourne,
JAMES SIMPSON, JAMES DENHAM PINNOCK, ROBERT WILLIAMS POHLMAN, ESQUIRES, Trustees,
CHARLES LAING, Architect.

The upper stone being lowered and fixed, his Honor said, "In the name of God the Father, Son, and Holy Ghost, I lay this foundation stone of a church to the praise and glory of His name." Then handling trowel and mall, he went through the customary forms, and finished by declaring, "This stone is laid as the foundation and corner-stone of a church to be built in this place; to be named St. Peter's, and to be set apart for the preaching of the right Catholic faith, which we believe and confess, in the name of the Father, and of the Son, and of the Holy Ghost, Amen." Recitations from the Psalms followed, after which an excellent address was delivered by the Rev. Mr. Thomson. The Rev. Mr. Collins offered a prayer, and the proceedings terminated with a collection towards the building fund, which was liberally responded to.

In the course of the year 1846, it became known that it was intended to appoint a Bishop to Port Phillip, and a meeting was held in St. James' school-room on the 14th September, whereat an address was adopted for presentation to the Bishop of Sydney, thanking his Lordship for his zealous exertions in procuring the erection of Port Phillip into an independent Bishopric. St. Peter's Church presented a handsome gable, with a neat stone cross fixed in it, and on the night of the 10th December, some evil-minded vandals demolished the external decoration. Next morning the emblem of Christianity was found with a piece of rope round its neck, in a gully in the now Fitzroy Gardens. It had evidently been pulled down by help of the rope, and its socket with some stone-work attached had come away with it. The perpetrators of such dastardly blackguardism were never discovered, though there were strong suspicions against certain individuals. About half-a-year after, a new cross was put up, and had better luck than the other. It was said that the church plan, as originally designed, was provided with a cross, which was erased at some meeting of subscribers; but, subsequently, some underhand Puseyites managed to interpolate the one that went up, and came down so unceremoniously. The accuracy of this assertion is open to much doubt, especially as it appeared in a newspaper not remarkable for its veracity.

A church was opened in Geelong on the 24th June, 1847, by the Rev. Mr. Collins, when a capital sermon was preached by the Rev. Mr. Thomson, and a handsome collection made for the building fund.

THE ARRIVAL OF BISHOP PERRY.

An event to be red-lettered in the ecclesiastical history of the Province, took place on the 23rd January, 1848, viz., the arrival of the ship "Stag," from London, which, amongst other passengers,

brought the following, clerical and lay, viz. :—The Right Reverend Dr. Perry and Mrs. Perry; the Rev. Mr. Macartney, Mrs. Macartney, and eight junior Macartneys; the Rev. Mr. Newham, wife, and child; and the Rev. Mr. Hales and wife. The "Stag" anchored in the Bay on a Sunday evening, but the passengers did not land that night. At an early hour on Monday morning the steamer "Diamond" was chartered to proceed to the Bay with over a hundred persons, including Superintendent Latrobe and the Mayor. The new Bishop brought with him a high reputation for piety, erudition, and zeal, in all of which he thoroughly stood the test throughout an active and distinguished missionary career. He was born at Hackney, in Middlesex, on the 17th February, 1807. He graduated at Cambridge in 1828, became Senior Wrangler, and was elected Fellow in 1829. He read for the Bar from 1828 to 1831, and on returning to college, in 1837, took the degree of D.D., and was tutor until 1841. In 1836 he received Priest's orders, and for several years, was minister of St. Paul's, Cambridge. On St. Peter's day, 1847, he was consecrated the first Bishop of Melbourne in Westminster Abbey. The Bishop and his friends came to Melbourne in the "Diamond," and as the steamer was leaving, the yards of the "Stag" were manned, and three hearty parting cheers given, a compliment cordially returned from the "Diamond." As the steamer approached the wharf there was a large concourse of persons in waiting, and as his Lordship put his foot for the first time on Melbourne ground, he was welcomed with loud peals of acclamation. He bowed his acknowledgments, and was driven to St. James' Parsonage, whence he subsequently moved to the *Southern Cross Hotel*, then and still in the western part of Bourke Street, where apartments were secured. The *Southern Cross* was the first place of entertainment opened as a Family Hotel, where all the quiet comforts of a home could be obtained. The host was Mr. J. S. Johnston, so long and favourably known in Melbourne as an alderman and politician, and no house of public accommodation was more respectably conducted than his. After a sojourn of a few days there, Bishop Perry rented one of the only two cottages then at Jolimont, which he occupied until he moved to Bishop's Court in 1851.

The Bishop was installed at St. James' on January 28th, and, as to be expected, such a ceremonial novelty, brought together as many persons as the church could contain, including a large sprinkling from the other religious denominations. An amusing *contretemps* occurred, for, by some oversight, the Queen's Letters Patent creating the Bishopric had been mislaid somewhere amongst the Bishop's papers, and could not be found. It was thought they had been left on board the "Stag," but there was no doubt that they would be speedily forthcoming. This was an awkward predicament, but their production that day was dispensed with, the Bishop was inducted with all the other *formulæ*, and he delivered a very eloquent discourse from 2nd Cor., Chapter v., verse 20. "Now then we are Ambassadors for Christ, as though God did beseech you for us; we pray you in Christ's stead, be ye reconciled to God." This first Episcopal sermon established his reputation as a pulpit orator of no mean order, and was by special request, published in pamphlet form, and widely circulated. At 3 p.m. of the same day, the church was again opened, when His Lordship was waited upon by a deputation of Church of Englanders, headed by the Rev. Mr. Thomson, to present an address of welcome, which had been agreed to at a meeting of Episcopalians held for the purpose some days before the Bishop's arrival. To this address His Lordship returned a very elaborate and appropriate reply.

And thus the Bishop commenced in a way which elicited approval from all shades of society. But he was not many days in town, when he committed an indiscretion which it would be hard for any unbiassed writer, unacquainted with the working of the Bishop's inward consciousness, to justify. The Rev. Father Geoghegan, the Roman Catholic Pastor, accomplished gentleman as he was, wishful to pay meet respect to a distinguished stranger, though the head of another creed, called for the purpose on Bishop Perry. Whether His Lordship was, or was not at the time in the *Southern Cross Hotel* is not known; but at all events he was not "at home" for the visitor who left his card. The Bishop, instead of treating the clerical paste-board as a badge offering the conventional courtesies of one gentleman to another, recoiled from it as if it were a snake, and if he even touched it, only did so to drop it into an envelope and return it with a curt, caustic note, a freezing intimation that he could not recognise "The Rev. P. B. Geoghegan" in any shape or form, officially or otherwise—in fact conveying the idea that he wished to shun the card-sender as though he were an emissary from the Evil One. This unmerited rebuff to probably the most popular man then in the Province, provoked a deep feeling of anger against the Bishop, without the pale of his own

communion, and even within, there was by no means a consensus of opinion that he had done the right thing. Many a conscientious Protestant believed that His Lordship had done what was egregiously wrong, but shook the head and said nothing. The religious discord first aroused at the elections of 1843 was supplied with fresh fuel by the Bishop's action, and strengthened the sectarian rancour which broke out at intervals amongst the religious denominations in after years, and has never died out. The ungodly flame was subsequently well fanned by a religious publication started under the auspices of the Bishop;—the *Church of England Messenger*—the reverse of a Messenger of Peace and Good-will, and very different from another periodical of the same type—the *Presbyterian Messenger*, conducted by the Rev. James Forbes.

The Rev. Daniel Newham was forthwith appointed to the Cure of St. Peter's, and the Rev. H. B. Macartney to that of Moonee Ponds. On the 30th January the Bishop preached at St. Peter's, and the Rev. H. B. Macartney at Woodlands. Mr. Henry Moor was appointed Chancellor of the Diocese, and on Sunday, the 13th February, at the close of the service at St. Peter's, the new Chancellor read Her Majesty's Letters Patent, previously mislaid. A chronicle of the time records "that the ceremony took nearly an hour, and Mr. Moor seemed well pleased when it was over." This valuable Charter of the Bishop's appointment had been found some time before, and the New South Wales *Government Gazette*, 5th February, 1848, contains the "Letters," bearing date 26th June, 1847, and in which the Queen has been graciously pleased to appoint the Right Reverend Charles Perry to be Bishop of the See of Melbourne, and further ordaining "that the said town of Melbourne shall be henceforth a city, and be called the city of Melbourne." Further changes were soon made, amongst which it was announced that the Rev. Mr. Macartney was to be stationed at Heidelberg, and a Mr. Bean shortly to be admitted a minister of the Church, was to officiate twice a week at Williamstown.

Occasionally, occurrences, ludicrous and sometimes very unbecoming, used to happen. Once on a time, before the arrival of the Bishop, during a hot-wind Sunday, a settler, fresh from the bush, rushed into St. James' in the midst of the service. Thirsting for the Word of God, which he had been for some time without hearing from lips duly accredited, he attended little to his toilette, and so it happened that he was garbed in a short jacket, leather-belted, and displayed a periphery of bleached linen in an interstice presented between the extremes of the jacket and another indispensable garment, which is supposed to be unmentionable. He entered a pew near which was a pompous medico of the period, who, disturbed in his devotions by some brusquerie of the other, affectedly turned round and looked as black as thunder at what he conceived to be an unauthorised intrusion. His indignation would no doubt have soon evaporated under the influence of the place, but unluckily, his eye was caught by the circlet before mentioned; and such a trim in a temple of worship, and on the Sabbath, and in the presence of the *élite* of Melbourne, appeared to be such an appalling act of desecration, that after vainly requesting the intruder to withdraw, he actually had the temerity to give him in charge to a constable for unbecoming conduct in a house of prayer. The matter was, however, amicably arranged by the intervention of friends and an ample apology. It was a pity it did not go into Court, where a swingeing verdict of false imprisonment would have taught the Æsculapius that if pharisaical snobbery is to be indulged, it may sometimes be carried to an unreasonable extent, and should be enjoyed only as a very high-priced luxury.

A scene of an altogether different kind was enacted at the afternoon service in St. Peter's, on Sunday, 27th February, 1848; and, though in a certain sense, more excusable than the former one, was a most disgraceful exhibition. The Rev. Mr. Thomson was officiating, and a numerous congregation were absorbed in their devotions, when they were suddenly electrified by someone bellowing out an "Amen," which rang through the building, and it was immediately ascertained that the public executioner ("Jack Harris"), was standing in their midst, in an advanced stage of intoxication, vociferating "amens" and hammering away on the floor, with a big stick, as if keeping time with the organ. He was called upon to desist, and replied by flourishing his cudgel, and, as he had not sufficient control of his muscular system, the weapon flew backward out of his hand, and went very near disfiguring an exquisitely got up young gentleman connected with the choir. The sexton procured the truncheon and tried to make peace, but the offendor threatened to break both his and the parson's heads, and pulling from a greasy pocket a well-thumbed edition of Cooper's novel, "The Bravo of Venice," coolly commenced to give out a text from

it. In the meantime a Sergeant Stapleton, a strong active member of the Police, was invoked to eject the hangman, who, in the midst of intense confusion, declared he should have the rest of the service gone through in his own way. Stapleton seized Harris by the neck, and after a smart tussle of cuffing and kicking, the scoundrel was dragged away, howling like a maimed gorilla, and swearing that if he had his rope with him, "he would strangle the whole lot of them, parson and all." The fellow, after a night in the lock-up, was brought before the Police Court next morning, where the presiding Magistrate happened to be Mr. Moor, the Chancellor. In addition to the foregoing, evidence was given of Harris being a ticket-of-leave prisoner of the Crown, and he was sentenced to six months' inprisonment with hard labour.

Dr. Perry did not let the grass grow under his feet, and no man could have worked more unceasingly and energetically than he did. Some difficulty was experienced in settling the question of the maintenance of St. Peter's, and a "Ways and Means" meeting was held on 22nd July, presided over by Mr. James Simpson, when it was estimated that £140 per annum for two years would solve the present difficulty, towards which a subscription list was opened, and names for a good proportion of the sum at once put down. On the 6th August, St. Peter's was inaugurated as a church, on which occasion the Bishop preached a morning, and the Rev. Mr. Newham, an evening sermon. The Diocesan Society was established on the 12th September, 1848, at a numerously-attended meeting in the Temperance Hall, Russell Street. The Bishop, who was chairman, delivered a luminous address, in which he formulated the objects of the proposed institution. The other speakers were :—Mr. Latrobe (the Superintendent), Messrs. J. L. Foster, A. M'Kenzie, Redmond Barry, Joseph Raleigh, E. E. Williams, William Hull, C. Campbell, the Revs. (now Dr.) Macartney, and A. C. Thompson. The principles of the society were settled, and it was declared to be organised for the following purposes :—To promote the building of churches, maintenance of clergy, circulation of Bibles and prayer books, and the advancement of true religion, consistent with the discipline of the United Church of England and Ireland in the Diocese of Melbourne. A brief code of rules for its management was adopted, the first set of office-bearers elected, and £180 contributed in aid of the ends sought to be obtained.

Geelong was constituted an Archdeaconry, with a jurisdiction over the entire Western District, and Dr. Macartney was appointed Archdeacon in October, 1848. A small section of Church of England worshippers, considering that the Rev. Mr. Collins, the first minister, had a preferent claim, were dissatisfied. Dr. Macartney was then fifty years of age or something over, and some of his opponents had the folly to insinuate that he was too old for the work. He has already outlived every one of them by many years, has been working hard ever since, and is still in harness (1888), forty years after, an instructive commentary on the fallacy of the fashion now getting into vogue, of measuring ability by a rule of thumb, which beckons to a person thoroughly efficient to stand aside when he reaches a certain arbitrary maximum of years. Dr. Macartney, now the well-known Dean of Melbourne, was born in Dublin in 1799, and is *ætate* 89. He is a son of Sir John Macartney, a member of the Irish House of Commons, and a more untiring and conscientious minister never officiated in the colony.

On the 31st October, Bishop Perry administered confirmation to 82 persons at St. James', on which occasion the church was crammed to overflowing.

In November the erection of a Grammar School near St. Peter's, upon which £650 were to be expended, was commenced, and Mr. Budd, R.H., was to be the master. The Bishop's lengthy missionary tour through the Western District also took place.

In January, 1849, a branch of the Diocesan Society was opened at Geelong, and promised to be an efficient ally of the parent body in Melbourne. The important district of Collingwood was without a place of worship, and as there was no land there available for a Government grant, the Bishop purchased from Mr. John Hodgson, a site whereon to erect a church (the now St. Mark's). Brighton, which already had a small building for religious uses, was now given a pastor to itself in the person of Mr. Brickwood, a private school teacher, who was about to take orders, and Mr. Bean (about to be ordained) was assigned to Gippsland. The new school of St. Peter's, or, as it was afterwards designated, The Melbourne Diocesan School, was opened on the 11th April. It professed to give a sound scriptural and general education, and its terms were—Entrance fee, £2 2s. and £1 1s. for every additional boy of the same family; annual fee,

£10 10s., payable quarterly. In March, 1849, the Bishop rented the Russell Street Temperance Hall for temporary worship, and the Rev. W. Merry was nominated to officiate there. On the 13th May the Bishop issued his first pastoral letter.

A confirmation was held at Geelong on 2nd June, when there were twenty-six recipients, chiefly adults; and on the 3rd Sunday of the month, the Bishop held an Ordination at the same place, on which occasion the Archdeacon presented Messrs. Bean and Braim for Priest's, and Mr. Bloomfield for Deacon's orders. The church service in the evening was read by the Reverend Mr. Braim.

On the 22nd August, a meeting of the subscribers and pew-holders of St. Peter's was held in the Diocesan Grammar School. After paying all demands on the Church account, and fencing the ground, there was a balance of £95. The pulpit was proposed to be put up at a cost of between £70 and £80. The Trustees urged the taking of immediate steps with respect to the parsonage, and invited co-operation. A committee was appointed to collect contributions, for which a list was opened forthwith, and headed by the Bishop with £100 out of funds placed at his disposal from England, and £10 as his individual donation.

Efforts had been for some time made for the erection of churches at Richmond and St. Kilda, and at the former place the Rev. Joseph Docker presented for a site an acre of land, worth £100. The first annual meeting of the Diocesan Society was held at the Temperance Hall on the 12th September, 1849, when Bishop Perry gave an interesting *précis* of the past year's proceedings. Mr. Edward Courtney was appointed its first Secretary at an annual salary of £150. The Bishop presided over a meeting at Howard's *Royal Hotel*, St. Kilda, on the 16th October, to concert measures for the speedy erection of a church and school-house, and £150 was subscribed in the room. The Richmond congregation pushed on with much vigour, and on the 5th December, the subscribers assembled at St. Peter's School-room to determine upon a plan of building prepared by Mr. James Blackburn. £350 had been subscribed, the Bishop was willing to lend, out of the General Church Fund, £100 for two years without interest, and the Rev. Mr. Docker, who had given the land, offered to contribute £100, if all who had subscribed doubled their subscriptions, but nothing was done in this respect. It was supposed that half the chancel in the submitted plan could be completed for £600, and accommodation so provided for 120 sitters. The only business transacted was the appointment of Messrs. D. S. Campbell, W. Highett, Edward Bell, George James, and Henry Ghinn, as trustees. Towards the close of the year the Rev. Mr. Singleton was appointed to Kilmore, the Rev. Mr. Thomson obtained leave of absence to visit Van Diemen's Land, on account of ill-health; and on December 23rd, Messrs. Brickwood and Merry received ordination, and Mr. Cheyne was admitted to Deacon's orders.

Before Bishop Perry left England, the Secretary of State for the Colonies, agreed to sanction a grant of land as a site for an Episcopal mansion, with £2000 towards the building, and a stipend of £500 per annum. The land (two acres) was granted in East Melbourne, in the course of 1849, and the money was to be paid from the sale of land belonging to the Church of England, in what was then known as the Middle District, *i.e.* New South Wales, outside the boundary of Port Phillip. But the land did not pass into the possession of the church until the April following.

An Episcopal Conference

Was held at Albury (a place remarkable for intercolonial conferences since) on the 1st February, 1850, when the Bishops of Sydney and Melbourne met at the then inconsiderable border village. They were received with kindly warmth by the residents, at both sides of the Murray, and on Sunday the 3rd, after service, Dr. Broughton held a confirmation. There were two services on that memorable day, and it is doubtful if the churches of Albury have since listened to two such brilliant orations as were then preached, viz., in the morning by Bishop Broughton, and the evening by Bishop Perry. The next day, 4th, a meeting was held, with Dr. Broughton as chairman, at which business of an important nature, as concerned the Riverina neighbourhood, was disposed of. Arrangements were made for the maintenance of a minister to officiate at convenient places in both districts, the Bishop of Sydney undertaking to contribute £100 for one year, and £50 was to be raised by the settlers on each side of the Hume

(Murray), *i.e.*, a total of £200. A resolution was also passed guaranteeing the erection of a school-house, and a committee appointed to give effect to the stipulations.

The Bishop held another confirmation at St. James', Melbourne, on the 27th March, when he had the hitherto unusual number of five assistants, viz., the Revs. Newham, Strong, Brickwood, Bloomfield, and Chase.

A fortnight after, a subscription was commenced to raise funds for a church, to be built "somewhere between the Prince of Wales' Hotel (Little Flinders Street) and the wooden bridge over the Yarra, to be known as St. Lawrence's Cathedral;" and in two hours eleven persons put down their names for £100 each, one for £50 and one for £25. The list soon reached £1400, and the site selected and granted by the Government, was an abandoned Market Reserve between Flinders and Little Flinders Streets, and abutting on Swanston Street. But it was not intended to commence the building until the opening of the following year, and as St. James' was a cathedral, and St. Lawrence a name not generally approved, it was determined to abandon it, and that the coming ecclesiastical structure should be known as St. Paul's Church.

St. James' was every day growing more insufficient for the accommodation of increasing numbers, and many and anxious were the deliberations thereupon. It was finally resolved to negotiate a loan of £1600 at 8 per cent., to be applied to putting in new foundations, constructing a gallery and transepts, one of which was to serve as a vestry room, the other a registry office, and, though last, not least, to replace the unsightly deformity that topped it, facetiously called a tower.

This church, never an agreeable-looking pile, was originally a positive eyesore to the town, and as, after Batman's Hill, it was the second sight that met the gaze of strangers coming up the river, people looked from one to the other, and asked in astonishment what on earth was the uncouth object in the distance? If built, as primarily designed by Mr. Robert Russell, it would be surmounted by a neat, symmetrical steeple; but from want of funds, the plan was mutilated in every conceivable way, and the future cathedral was "bonneted" with an abortion of no known order of architecture in existence. It was therefore placed in the hands of Mr. Charles Laing, an architect of repute, to rehabilitate it; but it was so muddled by the well-meaning, though ignorant officiousness of Dr. Palmer, the ruling spirit of the Building Committee, that another abortion, not quite so bad as the first, was the consequence. In fact, the old tower was raised a little, crowned with a pepper-pot and embellished with some circular enrichments, only two of which could be seen from any given point of view, and so like spectacles were these eyelet-holes, that a facetious Scotch lady used to declare "Oh, St. James' has taken to wearing glasses!" Bishop Perry and Dr. Palmer were delighted with the change, which was laughed at by the church worshippers, some of whom spoke of it jeeringly as an erection for which the Bishop was responsible. It remains in much the same state to-day, about the most dismal-looking picture in the whole city of Melbourne.

Another ordination was held on the 26th May, when Messrs. Bloomfield, Tanner and Gregory were enrolled in the priesthood. The Bishop was assisted in the ceremonial by the Archdeacon and the Rev. Mr. Chase; Mr. H. J. Chambers acting as *pro tem.* Chancellor in the absence of Mr. H. Moor.

The movement organised for the erection of a place of worship at Richmond was prosecuted so vigorously that, towards the end of the year, such progress had been made as warranted an actual commencement of the work. June the 20th, 1850, the period fixed for the initial ceremony, was a fine, bracing, mid-winter day, and a large number went out from Melbourne to be present. Church Street was then very different from what it is now, as it was far out of town, and no human habitations to be seen except a few comfortable home-nooks of country villas dotted on both sides of the river, and some brick-makers toiling in the distance. There could not be found a more picturesque or brighter-looking locality—a pleasant suburban break in the surrounding forest. Amongst the first to arrive were His Honor Mr. Latrobe and his wife, who resided at Jolimont, the then half-way station to Richmond. Bishop Perry was accompanied by the Rev. Messrs. Newham, Bloomfield, Strong and Gregory, and at the appointed hour there were several hundred persons in attendance. Prayers were offered, a couple of hymns chanted, and the stone was laid by the Bishop. In the proverbial cavity was placed a bottle, containing some coins of the realm, and a scroll of vellum thus inscribed :—

THE FOUNDATION STONE OF A CHURCH
Devoted to the Service of Almighty God, for the use of that body of the Christian Church, known as
THE CHURCH OF ENGLAND,
And called in Honor of the Proto-martyr, ST. STEPHEN, was laid by
THE RIGHT REV. CHARLES,
Lord Bishop of Melbourne,
On the twentieth day of June, Anno Domini, One thousand eight hundred and fifty: in the fourteenth year
of the Reign of HER MOST GRACIOUS MAJESTY
QUEEN VICTORIA.
Governor of the Colony of New South Wales,
SIR CHAS. AUGUSTUS FITZROY, Knt.
Superintendent of the District of Port Phillip,
CHARLES JOSEPH LATROBE, ESQ.
Trustee of the Church:
THE RIGHT REV. THE LORD BISHOP OF MELBOURNE.
Building Committee:
Edward Bell, Esq.; Henry Ghinn, Esq.; George James, Esq.; Wm. Highett, Esq.
Daniel Stodhart Campbell, Esq.
Architects:
Arthur Newson, and James Blackburn, Junr.

The proceedings closed with an address from the Bishop, and a liberal collection towards the building fund.

A commotion was caused unwittingly, by Bishop Perry, at whose instigation his Chancellor (Mr. Henry Moor), as a Member of the Legislature of New South Wales, introduced in the Council two measures, (*a*) for the regulation of Church Temporalities, and (*b*) a Church Discipline Bill. General dissatisfaction was expressed by the other denominations, and even shared by no inconsiderable number of the Episcopalians. An impression prevailed that the ruling powers were disposed to unduly favour the Church of England, and instances of undue preference were not wanted. From the earliest times the Episcopalian Minister was allowed by the Executive Regulations £50 a year more in his stipend than the clergymen of other churches. Then there was the "Cabbage Garden,' a trifling but significant item, followed by the endowment of the Bishopric with land and money. These circumstances, and others existing only in imagination, fomented such an opposition to the Church Bills that the Mayor (Dr. Greeves) was requisitioned to convene a public meeting on the subject, which was held in the Mechanics' Institute on the 7th August and the attendance was numerous and influential. Addresses were delivered by the Revs. James Clow, T. O'Dell, A. Morrison A. M. Ramsay, Messrs. J. P. Fawkner, J. O'Shanassy, J. A. Marsden, and Dr. P. M'Arthur. The proceedings were characterised by an unusual unanimity amongst sectional representatives, and a fixed determination to resist, by every constitutional means, the passing of the Bills. Several resolutions were adopted, as well as a petition to the Legislative Council, praying that body not to pass into law such "obnoxious Bills" because "they were partial in their character, subversive of the principle of denominational equality evidently recognised by the present constitution of the colony, calculated to aggrandize a particular sect, and to plant a dominant Church in the country"—and further, "that these Bills, by arming an Ecclesiastical Court with secular powers, are fraught with the utmost danger to our civil and religious liberties, and cannot be viewed by an enlightened British Community, but with feelings of jealousy and serious apprehension." Dr. Perry affected much surprise at the storm of discontent thus evoked, and declared that no harm to other Communions was meant by, or contained in, the Bills. In the Legislature they were also opposed *ab initio*, and Mr. Moor, under the pretence of desiring to allay popular dissatisfaction in Melbourne, withdrew them. The fact was the Bills would have been rejected, and this, Moor was about the last man not to foresee—but as a dexterous politician he made a virtue of necessity, and so secured a clever retreat from a position at the time far from enviable.

On the 25th August there was an interesting ceremony at the opening of a new church by Dr. Perry at Broadmeadows, or, as all that country side was then better known, the Moonee Ponds.

Two noteworthy events happened in September, viz. :—On the 7th, a meeting of the Diocesan Society was held at the Temperance Hall, when Mr. W. F. Stawell made his first appearance in the *role* of a religious lecturer, his theme being "The Reformation." He delivered a second one, on the same subject, which brought forth a fierce rejoinder from Mr. James Wallace, à Roman Catholic school-master. The annual meeting of the same body was held on the 20th, at which an excellent address was delivered by the Right Rev. Dr. Short, Bishop of Adelaide, who was paying a visit to Dr. Perry.

St. Paul's Church.

The foundation stone of this edifice (now being displaced to make way for the Cathedral) was laid on the 21st September, 1850, in the presence of thousands of people. At one o'clock the two prelates (Perry and Short) made their appearance, accompanied by Archdeacon Macartney, and as many ministers as could be mustered. The Superintendent, the Mayor, and most of the City Council were there. The ceremony began by Dr. Perry offering a prayer, "that God would be pleased to further their endeavours to promote His Glory, by raising edifices where His people might assemble to thank Him for His blessings, and receive instruction in His Word." Mr. J. M. Smith then read from a parchment slip the following inscription :—

THE FOUNDATION STONE OF THE CHURCH OF ST. PAUL'S, MELBOURNE,
Was laid by
THE RIGHT REVEREND CHARLES PERRY, DD.,
First Bishop of Melbourne,
On the Twenty-first day of September, Anno Domini, One Thousand Eight Hundred and Fifty, being the Fourth Year of his Consecration, and the Fourteenth of the Reign of HER MOST GRACIOUS MAJESTY
QUEEN VICTORIA.
Governor of the Colony of New South Wales,
SIR CHARLES AUGUSTUS FITZROY, KNT.
Superintendent of the District of Port Phillip,
CHARLES JOSEPH LATROBE, ESQ.
Mayor of Melbourne,
A. F. A. GREEVES, ESQ.
Trustees of the Church :
THE REV. DANIEL NEWHAM, M.A., Incumbent of St. Peter's ; RICHARD GRICE ; GERMAIN NICHOLSON ; JOHN MATTHEW SMITH ; GEORGE HASKELL.
Architects :
JAMES AND CHARLES WEBB.
Builder :
JAMES LINACRE.
In the good Providence of God there was also present on the occasion, on his journey to attend the first Conference of the Bishops of the Australasian Dioceses, to be held at Sydney,
AUGUSTUS SHORT, D.D.,
First Bishop of Adelaide.

This was sealed in a bottle and placed in an excavation in the under stone upon which the upper one was to be lowered. The builder handed the trowel to the Bishop who spread some mortar, and the upper stone was slowly eased from its suspense when the requisite mallet knocks were given and the stone so "laid." Bishop Perry delivered an effective address ; Bishop Short, the Archdeacon, and Rev. Mr. Newham following. A collection was next made, and a simultaneous rendition of the 100th Psalm closed the proceedings, after which, Mr. H. Moor, M.L.A., on behalf of the clergy and laity of the Church of England, Port Phillip, presented an address of Christian welcome to Bishop Short.

Soon after, the Rev. A. C. Thomson returned from leave in Van Diemen's Land, and announced his intention of permanently connecting himself with the ministry over the Straits. On the 9th October one hundred and fifty persons publicly bade him farewell at a tea party in the school-room of St. James', the Mayor presiding, when Mr. Thomson was presented with an address, and a testimonial of a purse of sovereigns. He ministered in Van Diemen's Land for a considerable time, and died there some years ago. It is a singular incident that the three clergymen of different denominations, who were so well and popularly

known in the primitive times, should have become dissociated from the early missions which they severally worked with untiring zeal, and when occasion required, co-operated *pro bono publico*, irrespective of sectarian considerations. 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 philanthropy 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 seceded from the parent stock of Presbyterianism, to which he was long and conscientiously affiliated, founded a branch of the Free Presbyterian Church in Melbourne, and died in connection with it. Mr. Geoghegan, who ought to have been the first Roman Catholic Bishop of Melbourne, in a few years left the colony, and died Bishop of Adelaide.

On the 31st December, 1850, the Church of England worship in Port Phillip was represented by seven churches, estimated to contain 2460, but having a general attendance of 2550 persons.

The year 1851 was an epoch fraught with much importance to the Church of England in the newly-created-colony of Victoria, and Bishop Perry stuck to his work in a manner to thoroughly establish his reputation as an indefatigable labourer in the cause to which he had devoted himself. On the 8th January he "floated" "The Melbourne Diocesan Board of Missions" at a public meeting held for the purpose, with His Honor the Superintendent as Chairman. The objects of this Institution were (1) to establish and maintain missions and generally assist any efforts for the conversion and civilisation of the Aboriginal inhabitants of the Diocese. (2) Co-operation with the Provincial Board of Missions at Sydney for the conversion and civilisation of the heathen race in all islands of the Western Pacific. (3) To receive and forward subscriptions to particular missionary societies with special missionary objects. The management was to consist of a Patron, President, Vice-president, and Committee, with two Treasurers (one lay and one clerical), two Secretaries (one lay and one clerical), all to be members of the Church of England. Life membership was obtainable by a ten guinea contribution, or executors paying £50. Annual subscribers of £1 1s., or collectors of £2 12s. or more annually, were to be members. The office of Patron was reserved for the acceptance by the Governor of the colony; the Bishop and the Archdeacon were to be *ex officio* President and Vice-president respectively, and the clergy *ex officio* members. A code of laws was approved, and the first elective office-bearers appointed.

Bishop Perry was busily engaged to the westward, and at Belfast, on the 4th May, he confirmed eighteen persons prepared by Dr. Braim. On the following day a dinner was given to 140 children, in a newly-erected boarding school. An ordination was held at St. James', Melbourne, on the 15th June, when the Bishop, assisted by the Archdeacon, the Rev. Mr. Strong, and Chancellor Moor, admitted the Rev. Messrs. Cheyne and Gregory to Priests', and Mr. Clowes to Deacons' orders.

The Church Assembly.

The Bishop having in contemplation to hold a conference of the clergy and laity of the Church, steps were taken for convening the same. This was to consist of two branches, *i.e.*, every clergyman to be an *ex officio* member, and lay delegates to be elected by the parishes throughout the diocese. The conference was opened in St. James' School-room on the 24th June, 1851. It was the festival of St. John the Baptist, and Divine service was held at the Cathedral, after which, the Conference assembled, when there were thirteen ministers and thirty-two lay representatives present. The Bishop, as President, opened the proceedings. Their object was to consider and determine matters relating to the good government, discipline, and temporalities of the diocese, such as (1) the permanent endowment of the church, and the best means for carrying out that object; (2) the system and administration of church patronage generally throughout the diocese; and (3) the constitution of the Church of England in Port Phillip, as regarded—*(a)*, the mode of appointment of Bishops—*(b)*, the expediency and mode of organising Diocesan Synods and Conventions—*(c)*, the expediency and mode of organising Provincial Synods and Conventions. From the financial report it appeared that the receipts from 18th June, 1848, to date, amounted to £14,191 8s. 5d., all of which had been expended less balance in hand of £263 9s. 6d. Of the receipts, £10,600 had been received from England, £364 from Sydney, and the residue contributed in Port

Phillip. The Assembly sat for several days and conducted its business according to the standing orders of Parliament. Its debates were marked by ability, good temper, and a knowledge of the important questions discussed. The reports in the Melbourne newspapers were read with an interest not restricted to the Episcopalian community, and there can be no doubt that the session was productive of enduring benefits to the denomination interested.

The Rev. J. A. Clowes was the first minister specially assigned to Collingwood, where he was to officiate north of Gertrude Street. The ladies of his congregation were so well pleased to have a parson "told off" for their spiritual guardianship, that they presented him with a surplice, scarf, gown, and a five-pound note as pocket-money.

The first clergyman, deceased, in the colony, and whose loss, in August, 1851, occasioned much regret, was the Rev. Mr. Newham, Pastor of St. Peter's, a gentleman of much amiability of character and unassuming zeal. He had expended some private funds on St. Peter's parsonage, and a subscription was made to reimburse the amount so advanced, as well as to procure some provision for his bereaved widow. A brief account of his funeral will be found in the "Mortuary Chapter" of this publication.

The Annual Meeting of the Diocesan Society was held at the Mechanics' Institute on the 26th September. His Honor the Superintendent (Mr. Latrobe) presided, and Mr. R. W. Pohlman submitted a eport detailing the progress made in the affairs of the church. This document communicated several interesting particulars :—St. Paul's Church, the foundation of which had been laid in the September of the preceding year, was far advanced towards completion, but the funds were exhausted. Its subscription list showed twelve contributors of £100 each, two of whom had increased their donations to £250; nevertheless a lamentable want of zeal and liberality was evinced by the parishioners. Churches were almost in readiness at Heidelberg, Brighton and Richmond, and during the year another new place of worship (St. Paul's) had been commenced at Geelong; but nothing had been done respecting a proposed church at Williamstown. The only new school-building was at Belfast, which supplied accommodation for boarders. Plans were in contemplation for erecting a church at Tarraville (Gippsland), establishing boarding schools at Ballan and Burnbank, and building a parsonage at St. Kilda, for which £350 had been raised. It was hoped that in another year there would be a fourth church erected in the northern part of Melbourne, and a fifth church was greatly needed at Collingwood. The expenditure of the English Episcopal Fund for the year was :—Stipends for clergy and readers, £3310 3s. 2d.; for churches and schools, £1814 17s.; total, £5125 os. 2d. The receipts from local contributions for maintenance of clergy and lay-readers realized £1484 13s. 7d., and several grants, amounting to about £1500, had been received from societies and friends in England. The income of the Diocesan Society for the year was £636 17s. 5d. The additions to the clerical staff were the Rev. J. Taylor (from England), appointed temporarily to Williamstown; Rev. C. Perks (from England), as temporary curate at St. James'; Rev. W. H. Liddiard, in charge at St. Kilda; Rev. J. A. Clowes (ordained on Trinity Sunday), at Collingwood; Mr. Matty, as an additional lay-reader at Geelong, and Mr. Pitt, from the London City Mission, was visitor at Melbourne. There were expected from England the Rev. J. Hart Davies, to be Archdeacon of Melbourne; Rev. George Drummond, Rev. S. L. Chase, and Mr. Potter, a candidate for Holy Orders. Reference was made to the efforts in establishing Bush Missions, and providing for the spiritual wants of the aborigines; several grants for the year were recommended, and the shortness of funds complained of.

The death of the Rev. D. Newham was deplored, and a graceful and well-deserved tribute offered to his memory. The Church Conference was specially noted as "a most interesting event in the present course of our ecclesiastical history," and "from the manner in which it was conducted, as well as from the conclusions at which it arrived, much benefit may be expected to arise." The report evinced considerable literary ability, and concluded in terms worthy of quotation, viz.:—"The foundation of national prosperity is not in material wealth, but in Christian truth as the source of public virtue and freedom, no less than of social and domestic happiness. In vain shall our land yield her increase, our flocks and herds multiply, or our gold abound, if true religion and piety be not established among us, and if our people care not for the training up of their children in the knowledge and fear of God."

The meeting was addressed by the Bishop, Messrs. W. F. Stawell, T. T. A'Beckett, H. Moor, H. C. Childers, the Rev. Mr. Perks and others, and resolutions were passed of thanksgiving to God for the success

accorded, acknowledging with gratitude the liberality of the English contributors; appealing for support to the members of the Church, and urging upon the inhabitants of Melbourne especially, to aid in the completion of St. Paul's.

The new church at Brighton was opened October 12th, when the Rev. Mr. Brickwood officiated, and towards the end of the month the Rev. Mr. Robb left Gippsland for Van Diemen's Land, receiving an address and testimonial prior to departing. The Rev. J. H. Davies, recently arrived, was appointed Archdeacon, and accepted the pastorate of St. Peter's. Archdeacon Macartney was appointed Dean and transferred to St. James' (Melbourne).

On Sunday, the 2nd November, what was described as "an outrageous occurrence" happened in Gippsland. The Rev. Mr. Bean announced at a service at the Mitchell River that he should officiate there again, either on Sunday, the 7th, or Sunday, the 14th December, when a person named Ward excitedly exclaimed—"Sunday is not the 7th, but the 8th—no! the 9th." There was much commotion, and the vociferator was only saved from rough treatment by the tact and forbearance of the minister, who happened to be right in his reckoning of the calendar. The Rev. A. A. Strong, for some time in charge of St. James', decided upon returning to England at the end of the year, and on Sunday, 28th December, addressed a valedictory discourse to his parishioners. At the opening of 1852 the following changes were effected:—Dr. Macartney, Dean of Melbourne and Minister of the Cathedral of St. James', *vice* Strong; Rev. W. Merry went home on account of ill health; Rev. C. T. Perks translated to Richmond, was succeeded at St. Peter's by the Rev. Mr. Handfield; Rev. E. Collins, of Geelong, was given three months' leave of absence, his place to be filled by the Rev. G. Drummond; Mr. J. Potter was admitted to Holy Orders, and stationed at Williamstown; and the Rev. J. S. Gregory had been for some time detached as a Missionary to Mount Alexander, then revolutionised by the untold golden treasures of which it was the unconscious holder for centuries perhaps uncountable. The Bishop had announced that he would hold his primary visitation for the Archdeaconry of Melbourne at St. James' Cathedral on 21st January.

The Census taken on the 2nd March, 1851, showed the number of Church of England worshippers in the colony as 37,443, and of these there were 10,945 in the City of Melbourne. The gold discoveries, before the year had run out, unexpectedly disarranged all the calculations of the statists, and whirled religion as well as every other public institution along the railroad of life with a more than express speed. Dr. Perry kept at the helm through times of great peril, and remained faithfully at his post until increasing years and arduous exertions warned him of the prudence of handing over his episcopal trust to a younger and stronger hand. He accordingly did so, and, on the 26th April, 1874, departed from the colony.

In 1881, the Church of England population of Victoria numbered some 325,000 persons, and there were 172 registered clergymen, 573 churches, providing accommodation for 76,402 worshippers, 44,825 of whom usually attended at the 29,199 services approximately performed during the preceding year.

The items referred to in the foregoing paragraph are thus stated in Mr. Hayter's Statistics for 1886-7:—Population (estimated), 356,420*; Registered Ministers, 201; Churches and other Buildings used for Public Worship, 883, providing accommodation for 103,185 Worshippers; Services, 46,143; Average Attendance, 58,862.

* Including Free Church of England and Protestants not otherwise defined.

CHAPTER XI.

RELIGIOUS DENOMINATIONS: THEIR FOUNDATION AND FIRST CELEBRATIONS.

SYNOPSIS:—Early Troubles.—The First Priest.—Rev. P. B. Geoghegan.—First Mass.—The Original Church of St. Francis.—First Catholic Sermon.—Ways and Means.—Father Geoghegan's Early Career.—His Subsequent Promotion.—His Death and Burial.—The First Charity Sermon.—Catholic Population in 1841.—Laying Foundation-stone of St. Francis' Church.—Thieves Abstract the Coins Therefrom.—First Solemnization of High Mass.—Dr. Pohlding's Arrival.—First "Baby Show."—Laying Foundation St. Mary of Angels, Geelong.—Rev. Mr. Geoghegan's Departure.—Rev. J. J. Therry locum tenens.—Father Therry Suspended by the Governor.—"Old Colonial Days."—Father Therry's Labours.—His Departure.—Address and Testimonial.—Father Geoghegan's Return.—His Solatium.—£250 for a Dog's Bite.—Miscellaneous Incidents.—Dean Coffey.—Opening of Catholic Chapel at Brighton.—Right Rev. Dr. Goold, First Bishop.—Discontent at His Selection.—Father Geoghegan a Favourite for the Office.—The Bishop's Arrival.—Cavalcade and Demonstration.—Jehu Kippen's Belief in Dr. Goold and St. Patrick.—The Bishop's Installation.—His First Sermon.—Arrival of the Vicar-General, Dr. Fitzpatrick.—The First Native Australian Priest.—The Catholic Association.—Dr. Geoghegan's Mission to Europe.—The Bishop's First Confirmation.—Pope Pius IX.—Outrage at Geelong.—Laying Foundation-stone of St. Patrick's Church.—St. Paul's Church, Pentridge.—The Revs. Dunn and O'Hea.—The Bells of St. Francis.'—Arrival of new Priests.—Church of St. Monica.—Bishop Goold's Departure for Europe.—Presentation of "New Chums."—Religious Order of Monks.—The "Hippo" Monastery.—The Prayer Question in the Legislative Council.—Dr. Geoghegan and the Press.—The Dying of the Storm.—Catholic Census in 1851, 1881, and 1886.—Dr. Goold created Archbishop.—Fees Prohibited.

THE ROMAN CATHOLICS.

AMR. PETER BODECIN, a carpenter by trade, and a very zealous French Catholic, once on a time occupied a small weatherboard cottage in the then thinly built on Collins Street West, on the side opposite St. James' Church, and this was the humble and unassuming home of the first Roman Catholic worship in Melbourne. At the beginning of 1839 there was, so to speak, only a mere handful of that persuasion in the community, and amongst them was Bodecin, recently arrived from Sydney, where he had been favourably known to the Bishop and clergy, as a man who had conformed scrupulously to the spiritual requirements of his creed. Though the wooden conventicle on the Western Hill was supposed to be open to "Free selection" on afternoons, it is a practice of Roman Catholics not to be participants in a usage which is not seldom availed of by other dissenting persuasions; and so it came to pass that the few Catholics said they would hold Sabbath services in Bodecin's house. Of course it is not meant by this that the usual Divine service took place, for this could not be without a duly accredited priest, which there was not; and for the Mass, Bodecin simply read aloud some of the Rosaries and Litanies of the Catholic Prayer book, his hearers making the responses. On the Easter Sunday, at the usual prayer-meeting, the necessity for taking some action towards the erection of a church and obtaining a pastor was discussed, a subscription list commenced, and a collecting staff organised. A memorial was also adopted for transmission to the Right Reverend Dr. Pohlding, the Roman Catholic Bishop, praying that a clergyman might be sent to Melbourne, where the Roman Catholics were solicitous "to be united by discipline, as they have ever been in faith, with the one Holy, Catholic, and Apostolic Church." The memorialists added an appeal on behalf of their proportion of the "rising generation," and communicated the not uninteresting intelligence in an infant settlement, that their children "were daily increasing." As a wordly inducement they declared that there is "not a place in which the temporal advantages of a clergyman could be better or more amply provided," an opinion fully verified in the future. Bodecin's most active colleagues were Messrs. Adam Murray, Thomas Halfpenny, Robert Hayes, and William Cogan.

Mr. Murray, secretary to this movement, had a plausible diplomatic way of doing business, and on his suggestion, an earnest, and indeed, eloquent appeal was made to the Protestant section of the

inhabitants for co-operation in building a Church of Rome. There is a dash of unwitting humour in the coolness which prompted the issue of this manifesto, at a time when it was well known that the Episcopalians had hard work to raise funds for the erection of their own intended church, and the Wesleyans and Presbyterians had their hands full in the same way. The document was judiciously drawn up and the case well put, as this extract will show :—"We (the Catholics) are," it declared, "among you, before you, and we need but refer you to our numbers, industry and talent, to induce you to acknowledge our importance to a new-born, rising, and struggling colony. We are, however, poor as a community, and therefore call upon you with confidence for assistance in our undertaking. We need not, at the present day, revert to those bugbears, the offspring of ignorance and fraud, which kept our fathers at variance for so many ages."

The appeal was met in a generous spirit, and several contributions followed, the most remarkable being the receipt of £2 12s. 6d. "from the privates of the 28th regiment," a detachment of which was then quartered in the town. Several of the red-coated donors were members of the Roman Catholic persuasion.

The First Priest.

The petition asking for a minister was anticipated by the Bishop, for it and the so much wished for clergyman passed each other on the route between Melbourne and Sydney; and so the Rev. P. B. Geoghegan, the pioneer-priest, arrived per the "Paul Pry," on the 15th May, 1839, and was followed by the Rev. Richard Walshe in September. Four days after his arrival, on Pentecost Sunday, (19th May) Father Geoghegan celebrated the first Mass in the colony, in an unroofed store, belonging to Messrs. Campbell and Woolley, at the corner of Elizabeth and Little Collins Streets, the now site of the Colonial Bank; and it is a remarkable coincidence that the first Mass, and the first Protestant church service, were both solemnised in temples with no other covering than the canopy of Heaven.

The new priest was not a man to lose time in grappling with difficulties, and he set to work without delay. Mr. Arthur Hogue, of Banyule, near Heidelberg, allowed him to use an empty store as a place of worship, the collectors were urged on in their money-hunting mission, and on the 25th May, the indefatigable priest published an address to the Catholics of Port Phillip, which formulated a declaration that ought to be preserved as a golden legend by every religious denomination, viz. :—"To recognise the right of every one to worship God according to his conscience, is a noble and enlightened principle; it alone can give a permanent basis to society, because upon it alone can be combined the various forms of Christian worship into a structure for the common good."

Mr. Peter Bodecin was appointed the first clerk, funds were increasing, and at the end of June the military sent in £3 10s. as a second instalment of their good-will. The weekly worship was continued for some time at Mr. Hogue's store, and Father Geoghegan, who was as methodical a man of business as the proverbial "old bachelor," in order to save the expense of advertising the subscriptions of Roman Catholics, had the list posted every Sunday on the chapel (store) door. They were not yet in a position, financially, to make application for a grant of land from the Governor; but Father Geoghegan had warily chosen a site, which Captain Lonsdale, the Government Administrator, permitted him to occupy, pending the sanction of the Executive. This site was at the intersection of Lonsdale and Elizabeth Streets. The place was then literally forest land, and here in the bush was run up, at the cost of £100, a small wooden chapel, which was opened for service at 11 o'clock on Sunday, the 28th July. This was the original church of St. Francis, so-called after St. Francis of Assisium, the founder of the Franciscan Order of Friars, of which Brotherhood Father Geoghegan was one.

On the first and succeeding Sabbaths it was arranged to hold three services, viz. :—1. For families and servants, short service at 8.30 a.m.; 2. Parochial service, 11 a.m.; 3. Exhortation on some practical subject, 4 p.m. The first Roman Catholic sermon or exhortation in Port Phillip was delivered on the 28th July; subject—"Social Duties."

On the 29th September, 1839, a meeting was held in the temporary chapel to consider the important question of "Ways and Means." The amount of collections was reported as £116 in cash and £20 in promissory notes. If £300 could be raised the land grant would issue, and an annual salary of £150, be

allowed for the minister. The temporary chapel had cost, to date, £172. There was a sum of £200 in hand, and as promises were numerous, there could be no reasonable doubt as to success. The appeal to the "Dissenting Brethren" must have been attended with some productive results, for this resolution was passed by the meeting, viz.:—"That our thanks are gratefully offered to the esteemed individuals of other persuasions, who have so generously aided us in erecting a place to worship God, according to our conscience; and we pledge ourselves to maintain to the uttermost of our power, the liberal Christian spirit which at present distinguishes the district of Port Phillip." Like the Rev. Mr. Grylls, Father Geoghegan "was of small stature," but no "stammer" detracted from his elocutionary powers, which were considerable. He was a round, chubby, natty little man, a perfect picture of health and cheerfulness, and though most uncompromising in maintaining his rights and privileges, was as liberal-minded and tolerant as he was kind-hearted and charitable. There never was in the colony so universal a favourite with all classes, and when he left to assume the responsibilities of the Roman Catholic Episcopate of Adelaide, it was amidst feelings of general regret. As he is the only one of our early clergymen who subsequently obtained the highest ecclesiastical promotion, it may be interesting to give a few historical particulars of his career. He was born in Dublin, and was a schoolfellow of that great lost star of the theatrical firmament, the lamented G. V. Brooke. He completed his education at Rome, and came out to Sydney in 1837. After the arrival of Bishop Goold, he officiated in Melbourne as Vicar-General and Vicar-Foran, and was for some years pastor at Williamstown. In 1859, he was nominated Bishop of Adelaide, (S.A) and on the 8th September consecrated as such at St. Francis' Church. Singular to say the city of his cradle became that of his grave, for, after all his wanderings in both hemispheres, he died in Dublin, after undergoing a surgical operation, on the 4th June, 1864, and was buried there.

The first advertised charity sermon preached in the colony was by Father Geoghegan, at 2 p.m., on Sunday, 22nd December, 1839, when a collection was made towards the expense of enclosing the general burial ground at Melbourne. A great inconvenience was felt by the congregation, inasmuch as there was no bell to chime the hour for prayer, except a sheep-bell on which old Bodecin rang the changes in an astounding manner at the church door; and on the fact becoming known to Mr. R. H. Browne, of Heidelberg, he generously presented one, and now there was a bell on the hill (St. James'), and one in the plain, the former being close to the then centre of population, and the other far away from it.

In December, 1840, after a fifteen months' stay, the Rev. Mr. Walshe left for Norfolk Island, and was replaced by the Rev. M. Ryan. The Government had long since granted the land, and assigned the stipend as the momentous £300 had been raised, and things began to brighten considerably, the most welcome event of all being an influx of immigrants from the South of Ireland, which not only helped to swell the Sunday attendances, but the collections as well. About this period also appeared in the young settlement one destined to take a prominent place amongst a generation of public men, who for ability and patriotism, have certainly not been excelled since. This was Mr. (afterwards Sir) John O'Shanassy. He was a host in helping the small Catholic community; he was the trusted friend and counsellor of Father Geoghegan through struggles and difficulties of no ordinary nature, and no man, be he priest or bishop, ever served the church of which he was a worshipper, with more zeal or disinterestedness than he did, at a time when such services were as rare as they were priceless.

At the end of 1840, the position of the Roman Catholic Church was thus:—Pastor, Rev. P. B. Geoghegan; Pastor's Assistant, Rev. R. Walshe; Trustees, Right Rev. John Bede Pohlding, Rev. P. B. Geoghegan, and Alexander M'Killop, Esq.; Schoolmaster, Mr. John Lynch; Schoolmistress, Mrs. Mary Lynch.

In May, 1841, the Roman Catholics resident in the town of Melbourne and County of Bourke were reckoned at 2073. Plans and specifications having been prepared and approved, a contract entered into, and the 4th October was appointed for laying

The Foundation-Stone of St. Francis' Church.

The weather was tempestuous and threatening storm and rain. The attendance was large in proportion to the population. Mass was said in the Provisional Church by the Rev. Mr. Ryan, after which



St. Francis'



St. James'

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he and Father Geoghegan blessed the stone, and proceeded with the necessary formalities. A prayer was offered, and in the usual cavity was placed a hermetically-sealed bottle, containing several gold and silver coins, and a parchment scroll, bearing two inscriptions in Latin and English, viz. :—

Ecclesiæ Sancto Francisco dicatæ Lapidem primarium,
PATRITIUS BONAVENTURA GEOGHEGAN,
Presbyter Hibernus, O.S.F., Primus
Qui in Australia Felici Sacrum fecit, Posuit.
Die IV., Octobris, anno Recuperatæ Salutis, MDCCCXLI.
Gregorio XVI., Pontifice Maximo.
Joanne Beda Pohlding, Episcopo Ecclesiæ, Australasiæ Vicario Apostolico.
Victoria felicissime Regnante.
Georgio Gipps, Equite, Vicem Regiam Gerente.
Carolo Josepho Latrobe, Provinciæ Præfecto.
Samuele Jackson, Architecto.

PATRICK BONAVENTURA GEOGHEGAN,
An Irish Priest, O.S.F., the first who offered the Sacrifice in Australia Felix,
Laid the foundation stone of ST. FRANCIS' CHURCH, on the 4th of October 1841.
In the Pontificate of His Holiness Gregory XVI.
JOHN BEDE POHLDING, BISHOP, being the Vicar Apostolic of the Church of Australasia.
In the happy reign of QUEEN VICTORIA.
SIR GEORGE GIPPS,
Governor of the Province.
CHARLES JOSEPH LATROBE,
Superintendent of the Province.
SAMUEL JACKSON,
Architect.

The stone was next laid, and after the ceremony the assemblage retired to the temporary church, when Father Geoghegan preached an impressive sermon, taking as his text the 8th, 9th, and 10th verses of 2nd chapter of the Prophecy of Aggeus: "And the desired of all nations shall come, and I will fill this house with glory, saith the Lord of Hosts. The silver is mine, and the gold is mine, saith the Lord of Hosts. Great shall be the glory of this last house more than of the first, saith the Lord of Hosts, and in this place I will give peace, saith the Lord of Hosts." The building fund was considerably augmented by the day's ceremony. So far, there was an auspicious beginning, but on the workmen coming next morning, it was discovered that during the night some of the Melbourne thieves, "not having the fear of God before their eyes, and instigated by the devil," had displaced the upper stone, opened the bottle, and stolen the specie. It was not often Father Geoghegan was bested, but for once the knaves had got to windward of him. This outrage was never repeated at the inception of any other public building, because a watchman was placed on guard until the stones were effectually secured from pillage; or, as was more than once the case, the practice of burying coins was discontinued.

Ere the end of the year the Rev. Mr. Ryan was called away. In December the Rev. Mr. M'Guinness arrived, and in the early part of 1842, the Rev. Mr. Geoghegan proceeded to Sydney, and was absent for several months. He was relieved by the Rev. M. Stevens, who was detached to Geelong on the return of Mr. Geoghegan. Meanwhile the building of the new church proceeded, its progression measured by the intermittent ratio in which the all-needed money supplies came in. In 1843, the Rev. Daniel M'Evey, a young clergyman of exceptional ability, arrived from Dublin, and on the 17th March (St. Patrick's Day) High Mass was solemnised for the first time in Port Phillip. Father M'Evey was the celebrant, with the Rev. Messrs. Geoghegan and Stevens as Deacon and sub-Deacon. The singing was very effective, as several gentlemen, members of the Philharmonic Club, volunteered their services as an amateur choir, and acquitted themselves creditably. The St. Patrick's Society, in keeping up their National Anniversary by a procession, attended the church, and their banners of green and gold unfurled over the crowded congregation, were picturesquely suggestive of a green isle far away, which, though abandoned by

most of those present, was not forgotten. At the termination of the service the Rev. Father Geoghegan ascended the altar-steps (there was no pulpit) and preached a sermon replete with thrilling eloquence, from the text, Luke, 12th chapter, v. 49—"I am come to send fire on the earth, and what will I if it be already kindled."

On Sunday, 24th December (Christmas Eve), and the following Christmas day, the Sacrament of Communion was administered by Father Geoghegan to no less than 215 persons, a religious fact of sufficient import to be chronicled in some of the newspapers.

Arrival of two Bishops.

The October of 1844 was signalised by an event as gratifying as it was unprecedented, viz., the arrival, on the 15th, *viâ* Launceston, of the Most Rev. Dr. Pohlding, the Archbishop of Sydney, accompanied by the Right Rev. Francis Murphy, the newly consecrated Bishop of Adelaide, Archdeacon M'Encroe of Sydney, and the Very Rev. Dr. Ryan (the former Melbourne curate), now Vicar-General of Adelaide. The presence of so many dignitaries of the church in the quiet town of Melbourne created no small excitement, and the Roman Catholics were in a high state of jubilation. The aisle of the new church was now opened to the public, and on Sunday, the 20th, Mass was offered by the Archbishop, at which Bishop Murphy preached to a large audience, including many from the other religious branches of the community. At 3 p.m. the members of a Temperance Society established in connection with St. Francis', assembled, formed into procession, and escorted the Archbishop and other ecclesiastics to the (now old) cemetery, when the Roman Catholic compartment of the ground was consecrated. Though the day was dusty and windy, more than three thousand persons attended. Next day (Monday) there was a grand Pontifical High Mass at St. Francis, with the Bishop of Adelaide as celebrant, Archdeacon M'Encroe deacon, and Father M'Evey sub-deacon. Mr. William Clarke, a well-known music-teacher, and some members of the Philharmonic Society assisted the choir. After the services, confirmation was administered to 312 postulants of all ages. The following (Tuesday) morning, the prelates, accompanied by Archdeacon M'Encroe, Fathers Geoghegan and M'Evey left, per steamer for Geelong, where on Wednesday they held a confirmation, and on the same evening, the Archbishop, Archdeacon M'Encroe, and Father M'Evey preceeded overland to Portland. Dr. Murphy and Father Geoghegan returned from Geelong, and the Bishop of Adelaide, with his vicar, proceeded by the earliest sailing vessel to his episcopate. The Archiepiscopal party came back from their trip on the 13th November, and on the 17th His Grace preached at St. Francis' a magnificent sermon upon the blessings of a good education. He left for Sydney on the 19th, in the brig "Christina."

There was a great "baby show" at St. Francis' Church, on Sunday 13th October, 1845, when twenty-seven infantile squallers were submitted to Father Geoghegan, to undergo the rite of baptism, and be so cleansed of original sin. The little angels bore the cold water test with anything but a heavenly temper, and the kicking and howling were literally of a "stunning" character. Some of the newspapers recorded the gathering as a strong indication of the procreative prosperity of the new colony.

The erection of the church transepts was now urged on vigorously, and a solemn opening and dedication of the church took place on the 23rd October, 1845. The attendance included the mayor (Mr. H. Moor), and many other dissenters, with several of the leading Jews. The admittance was by cards, and a handsome sum was raised towards the building fund. High Mass was chanted by the Rev. Mr. Geoghegan, assisted by the Revs. Messrs. M'Evey and Walshe. The choir was reinforced by several amateurs, with Mr. Megson, the leader of the orchestra at the theatre, and Mr. Clarke who presided at the seraphine. Before the year terminated the diocese was deprived of the valuable services of Father M'Evey, who returned to Ireland for the purpose of rejoining the Order of Franciscans to which he was affiliated.

In a short time some additional clergymen arrived, and were appointed to the localities most needing them. The Roman Catholics of Geelong strained every nerve to make a beginning of their new church, for which a splendid site had been obtained from the Government, and at length commenced the realistic portion of the work. The period fixed for so doing was the 19th August, 1846.

ST. MARY OF ANGELS

was to be its designation, and on the foundation day, the "Aphrasia" steamer was chartered to convey from Melbourne to Geelong, a large Catholic contingent anxious to witness the interesting ceremonial. The band of the Father Matthew Society also went down on board, and about noon the steamer disembarked its living freight amidst torrents of rain, which, however, in no way quenched their enthusiasm. The Revs. Messrs. Geoghegan and Walshe officiated, and the stone was laid with the usual solemnity, Divine Service having been previously offered in a small weather-board shed in the vicinity. In the stone was enclosed the usual bottled scroll, with a Latin inscription thus translated:—

The First Stone of the Church of
ST. MARY OF ANGELS,
Laid on the 19th day of August, 1846, in the Pontificate of HIS HOLINESS GREGORY XVI,
Under the jurisdiction of JOHN BEDE, Lord Archbishop of Sydney, RICHARD WALSHE, Parish Priest, in the happy reign of
QUEEN VICTORIA, SIR CHARLES AUGUSTUS FITZROY, Governor, His Honor CHARLES JOSEPH LATROBE,
Superintendent, SAMUEL JACKSON, Architect.

Returning to the temporary chapel, the Rev. Mr. Geoghegan preached from Matthew 24th chapter and 14th verse. A collection was made in aid of the Building Fund, and the unprecedentedly large sum of £223 in cash was collected, the major part of which was owing to the liberality of visitors from Melbourne.

FATHER THERRY.

The Rev. Mr. Geoghegan resolved upon a trip to Britain, and, in September, the Rev. John Joseph Therry was sent from Sydney to act as *locum tenens*. This venerable minister became such an historical personage through his connection with the early convicts of New South Wales, that a few lines of digression respecting him, will not be deemed unpardonable:—He was born in Cork in 1791, and, arriving in Sydney in 1820, commenced his missionary labours under a *régime* which imposed so many disabilities upon the exercise of the Roman Catholic religion as to amount practically to a penal code. In consequence of some religious difference with the Church of England chaplain (Rev. Mr. Marsden) Father Therry was not only reprimanded, but suspended by the Governor, so far as withdrawing all public sanction of his clerical status and stopping his salary, which, at a time when the number of free settlers was insignificant, meant almost everything. The brave priest, however, persevered, and was unconquerable; so, after a kind of living martyrdom of twelve long years, justice was at length done him, and all interdiction removed. There was hardly ever in the world a more painstaking, self-denying, devoted preacher of the Gospel, and his labours on behalf of the wretched convict and emancipist classes in New South Wales were such as to become interwoven with the traditions of that colony, where his name is still a household word. A plain and unadorned narrative of his colonial career would reveal sensational situations unequalled in romance, and add further verification to the adage "that truth is stranger than fiction." Such were his incessant labours, bush hardships, miraculous escapes in journeying, all seasons and weathers, through the wilderness, not to mention his extraordinary efforts to bring sinners to repentance! *Ex uno disce omnes*—take the following, which I extract from *Bonwick*, a Protestant writer, in his interesting work on New South Wales, "Old Colonial Days." "Word was brought to Mr. Therry that a convict, sentenced to execution, desired to see him for confession. Many miles had to be traversed in haste, for the time was short, the season was late, the roads were unformed, the floods had come down, and bridgeless rivers had to be crossed. Coming, towards the close of day, to the side of a great raging torrent, which his horse was unable to enter, and on which no boat could live, the distressed priest shouted to a man on the other side for help, in the name of God, and of a dying soul. Getting a cord thrown over by means of a stone, he drew up a rope, tied it round his body, leaped into the stream, and was dragged through the dangerous passage by men on the shore. Without stopping for rest, or change of clothing, the brave man mounted another horse, and arrived in time to whisper words of peace and hope in the ear of the convict on the scaffold." During his stay in Melbourne, the missionary labours of this excellent man were incessant, and any one who could have seen him, as I

have, domiciled in the inconvenient four-roomed brick cottage, then constituting the Presbytery of St. Francis', working unrestingly through both day and night, and given up body and soul in promoting the spiritual salvation of his flock, would wonder how the small, spare, human machine could have physical endurance for half the material and mental toil it passed through. Father Therry died at Balmain (N.S.W.), in 1864.

The Departure of Father Geoghegan

Was regarded with regret by the Roman Catholics, as well as by many members of other denominations, and accordingly on the 2nd October, 1846, a public meeting was held at the school-room, on the church ground, to express sorrow at his leaving, and adopt the necessary means for presenting him with an address and testimonial. This gathering was presided over by Mr. Moor, a late Mayor, and more than £100 subscribed instanter. The 4th October, the anniversary of the foundation of St. Francis', was to be Mr. Geoghegan's last appearance. High Mass was celebrated by the Rev. Mr. Cotham, from Launceston, then visiting Melbourne, acting as High Priest, with the Revs. Messrs. Geoghegan and Therry assisting. Father Geoghegan's parting sermon was an effusion of pathetic oratory rarely to be listened to. In the course of an eloquent peroration, the preacher exclaimed in broken utterances—"There may have occurred between myself and some individuals of my flock, occasional differences. In the nature of circumstances such must at times occur. Some, perhaps, I may have vexed or offended; of them, I now humbly beseech pardon. But one thing I can from my heart most solemnly declare, that no sun ever went down upon me an enemy to anyone." There was a loud sobbing response from all quarters of the building, and the profound emotion was only checked, as the preacher concluded, by the loud voice of the Celebrant, chanting the *Dominus Vobiscum*, which recalled the attention of the congregation to the resumption of the solemn ceremony they were engaged in. On the 22nd October, a complimentary address with a *viaticum* of 200 sovereigns was presented to Mr. Geoghegan as a mark of respect, not confined merely to Roman Catholics, but including the signatures and donations of a number of the best known and most trusted members of the other religious communities. The Rev. Mr. Therry returned to Sydney in April, 1847, prior to which he received an address and testimonial from the Father Matthew Total Abstinence Society, of which he was Patron, and a staunch supporter.

Father Geoghegan in due time returned (March, 1851), resumed his charge, and made an excursion of some weeks' duration through the Western District, where he was bit by a dog one day, but returned with a solatium of £250, netted during the trip. He had not been back long, when his equanimity was disturbed by a cry of his Church in danger, and, on examination, it was discovered to be more than a mere empty voice. At this time, Elizabeth Street, from the Post Office northwards, was suffered by the Corporation, to subside into a shocking state of impassability. A large rut ran along from the intersection of Lonsdale Street on the Eastern side by the Church paling. There was no footway, the chasm was daily widening its yawn by the friction of the storm-water, and as St. Francis' was not literally built upon a rock, it was feared that the ravine would go on broadening until it undermined the Western wall of the edifice, and there would be a considerable smash. The Town Council was appealed to on the subject, and it required much urging to compel that often dilatory and frequently capricious body to do its duty, which, after a time and with not the best grace, was unwillingly done.

Some miscellaneous incidents of interest have now to be recorded. Father Kenny, stationed in Geelong, was making great exertions towards advancing his new Church, and Mr. James Atkinson gave a church site at Belfast, and added £100 towards the building. The Rev. John Kavanagh was sent to Portland, and the Rev. Dean Coffey arrived from Sydney to assist Geoghegan, now holding rank as a Vicar-General. Dean Coffey was an Irish priest, the very opposite of Geoghegan in size and general physique, with a tongue that distilled brogue of such a soft creamy flavour that it was like listening to Irish music to hear him speak. Gifted with neither the culture nor diplomatic ability of his chief, he had all his zeal, sincerity, and *bonhommie*. He rendered invaluable service to the mission, until after the elevation of the diocese to the dignity of a bishopric, and when he went back to his humble country parish in New South Wales, (1850) he did so amidst a general feeling of regret and respect, and with a couple of hundred sovereigns as a parting remembrance, in his purse.

There is one reminiscence arising out of the early history of the church in Port Phillip, *i.e.* the free-handedness with which the followers of one creed helped to put up a place of worship for a different denomination, and this was especially noticeable as regarded the Episcopalians towards their less numerous and less wealthy fellow-colonists—the Roman Catholics. Another may be adduced by the first Roman Catholic Church at Brighton, the site for which was given by Mr. J. B. Were, and the building funds were largely helped by the contributions of local residents professing creeds different from Catholicity. On the 30th April, 1847, the Brighton Catholic Chapel was completed, and opened by Mass from Dean Coffey, and £10 4s. 6d. collected. In connection with this event it would be unfair to omit the name of Richard Martin, a queer old market-gardener of Little Brighton, to whose unceasing exertions in money-hunting, much of the early success of the movement may be justly attributed.

For some time exertions had been made towards the erection of a second temple of the Catholic religion in the eastern part of the town of Melbourne, and the requisite £300 (which included £14 10s. contributed by the Town Police) being raised, an application was made to the Executive for a suitable site, and in July, 1848, it was notified that two acres of land had been assigned for the purpose. This land was situated on the northern verge of what was known as the Eastern Hill, and a newspaper of the time describes the *locale* as "being in a picturesque position on a line with Collins Street, between St. Peter's and a Government paddock" (the now Fitzroy Gardens). Melbourne was to be divided into two parishes, with Swanston-street as the boundary line. A second school was to be established, and Dean Coffey, it was anticipated, would be the pastor of the new district. Matters were thus progressing until the

Arrival of the first Bishop.

For a year or so, rumours, authorised to a certain extent, were in circulation that it was the intention of the Supreme Pontiff to appoint a Bishop to the now important Province of Port Phillip. Much curiosity was evinced as to the selection by the Court of Rome, and the following names were mentioned, from which the new Prelate would be chosen, viz.:—The Very Revs. P. B. Geoghegan, Dr. Gregory (of Sydney), Dean Goold (of Campbelltown, N.S.W.), and the Rev. Mr. Turner (Sydney). Father Geoghegan was unquestionably the local favourite, and possessed the strongest claims both on the score of past services, ability, and undisputed eligibility for the high office. Were betting allowable in such a case, the odds would be as 50 to 1 on him against the field; but the end showed the fielders to be gainers, as the winner, though certainly in the running, took many by surprise. In February, 1848, official advices from Sydney announced the appointment of the Very Rev. James Alipius Goold as Roman Catholic Bishop of Melbourne. There was much disappointment, and there were not wanting persons to openly express their disapprobation, not at the *personnel* of the selection, but because, as they believed, the best man had been passed over. The discontent soon melted away, and there was a general acquiescence in the choice made, because nothing else could be done than to yield a dutiful obedience to the behests of the Holy See, and Mr. Geoghegan himself was the first to inculcate it. There was always an unexplained mystery attending the elevation of Dean Goold to the Episcopacy. Some power had been at work, to the outside world invisible, and it was never clearly ascertained why Father Geoghegan was shelved. I enjoyed the privilege of his personal friendship, and know for a certainty that he had been led to believe, from sources on which the utmost reliance could be placed, that he was designed as the first Bishop. Archdeacon Pohlding was the main contributory to the result arrived at, and it was alleged on his behalf that his recommendation of Dean Goold had been occasioned by His Grace, when in England, having had intimation from Australia that Father Geoghegan had resigned his pastoral charge at Port Phillip, and intended withdrawing altogether from the Australian Mission. All that can be written of the matter now is that a possible misconception on the part of the Archbishop induced him to act as he did.

The Right Rev. Dr. Goold was consecrated in St. Mary's Cathedral, Sydney, on the 6th August, 1848 (the Feast of the Configuration), by Archbishop Pohlding, assisted by Bishop Murphy, who travelled from Adelaide *viâ* Melbourne for the purpose. After a brief return to Campbelltown, to bid his old flock farewell, the new Prelate started overland for Melbourne, accompanied by four clergymen. He travelled in

his own carriage with four horses, and recent heavy rains rendered it a matter of uncertainty when he would arrive at his destination. The Rev. Mr. Geoghegan left Melbourne, intending to meet the Bishop at Albury; but Dr. Goold's travelling was so quick that Mr. Geoghegan had not proceeded further than Seymour when the Bishop drove into that township. This was on the 1st October, and arrangements were at once made by which the party would arrive in Melbourne on the 4th. Meanwhile there were active preparations in town to accord His Lordship a befitting reception, and at 9 o'clock of the eventful morning, a cavalcade (if the term will apply to harnessed as well as saddled horses) started from St. Francis' to meet the Bishop and escort him back. This demonstration consisted of about thirty vehicles (gigs and buggies) and fifty horsemen. Away they went, in high good humour, along the Sydney Road, and on nearing Somerton (some sixteen miles distant) they descried the Bishop's carriage approaching. His Lordship, who passed the night at Kinlochewe, resumed his journey after breakfast, and this is how the meeting occurred so near town. In the hamlet of Somerton Dr. Goold got the first sight of a contingent of his new flock, from whom he received a cordial and respectful welcome, and a procession was immediately formed—equestrians in front, Episcopal vehicle in centre, and the other conveyances forming a rear-guard, in which order of march, or rather, gallop, they dashed on to Melbourne. Every mile passed brought in acquisitions to the flying procession, so that by the time it passed through Brunswick, the mounted men numbered a hundred, and the vehicles fifty. On reaching the point of the town now corresponding with the intersection of Victoria and Swanston streets, an immense crowd of pedestrians let off such a ringing, warm-heated salvo of cheering as has not been surpassed in Melbourne since, after which the faces and feet of the multitude, bipeds and quadrupeds, were directed towards St. Francis', opposite which, in Lonsdale Street, a general halt was called about 3 p.m. His Lordship then alighted from his carriage, and after a few words of thanks for the kind reception given him, entered the church, and, pronouncing a benediction, the people quickly dispersed. Dr. Goold was at this time a young man, the youngest member of the Episcopacy on record, for, born on the 4th November, 1812, he was then not quite thirty-six years old. He did not look in any way the worse after his long and toilsome travel, for as he stepped lightly on the ground, he presented quite a picture of health and spirits, with a round, good-humoured face, such as a painter would design for a full-grown cherub. He had reputedly a high character for piety, learning and humility—attributes afterwards well tested in Melbourne, where his presence for more than as many years as his then age has afforded an ample opportunity for judging whether the good qualities with which he was credited were exaggerated or not. It is a remarkable coincidence that his advent at St. Francis' was the seventh anniversary of the laying of its foundation by Father Geoghegan. Dr. Goold was the first to make the overland trip from Sydney to Melbourne in a coach and four. He was nineteen days on the journey, but travelled only fifteen, and so averaging forty miles *per diem*. Very slow going, no doubt, compared with the locomotion of our now North-eastern railway; but, in consequence of the state of the roads, or rather, the bush tracks, the only thoroughfares of the era of which I am writing, a more practically marvellous feat of *transit* than the far-famed boast of Daniel O'Connell's drive of a coach and six through an Act of Parliament. The Bishop's horses were placed in comfortable quarters at the "Repository" of a Mr. Quinan, who kept livery stables in the neighbourhood of the church. But no small share of the *kudos* of this expedition was fairly due to its conductor, Mr. Charles Kippen, who must have tooled his four-in-hand team with exquisite skill to avoid the perils of ruts and ravines, boulders and stumps, creeks, swamps, and rivers on the route. This ancient Jehu was then aged 62. He was an old Campbelltown follower of Dr. Goold, and, if there were two people in or out of the world in whom he thoroughly believed, they were Dr. Goold and St. Patrick. In less than two years after old Charlie quietly passed out of this life at St. Frances' Presbytery, and, as he died on St. Patrick's Day (17th March, 1850), there were not a few people who had the simplicity to believe that his Patron Saint had something to do in removing the veteran whip from this wicked world. The Bishop's carriage, though it stood the wear and tear of the 600 miles' pulling remarkably well, was considerably knocked about, and was forthwith consigned for a general overhaul to a coach factory in Queen Street, kept by Messrs. Liddy and Passfield.

The Bishop's installation took place on Sunday, 8th October, 1848, in the presence of the largest congregation ever to that time assembled in a place of worship in Melbourne. Many members of other denominations were present, and the ceremony was a grand and imposing one. At half-past 11, the Bishop

made his appearance in full canonicals, attended by Dean Coffey, arrayed in a cope of crimson velvet. Mass was said by His Lordship, and an appropriate sermon preached by Dr. Geoghegan, after which he formally introduced the Bishop to his flock, and was pleased to style him "The first Pontiff of Australia Felix." The Vicar-General then fervently prayed that a long line of Bishops may succeed the present one, and that good works may result from his Lordship's appointment; in order to achieve which, he besought of all Catholics to pay strict obedience to the Church. The new Bishop looked remarkably well, and appeared deeply impressed by the responsibilities of his exalted position.

As an evidence of the courtesy with which Dr. Goold was received by distinguished persons o different religious communions, one of the first to call upon him was Mr. Justice A'Beckett. On the 15th October, the Bishop preached for the first time in his diocese at St. Francis', and made a very favourable impression. At the conclusion of the service he announced his commission to declare that Dr. Geoghegan had the approval of the Archbishop for the manner in which he had hitherto administered the affairs of the mission in the district.

The Rev. Mr. Stevens returned to the province in a few days, rejoined the mission, and was located at Belfast.

The Vicar-General.

On the 6th November, the "Shamrock," steamer, arrived from Sydney, bringing amongst its passengers the Rev. John Fitzpatrick. He was to have accompanied the Bishop, but a day or two before the latter left, he was indulging in a little equestrian exercise, and whether his horsemanship was not equal to the occasion, or the animal he bestrode was too "fast" for him, the reverend rider was "bucked" out of the pigskin, and sustained an injury to one of his knees, which necessitated the postponement of his departure. The Rev. John Fitzpatrick is the Dr. Fitzpatrick—the "old Fitz," who has become so well known and respected from that day to this. He is one of the identities, who, once seen in the streets, is never forgotten. Like a certain well-known politician, he never ventures abroad in any weather, wet or dry, day or night, without his umbrella; and those who are familiar with his habits aver that by the position in which he carries this sheltering machine, the state of his mental atmosphere may be diagnosed as unerringly as a barometer acts as a weather gauge. Dr. Fitzpatrick was at once appointed to St. Francis', between which place and St. Patrick's he has gravitated ever since, performing the part of a good priest and a good citizen. But it is in connection with that noble pile of ecclesiastical architecture on the Eastern Hill, slowly creeping upwards, that his name will go down to posterity. Were it not for him it would now have no existence, and if historical justice is to be done, his name will be, *per omnia secula*, associated with the fortunes of the Roman Catholic Cathedral of St. Patrick, a structure which, when finished, will be such an ornament to the city as to make every true Melbournian proud of it, no matter before what altar he may kneel.

Towards the end of the year several clerical changes were made, viz., the Rev. Mr. Kenny left Geelong, and was presented with a purse containing £30, and the Rev. Mr. Stevens was sent to Belfast. The Rev. Mr. Kavanagh was one day in wet weather riding with the postman in the Portland district, and in crossing a river was nearly drowned. He was soon after transferred to Gippsland. In December an organ was procured by the Bishop for St. Francis'.

In the year 1849, the shingled roof of St. Francis' was replaced by slates; and on 7th January there was a High Mass celebration, conducted by Dean Coffey, with the Revs. Fitzpatrick and O'Connell. The last named gentleman was on his way to his birthplace, Hobartown, and he was, what might be termed the first Australian Native ordained for the priesthood.

The Catholic Association.

After Bishop Goold's arrival it became apparent that there was an insufficiency of clergymen, and it was determined to organise a society for the three-fold purpose of—(*a*) obtaining priests from the home country; (*b*) the erection of suitable places of worship, and (*c*) the promotion of Catholic Education in Australia Felix. To give effect to this intention there was a public meeting at St. Francis' on the 25th

January, 1849, which the Bishop, the resident clergy, and a large number of the laity attended. His Lordship presided, and effective addresses were delivered by the Chairman, Dr. Geoghegan, Dean Coffey, Rev. Mr. Kavanagh, Messrs. J. O'Shanassy, and E. Westby. The Catholic Association was formed for the purpose of raising funds for the passages of clergymen from Europe and otherwise, and to secure the advancement of the Catholic religion and Catholic teaching by every practicable mode. As a beginning, the sum of £60 was paid down on the spot. A branch association was soon after started at Geelong.

Dr. Goold, like Dr. Perry, worked hard in the early times, and did not allow himself many "hours of idleness." At a time when bush travelling was the reverse of what it is now, they used to make lengthened trips through all quarters of the colony in their efforts to propagate the faith in which each truly believed, and for which each worked hard. Bishop Goold, in February, started on an Episcopal tour of the Western District. On his return to Melbourne it was announced that Dr. Geoghegan would be commissioned as the delegate of the Catholic Association to Europe, where, by means of the funds now subscribed, he would be enabled to realize an instalment of the purposes so much desired. He left accordingly in the early part of March 1849 *viâ* Hobartown, and was accompanied to the wharf by a troop of sincere friends. The same month Kilmore received its first resident pastor in a recently-arrived Rev. Mr. Clarke.

The St. Francis' Seminary, to provide an education of a kind superior to that hitherto obtainable, was opened in May under the special patronage of the Bishop. The terms were very moderate, graduating from £2 to £1 1s. per quarter, with music as an extra at 10s.

The Bishop held his first confirmation on Sunday, 27th May, and was assisted by Dean Coffey, with the Revs. Fitzpatrick and Kavanagh. This was the second ceremony of the kind held in the province, Archbishop Pohlding having officiated at the first in 1844.

Pope Pius the 9th

Was in great tribulation through various causes in the year 1849, and, when intelligence of his reverses reached Melbourne, active steps were taken to contribute some expression of practical sympathy from the Roman Catholics of Port Phillip. A collection was made throughout the diocese, and, on the 12th August, the presentation was transmitted through the ordinary official channel. It consisted of an address from the Bishop, clergy, and laity, accompanied by a sum of money subscribed towards "relieving His Holiness from any difficulties in which he might be involved, by his departure from the 'City of the Pontiffs.'" The document concluded thus:

"May God in His goodness grant that long ere this respectful assurance of the love and fidelity of your children in this remote dependency is submitted for your acceptance, Your Holiness may enjoy the blessing so fervently asked in your behalf, by the Catholic world prostrate in prayer, for the recovery of your throne, and for the affections of the people you fondly love."

In August, 1850, a communication was received from the Pope conveying his warmest thanks for the tribute of sympathy from so distant a part of the world.

Banns for the marrying of 15 couples were called at St. Francis', on Sunday, 13th January, 1850, which was noticed by one of the newspapers as ominous of the advancement of the colony; and in February, the Rev. Mr. Kavanagh resigned the mission to return to Ireland. The church of Geelong was the scene of an atrocious outrage on the night of the 14th February, when some villains effected a felonious entry and stole a quantity of valuable property. In the building was a strongly-made cupboard, as a receptacle for a safe, containing a silver chalice, pyx, and communion cup. The safe was removed and found next day, broke open and empty, in one of the foundations being sunk for the erection of a new gaol. None of the valuables were ever recovered, and no trace ever had of the robbers.

It has been already stated that a most suitable site in the Eastern quarter of Melbourne had been obtained from the Government for a second place of worship. This was no sooner known than a section of the City Council, more bigoted than patriotic, objected that the course decided on by the Executive would be a serious injury to the city, as it would block up the continuation of Bourke Street, and interfere materially with the municipal intentions of a prolongation of streets eastward. The Roman Catholics, of course, resisted what they believed to be a most unwarrantable interference between them and the

Government. The land was promised, and the Governor's word should be his bond, &c. The controversy raged for some time, and fuller details will be found in the Corporation Chapter of this work. Suffice it here to say that the opposition, almost universally ascribed to purely factious motives, failed, owing to the firmness of Mr. Latrobe, the exertions of Dean Coffey and Mr. O'Shanassy, and the valuable co-operation of Alderman Greeves. It is to this quartette that the Roman Catholics owe the fact of St. Patrick's Cathedral being now where it is, and, living or dead, their names should be held in permanent remembrance for the services so ably rendered, though so long ago. Preparations were pressed on to make a commencement of the proposed new building, and at length the day was fixed for the ceremony, the

FOUNDATION STONE OF ST. PATRICK'S CHURCH

Being laid on the 9th April, by Dr. Goold, assisted by Dr. Fitzpatrick (now a Dean), Dean Coffey, the Revs. Messrs. Downing and Clarke, Messrs. Jackson (the architect), O'Shanassy and others. This was the most spectacular exhibition of the kind that has yet taken place. An application to the St. Patrick's Society for the use of its banners (though that institution had no connection with any religious denomination), was acceded to. There was a Father Matthew Society then in existence, which had an efficient band, and by these means the colours might be said to have been obtained by the intervention of the first, and the music supplied by the second, apostle of Ireland. The weather showed most unmistakable symptoms of bad humour, but the sulks and tears disappeared towards noon. A large tent, or marquee, was pitched on the ground, near the stone, and the Hibernian streamers were placed to much advantage. A large banner of green and gold, representing St. Patrick converting the Irish kings on the hill of Tara, was spread out, like an eagle on open wing, over the place to be occupied by the Bishop: a beautiful harp-flag fluttered from a staff on his right, and a life-size figure of the Saint nodded and waved its head in approval over the entrance to the marquee. The ensigns of the Father Matthew Society were posted at intervals, in the company of a squadron of Union Jacks, borrowed from some of the ship-captains in port. The Temperance band discoursed creditably enough some popular Irish airs, and the Father Matthewites, arrayed in white silk scarves and rosettes, marched up at quick step, trying to keep time to that entrancing, time-honoured Irish melody, *Garryowen*. The children attending the Roman Catholic schools were there in hundreds. In the midst of more than two thousand persons the ceremony was performed after the prescribed ritual. There was the conventional cavity in the stone, in which a sealed bottle was buried, but not before there was placed inside of it a strip of vellum, bearing a Latin inscription, thus anglicised:—

THE FOUNDATION STONE OF ST. PATRICK'S CHURCH, MELBOURNE,
Was laid by HIS LORDSHIP, THE CATHOLIC BISHOP OF MELBOURNE,
On the 9th day of April, 1850.
PIUS THE 9TH being Supreme Pontiff: VICTORIA being Queen of England: CHARLES A. FITZROY, Governor of Australia Felix: CHARLES J. LATROBE, Superintendent of Port Phillip: SAMUEL JACKSON, Architect.

A prayer was invoked upon the day's work, and after an appropriate address from the Bishop, a procession was formed, and proceeded round the trenches sunk for the wall-foundations, coming back to the stone, upon which the Bishop placed a purse, enclosing a liberal personal donation for the Building Fund. This example seemed to have an electric effect, for it was followed by a small hillock of cash, representing, for the time, the large sum of £170. The plan of the church had been altered from the original design, which was prepared in conformity with the cruciform style prevalent in Catholic churches, such as St. Francis'. In this case the edifice was to be a square building. It was in an advanced state when the gold discoveries of 1851, not only retarded, but temporarily stopped, every public work in the colony. In due time it was finished, opened, and used, until the period arrived when it was forced to make way for the cathedral now in course of erection.

In little more than two months another church was founded, viz., at Pentridge (now Coburg), and dedicated to St. Paul. This ceremony took place on the 30th June, 1850, and was attended by the Father Matthew Society, with regalia and band. The church is now under the shadow of the huge Penal Establishment, the nucleus of which, a dozen wooden sheds, might be seen at that day, in course of erection, a short distance off in the bush. At 11 a.m. a procession was formed, led by the Father Matthew

Band playing sacred music, and closed by the Bishop and his attendants. After making a circuit of the church ground, and returning to the starting point, the stone was laid with the customary formalities. Upon it the Bishop placed a purse containing the donation of a lady, and those present subscribed £70 An adjournment was then made to an adjacent marquee, where mass was celebrated, and a sermon preached by his Lordship, after which the band outside gave the National Anthem, followed by "St. Patrick's Day." The Rev. P. Dunn, a new arrival, had been recently inducted as pastor of Pentridge, where he was soon succeeded by the Rev. C. A. O'Hea, who continued his ministration there for some time. He is now Dean O'Hea, and has always been a painstaking, indefatigable clergyman, and, what cannot be said of all his order, has been ever held in high esteem by such of the Dissenting denominations as were resident in his extensive district. During this *interim* the important business for which Dr. Geoghegan had gone home, showed some of the results of his priest-hunting expedition. Amongst the first arrivals were the Rev. G. A. Ward (practically the founder of the Roman Catholic Orphanage at Emerald Hill), P. Dunn, M'Sweeney, and Holohan. They were followed by a shoal of others in the early part of the next year, to whom further reference will be made.

The Bells of St. Francis'.

In some way or other originated a notion that it would be a very agreeable and useful acquisition to St. Francis' to be surmounted by a peal of bells, and steps were taken to make it a reality. Of course, a subscription list, the only true talisman in such a case, was started, and contributions and promises were abundant. To give public sanction to the proceeding, a meeting was convened for the evening of Sunday, 26th January, 1851, at St. Francis'. The Bishop was in the chair. There was a good attendance, and the occasion was turned into quite a musical event by the presence of Mr. Hemy, a newly-arrived musician from Sydney, a performer of considerable merit, and the new organist of the church. By means of the then choir, and the aid of a couple of amateur friends, the following programme was got through to the great delight of those present, and the benefit of the bell fund :—"List to the Chimes of the Vesper Bell," "The Vesper Hymn," "The Old Abbey Tower," "Alma Redemptoris," "England in the Olden Time," and "An Ode to Pope Pius the 9th, as sung by the Romans." The Bishop did the greater part of the speaking, italicising his oratory with a cheque for £5 ; £100 was paid down, and the cost of the bells was estimated at £700. This appeal for a peal of bells was carried out with much spirit, and responded to with such ringing readiness, that the sum total of the coin required soon jingled in the Bishop's cash box. His Lordship, on his departure for Europe (which soon followed), took home both the money and the order ; and the bells subsequently purchased, were procured from Murphy, an eminent bell-founder, in Dublin, and formed an exhibit at the great show of All Nations, inaugurated by Prince Albert, in London, in 1851. In due course the bells were transported to their destination, though never placed in the church, for which it was originally intended ; for it came to pass that St. Francis, by a verification of the frequently applied adage of *sic vos non vobis*, was deprived of the chimes purchased for his delectation, and St. Patrick finally monopolised all the honour and glory of the campanology, whose chimes are now diffused from the Eastern Hill.

In March, 1851, another instalment of new priests arrived from home, and with them returned Dr. Geoghegan in charge. Their arrival was a source of much satisfaction, and afforded strong testimony of the efficiency of the Catholic Association in procuring funds for what must have been a considerable outlay. The new comers were the Rev. Messrs. Bleasedale, Martin, and Stack, and others were under sailing orders to follow. The Rev. Mr. Stack was sent to Belfast, as a colleague to the Rev. Slattery, whilst Messrs. Martin and Holohan were assigned to Gippsland, and Ward to Geelong. On the 21st April the foundation of the Church of St. Monica was laid at Heidelberg, where mass used to be for some time previous offered in a small wooden shed. The Roman Catholics of the locality behaved very liberally considering their means, but they were helped in a most praiseworthy manner by their more wealthy Protestant neighbours.

The return of Dr. Geoghegan afforded the Bishop an opportunity to visit the Home Country. Though Dr. Geoghegan's trip to Europe had been very successful, it was considered that the Bishop's visit to Rome and Ireland would give a prominence to the Roman Catholic Mission in Victoria, which it would

take a long time to otherwise attain; it was therefore resolved that go he should, and with him Dr. Fitzpatrick as a clerical *fidus Achates*. Of course, upon such an eventful occasion an address and a testimonial were indispensable, and it did not take much time to get them up. It was also arranged that the Bishop should take a public farewell of his people, and as Dr. Geoghegan had not yet, since his return, made any public appearance outside the strict routine of his sacerdotal duties, it was happily contrived that the Easter-Sunday Meeting of the Catholic Association should perform a dual function,

"To welcome the coming, speed the parting guest,"

by receiving the one Doctor and wishing the other good-bye. It is no exaggeration to say that St. Francis' was never more crowded that on this noteful evening of the 20th April, and the addresses of the two "guests" were all that could be desired, making some allowance for a difference in the quality and texture of the articles. Dr. Geoghegan gave a graphic and lucid narrative of his wanderings by sea and land, whilst Dr. Goold was very profuse in his compliments as to the manner in which his Agent-General had acquitted himself of his by no means easy task. The funds of the Society benefited to the extent of £50 by the evening's gathering. The Bishop started on his homeward-bound trip per "Shamrock" steamer to Sydney on the 23rd April 1851, and Dr. Geoghegan settled down to the business of the Mission.

An event of an amusingly interesting character, took place at a meeting of the Catholic Association on the 18th May. The several priests who had recently arrived had not been yet collectively introduced to the Roman Catholic community; and Dr. Geoghegan, who was a master of the art of producing effects, and a believer in them to a certain extent, availed himself of this opportunity of holding a species of public reception, at which a mutual presentation of priests and people might be made. The "new chums" were accordingly mustered in full force, and trotted out in style, something after the fashion of the Horse-Parades, and their various good points dilated upon by their conductor with all the good humour and unction of a popular auctioneer. The experiment was a vast success, the spectators enjoyed the performance immensely, and the collection plates, the inevitable sequel, were heaped with money, from the ragged bank-note to the shabby little three-penny bit. The first of the novelties submitted to inspection was the gentleman afterwards so universally known as Dr. Bleasedale, blushing like a peony, and looking as bashful as one of those affianced damsels depicted in Moore's Oriental romance as taking "a last look in her mirror" on the eve of her nuptials. He was introduced by Dr. Geoghegan "as a Catholic clergyman who had lately come amongst them—a Saxon, but who, in the words of that eminent bishop (Dr. Ullathorne), at whose instance he (Dr. Geoghegan) had been induced to visit the colonies, as applied to himself—was an Irishman born in England"—whereat the individual so eulogised made a profound obeisance, and declared "that though not an Irishman, he might adopt a phrase he heard used in his own country, and say he was an Irishman's first cousin." The Rev. P. Dunn was next led forth, a good-looking, simple-faced young man, and he was ticketed by Dr. Geoghegan as the "Benjamin of his choice." The Rev. M. Stack followed, fresh from that remote corner of Old Ireland, the ancient kingdom of Kerry, famed alike for hardy men, winsome women, little cows, and the most delicious mutton in the world.

In the course of a couple of months, Melbourne was visited by the Rev. Dr. Hall, the Vicar-General of Hobartown, long remembered through a couple of magnificent sermons which he preached. For some time there had been a vague notion of establishing a Religious Order of Monks, and in November, 1851, Dr. Geoghegan notified that the Bishop had given his special sanction and encouragement to the establishment of a monastery to be called "Hippo," on a section of land at the Deep Creek, some five-and-twenty miles from town, purchased for the purpose "and partly paid for by pious alms;" but one-half the money was still owing, and to aid in securing this Mr. P. J. Cregin volunteered his services as a collector. This "Hippo" affair turned out a *fiasco*; it was forgotten during the gold-fielding complications, and soon sank into complete oblivion.

The Introduction of the Prayer Question

In the first Legislative Council, produced a controversy bitter and bad-tempered, and it was naturally to be expected that it would extend to the Catholic Association. This it did, and an uncompromisingly trenchant address delivered there by Dr. Geoghegan led to an acrimonious warfare between him and the *Daily News* and *Herald* Newspapers. The former journal never affected much interest for the Roman Catholics,

but the latter assumed the part of a *quasi* friend, though always a hollow and insincere one. Mr. Cavanagh, the proprietor and nominal editor of the *Herald*, was essentially a "trimmer," who set the sails of his journal to catch any wind that paid best; and though he cared not a doit about the Catholics, and they thoroughly distrusted him, so matters went on very well for years, through a weak bond of mutual interest —for his paper in a small way served their purpose, and they (because they could not do better) accorded to the *Herald* a certain amount of support. On the one side it was a kind of "Hobson's choice," and on the other a mere commercial consideration. It was now, however, an open feud; the gauntlets were thrown down, and Dr. Geoghegan pitched into the two offending newspapers, which, for once, buried their own personal hatreds, and retaliated in a combined attack. The Association moved on to the front to sustain its founder, for which purpose a special meeting was held on the 28th December, where Dr. Geoghegan's views were emphatically endorsed, and a resolution passed expressing the deepest indignation at the *Herald* and *Daily News* "distorting the real sentiments declared by our beloved and venerable pastor, the Very Reverend the Vicar-General, and assailing his personal and official character with unmerited vituperation;" and offering an "earnest tribute of our warmest sympathy, heart-felt attachment, and undivided co-operation, in testimony of our admiration of his zeal and earnestness in the cause of truth and liberty." A committee was also appointed to take steps to secure "a more impartial means of asserting our just share in the civil and religious immunities of the colony." The storm so raised died out as harmlessly as many another gale has done, a result much assisted, no doubt, by the rejection by the Legislative Council of a proposition utterly needless and unserviceable.

In the beginning of the year, 1852, it was announced that letters had been received from the Bishop communicating the welcome tidings that his Lordship and Dr. Fitzpatrick, after an enjoyable passage, had arrived at Southampton on the 19th August; that the Bishop was on the point of starting for Ireland, where his first act in Dublin would be to order the bells for St. Francis', and after a brief stay in the Green Isle, he would set out for Rome.

On the 31st December, 1851, from a return furnished to the Government, there were only five Roman Catholic Churches in Port Phillip, estimated to hold 1720 persons, and usually attended by 1670. The census taken in March, 1851, gave the total Catholic population as 18,014, of whom 5631 were resident in Melbourne. Dr. Goold was created Archbishop of Melbourne on the 31st March, 1874, and remained in the active administration of the Archiepiscopate of Victoria (in which there are now three dioceses, *i.e.*, Melbourne, Sandhurst, and Ballarat) until his death on the 11th June, 1886. There were, in 1881, in connection with the Roman Catholic denomination of Victoria, 93 registered clergymen, 531 places of worship, providing accommodation for 98,790 persons, with a usual attendance of 70,780, and an approximate number of yearly services of 48,638. The Roman Catholic population was some 215,500. Mr. Hayter's tables for 1886-7 give the following numbers:—Population, 232,849;* number of ministers, 129; number of churches, 564—affording accommodation for 112,511 persons; uumber of services, 66,262; average attendance, 85,816.

The following notification, evidently authorised, appears in Kerr's *Port Phillip Directory* for 1842:— "There are no fees exacted in the Roman Catholic Church, excepting for burial, and these have never been demanded or received in Melbourne. Marriage, as well as baptism, is considered a sacrament, and were a Roman Catholic clergyman to demand remuneration for the administration of any sacrament, he would be held to have committed simony, and be punishable for that offence. It is customary for the flock, according to their goodwill and means to make presents or voluntary offerings on such occasions; but there is no specific law in the Church affixing any fees. The return to the Government of fees received by the Roman Catholic chaplain of Melbourne has hitherto been *"nil.*

* Including Catholics not otherwise defined.

CHAPTER XII.

RELIGIOUS DENOMINATIONS: THEIR FOUNDATION AND FIRST CELEBRATIONS.

SYNOPSIS:—Rev. Joseph Orton.—Divine Service on Batman's Hill.—First Wesleyan Service.—J. J. Peers, Builder of the First Chapel.—William Witton and Jas. Dredge.—The First Organist.—The Church's Early Struggles.—The Buntingdale Mission Station.—Mr. C. Stone's Arrival.—The First Chapel in Collins Street.—Laying the Foundation Stone of the New Church.—A Comprehensive Inscription.—Wesleyan Population in 1841.—Church Representatives.—Rev. S. Wilkinson, First Resident Minister.—A Ludicrous Incident.—A Minister's Hasty Retreat.—An M.L.C.'s Predicament.—Opening of the New Wesleyan Chapel.—Mr. J. A. Marsden.—Foundation of Chapel at Brunswick.—Rev. Mr. Wilkinson's Departure.—Rev. Mr. Schofield's Arrival.—Rev. Mr. Orton's Death.—The First Bazaar in Melbourne.—Mr. Jas. Croke, the First Purchaser.— Mrs. Marsden a "Trafficking Angel."—Foundation of Chapel at Brighton.—Rev. Mr. Schofield's Departure.—Rev. Mr. Sweetman.—Bazaar, No. 2.—"The Man at the Wheel." Opening of Church at Little Brighton.—Foundation of Chapel at Richmond.—Death of the Rev. J. Dredge.—Opening of the Geelong Chapel.—Rev. Mr. Boyce's Visit.—Foundation of Chapel at Belfast.—Brunswick Street Chapel.—Sacrilege at Geelong.—Enlargement of Collins Street Chapel.—Wesleyan Population, 1851 and 1881, and 1886-7.—Foundation of Methodist Missionary Society.

THE WESLEYAN METHODISTS.

OF all the Christian denominations, the Wesleyans, who were first in the field in Melbourne, commenced on a wider basis of operations, though in a very small way. The first clergyman to set foot in Port Phillip was the Rev. Joseph Orton, a Hobartown divine. Hearing of the wonderful discoveries over the Straits, and anxious to see and judge for himself, he came across; and he it was who read the Church of England service at the She-oak Gathering on Batman's Hill. Proceeding to the Geelong country, he selected a suitable site on the Barwon, which was afterwards known as the Buntingdale Missionary Station. He paid special attention to the condition of the aborigines, and to his Society in England communicated some very interesting facts about them. Through his exertions the Rev. Messrs. Hurst, Tuckfield, and Skeavington were commissioned from home, and arrived in the colony in 1839. Mr. Orton returned to Van Diemen's Land and came to Melbourne again in 1838, but did not remain. Of the first Wesleyan service in the colony Mr. Orton was the celebrant in the tent of Dr. Thomson by the banks of the Yarra. This was in May, 1836, and after that class-meetings were held by some religiously disposed laymen, the earliest of these pioneers being a Mr. James Jennings, and the first assembly took place in the cheerless "bothie" of a tailor named George Worthy (no inappropriate name) who lived, or existed, somewhere about the site of the Australian wharf. Willliam Witton, a carpenter, occupied a dwelling (the site of the now *White Hart Inn*) in Little Bourke Street, which was more commodious and convenient than the "Worthy" mansion, and on his invitation the class-meetings moved from the vicinity of the brackish water and came more inward. Mr. John Jones Peers a philharmonic building contractor, had secured the allotment at the north-west corner of Swanston and Little Flinders Streets, where the *Queen's Arms Hotel* has been making money for ever so many years; and, being an ardent Wesleyan, he offered to put up, free *gratis*, on this land, a diminutive brick-built chapel, on condition that he should be paid the building expenses in the event of the congregation going away to any other place. This was agreed to. The chapel was built, capable of holding 150 persons. The congregation left, but whether Peers was refunded his building money history or tradition sayeth not. It is a pity that the little chapel did not "go off" somewhere when the class-readers bade it good-bye, for it remained to be put to the ignoble use of kitchen to the hotel, and as such remained for several years. On looking at a rough sketch

of it now before me, one wonders how it could have ever held 150 church-goers, for so many persons must have had very close quarters, and packing them "like herrings in a cask" would seem little or no figure of speech. The chapel, by some freak of fortune, passed into the possession of Mr. Thomas Monahan, who converted it into a couple of cottage residences.

An esteemed friend, to whom I am specially indebted for suggestions as to the early Methodism of Port Phillip, has favoured me with a memorandum so interesting that I append it without abbreviation :—

"Methodism in the early days of the colony owed much to William Witton and James Dredge. J. J. Peers was liberal in money, and took much interest in forming a choir. Mr. P. Hurleston was the first organist. On Mr. C. Stone's arrival in 1838, about a dozen persons of the Methodism persuasion met on one or two evenings in the week in a wattle-and-daub skillion in Bourke Street West, a few doors from Elizabeth Street. On the Sundays they attended the services of the Scotch Church, conducted by the Rev. James Forbes, and in the evening the ministrations of the Rev. W. Waterfield, the Independent minister, who held service in *Fawkner's Hotel*. The Rev. Francis Tuckfield, Wesleyan minister to the aborigines, arrived in July, and often preached. Mr. Witton collected those who had been members of the Society in Sydney and Van Diemen's Land, and formed them into a class. They were seven persons, and he became their leader. C. Stone had brought from Hobartown authority from the Rev. Mr. Orton to conduct services, and he and Witton, who had been a local preacher at Launceston, commenced to preach. Peers, Witton, and others at length set about the erection of a chapel, and one was built upon some ground belonging to Peers, at the Swanston Street and Flinders Lane corner. Before the chapel was completed, Messrs. Dredge and Parker arrived as Assistant-Protectors to the aborigines, and being men of education and ability, services were now regularly organised. The staff of local preachers was strengthened by the arrival of Messrs. James Smith, from Hobartown, and Thomas Wilkinson, from Launceston, and this enabled the formation of stations at Newtown (Fitzroy), Williamstown, Brunswick, Pentridge, and other places. The Rev. Benjamin Hurst joined the Buntingdale Mission Station, and things went on until the Rev. Mr. Orton, in October 1840, took temporary charge of the circuit, which he held until the appointment of the Rev. S. Wilkinson in 1841. Mr. Wilkinson was assisted by several lay-preachers, of whom some are dead, and some are deacons preaching in various places. The first chapel at Newtown was a wooden structure at the corner of Brunswick and Moor Streets, and this was afterwards removed to Richmond Flat. Mr. Hurleston, the first organist, built a flour-mill at Brighton, and is now dead."

At one of the first Government land sales, a Melbourne speculator purchased the valuable corner allotment in Collins Street, upon portion of which the Bank of Australasia is built. It was knocked down to him for £40, and a deposit of £4 or ten per cent. paid; but he was one of those cute fellows who often overdo things, and feeling some doubt as to the reproductions of his investment, made himself safe by forfeiting the deposit. The Government then had some notion of reserving the land for a post-office, but it was finally granted to the Wesleyans as a site for a chapel and school. This was their first regular temple of worship erected; though, in after years, when the value of land enormously increased in Collins Street, the Congregational authorities considered it desirable to sell the allotment and appropriate the proceeds to providing for the extension of the religious accommodation so urgently required. The necessary legal authorisation for the transfer was obtained, and the free gift of the Executive passed away for the sum of £40,000, portion of which was expended on the land and building of the now Wesley Church in East Lonsdale Street—an architectural ornament, beside which the original uncouth chapel would blush: that is, if its unplastered brick walls rendered such a process possible. The residue of the purchase-money was expended to advantage by those who were doubtless the best judges as to what ought to be done with it.

Great and persistent efforts were made, by the small but enthusiastic band of religionists, to raise funds necessary to procure State aid as given in days of yore to such of the Christian denominations as chose to apply for it under the prescribed conditions; and the Melbourne Wesleyans succeeded so far that they were enabled, in the early part of 1840, to make a good beginning. There was a large concourse of people present at the foundation ceremonial, and surrounded with all the prayerful auxiliaries befitting such an eventful occasion, the stone was laid by the Rev. Mr. Hurst, who had previously deposited in a cavity of the understone a brass plate, on which was engraved the following comprehensive

INSCRIPTION:
The
FOUNDATION STONE
Of this Chapel for the use of the
WESLEYAN METHODISTS,
WAS LAID BY
THE REV. BENJAMIN HURST,
On the eleventh day of May, In the year of our Lord, One Thousand Eight Hundred and Forty,
Being the Third Year of the Reign of Her Most Gracious Majesty,
QUEEN VICTORIA,
The Fourth Year of the Colonization of Port Phillip,
The One Hundredth and First Year of the Existence of the Wesleyan Methodist Connection,
And the Seventy-first Year of the Existence of
The Wesleyan Methodist Mission.
His Excellency, SIR GEORGE GIPPS,
Governor-in-Chief of the Colony of New South Wales.
His Honor CHARLES JOSEPH LATROBE, Esquire,
Superintendent of the District of Port Phillip.
The Rev. THEOPHILUS LESSEY,
President of the Wesleyan Methodist Conference, and the
Rev. ROBERT NEWTON, Secretary.
The Rev. JABEZ BUNTING, D.D., Rev. JOHN BUCHAN, Rev. ROBERT ALDE, D.D., and the Rev. ELIJAH HEOLE,
General Secretaries of the Wesleyan Methodist Missionary Society.
The Rev. JOHN WATERHOUSE,
General Superintendent of the Wesleyan Methodist Missions in Australia and Polynesia.
The Rev. NATHANIEL TURNER,
Chairman of the Van Diemen's Land District.
And the Rev. JOHN M'KENNY,
Chairman of the District of New South Wales.
Missionaries on the Port Phillip Station,
The Rev. BENJAMIN HURST, Superintendent, and the Rev. FRANCIS TUCKFIELD.

Number of ordained Ministers employed by the Wesleyan Methodist Missionary Society: Three hundred and fifty-six. Total Wesleyan Ministers throughout the world: Three thousand four hundred and twelve. Number of members or communicants belonging to the Wesleyan Society in Melbourne, sixty; on the Mission Stations, seventy-two thousand seven hundred and twenty-seven; throughout the world, one million one hundred and twelve thousand five hundred and nineteen.

Provisional Trustees of this Chapel:
Messrs. John J. Peers, George Lilley, William Witton, Thomas Jennings, and William Willoughby.

On the 3rd October, 1840, the Rev. Joseph Orton arrived to assume ministerial charge. This is the reverend gentleman already referred to as having visited Melbourne, from Launceston, in 1836.

In May, 1841, there were only 599 Wesleyans in the town of Melbourne, and the county of Bourke, but they must have worked with a wonderful will in the prosecution of their good work, for during 1840 the new building made a large advance towards completion, and a subscription library containing about one hundred volumes had been procured. On the 1st January, 1841, the Wesleyan Church was thus officially represented in Melbourne.

MINISTER.—Rev. Joseph Orton.

TRUSTEES.—Messrs. G. Lilley, J. J. Peers, W. Willoughby, Thomas Jennings, W. Witton.

BUILDING COMMITTEE.—Messrs. G. Lilley, J. J. Peers, E. S. Parker, R. Bourne, J. Dredge, W. Witton, W. Willoughby, T. Wilkinson, R. Crockett, T. Forster, T. Jennings, and W. Overton.

The first resident minister was the Rev. S. Wilkinson who arrived from England *viâ* Sydney early in 1841, replaced Mr. Orton (temporarily acting) and grew into high appreciation for his divers good qualities. A zealous, pious, charitable man, he was remarkable for the frequency of his visits to the Immigrant ships then frequently coming into port, and the deep interest he manifested in the welfare of the new-comers. He was also courteous, cheerful, could in season be jovial, and had no objection to a joke at the proper time, even though, as occasionally happened, obliged to laugh at himself. He often narrated the following ludicrous accident that befel him, and thoroughly enjoyed the laugh that followed :—

When the Collins Street Chapel was approaching completion, a temporary pulpit was put up, but in a loose and hurried manner, and here, at an evening service, the reverend gentleman intended preaching a sermon on "The Heavenly World as the Christian's future Home." As a befitting prelude, he fancied that nothing would tell better than the chanting of a suitable hymn, and forthwith proceeded to give out in the most sonorous of voices, the following verse :—

"Nothing on earth I call my own—
A stranger to the world unknown
I all their goods despise—
I trample on their whole delight,
And seek a country out of sight—
A country in the skies."

But just as he uttered the words ending the fifth line, "a country out of sight," the planking under his feet gave way, and like a criminal turned off when the drop falls, down "dropped" the preacher to a region the reverse of "in the skies," though certainly "out of sight." For a time he was absolutely invisible to the congregation, and the utmost alarm prevailed, for it was not known whether he was dead or alive. Several friends rushed forward to extricate their dearly beloved minister, and to their great joy it was ascertained that he had not suffered injury. "Pray don't speak now or I must laugh aloud," he said, and the service was resumed.

A similar occurrence happened in a very dissimilar place, and on a very dissimilar occasion, fifteen years after. At the general election for Melbourne in 1856, Chief-Justice Stawell, (then Attorney-General) contested Melbourne as a candidate for election to the Legislative Assembly. Party feeling ran high, and Mr. Stawell was addressing a meeting at the old Princess Theatre in Spring Street. The candidate was surrounded by a strong body-guard of enthusiastic friends, and in the midst of one of his most vehement denunciations of "the other side," the stage gave way, falling outwards, and precipitating, as if into a huge rat trap, the candidate, the supporters, and a half-dozen of the "recording angels" told off for the performance of the terrestrial work of the evening. No lives were lost, no limbs were broken, and like the preacher, the orator got off without a scrape. The meeting was adjourned to the open air, the corner window of an adjoining hotel was taken out, and there, mounted on a window-sill, with one leg in the room, and the other dancing outside on nothing, the Attorney-General concluded his address, and the pluck so shown had something to do in winning him the election. My excuse for dove-tailing a political digression with a notice of Wesleyan Methodism, is simply to show how events repeat themselves under conditions curiously and amusingly different.

The Wesleyan Chapel was formally opened on the 24th June, 1841, with a morning service, whereat the Rev. S. Wilkinson read the Liturgy, and the Rev. William Waterfield (an Independent Minister) preached an eloquent sermon from Matthew, 6 chap. 10 verse, "Thy Kingdom Come, &c." The Rev. J. Orton conducted the evening service. The Chapel, designed by Mr. J. J. Peers, was of the modern Gothic style of architecture. The portion finished measured 60 feet by 50 feet outside, and it was intended to extend the building to 80 feet.

In the course of this year there arrived in Melbourne a gentleman, still amongst us, who not only rendered services of no ordinary kind to the Wesleyan community, of which he was a member, but made himself conspicuous by his efforts to promote the welfare of the colony. He is essentially such an old colonist, and such a universally known man that a brief notice of him cannot be out of place in any book written about the Melbourne of the past.

Mr. Joseph Ankers Marsden is every inch a Yorkshireman, and was born at Leeds in August, 1811. On reaching man's estate he was accepted by the Wesleyan Conference as a probationer of the ministry, and ordained in 1836. At his own request he was appointed to a mission station on one of the West Indian Islands (St. Vincent) whither he proceeded, but was obliged to return to Europe in 1839, in consequence of the severe illness of himself and family, and a fear that Yellow Jack (the yellow fever) which was eating up many Europeans, would make a meal of him. He subsequently declined an offer of a station in Van Diemen's Land, and continued ill-health necessitated his retirement from the ministry. However, he emigrated to Melbourne in 1841, where he engaged in commercial pursuits, frequently appearing in the Wesleyan pulpit, Collins Street, and so far as his health and advancing years permit, may still be

heard as a very effective lay-preacher. He will appear again in this *résumé*, and also be heard of in other chapters.

A grandson of this gentleman, the Rev. T. E. Marsden, D.D. (the first Australian Native appointed to the Episcopal office) was the first Bishop of Bathurst. After labouring zealously for some years he removed to England and took part in the consecration of Dr. Goe, the present Bishop of Melbourne.

On the 27th December, 1841, the foundation of a chapel was laid on the new line of road to Sydney, about 2½ miles from Melbourne (Brunswick). Religious service was held at 3 p.m., in a tent pitched for the purpose, and there was a tea-party at 5 p.m. The Rev. Mr. Wilkinson was much appraised during his stay, and in September, 1842, he left Melbourne for Bathurst (N.S.W), to be succeeded by the Rev. Mr. Schofield. The Rev. S. Wilkinson was, until his death some years since, the sole survivor of the early ministers of religion who wrought zealously and sowed good seed in the spiritual soil of Port Phillip. The Rev. Mr. Orton left New South Wales for England in the beginning of 1842, and on the 30th April died at sea off Cape Horn, leaving a widow and eight children to sorrow over an irreparable bereavement.

The First Bazaar.

To the Wesleyans belong the merit, or otherwise, of being the first to introduce a "wind-raising machine," and the invention, not being patented, was afterwards so largely pirated in the colony, as to be resorted to whenever any movement was set on foot spiritual or temporal, to extract money by an indirect mode from private pockets. This bazaar or fancy fair was engineered by the most skilful "bazaar-runner" in the colony, the Mr. Marsden recently noticed, who, from the bigness of his size, got to be universally known as "big Marsden," though "Preacher Marsden," was also used as a *sobriquet*. He was equally good at a sermon or a speech; as much at home on the platform as in the pulpit; but unsurpassable when taking round the hat on behalf of a public charity. He was good-humoured to a degree, of almost unvaried evenness of temper, though, when engaged in a Corporation election battle, he could frown. Sunshine was the usual state of weather with him in his intercourse with the public, for he participated in nearly all social, religious, and political demonstrations from 1841 to 1851. The management of this first bazaar, therefore, could not have possibly dropped into better hands, and it proved a most profitable hit. It was held at the Mechanics' Institute, and lasted two days. Its special purpose was to raise funds towards the liquidation of the debt on the Wesleyan Chapel. Dr. M'Arthur, of Heidelberg, Mr. Cole, of the Merri Creek, and Captain Foxton made suitable presents, and the commanders of the "Abberton," "Achilles," "Elora," and "Elizabeth Thompson," ships then in the Bay, kindly lent bunting to enhance the decorations. The opening was fixed for the 20th December, 1843. The stalls, five in number, were presided over by Mrs. James Webb, Miss Peers, Mrs. Jones, Miss Batman, Mrs. Sweetman, Miss Shillinglaw, Mrs. Scales, Mrs. Marsden, and Mrs. Theophilus Dredge. The first article sold was to Mr. James Croke, the old Crown Prosecutor, and a staunch Roman Catholic. Forcing his way up to where Mrs. Marsden was about to commence her duties as a ministering, or rather a trafficking, angel, he blurted out in a rough, honest way, peculiar to him, "Have you any snuff-boxes there?" To which "the angel" answered by handing him one. "Umph, ah, and what may be the price of this article, Mrs. Marsden?" "Only 3s. 6d., Mr. Croke." "Here Ma'am, that will pay you," was the rejoinder, "Old Croke" at the same time flinging a sovereign on the stand, and unceremoniously turning to depart. "Oh, please, Mr. Croke, wait for your change"—fancy a modern bazaar lady committing such an indiscretion as to even think of giving change—was sung out after him, whereupon the new proprietor of the snuff-box, with a back answer of "Oh, don't bother me," tramped off about his business. And so Mrs. Marsden sold the first article ever disposed of at a bazaar in the colony, and queer old "Jimmy Croke" was the first purchaser. Amongst the exhibits were some net bags manufactured by aboriginal women, from native grass and the fibrous substances of certain indigenous plants, presented by Mr. Parker, one of the assistant-protectors of the Blacks. Two oil-paintings of the aborigines, the gift of Mr. Thomas Napier, were faithfully executed. A very ingenious design, on paper, for a sundial, by Mr. N. Guthridge, also obtained much notice. The first day's takings netted £60, a handsome sum for the time. The second day's receipts were £30, in all £90, and as several articles remained undisposed of, Mr. J. W. Bell, a Collins

Street auctioneer, brought them to the hammer, and made £20 out of them. Mr. Marsden was assisted by Messrs. John Jones and G. Wharton, Messrs Thwaites and Sons, Roycraft, Secretary of the Mechanics' Institution, N. Guthridge, T. Dredge, Morrow, Rule, and R. Mouat. Deducting the proceeds of the "Fair," there remained £1500 still owing, and to further lighten this pecuniary pressure, an appeal was made through the public press "to the Christian community of Melbourne," and a committee was appointed to collect through the town and neighbourhood.

At the Wesleyan anniversary meeting, held on the 23rd September, 1844, it was stated that the liabilities had increased to £1628 3s. 5d., and upon some of this (borrowed money) 20 per cent. interest was being paid. Amongst the items of outlay were an organ, £400; freight, £84; and fitting up, £34. The cost of the Wesleyan Chapel was given at £3648 11s. 11d., and resolutions were passed indicating as the most practical mode of diminishing the debt—a lessening of the rate of interest, increasing the seat accommodation, and establishing a sinking fund.

The foundation-stone of a chapel was laid at Brighton on the 6th April, 1845, and in August of the same year the Rev. Mr. Schofield was translated to Sydney, and succeeded by the Rev. E. Sweetman; whilst the Rev. Mr. Lowe arrived at Geelong. In September, an important gathering was held in the Wesleyan Chapel, to commemorate the fifth anniversary of its opening, when Captain M'Crae presided; and a financial statement was submitted, showing the £1500 liability still remained, notwithstanding all the efforts made to curtail its proportions. A proposition was offered for its liquidation, which was spiritedly responded to by twenty-four gentlemen subscribing £25 each, and several others promising severally to raise £10.

The bazaar expedient, which had worked so well on a previous occasion, was again resorted to, and "Big Marsden" was again the "Man at the Wheel." Bazaar No. 2 was held at the Mechanics' Institute, on the 22nd December, 1845, and was a great success, though not so much so as was expected. According to a newspaper of the day, "the attendance was numerous and highly respectable." His Honor the Superintendent, the Mayor and the Mayoress, being present. The articles for sale being the offerings of the "softer sex," reflected no little credit on the generosity that called them forth. One of the most interesting donations was the branch of a plum tree, in full bearing, contributed by Mr. Wills, a mechanic, residing at Newtown, the fruit of which sold at one penny each. Dr. M'Arthur, Captain Foxton, and a gardener on the Merri Creek, made extensive presents of flowers, and about £100 reaped as clear profit on the speculation.

Mr. Thomas having given a chapel site at Little Brighton, a place of worship was opened there in December. There was a liberal spread of buns and tea for 120 persons in a tent pitched for the occasion, at which Mr. J. A. Marsden presided. On the 10th February, 1846, there was to be a grand *soirée* in the Collins Street Chapel, but the dust swept the streets with such fury, that not more than fifty persons mustered courage enough to put in an appearance. It came off, nevertheless, under the chairmanship of the Rev. Mr. Sweetman, and though the numerical smallness of the attendance forboded a financial failure, an agreeable surprise was created by the golden fact that two hundred guineas were contributed to the Building Fund. Richmond had the satisfaction of witnessing the laying of a chapel foundation on the 16th March.

In the course of the year the sad intelligence was received of the death, at sea, on the 3rd May, of the Rev. James Dredge, who had ministered at Geelong for between three and four years. Falling into bad health, he sailed for home in the "Arab" in January, and, though living over most of the voyage, never saw the end of it. Dying only two days before the ship arrived at its destination, his body was taken to London, and buried at Globe Road, Mile End. He had made many friends in the colony, and was much regretted. The Wesleyans at Geelong were so far from idle all this time that they had erected a neat stone chapel-edifice, and this was opened on Sunday, the 25th October, by the Rev. Messrs. Sweetman, Love, and Tuckfield, when the collection amounted to £33 11s. 10d. The following Tuesday there was a *soirée*, which yielded £23 18s. 10d. The total expenditure on the building was £463 5s. 2d., and the original debt was reduced to £93 10s. 6d.

The Rev. Mr. Boyce, the Superintendent of Wesleyan Missions in Australia, arrived on a visitation to Melbourne on the 6th November, and preached eloquent sermons at Melbourne and Richmond, where

there were very numerously attended services and tea-meetings. After a very brief stay he left for Launceston.

At Belfast the foundation stone of a Wesleyan Chapel was laid by Mr. John Chastel, on the 30th April, 1847, and an animated address delivered by Mr. Wm. Witton. Mr. J. Atkinson having kindly lent a tent for the purpose, it was pitched on the ground, where fifty mouths of all ages were regaled with tea and cakes.

The Rev. Mr. Lowe left Geelong in 1847, and was the recipient of a handsome valedictory presentation. In August of the following year, Mr. James Austin gave a piece of land as a chapel site for Newtown (near Geelong).

The Brunswick Street Chapel.

In the beginning of 1849 the Rev. Mr. Sweetman purchased a site for a chapel in Brunswick Street, with a frontage of 80 feet, and the price was 12s. per foot. This step was necessitated by the expiry, on the 3rd September, 1848, of the lease of the ground upon which the wooden chapel was put up, the south-west corner of Brunswick Street and Moor (then William) Street. It belonged to Mr. R. S. Webb, the first Sub-collector of Customs, who, in 1841, gave it to the Wesleyans at a nominal rent on a seven years' lease. A new chapel was, therefore, an urgency, and the foundation stone was laid at 4 p.m. on the 21st March. The ceremony was to have been performed by Mr Sydney Stephen, barrister-at-law, who was prevented by indisposition from attending, and the Rev. Mr. Sweetman officiated in his stead. Some 200 of those present adjourned to the old chapel (at the other side of the street), and partook of the conventional tea-refreshments, supplied for the occasion by the Wesleyan ladies of Collingwood and Melbourne. It was calculated that £350 would be required to complete the new building, and towards this the Rev. Mr. Boyce, the Superintendent of Missions, resident in Sydney, had promised £50. In addition to the proceeds of the tea-party, £80 had been subscribed in the room. The meeting was addressed by the Rev. Messrs. Sweetman, Harcourt, and Mr. E. C. Symonds, a recently received candidate for the Wesleyan ministry.

A shameful sacrilege was perpetrated at Geelong on the night of the 29th May by some scoundrels, whose sin after all brought them no gain. The Wesleyan Chapel there was feloniously broken into and two money-boxes carried off. They contained nothing, and the thieves must have felt rather disappointed at having so laboured in vain.

For some time the Collins Street Chapel was growing too small for the weekly increasing demands upon its space, and it was at length decided to enlarge it at a cost of £650. A meeting was held in May to take steps to do so, whereat the liberal sum of £512 was raised. This work was prosecuted with so much zeal that by the close of the year the additions were made, including the erection of an organ loft; and it was now pronounced to be the most finished religious edifice in the colony.

A chapel had been opened at East Brighton since June, 1849, which was attended to by the Rev. Mr. Harcourt and occasional ministers and lay-preachers from Melbourne. It was at length found that Melbourne stood much in need of a second place of worship within what might be termed the city proper; and as a temporary convenience, a large room was put up in the eastern part of Lonsdale Street, and opened for chapel services on the 1st December, 1850, when a post meridiem sermon was preached by the Rev. Mr. Butters, and an evening one by the Rev. T. Hastie. Next evening there came off a tea-meeting, and the two days' collections made £100. This building was also to be used as a Sunday and a day-school. On the last day of the year there were five Wesleyan Churches in the colony, supposed to be sufficient for the accommodation of 2700 persons, and attended by the same number. When the census was taken on 2nd March, 1851, the Wesleyan population of Port Phillip was returned at 4988, of whom 1630 were resident in Melbourne. From a report brought before a public meeting on 21st April, 1851, it appeared that for 1850 the pupils who attended at Sunday-School in Melbourne and suburbs numbered 461, and during the first quarter of 1851 they increased to 817, or about 77 per cent. There were 81 teachers imparting instruction. Perhaps the largest demonstration of Wesleyanism in the olden time was on the 15th September of the same year, when a tea-meeting was held in the Collins Street Chapel, with Captain M'Crae as Chairman. The specific purpose of the

assemblage was to devise means for paying off certain liabilities on the building, contracted six or seven years before. The gross amount was £1290, viz., £1000 borrowed on a mortgage, and £290 balance due for the enlargement of the chapel. The annual income was about £280, and the expenditure, including interest, £246. The Rev. W. B. Boyce, Mission Superintendent at Sydney, had offered to contribute £500, conditional upon a like sum being raised by private liberality. The Rev. Mr. Hamilton, a new arrival from Scotland, was introduced by the Rev. Mr. Butters, and made a powerful appeal on behalf of the church, which had the effect of opening purses to the tune of £400. A sum of £380 was arranged, which, with Mr. Boyce's offering added, would nearly balance matters.

Another chapel (the third in the district) was opened at Brighton on the 21st September, and the Rev. W. Butters preached there. It was a smartly got up, comfortable little building of 26 feet by 30 feet, the land for which had been kindly given by Mr. J. B. Were, and the plan prepared by Mr. James Webb, whilst Mr. James Moore supplied a quantity of bricks. It was built in a very quiet way, altogether by private contribution unostentatiously given.

The year memorable for the gold discoveries was drawing to a close, and the outstanding church debt of £1290 was still unpaid, and another meeting was held on the 29th December to handle the often thorny topic of "ways and means." The £500 promised by the Rev. Mr. Boyce was available with the amount conditionally subscribed. The Assembly was much gratified by an announcement by the Rev. Mr. Butters, that a lucky digger had that day placed in his hands a whole pound weight of gold in ounces, but for another good purpose, and this had such an inspiriting influence upon those present that before the business closed the church was declared to be free of debt, an intimation hailed with loud cheers. The "Hallelujah Chorus" was sung, and the gathering broke up in high jubilation. In 1881 the Wesleyan population was 120,000, with 144 ministers, 912 places of worship accommodating 98,000 persons, customarily attended by 70,000, and 106,000 services annually. Mr. Hayter's tables for 1886-7 give the following numbers:—Population, 124,060;* number of ministers, 238;* number of churches, 1222*—affording accommodation for 160,850* persons; number of services, 105,123;* average attendance, 76,256*.

Methodist Missionary Society.

Committee.—Rev. B. Hurst, Messrs. E. S. Parker, J. E. Dredge, J. Fenton, J. J. Peers, W. Witton, and J. Smith.

Treasurers.—Dr. A. Thomson, district of Geelong; Mr. G Lilly, Melbourne.

Secretaries.—Rev. F. Tuckfield and Mr. W. Willoughby.

Mission Establishment.—Rev. B. Hurst (superintendent), Rev F. Tuckfield and Rev. Sheavington (missionaries).

This Society was founded on the 9th September, 1839, as auxiliary to the Wesleyan Methodist Missionary Society, and established a Mission to the aborigines in the district of Geelong, near the source of the Barwon, about forty miles to the westward of the town of Geelong, on land granted for the purpose by His Excellency Sir George Gipps. The situation was selected chiefly because it was central to four or five considerable tribes—the Wod-dou-ro on the north-east, the Bornt-beit on the north, the Col-li-jou on the north-west, the Man-mait on the west, and the Kneer-a-Gut on the south.

The Government granted annually, for the support of the Mission, a sum equal to the amount of private subscriptions.

* Including Bible Christians.

CHAPTER XIII.

RELIGIOUS DENOMINATIONS: THEIR FOUNDATION AND FIRST CELEBRATIONS.

SYNOPSIS:—Rev. James Forbes.—The First Elders.—The First Scots' School.—Arrival of the Rev. Andrew Love.—Subscription of Roman Catholic Priests.—Church Fees.—Foundation and Opening of Scots' Church.—Presbyterians in 1841.—Opening of Kirk at Campbellfield.—The First Presbytery.—Burglary at the Manse.—Local Disruption.—Local Free Church Movement.—Deposition of the Rev. James Forbes.—The Church Declared Vacant.—Breaking up of the Court.—Call of the Rev. Irving Hetherington.—Deposition of Rev. Mr. Laurie.—Presbyterian Population of 1851.—Free Protesting Church of Australia Felix.—The Rev. James Forbes Founder Thereof.—Arrival of the Rev. J. T. Huie.—Foundation of the John Knox Church.—Casting of the First Bell.—Arrival of the Rev. John Gardiner.—Opening of the Church at Brighton.—Death of the Rev. Mr. Forbes.—United Presbyterian Church.—Rev. A. M. Ramsay.—Presbyterian Population in 1880 and 1886-7.

THE PRESBYTERIANS.

EARLY in 1838, the Rev. James Clow arrived in the colony in search of improved health. He had been a chaplain in the service of the East India Company, from which he retired on a well-earned pension. He was the first Presbyterian minister who officiated in Melbourne, and he held afternoon services in the wooden building belonging to the Episcopalians. On the 28th January, 1839, the Rev. James Forbes made his appearance and was installed as the regular minister, and by his earnestness, amiability and self-denial, quickly became a favourite, not only with his own people, but the public generally. The first Elders were Dr. David Patrick and Mr. Robert Campbell, and the attendance at worship exceeded two hundred. They obtained from the Sydney Government the splendid site in Collins Street East, now graced by the Scots' Church —land then little valued as it was *too far out of town!* On this was built a weather-board room to serve both school and church purposes. The collection of funds was proceeded with to provide a more durable structure, as also a permanent church, and with much success, for on the 22nd May, 1839, a meeting was held at the school-house with Mr. James O. Denny as Chairman. The Committee reported that of £686 13s., the amount received in promises, £393 13s. 8d. had been paid, and the Rev. James Clow, with Messrs. Skene Craig, William Ryrie, P. Snodgrass, and Thomas Napier were elected trustees. It was next resolved to proceed with a brick building, and a plan prepared by Mr. Joseph Burns was approved with certain modifications. Though nominally to be a school-house, it was to serve as a church pending the completion of a special edifice as such. Its cost was estimated at £400, of which £110 had been specially subscribed for the school, and £200 was promised by the Government, conditional upon a like amount being obtained by private contributions. This was the origin of the Scots' School, one of the best known places in the old times, before the birth of the Mechanics' Institute; for it was freely given for every useful purpose, and was the scene of some of the most important of the public meetings, and the delivery of the first lectures, in the town. The building has undergone many changes during forty years of strange vicissitude, but unlike most other ancient structures, the greater portion of the old house remains to this day.

Geelong was originally much patronised by Scotchmen, and there were many thriving settlers scattered around. They became very solicitous for a kirk of their own, and in 1839, forwarded a memorial to the General Assembly of Scotland, to despatch a minister to them. On the 9th April, 1840, their wish was gratified by the arrival of the Rev. Andrew Love, who had volunteered his services, which were accepted by the Colonial Committee of the General Assembly of the Church of Scotland.

Meanwhile efforts to raise funds for the Church in Melbourne were prosecuted so vigorously that the handsome amount of £800 was soon in hand, and on the 7th January, 1840, a meeting was held to consider the further course to be taken. The Rev. Mr. Clow presided, and Messrs. G. S. Brodie, J. O. Denny, and Dr. Wilkie were selected managers. It was also decided to invite tenders for the building. Mr. Yaldwyn presented a valuable allotment of land at cost price, and was given a piece of plate in recognition of his liberality. During the progress of the subscription the following amusing incident occurred:—The Rev. Father Geoghegan one day, in his street ramblings, met Mr. D. C. M'Arthur, and handed him two bank notes for £6, as the donations of himself and the Rev. R. Walshe (two Roman Catholic priests) towards the building of the Scots' kirk. Mr. M'Arthur lost no time in advertising the fact in the newspapers, and £3 each from the priests was considered a very handsome doing of the correct thing. When Father Geoghegan read of this next morning, he rubbed his glasses, and thought there must be a mistake somewhere. As to £6 he had not such a sum to spare, as the monetary condition of himself and colleague was in no degree as flourishing as the incomes of some Roman Catholic clergymen since; and he wrote accordingly to the *Herald*, correcting what must have been, as he thought, a misprint, and declaring that instead of £6 he had only contributed £2—adding his regret that neither himself nor Mr. Walshe could afford more than £1 each. The circumstance having been enquired into, Mr. M'Arthur produced the two notes, which turned out to be a £1 and a £5 note, and the laugh was most decidedly against the reverend donor, who appeared to have been wealthier than he imagined. Mr. Geoghegan laughed heartily, too, and refused an offer to refund the £4, which he had so unconsciously parted with.

At the close of 1840, the Presbyterian position might be thus stated:—

SCOTS' CHURCH, MELBOURNE.

Minister—Rev. James Forbes, A.M. Elders—Dr. David Patrick and Mr. Robert Campbell.
Trustees—Messrs. S. Craig, W. Ryrie, G. S. Brodie, J. O. Denny, and J. H. Patterson.

SCOTS' CHURCH, GEELONG.

Minister—Rev. Andrew Love. Trustees—Drs. A. Thomson and Jonathan Clarke, Messrs. G. D. Mercer, David Fisher, and Hugh Murray.

At Geelong sufficient funds were available for the erection of a Church, which was commenced in the early part of 1841, and opened in April of the following year.

No fees were exacted in the Presbyterian Church for the exercise of any of the functions of the ministry; indeed, the clergyman asking payment for his own benefit for Marriages, Baptisms, or Funerals, would subject himself to ecclesiastical censures. There were, however, the following fees connected with Marriages, viz:—

	£	s.	d.
For Special License	4	3	0
For Proclamation of Banns	1	0	0

Of the former sum £1 11s. 6d. was paid over to the funds of the Synod of Australia, the remainder, as well as the whole amount paid for the Proclamation of Banns, was appropriated to the general purposes of the Kirk Session. The clergyman received no benefit whatever from these fees, which were the only charges known in the Presbyterian Church.

FOUNDATION OF THE MELBOURNE CHURCH.

This ceremony took place on the 22nd January, 1841, and though the day was excessively wet, there was no lack of Presbyterians in attendance. The Ministers and Elders taking part assembled at 11 a.m. in the school-room, which was crowded, and after singing some of Psalm cxxii, a movement was made to the ground. There was an unusually large cavity worked in the nether stone, in which was deposited a large bottle, holding the following relics, viz.:—A copy of the three papers then published in town—the *Gazette*, *Patriot*, and *Herald*, Kerr's *Port Phillip Directory* for 1841, Arden's pamphlet giving the latest information of the district, and a parchment scroll thus written on:—

THE FOUNDATION STONE
Of the
SCOTS' CHURCH
For the use of the Congregation in Melbourne, in connection with the
NATIONAL CHURCH OF SCOTLAND,
Laid on the twenty-second day of January, 1841, by
DAVID PATRICK, M.D., Elder.
HER MOST GRACIOUS MAJESTY, VICTORIA, Queen of Great Britain and Ireland.
His Excellency, SIR GEORGE GIPPS, Knight, Captain-General and Governor-in-Chief of New South Wales.
His Honor, CHARLES JOSEPH LATROBE, ESQ., Superintendent of Port Phillip.
The REV. JOHN TAIT, Moderator of the Synod of Australia, in connexion with the ESTABLISHED CHURCH OF SCOTLAND.
JAMES FORBES, A.M., Minister of the Church and Congregation.
DAVID PATRICK, M.D. and ROBERT CAMPBELL, Elders.
SKENE CRAIG, WILLIAM RYRIE, GEORGE SINCLAIR BRODIE, JAMES OLIPHANT DENNY, and
JOHN HUNTER PATTERSON, Trustees.
SAMUEL JACKSON, Architect.

The stone was then lowered, adjusted, and pronounced to be duly laid by the senior Elder, who addressed the assemblage. The Rev. James Forbes invoked the Divine blessing in a suitable prayer, the last three verses of Psalm cxxii were sung, the "Apostolic Benediction" given, and all was over. The building, a chaste and tasteful structure, was opened for service on the 3rd October, 1841.

In May, 1841, the Presbyterians in Melbourne and the County of Bourke were reported to number 1477. On the 8th May, 1842, a temporary kirk was opened at Campbellfield by the Rev. Thomas Mowbray, the first pastor appointed there. Five acres of land had been generously given for church purposes by Mr. Neil Campbell, proprietor of the Campbellfield Estate.

THE FIRST PRESBYTERY.

In June, 1842, an important step was taken by the Synod of Australia, instructing the Ministers and Elders in Port Phillip to form a Presbytery for the management of the affairs of the Church in Australia Felix. This was done, and the first meeting of the Port Phillip Presbytery was held on the 7th June, in the Scots' Church. The Rev. James Forbes was appointed Moderator, several important topics relative to Church Government were discussed, and special attention was given to the question of Education. In December of the same year, Drs. Drummond and Wilkie, with Mr. J. Johnston, were ordained Elders. A manse had been erected for some time on the kirk-land, in Collins Street, and in May, 1844, the Rev. Mr. Forbes took a trip to Sydney for the benefit of his health. One night (26th May), during his absence, the manse was burglariously entered and plundered of property of considerable value, including two silver communion cups, and a gown of "true Geneva orthodox cut," brought from Scotland in 1842, by Mr. G. S. Brodie, as a present to the minister. Mr. Forbes was so well liked that the Melbourne thieves would not have the unmanliness to injure him, and circumstances that afterwards transpired pointed, not only the finger of suspicion, but of certainty, to some members of a Presbyterian family, who had received many favours from the hand of the man so outraged. As some of their name are still in the colony, I abstain from further reference to a misdoing so utterly disgraceful.

During this year, church accommodation was provided for several country districts, and in 1845, the Rev. Mr. Love was appointed Moderator, and the ministry was strengthened by the arrival of the Rev. Messrs. Gunn, Lawrie and others.

In May the ladies of the Melbourne congregation raised sufficient funds to procure a new pulpit—a very creditable specimen of colonial workmanship. It was made out of Australian cedar, declared to be as good as Spanish mahogany, and included a canopy, pronounced by competent judges, as forming a model for other places. The contractor was not inappropriately named Rule, and the constructors were two clever mechanics, known as Stains and King.

As was to be expected, Port Phillip could not escape the effects of the disruption of the Church in Scotland in 1843, its influences in due time penetrating to the Antipodes. A local Free-Church movement followed, led by the first minister (Rev. James Forbes), in 1846, a step regarded with much anxiety and

uneasiness by those who remained staunch to the parent tree. Naturally it created a great diversity of opinion amongst the followers of Presbyterianism, and was incessantly talked over, and hotly debated in the newspapers. It was, however, a question with which other religious denominations had no concern; and no matter how individuals sympathised with either side, Presbyterianism was allowed to fight it out in its own way. The authorities of the Scotch kirk had a novel and disagreeable duty to perform—one requiring prudence and firmness to deal with. The first step to be taken was as regarded the Rev. James Forbes, and he should be dealt with promptly and summarily. A meeting of the Presbytery was held on the 17th November, in the church, at which attended the Rev. Mr. Gunn, (Moderator), and the Rev. Mr. Love, with Messrs. James Ballingall, David Ogilvie and D. E. Wilkie, as Elders. Resolutions were unanimously passed (1) declaring the Rev. James Forbes no longer a minister of the Scotch Church, Melbourne, and that he had ceased to be a member of that Court; (2) declaring the pulpit of the Scotch Church, Melbourne, vacant, and that the congregation thereof are at liberty to procure another minister, with due attention to the forms directed to be observed in such cases, and (3) in order to give effect to such resolutions, the same be reported to the Synod. The Moderator was authorised to declare the church vacant from the 29th November, and the Court broke up. The action so taken received the requisite confirmation in due course, and on the 17th February, 1847, a call made by the congregation in favour of the Rev. Irving Hetherington, then officiating at Singleton (New South Wales), was submitted to the Presbytery. After consideration, it was sustained and ordered to be forwarded to Mr. Hetherington, and also to the Presbytery at Maitland. The Rev. Mr. Hetherington came to Melbourne, and was for many years well-known and appreciated as a zealous and untiring missionary.

Places of worship were opened at Buninyong and the Leigh, through the exertions of the Rev. Thomas Hastings, and Building and Sustentation Funds were liberally supported.

In July, 1848, the Melbourne Presbytery deposed the Rev. Mr. Lawrie, at Belfast, where he had been for some time ministering, for certain irregularities charged against him. He denied them in *toto*, and the Rev. Mr. Love was directed to proceed to the Westward, to make inquiry and report to the Presbytery. In February, 1849, the Rev. Mr. Richardson was despatched on duty to Portland, and for some time had the use of the Wesleyan Chapel there. At the end of 1850, there were, in Port Phillip, five churches, capable of holding 1376 persons, and attended usually by about 900. In March, 1851, the number of Presbyterians, generally, was returned at 11,608, of whom 2955 resided in Melbourne. On the 5th November, 1851, there was a meeting of the Presbytery, attended by the Rev. Mr. Gunn (Moderator), the Rev. Mr. Gore, and the Rev. Mr. Love, when the only business for consideration was an objection by Dr. Wilkie, against the appointment by Mr. Hetherington of Mr. Robert Campbell as an Elder, who had, in 1842, been removed from office by the Rev. Mr. Forbes. There was much discussion on the matter, and the result was the cancellation of the appointment.

Free Protesting Church of Australia Felix.

The Rev. James Forbes was joined by a number of Presbyterians of good social standing and well off in worldly means—seceders from the parent kirk. They willingly co-operated with him in the establishment of what was denominated a "Free Protesting Church," while adhering to the principles and testimony of the Free Church of Scotland; and they held several meetings in furtherance of the project. The first meeting was on the evening of the 17th November, 1846, at the Scots' Church, Alderman W. M. Bell presiding, at which a Committee was appointed, with the Rev. J. Forbes and Mr. Henrie Bell as secretaries, and £151 subscribed *instanter* as incipient "sinews of war" for the new departure. As they would have to turn out of the kirk building it was decided to rent the Mechanics' Institute for £30 per year, as a temporary place of worship, until such time as a regular church could be erected. It was further agreed that this Free Church was to be uncontrolled by any body external to Australia Felix.

The seceders worked hard; services continued to be held regularly at the Mechanics' Institute, and the movement was much encouraged by the arrival, in June 1847, of the Rev. J. T. Huie, a missionary from the Free Church in Scotland, who preached several times with much effect in Melbourne and other places, finally settling down at Geelong. Alderman Bell and Mr. James T. Everist were the first appointed Elders.

The new movement spread through the province, and was hailed with satisfaction in some of the then centres of population. Its progress was such that on the 8th September a Synodical Meeting was held at Geelong, attended by the Revs. J. Forbes (Melbourne), Huie (Geelong), and Hastings (Buninyong), when a variety of important business was disposed of.

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. Times were good, and that body included several respected colonists, who brought both wealth and enthusiasm to the cause in which they had embarked; and the consequence was the early laying of the foundation stone of

THE JOHN KNOX CHURCH,

At the corner of Swanston and Little Lonsdale Streets, where the building stands to-day, which was purchased, and all other preliminaries so expeditiously arranged, that the ceremonial was performed on the 17th November, the anniversary of the formal expulsion of the Rev. J. Forbes by the Presbytery of Scots' Church. There was a large attendance, and an inspection warranted an opinion that if the design were worked up to, it would be one of the neatest and most ornamental of the religious edifices in Melbourne. The proceedings commenced by singing from the Psalms, after which the Rev. Mr. Huie offered a prayer beseeching the Almighty's blessing on the undertaking. The Rev. J. Forbes next read the following lengthy inscription, engrossed upon a sheet of parchment, afterwards enclosed in a bottle and deposited in a cavity made in the stone.

THE FOUNDATION OF
JOHN KNOX'S CHURCH,
In the Town of Melbourne, District of Port Phillip, in the Colony of New South Wales,
was laid on Wednesday, the
Seventeenth day of November, in the year of our Lord, One Thousand Eight Hundred and Forty Seven,
BY THE REV. JAMES FORBES,
PASTOR OF THE CONGREGATION,
For whose use and by whose contributions, it is proposed to be raised, in presence of the office-bearers and members of the congregation.

This Church is intended to be erected for the preaching of the Gospel of Christ, the dispensation of His Ordinances, and the maintenance and diffusion of those principles respecting the Supremacy of the Lord Jesus over the Church which He hath redeemed, and the spiritual independence He hath conferred on her, which, from the days of the Reformation, formed a prominent part of the Testimony of the National Church of Scotland, and through continued faithful adherence to which, the Free Church of Scotland was constrained to relinquish the benefits of a Civil Establishment, on the 18th day of May, 1843. It is to be under the spiritual oversight of the Governing Body of the Free Presbyterian Church of Australia Felix,—which, whilst holding the same principles, and maintaining the same testimony, as the Free Church of Scotland, the Presbyterian Church in Ireland, the Presbyterian Church in England, the Presbyterian Church of Eastern Australia, and other Churches in various British Colonies holding communion with them, is not under the superintendence or control, or subject to the interference, of any Body whatever, external to itself, its Supreme Governing Assembly possessing the right of regulating and determining finally all matters pertaining to the internal affairs of the Church, and also all matters pertaining to its relations to all other portions of the Professing Church whatsoever.

The present undertaking is commenced, in humble dependence on the aid of the One King and Head of the Church, on the anniversary of the day whereon the Congregation erecting it initiated the organisation of a Free Presbyterian Church in Australia Felix (in the year 1846).

HER MOST GRACIOUS MAJESTY, VICTORIA,
Being Queen of the United Kingdom of Great Britain and Ireland.
HIS EXCELLENCY SIR CHARLES AUGUSTUS FITZROY, Governor of New South Wales.
HIS HONOR CHARLES JOSEPH LATROBE, ESQ., Superintendent of Port Phillip.
ANDREW RUSSELL, ESQ., Mayor of Melbourne.
JAMES FORBES, A.M., Minister at Melbourne, THOMAS HASTIE, Minister at Buninyong, and
JOHN TIEGER HUIE, Minister at Geelong.
Elders of this Church—HENRIE BELL, WILLIAM MONTGOMERIE BELL, and THOMAS JAMES EVERIST.
Committee of Management—MATTHEW ORR, GILBERT MCCALLUM, DAVID DUNCAN, JOHN CARSON, JOHN CLARK, GEORGE MILL, GEORGE MILNE, ROBERT MCMURRICH, DAVID MCMURTRIE, JOHN MYERS, JAMES HAIR, and ALEX SUTHERLAND.
Architect—CHARLES LAING. Contractor—JAMES LINACRE.

The Rev. Mr. Forbes addressed the assemblage, and eloquently and strongly insisted upon the right of every man to worship his God according to the dictates of his conscience, perfectly uncontrolled by human authority, however specious and alluring it might be attempted to exert such. The solemn event was closed with prayers and the usual benedictions.

The church was completed in an unprecedentedly short time; for a building like it to be ready for service in less than six months was, prior to that time, unheard of. Nevertheless, opened it was on the 7th May, 1848. The Rev. Thomas Hastie preached at 11 a.m., and the Rev. Mr. Huie at 8 p.m. It is a notable fact that the first bell cast in the colony was hung in the tower of the John Knox Church in November, 1850. It weighed 135 pounds, and was fabricated at Langlands' Foundry. On the 19th November, 1849, the third anniversary meeting was held in the church, the chair being taken by Dr. Drummond, and addresses delivered by the Rev. Messrs. Forbes and Huie, with Messrs. Everist and Dunlop. The necessity for the erection of a school-house was strongly enforced; its estimated cost was £200, in aid of which £70 was immediately forthcoming.

A great acquisition was received in the person of the Rev. John Gardiner, sent out by the Colonial Committee of the Free Church in Scotland. He arrived in January, 1850, and on the 27th preached in the Church. The foundation stone of a building as chapel and school-house was laid in Latrobe Street on the 17th December. It was to cost £600, and in due time was opened. By the end of the year the Free Church had three conventicles in full work, providing space for 920 persons, and habitually attended by 680.

A snug little church was opened at Brighton on the 21st April, 1851, and increased interest was manifested in other quarters.

An irreparable loss was sustained by the death of the Rev. Mr. Forbes at the newly-erected manse adjoining the church, on the 12th August, 1851; and some affecting details of this universally esteemed minister's last moments will be found in a subsequent part of this work.

Since the foregoing appeared in print I have received the following from a correspondent subscribing himself, "One Who Knows":—

"I think you have fallen into an error in stating that there was a Presbyterian Church opened in Brighton in 1851. I remember Mr. Forbes preaching in the residence of the late Mr. William Wilson, St. Andrew Street, Brighton, on a week-day afternoon about that time, and I believe that was the only occasion that Mr. Forbes did hold any Divine service in Brighton. To the Rev. Samuel Currie belongs the honour of establishing the Presbyterian cause in Brighton. Mr. Currie was then in charge of the South Yarra Presbyterian Church in which he used to preach morning and evening, and in the afternoon for a considerable time he addressed a crowded congregation in a small house in William Street, Brighton. Mr. Currie frequently walked from South Yarra to Brighton. Occasionally some one would meet him with a conveyance, and on all occasions some of the congregation would drive him back. After Mr. Currie had been preaching for several months, without receiving one penny for his services, the Rev. Mr. M'Veane announced by advertisements that he was to preach on a certain Sunday afternoon in the old English Church, Brighton. A number of Mr. Currie's congregation knowing that the place he had been preaching in was too small, and not knowing that Mr. M'Veane was preaching in opposition to Mr. Currie, went to hear Mr. M'Veane, and consequently Mr. Currie had a very small congregation. After service was concluded he consulted with those present, and it was agreed that he should relinquish the cause which was a heavy drag on him, and had cost him a great amount of labour. Mr. M'Glaughton followed Mr. M'Veane, and was at last settled in Brighton, and under his ministration the congregation erected the church which now stands in Wilson Street; the land on which it was erected was kindly given by Mr. William Mills."

The United Presbyterian Church.

In the course of 1848, there were symptoms of another outflow from the main branch of Presbyterianism, a stream but slightly differing from the original waters. Ministers who had by degrees dropped in, and followers cohered, and the first congregation was formed by the Rev. A. M. Ramsay. After a time others followed, a Synod was constituted, and the Protestant Hall was fixed on as the temporary Head-quarters. The first Synodical assemblage was held there on the 22nd January, 1850, presided over by the Rev. A. M. Ramsay, as Moderator, with whom was associated the Rev. W. Jarrett as Clerk, and the Rev. Messrs. T. E. Richardson, from Portland, and L. M'Gillivray, from Belfast. The attendant Elders were Dr. P. M'Arthur, Messrs Walter Adamson, B. Bell, and J. Coltheard. A report of a very encouraging nature as to this section of the Church was submitted, and after the disposal of some miscellaneous business the Sederunt adjourned.

The Rev. A. M. Ramsay was another of the well-known men of a bygone age. Like Parson Grylls and Father Geoghegan, he inclined to the under-sized order of mankind. A gentleman of highly cultivated intellect, and no mean attainments, his oratory was of the vehemently eloquent style; and when you listened to his impassioned orations, though you might not concur in his deductions, you could not soon forget the speaker, so intense was his earnestness, and so thoroughly did he throw himself into his subject. The moment he mounted a pulpit or rostrum, the mild, pale, thoughtful face, the high, decided, forehead prepared for action, the firmness with which he gathered himself up, the straightness with which he held back his head, and the manner in which he set to his work, and went through it, unmistakably testified that there was no nonsense in the man; that he knew well what he was about, and determined to do it thoroughly. Some of Mr. Ramsay's public utterances were printed; and whether delivered in church or at a public meeting were well worthy of preservation. In private life he was amiable and kind-hearted, whilst his unostentatious charities often exceeded his means. Though he died many years ago, he is worthily represented in Victoria by his son, Mr. Robert Ramsay, M.P.

The United Presbyterians erected a church with almost as much speed as the Free Churchmen. The site procured was in Collins Street East, opposite, but somewhat more westerly, than the Scots' kirk. The foundation stone of the United Presbyterian Church was laid on the 24th September, 1850, with the customary formalities. Dr. M'Arthur, senior Elder, was the principal personage of a group, comprising the Revs. A. M. Ramsay, J. W. Clow, and W. J. Jarrett, with divers Elders, Deacons, and an assemblage, small, but select and highly respectable. Following the example of the Free Church adherents, the United Presbyterians concocted an enormous inscription, which, engrossed on vellum, was read in a loud, ringing voice by the Rev. Mr. Ramsay. For elaborate comprehensiveness it distanced any foundation literature ever so interred in the colony. As it deserves immortalising, here it is *verbatim et literatim*:—

INSCRIPTION.

"Within this, the City of Melbourne, and Province of Port Phillip, on this, the Twenty-fourth day of September, in the year of Our Lord Eighteen Hundred and Fifty, was laid the Foundation Stone of this Place of Worship.

"The stone was laid by PETER M'ARTHUR, ESQ., M.D., of Arthurton, one of the Justices of the Peace for the Colony, and a Ruling Elder in the United Presbyterian Church, at present assembling in the Protestant Hall, Stephen Street, for whose accommodation and by whose exertions this edifice is erected.

"Without affecting by any ceremony or religious service to impart to this building any Sanctity or Sacred character, and without proscribing from within its walls any assemblage whieh the cause of Truth, or Humanity, or Freedom might in seasons of emergency require; this Edifice is erected expressly and designedly for the Worship and Service of the one living and true God; the faithful preaching of the Gospel of our Lord Jesus Christ; the due observance of the various Ordinances; and the full enjoyment of the privileges of a New Testament Church.

"By the congregation purposing under the kind providence of God to assemble within these walls, the Lord Jesus Christ is held to be the Sole Head and Law Giver of the Christian Church, and the Scriptures of the Old and New Testaments to be the ultimate appeal in all matters of Ecclesiastical Controversy. The Church is considered and declared to be complete in herself, having a Constitution and Administrations, Ordinances and Immunities all her own; requiring no Civil enactment to give effect to her discipline, and no State provision for the maintenance of her Ordinances—Self-sustaining, Self-extending, Independent and Free. 'My Kingdom is not of this world.'—John xviii. 36.

"The Presbyterian Church accordingly disavows all connection with the Government of this world, repudiates all State endowments of religion whatever they may assume, and cheerfully, and from choice, rests her entire support upon the free-will offerings of the people, according to the grand financial law of Christ's Kingdom.—1st Cor. ix., 14—Gal. vi., 6.

"While holding a special connection with the United Presbyterian Synod of Victoria, recently formed, this Church would cherish and cultivate the most extensive Christian affiance. Without particularising any of the branches of the great Christian commonwealth, this Church extends the right hand of fellowship to all who love the Lord Jesus Christ in sincerity and truth, by whatever name or denomination they are known among men. Faith and holiness are deemed the essentials of Christianity, and are hailed with delight as the offspring of grace, wherever they appear; and, being sincerely desirous of maintaining the unity of the Spirit in the bond of Peace, she rejoices in the mutual approximation which at at the present time is manifesting itself amongst the various evangelical Denominations.

"This undertaking is commenced in humble and prayerful dependence on the grace and blessing of the Supreme Sole Head of the Church, in the year of our Lord MDCCCL., and while this colony is in daily expectation of a new Constitution from the Imperial Parliament in England, detaching it from New South Wales, and erecting it into a separate and independent colony under the designation of Victoria. In the fourteenth year of the reign of HER MOST GRACIOUS MAJESTY VICTORIA, Queen of the United Kingdom of Great Britain and Ireland; SIR CHARLES AUGUSTUS FITZROY, being Governor of New South Wales; CHARLES JOSEPH LATROBE, Esq., Superintendent of Port Phillip, and AUGUSTUS F. A. GREEVES, Esq., Mayor of Melbourne."

In addition to this essay there were also stowed away in the hollowed stone no less than three printed pamphlets, all the brain work of the Rev. Mr. Ramsay, viz.: (1) Minutes of the first Synod of the United Presbyterian Church of Victoria, 1850; (2) The third Annual Report of the United Presbyterian Church, under the pastoral care of the Rev. A. M. Ramsay; (3) An Address delivered to the Presbyterian congregation, assembling in the Protestant Hall, Stephen Street, by their pastor, A. M. Ramsay, on the 17th June, 1849, on the subject of Church sites.

The evening was signalized by a congregational *soirée* at the Protestant Hall, where some 150 persons attended. Several clerical and lay speakers held forth, and the collection amounted to £18 os. 10d. The church was opened for Divine service on the 30th March, 1851, when sermons were preached at eleven in the forenoon by the Rev. Mr. Ramsay, and at 3 p.m. by the Rev. Mr. Jarrett.

A second United Presbyterian Church was formed on the 9th May, in a school-house built in Lonsdale Street, opposite the Hospital, under the pastoral care of the Rev. W. Jarrett, when the latter and the Rev. Mr. Ramsay preached. The second day after being a Sunday, the Revs. W. Ross and T. O'Dell officiated, and on the second day after again (Tuesday) a congregational *soirée* was held, when £40 was raised towards liquidating a liability of £200 on the building.

On the 14th May an Ordination was held in the Collins Street Church, when the Revs. Ramsay, Jarrett, Ross, and M'Nicholl (of Geelong) officiated, and Messrs. David Chapman and David Ballantyne were received into the Ministry.

There were now three branches of Presbyterianism in the new colony of Victoria, and though divided, it could not be said they were antagonistic; but their respective careers it is not for me to follow further. In 1880, the Presbyterian community, as a whole, numbered over 140,000, ministered to by 161 registered clergymen, with 860 places of worship, accommodating 82,730 persons, on the average attended by 72,839, and with an annual approximation of 44,000 services. Population in 1886-7, 151,712; number of ministers, 203; number of churches, 945—affording accommodation for 93,495 persons; number of services, 47,066; average attendance, 77,297.



CHAPTER XIV.

RELIGIOUS DENOMINATIONS: THEIR FOUNDATION AND FIRST CELEBRATIONS—*(Continued).*

SYNOPSIS:—Arrival of Rev. Mr. Waterfield.—Foundation of Collins Street Chapel.—First Place of Worship Erected.—Visit of Mr. Hopkins.—The First Trustees.—The Rev. Mr. Docker's Present.—Rev. Alexander Morison.—Fancy Fair in 1847.—First Ordination, 1848.—Church Population. THE BAPTISTS—Arrival of Messrs. Crook and Reeves.—First Church Services under Canvas.—Mr. Peter Virtue.—The First Baptisms.—Their Modus Operandi.—The Sacramental "Dip."—Mrs. Crook the First Postulant.—John Joseph Mouritz, First Minister.—Cows and Theology.—"Undoctored" Milk.—Untamed Milchers.—Arrival of Rev. John Ham.—Death of Rev. Mr. Mouritz.—The First Ordained Minister.—Foundation of the First Baptist Chapel.—Visit of the Rev. Dr. Lang.—Rev. Mr. Ham's Mission for Aboriginal Children.—Second Baptist Congregation.—The Rev. Mr. Scott's Arrival.—Baptist Statistics. THE JEWS—First Arrivals.—The First Baby Jew and Jewess.—Mr. and Mrs. Henry Isaacs.—The First Medical Attendant.—Dr. Arthur O'Mullane.—Mr. Edward Hart his First Patient.—Miss Davis First Jewess Deceased.—A Cemetery with One Corpse.—Arrival of Rev. Mr. Rintel.—First Circumcision.—"Kosher Meat" at a Premium.—Importation of Passover Cake.—The First Jew Town Councillor.—The "Rowsh-Harshono" of 1840.—The First Full Minyon.—Mr. Asher Hymen Hart.—Yom-Kipur Services.—First Synagogue Site.—Address to the Chief Rabbi Dr. Adler.—Founding the First Synagogue.—The Rev. Moses Rintel First Melbourne Rabbi.—Establishment of the Mickva Yisrael. PRIMITIVE METHODISTS—Mr. J. M. Bryant, Pastor.—Chapels at Melbourne and Brighton. CHURCH OF THE TABERNACLE—Rev. John Allen.—Fitzroy Chapel.—First Services.—John Wroe and the "Beardies."—The Future of Melbourne Prophesied. WESLEYAN METHODIST ASSOCIATION—Arrival of Rev. Joseph Townend.—First Services. GERMAN LUTHERAN CHURCH—Influx of German Immigrants.—Arrival of the Rev. Mr. Rupprecht.—First Services.—Mrs. Zahn Supports a Proposition.—Chairman's Prohibition of the Lady's Speech.—Chairman's Ruling Defied.—Mr. Rupprecht's Explanation.—First Baptisms.—Failure of Attempt to Establish German Church.—Erection of First German Church.

THE INDEPENDENTS.

THE *Bull and Mouth Hotel* is one of the best-known localities in Bourke Street, but before either "the Bull" or his "Mouth" was known in Melbourne, there was erected within a few yards of the present hostelry, a wooden mansion, in which Mr. John Gardiner (an ancient more than once referred to in these pages), resided. Here, upon its master, there called on the 22nd May, 1838, the Rev. Mr. Waterfield, an Independent minister, and he was made welcome. He had not been long out from England, and visited Hobartown *en route* to Australia. In this house Mr. Waterfield sojourned for some time, commenced the services of his church there, and a respectable congregation was soon found. "Johnny Fawkner," a sturdy Independent in religion, as in other things, was then busily engaged in having a temple of Bacchus erected at the corner of Collins and Market Streets, soon had it finished, and being desirous of providing for the *spiritual*, as well as spirituous comforts of his co-religionists, placed the large room of the "Public" at the use of Mr. Waterfield and his followers. It was accepted, and on every Sabbath afternoon about one hundred Independents assembled there for public worship. In the course of the year, efforts were made to provide a permanent chapel, and at a public meeting a Building Committee was nominated, consisting of the Rev. Mr. Waterfield, Messrs. J. P. Fawkner, E. M. Sayers, Henry Kettle, and John Aberline. It was announced that £181 had been collected in Melbourne, £115 in Hobartown, and £130 in Sydney. A temporary chapel was erected in July, and on 3rd September, 1839, the foundation of the permanent edifice was laid by Mr. Henry Hopkins, of Hobartown, on the very suitable site in Collins Street, east of the present commodious and costly Independent Chapel. It was opened for Divine service on the 1st January,

1841, being the first permanent place of worship erected and finished in Port Phillip. There were the unusual number of three sermons at as many services, the Rev. Mr. Waterfield preaching at 11 a.m., Rev. Mr. Forbes (Presbyterian), at 3 p.m., and Rev. Mr. Orton (Wesleyan), at 6 p.m.

Amongst the great early benefactors of Congregationalists (a synonymous designation, by which the Independents are sometimes indicated) in Port Phillip, was Mr. Hopkins, who, visiting the settlement in 1837, on returning to Van Diemen's Land, represented to the Congregational Missionary Society in England the opportunity presented by the embryo colony, and was thereby instrumental in having Mr. Waterfield sent out from home. The first trustees of the Independent Chapel were the Rev. W. Waterfield, Messrs. J. P. Fawkner, J. R. Murphy, E. M. Sayers, and R. Bourne (of Sydney).

The Independents were not a numerous body, and there is not much to record of them. They steadfastly adhered to their chapel, and in September, 1842, the Rev. Mr. Docker, the owner of a large slice of Richmond, presented them with a chapel site there, on which, ere the year closed, they had a small temporary building put up. About the same period a seraphine had been added to the Collins Street chapel, but it did not work very smoothly, and for this reason, and because the majority of the congregation entertained a strong conscientious objection to instrumental music, its use was discontinued. In 1843 the Rev. Mr. Waterfield was transferred to Van Diemen's Land, and his place in Melbourne taken by the Rev. Alexander Morison, sent over by the Van Diemen's Land Home Missionary Society, who continued in the pastorate of the parent church for several years. The manner in which he discharged his ministerial functions gave general satisfaction; and, as a special recognition of his highly appreciated services, on Christmas Day of 1845 he was entertained at a *soirée*, and Mr. Coltheard, on behalf of the congregation, presented him with a beautifully worked purse containing eighty-two sovereigns. At a public meeting held in January, 1846, Mr. George Annand, as treasurer, submitted his statement of accounts, and the congregational "budget", disclosed a most satisfactory state of affairs. The success of the Wesleyan bazaars, no doubt, instigated the Independents to resort to the same popular device for gathering in a bank-note harvest, and accordingly they set to work at a Fancy Fair towards the end of 1847. It was held at the Mechanics' Institute, and ran over two days, the 14th and the 15th December, and though they had not the benefit of "Big Marsden's" tact and skill, they must have managed things wonderfully well, for the first day's takings netted £150, and the second £60. As a pecuniary result this beat the Wesleyans hollow.

On the 18th January, 1848, the first Ordination took place, when the ceremony attracted a numerous attendance, and several of the ministers of other persuasions assisted. The proceedings were commenced by the Rev. Mr. Hewlett giving out a hymn, after which he read from Romans x., and 1 Epistle Timothy. The Rev. Mr. Morison preached a very appropriate sermon on the objects and nature of the Christian ministry, taking for his text 2 Corinthians, v. chapter, 18 verse. It was then announced that Mr. M'Gillivray, for some time a Catechist at the Pyrenees, was a candidate for ordination. He was accordingly interrogated by the Rev. Mr. Jarrett, and gave satisfactory replies. The Rev. Mr. Sweetman recited the Ordination prayer, the candidate kneeling, after which the imposition of hands was effected by the minister placing his hand on the head of the postulant. The charge was delivered by the Rev. Mr. Ramsay, and the benediction by the Rev. Mr. Hewlett closed the proceedings.

The Rev. Mr. Morison, in January, 1849, received a second presentation consisting of a purse of £50; and shortly after the Rev. B. Cuzens arrived, to take charge of a church then in course of establishment at Geelong. The Rev. T. O'Dell made his appearance in June, 1850, and land in West Lonsdale Street having been purchased, a temporary chapel put up there, and Mr. O'Dell placed in charge. Subsequently a neat Gothic building was erected thereon. The O'Dell chapel was opened in due form on the 1st July, 1851, when the handsome sum of £60 resulted from the collection.

The Independents in 1881 had 49 registered ministers, and 107 chapels or places of worship, where 18,000 attendants could be accommodated. The average attendances were 9360, and the annual services might be stated approximately at 10,000. In 1886-7 the foregoing items stood as follow, according to Mr. Hayter:—Registered ministers, 54; churches and other buildings used for public worship, 76—accommodating 17,400 worshippers; number of services, 14,000; average attendance, 9000; total population, 22,727.

The Baptists.

Of all the religious denominations connected with the primitive days of the colony, less is publicly known of the Baptists than any other, and I have seen little or nothing in print about them prior to 1842, yet the circumstances connected with their early services and ceremonies possess such rare interest, as renders them well worthy of collation, though the process, as in the present instance, is one of extreme trouble. In the year 1838 there were only a very few Baptists in Melbourne, and this handful was soon supplemented by the arrival of Messrs. Samuel Crook and Robert Reeves, with their families, from Sydney. A congregation was then formed, and as there was no room in town available to them, they decided on holding their first service on an unused area of land in Collins Street, where the *Argus* office is now built. This half-acre allotment was purchased by Mr. Thomas Napier, at a Government land sale, for £129 4s. He was an old colonist, and resided for many years at Rosebank, Essendon; and he kindly permitted the Baptists to use the place temporarily for religious purposes. There was then in Melbourne a well-known store-keeping firm, trading as Miller and Virtue, which lent a large tent, and thus was the first Divine service of the Baptists offered, under the conductorship of Messrs. James Wilson, and the Mr. (Peter) Virtue aforesaid. This same Peter Virtue made efforts to scatter the rays of what he believed to be the true light on the benighted darkness of the present day. His misdirected enthusiasm at wharf-gatherings brought him somewhat prominently before the public a few years ago. Such an old colonial missionary has a strong claim to exceptional indulgence, and though many may disapprove of the mode in which he chose to expound his religious principles, they were entitled to a certain degree of respect, no matter how eccentric or erroneous may have been the course which his advanced age and strong convictions incited him to pursue.

Adult baptism by immersion is one of the recognised rites of the Baptists, and in modern times it is the practice for Baptist congregations, when means and circumstances permit, to have a species of leviathan bath, or, as it is named, a "baptistry," erected in the churches where the immersions take place; but at the period I am writing about, there were no such convenient appliances, and so when an immersion was necessary, it was effected in the sea-water at the beach, below Emerald Hill, and near the present Albert Park railway station. All this country was then a dense scrub of ti-tree and undergrowth, and there was little difficulty in constructing two arbours some distance apart, which, secured by canvas screens, formed convenient retiring rooms for the ladies and gentlemen participating in, or witnessing the ceremony. In reference to these open-air baptismal bathings, some misconception exists amongst many persons outside the pale of the Baptist denomination, in correction of which, it may be stated, that such public observances were always conducted in a solemn orthodox fashion. The persons to be immersed, and the immerser, took changes of clothing with them to the beach. They emerged from the retiring room or bower, the postulant with a long loose black gown over his or her clothes, and the operator also gowned. They then walked into the salt water two or three yards, when the operator, laying light and reverent hands upon the postulant, forced him, or her, gradually backwards until covered by the water, drew the individual up again, and thus the sacramental "dip" was consummated. The retiring-room was again resorted to, to substitute dry for wet clothing, and the ceremony was over. The first baptism by immersion took place in 1839, and the first person so religiously treated in the Colony was Mrs. Crook, the wife of the party of that name before mentioned. The operator was Mr. Robert Reeves, shipmate of the Crooks, from Sydney. I believe I am correct in stating that the celebration of this ordinance is not necessarily a "Ministerial" work, although it is generally performed by a Minister. On the second occasion there were three candidates, two ladies and a gentleman—Mrs. Mouritz, wife of the Rev. J. J. Mouritz, Miss Hart, afterwards married to Mr. Robert Ker, so long in business in Melbourne as a house and land agent; and a Mr. Hollaway, a cordwainer of the time.

The officiating celebrant in the last instance was the first Baptist minister in the colony, of whom a short sketch will not be out of place, especially as he was for many years a well-known citizen. John Joseph Mouritz was a native of the Irish town of Dundalk, and when a young man, for some family reason, enlisted in the 24th Regiment, and served for several years in India. On his return to England he was purchased out, but being religiously inclined joined the Wesleyan connection, and subsequently the Baptists. He belonged to that section known as the Scotch Baptists, one of the chief peculiarities of which is to have no

regular ordained minister—each male member being required to exercise what is technically termed "his gifts." Mr. Mouritz had received a liberal education, and being possessed of considerable ability, he soon became a regular preacher, and was favourably known as such. He married, and in course of time arrived in Sydney, where he preached to the Baptist denomination. In July, 1840, he came on to Melbourne, and officiated as a Baptist minister in a furniture show-room in a large two-storied building belonging to Mr. S. Crook, which stood off the streetway on the land next to the Town Hall, now the site of the Victoria Coffee Palace. The first "Independent" service was held on the site of the present *Bull and Mouth Hotel*, and not far from where a wooden theatre, the first in Melbourne, was about to be erected, and hence, it may be said, sprang also the first regular Baptist congregation. The minister was, however without any fixed stipend, or other emolument, and as the best of men cannot maintain himself and a family upon spiritual aliment alone, it was needful that he should resort to some certain means of support. He purchased a slice of the Bowerman Estate, then taking in a good deal of Newtown (Fitzroy) in the vicinity of Gertrude Street, and putting twenty cows upon it, started a luxury often not less acceptable than prayer, pure "undoctored" milk, unbaptized by immersion either in fresh or salt water. But distilling evangelical milk from the Gospel was more congenial to him than extracting it from horned cattle, and the new venture terminated in a failure. In fact the cows procured were wild cattle, so untameable that they scorned the restraint of either bail or leg rope, and, to the little more than novice in dairy-farming they were simply unmanageable. After resorting ineffectually to several pacifying expedients, Mr. Mouritz was advised to compel his milchers that would not be milked to "take the veil," and he accordingly procured a number of empty mat-made sugar sacks known as "sougie bags," and, at much risk to life and limb, each cow was hooded with one of them when the milking time came. This only made bad worse—the cattle irritated before, were now actually maddened, and they plunged and kicked out in the stockyard in a way that soon cleared it of all but themselves. One day, after the "veiling process" had been with difficulty accomplished, the cows, considering that the nonsensical farce had gone far enough, rushed the fence, bore everything before them, fled blindfolded into the bush, and neither they nor the abducted "sougie bags" were ever heard of after. The farm, and the stocking of it, cost Mr. Mouritz £400, and he was only too willing to sell his interest in the runaways for a £5 note. He built a house on portion of the ground, and resumed his preaching there. Furthermore, to avoid the inconvenience of a journey to the beach for immersion purposes, he had a baptistry (the first in the colony) put up in his garden, the use of which he gave freely to the denomination.

Towards the end of 1841 an effort was made to unite the members of the congregation more closely, and bring them together in a more central locality, for Fitzroy was then considered quite a long and wearisome walk from Melbourne. It was so far successful that Mr. Mouritz discontinued the services on the Bowerman Estate, and the Baptists obtained from the Rev. James Forbes, the Presbyterian minister, as a temporary chapel, the use of a wooden shed or building situated off Little Collins Street, rearward of the Scots' Church. Here Messrs. Mouritz, Lush, Dwyer, Wilson, and others officiated, until the arrival of the Rev. John Ham in December, 1842, shortly after which event Mr. Mouritz withdrew from the general body and resumed the services in Fitzroy, where he continued preaching and engaged in the other offices of religion until his death in 1868.

The First Ordained Baptist Minister,

Was Mr. Ham, who came from Birmingham, *en route* to Sydney, but, touching at Melbourne, was induced by representations made to him to go no further. Mr. W. H. Mortimer, recently deceased, had a good deal to do in the securing of Mr. Ham's valuable services, and though an Independent himself, Mr. Mortimer's energy and liberality on behalf of the early Baptists were as remarkable as creditable to him.

The Rev. Mr. Ham conducted services in the Mechanics' Institute, and with such success that he determined on remaining in Melbourne. A church was formed on the 20th July, 1843, and zealous efforts made to procure sufficient money to warrant an application to the Government for a grant of land upon which to erect a suitable place of worship. This was accomplished, and though there was no difficulty in obtaining the church site, there was much perplexity in finally determining where it was to be. Of the land-lots eligible for the purpose there were only three available, viz.:—(1) the half-acre allotment in Collins

Street, where the National Bank now stands; (2) the site of the present Baptist Church; and (3) some half-acre lots near the intersection of Collins, Spring, and Little Collins Streets, now known as Dr. James' Corner. The first was considered altogether unsuitable because of the floods, and the third because it was too far in the bush! for in 1843 there were hardly any houses further east than the Independent Church, which was quite in the country, and a long way out of town! The second, therefore, was unwillingly applied for, and its acceptance was taken with a gulp, for to receive assistance from the State was contrary to all the traditions of the denomination. However, it was their poverty, not their will consented.

By November, 1844, they had £300 in hand, portion of it coming from contributions by persons belonging to other religious persuasions, and the next step was to expedite the commencement of the new building as much as possible.

Foundation of the Baptist Church.

The first stone was laid on the 21st May, 1845, when there was an attendance of about 300 persons, including several ministers of other denominations. The day being beautifully fine, was hailed as an auspicious omen by the Rev. John Saunders, who had come from Sydney to be present. The rev. gentleman, in opening the proceedings, thus referred to the circumstance—"Truly with such a brilliant sky above us, 'the Heavens declare the glory of God, and the firmament sheweth His handiwork.' To this Great Being let us on the present occasion address a Hymn of Praise." Then was sung the 117th Psalm—

"From all that dwell below the skies
Let the Creator's praise arise," &c.

The Rev. A. Morison next offered Solomon's declaratory prayer, 1 Kings viii. 22-61; and the Rev. W. Schofield invoked the Divine blessing on the undertaking.

The Rev. J. Saunders delivered an exceedingly appropriate address, after which was exhibited a brass plate, on which was engraved, by Mr. Thomas Ham (a son of the pastor, and one of the first engravers in Melbourne), the following inscription:—

THIS FOUNDATION STONE
Of the
FIRST BAPTIST CHURCH
In Australia Felix,
Was laid on the 21st May, A.D., 1845,
By the Rev. John Saunders, Pastor of the First Baptist Church, Sydney.

Rev. John Ham, Pastor.
John Lush, Robert Kerr } Deacons.
John Gill, Esq., Architect.

This was the briefest composition of the kind ever buried under the feet of any of the old "holy places" in the city, and stands out in simple contrast to most of the "inscriptions" which have figured in some of the preceding religious notices. The inscribed plate was then placed in its cavity, and enclosed by the lowering of the upper stone, after which the architect displayed a plan of the proposed building, and read off its dimensions, viz., 50 feet by 33 feet. The Rev. J. Saunders offered a short prayer, and concluded with a benediction. Several donations were handed in, and the evening was signalized by a grand tea-party at the Mechanics' Institute. Though not quite finished, the church was opened on the 28th December of the same year.

The Rev. Dr. Lang, being on a visit from Sydney in January, 1846, he preached on the 25th to a numerous audience, and the result was a liberal contribution to the Building Fund.

The Rev. Mr. Ham continued in pastoral charge until the end of 1847, when the delicate state of his health obliged him to try the milder influence of the climate of Sydney, where he succeeded the Rev. John Saunders in the ministry, vacated also through ill-health. Whilst in Melbourne, Mr. Ham succeeded in establishing a mission for aboriginal children at the confluence of the Merri Creek and the Yarra, close by the Studley Park Falls. Here buildings were erected, and some youngsters of both sexes, from the Yarra and other tribes, found shelter, and were religiously and secularly educated. The boys were also

instructed in gardening, and the girls in needlework. The mission was ultimately abandoned in consequence of the proximity of a white population, and the evil influences so communicated. The parents of the children also kept hanging about the place, and as the striplings grew up, occasionally induced them to desert the establishment, and relapse into the wild and barbarous condition, from which attempts had been made to reclaim them. Though the Rev. Mr. Ham left Melbourne for Sydney, in the course of time several of his sons, after attaining to man's estate, cast their future lot in Melbourne. Two of them now constitute the well-known firm of auctioneers, Messrs. C. J. and T. Ham, of Swanston Street. The "C. J." who first saw Melbourne with his father, when an interesting five-year-old urchin, is the same gentleman who so efficiently and popularly filled the important and honourable office of Mayor of Melbourne, in the year of Grace, A.D., 1882.

For two or three years no organised effort was made to secure ministerial assistance for the denomination. The Rev. W. P. Scott arrived in the province, and he, Mr. John Lush, and other lay preachers officiated in Collins Street Chapel, whilst Mr. Mouritz continued his services in Fitzroy.

On the 20th October, 1850, a second Baptist Church was opened in the Mechanics' Institute, by the Rev. Mr. Scott. It was based on what was known as the Communion Principle. There used to be two Sabbath services, viz., at 11 a.m. and 6 p.m.

Mr. Lush was a very acceptable preacher, and as such was attached to the Collins Street Chapel for several years, and by degrees Baptist Churches were founded at Prahran, Kew, Brighton, Geelong, and other places.

In 1881 there were 47 registered Baptist ministers in Victoria, with 77 houses of worship, capable of accommodating 13,400 persons, and usually attended by 7325—the approximate annual services numbering 8238. Mr. Hayter's Statistics for 1886-7 are as follow:—Registered ministers, 47; churches and other buildings used for public worship, 95—affording accommodation for 13,850 worshippers; number of services, 8777—the average attendance being 8672; total population, 23,314.

THE JEWS.

The first Jewish arrival in Port Phillip was Mr. Solomon, soon after the Batman-*cum*-Fawkner occupation. Coming from Launceston he settled down on the banks of the Saltwater River, where a crossing-place, "Solomon's Ford," was named after him. The first Jewish shopkeepers in Melbourne were Messrs. D. and S. Benjamin, Harris and Marks, Moses Lazarus, and Isaac Lazarus Lincoln. The last-named went, in a few years after, with his family, to California, and, in returning to the colony, all were drowned save the eldest son. The first baby Jew born in Victoria was a son of Mr. S. Benjamin, and the first Jewess, the daughter of Mr. Michael Cashmore. The first medical attendant upon the Jews was Dr. Arthur O'Mullane, a physician of much skill, and an affability that made him a special favourite; and Mr. Edward Hart was his first patient. The first Jewess deceased was Miss Davis, whose father kept the *Royal Exchange Hotel*, Collins Street, on the site of the present Bank of New South Wales,; she was buried at a small Jewish Cemetery at Merri Creek—the only corpse interred there, for the place was soon abandoned in consequence of its being in the heart of a stone quarry. Until the arrival of the Rev. Mr. Rintel, the first Rabbi in 1849, no person was duly qualified to administer the ceremony of circumcision; and the first recipient of the rite was the son of Mr. A. H. Hart. During the ministry of Rabbi Rintel in the colony, he officiated individually at the rite of circumcision twelve hundred and fifty times. Likewise, there was no such thing as "Kosher Meat" eaten by the Port Phillip Jews until the Rev. Mr. Rintel appeared, for there was no person authorised to prepare it. They had Passover cake, but even this needful had to be imported from Sydney. Mr. Michael Cashmore was the first Jew elected to the Town Council of Melbourne. He presented the settlement with ten children in his time, and was a hale and hearty citizen to the time of his death.

For the following historical sketch I am indebted to an honored member of the Jewish Faith, and one of the most respected of our citizens:—

"Far away from the centres of Judaism in the Old World, and removed by leagues of land and sea, by change of climate, thought and habit, from the 'Home,' the flame of Judaism yet burns brightly in

Australia. As in ancient days the Jewish exiles carried fire from their altars to the strange land whither they went forth to dwell, so do the Jews of the present day, whithersoever they wander, carry with them the fire of Judaism, to burn on the new altars which they raise in their wanderings. Yes, even in this 'Ultima Thule,' this remote region, where the Jew must turn Westward rather than Eastward if he would look towards Jerusalem—where Passover occurs in the Autumn, and the Feast of Tabernacles in the Spring of the year—still, longing eyes are lifted towards the 'Holy Home,' and pious hearts beat for the Restoration.

First Jewish Worship in 1839.

"The commencement of the celebration of the Rites and Ordinances of the Jewish Faith in Melbourne, was a singularly modest one, and dates far back in the annals of the Colony. Even as the Israelites of old in the wilderness had to content themselves with a Tabernacle as their place of worship, so their descendants in this far Southern land, erected their tent in the, then, almost wilderness, for the worship of the Most High, in accordance with their ancient usages and traditions.

"Divine Service was held for the first time in Melbourne on the Festival of the year 5600 (A.D. 1839). The Jewish residents then in Melbourne were not sufficient in number to form a *Minyon*.

"On the New Year Festivals of 1840, Divine Service with a full *Minyon* was held for the first time in Port Phillip, Messrs. Edward and Isaac Hart having arrived a few days before the New Year, they completed the number (10) of male adults required for that purpose. Mr. Edward Hart rendered valuable aid in the performance of the services. During the year 1841 the late Mr. A. H. Hart arrived. This gentleman must be regarded as *the pioneer* who cleared the way and acclimatised, so to speak, the practices and ordinances of the Jewish religion in this Colony. He not only gave time and means in aid of the congregation, but also acted for many years in the capacity of Honorary Lay Reader, and performed the functions of a Minister until the services of a duly authorized and properly qualified Rabbi could be secured. The New Year and *Yom-Kipur* services in 1841 were held at the newly built (but unoccupied) *Port Phillip Hotel*, Flinders Street. The number of attendants was from twenty to twenty-five. Mr. A. H. Hart was on that occasion assisted by his brother, Mr. Edward Hart, and Mr. Lewis Nathan, the latter gentleman being on a visit to this Colony from Hobart, Tasmania.

"At a general meeting held on Sunday the 29th day of 'Tiveth,' 5604 a.m. (21st January, A.D. 1844), it was unanimously resolved:—That this congregation be designated—'The Holy Congregation of a Remnant of Israel.'

"The laws as prepared by the Committee were read seriatim, and after some verbal amendments, unanimously approved of.

Sunday, 28th January, 5604 A.M., 1844.

"At a general meeting held this day, at the residence of Mr. A. H. Hart, the foregoing laws as amended were read and unanimously confirmed.

Officers and Committee.—Mr. A. H. Hart, President; Mr. S. Benjamin, Treasurer.

Committee.—Messrs. John Hart, I. L. Lincoln, Edward Hart, John Levy

Hon. Secretary.—Mr. M. Cashmore.

"From the foregoing it will be seen that the *first regularly constituted* congregation of Jews for public worship, in Melbourne, was founded in the year 1844, and that the *first President* of that congregation was the late Mr. A. H. Hart.

"In 1844 a valuable and central piece of land, situated in Bourke Street West, was procured from the Government, mainly through the exertions of the zealous and indefatigable Mr. A. H. Hart. In 1847 an unpretentious but suitable brick building was erected thereon. This was the first structure erected for public Jewish worship in this Colony.

"Soon after the discovery of gold in Victoria, the influx to the Jewish population became so great that it led to the necessity of raising funds to build a Synagogue commensurate with the requirements of the times. This was speedily accomplished, though the cost of doing so was about £12,000, Mr. David Benjamin (now residing in London) heading the list of contributors with £1000, his brother, the late Mr. M. Benjamin, following with £500.

"In 1842 Mr. A. H. Hart obtained from the Government a grant of land in the Old Cemetery for Jewish interments, and, sad to say, the first participant of the melancholy privilege of being buried in that consecrated ground, was Mr. Lewis Hart, a brother of the gentleman whose career of usefulness has been faintly indicated, and who died suddenly after a few months' residence in the Colony. In this case the last duties and services to the departed were rendered by Mr. A. H. Hart himself. A tombstone erected to the memory of the deceased bears the first Hebrew inscription, which was written by the hand of the bereaved brother.

"The Melbourne Jewish Philanthropic Society, which has been of vast benefit to the needy of the Jewish Faith, was founded by the late Mr. A. H. Hart, in 1849.

"They (the Jews) possess six synagogues which are governed independently of each other, two being in Melbourne—one in the west, and the other in the east of the city. There is also one at St. Kilda, one at Ballarat, one at Sandhurst, and one at Geelong.

"Mr. A. H. Hart and Mr. David Benjamin left this colony for England in 1854; the former died there in 1870; the latter continues to labour for (and contributes from his purse liberally to all matters appertaining to) the social, moral, and intellectual advancement of his co-religionists. Many other Jews have also acted nobly and supported the cause of their religion in the Metropolis of the South, such as the late Hon. Edward Cohen, M.L.A., Mr. Nathaniel Levi, Mr. Henry Harris, and others."

The Chief Rabbi.

In January, 1846, a beautifully prepared address was transmitted by the Jews of Port Phillip to the Rev. Dr. Adler, the Chief Rabbi of the United Congregation of Jews in the British Empire. It was written by Mr. A. H. Hart, President of the Synagogue, transcribed on vellum by Mr. Craig, and embellished by the pen of Mr. Joseph Pitman. In the succeeding November a reply was received, couched in grateful and complimentary language, and thus concluding:—"May the Almighty favour you with all His temporal blessings, and may His holy law find a home in your distant isle, and His precepts be duly venerated and followed amongst you. Such are the fervent wishes of, Mr. President and gentlemen, your faithful servant, N. Adler, Dr., Chief Rabbi, London, 7th day of Tamuz, 5606 A.M."

Founding the First Synagogue.

At eight a.m., on the 25th August, 1847, was laid the first stone of the first Synagogue in Melbourne.

The ceremony was performed in the presence of nearly all the Jews in Melbourne, and a sprinkling of the other residents.

The President took his stand at one end of the stone, the Honorary Reader opposite, and the Honorary Secretary on one side, with a Scroll.

The ceremony commenced by the Reader reciting a prayer, and then reading the Scroll, which bore an inscription in Hebrew, of which the following is a translation:—

By favour of Almighty God, the Foundation Stone of this Building, to be denominated,
"House of Prayer of the Holy Congregation of Remnant of Israel,"
Being the first in the district of Port Phillip dedicated to the worship of the MOST HIGH,
Agreeably to the Laws of Moses and Israel,
Was laid by Solomon Benjamin, President, on Wednesday, August 25th, 5607 (1847),
In presence of the Members of the above Congregation,
In the Eleventh year of the reign of Queen Victoria the First;
Sir Charles Augustus Fitzroy, Knight, Governor of New South Wales;
Charles Joseph Latrobe, Superintendent of Port Phillip;
Charles Laing, Architect; James Webb, Builder; Asher Hymen Hart, Past President, Hon. Reader.
Trustees:—Asher Hymen Hart, Michael Cashmore, and Solomon Benjamin.

The Scroll, deposited in a bottle, was duly placed in the stone, which was then adjusted by the President with a plumb, level, and square, the mortar spread with a silver trowel, and the upper stone

fixed in its proper position, when corn, wine, and oil were distributed, and the following prayer pronounced by the Hon. Reader :—

"Almighty Architect of the Universe, who didst, ere the creation of man, lay the foundation of the earth, stretching out the heavens like a curtain, and placing the beams of Thy chambers in the waters. Thou art clothed with glory and majesty : Thou alone art the Author of all good gifts. Vouchsafe Thy blessing on this work in which we are now engaged in honour of Thy holy name. Bless it, O Lord ! as Thou didst bless the work of Solomon, the great King of Israel. Grant that the structure which we hope to see here spring up may promote the welfare of Thy people. May Thy bounties make us happy, and endow us with gratefulness, so that we may be ever eager to meet each other in this *minor sanctuary*, there to offer, from the fulness of our hearts, thankfulness to Thee. May this structure prove to us the happy effects of brotherly love. May it teach us to embrace the pure doctrines of our Holy faith, as a means whereby we may learn to be happy. May it teach us to practice charity in its purest sense, which inculcates 'Love thy neighbour as thyself,' whereby we may live in the bonds of harmony and peace. We beseech Thee, O Lord, to bless our Sovereign Lady Queen Victoria, Adelaide, the Queen Dowager, Prince Albert, Albert, Prince of Wales, and all the Royal family. Let Thy wisdom be their guide, Thy Providence their protection, and Thine everlasting kingdom their final portion. Vouchsafe also to bless His Excellency the Governor of this territory, and all the locally constituted authorities. Let justice, truth, and righteousness flourish in their days, and in ours, and may peace and plenty abound in this land. Grant, O Lord, that our faith may ever rest on Thy promises, that we may live happy and contented to the fulness of time, when it shall please Thee to restore us once more to that land which Thou didst promise to our forefathers, that at last we may form part of Thy glorious and eternal Temple above. Amen."

The Hon. Reader next gave forth this invocation :—"May the bounteous hand of Providence ever supply this Province with abundance of corn, wine, and oil, and all the other necessaries of life. May He, whose mighty hand encompasseth eternity, be the Guardian and Protector of this House of Prayer, dedicated to the worship of His Holy name. May He long preserve it from peril and decay. Amen."

The President followed with a brief address ; the ceremonial was concluded, and after a hearty hurrah the company departed.

Previous to the termination of the proceedings, the sum of £2 10s. was collected, and handed over to the workmen (a most unusual appropriation), and in the evening the "Children of Israel" celebrated the event by dining together at the *Shakespeare* (now the *Union Club*) *Hotel*, in Collins Street.

The building was opened for service on the 17th March, 1848.

The First Rabbi.

The Rev. Moses Rintel, the first Rabbi in the colony, was born in Edinburgh in 1824. His father (the Rev. Myer Rintel), had acquired a high reputation as a Hebrew and Talmudical scholar. The son received a diploma from Chief Rabbi, Dr. S. Herschel, and as a duly authorised Jewish Minister, went to Sydney in 1844, and not only founded, but became Principal of the Sydney Hebrew Academy. In 1849 he accepted "a call" from Melbourne, where he afterwards officiated for some years, and was mainly instrumental in establishing the *Mickva Yisrael* Synagogue in East Melbourne, and was appointed to its pastorate. Few public men were better known in the city during his time than the "Rabbi Rintel," as he was called, and he died regretted about seven years ago.

On the 3rd September, 1849, the second anniversary of the foundation of the Synagogue was signalised by a grand dinner at the late Rainbow Hotel, corner of Swanston and Little Collins Streets. The symposium was not an exclusively Jewish affair, for a few select Gentiles were admitted to partake of the carnal viands. Quite a jovial evening was spent, and it was difficult to decide as to the superiority of the speeches or the potations, for both were of the "first brands." The conventional toasts were duly pledged, and the following were received with "nine times nine" and all the honours :—"The Melbourne Synagogue," "The Rev. Dr. Adler," "The Congregations of the Sister Colonies," "The Rev. M. Rintel and the Jewish Clergy," and "Sir Moses Montefiore."

The Executive of New South Wales having refused an application from the Jews of Port Phillip for a grant of £500 out of the State Aid for Religion Fund, so much indignation was felt in

consequence, that a public meeting was held on the 25th August, 1850, to protest against what, as colonists, they believed to be unfair treatment. Resolutions were passed expressive of sorrow and disappointment at the action of the Government, and sanctioning the presentation of a petition to the Secretary of State for the Colonies, and an address to the Board of Deputies of British Jews in London, soliciting their influence with the Colonial Office. Addresses were delivered by the Rev. M. Rintel, Messrs. A. H. Hart, M. Cashmore, S. Benjamin, and others.

In 1881 the Jewish population of Victoria were some 5000, with five registered ministers, six synagogues or places of worship, offering accommodation for 1784 attendants, 489 of whom did averagely attend, and their approximate annual services were 1274.

In the Statistics for 1886-7 the numbers are thus given by Mr. Hayter:—Population, 4953;* registered ministers, 8; Synagogues and other buildings used for public worship, 7—affording accommodation for 2370 worshippers; number of services, 1350; average attendance, 617.

Primitive Methodists.

A congregation of this section of the Christian Church was formed in 1849, and by much perseverance a sufficient sum was collected wherewith to purchase a small piece of land in Latrobe Street, and proceed with the erection of a chapel and school-house, the estimated cost being £600. The foundation stone was laid on the 17th December. The pastor, or, as he was styled, local preacher, was Mr. J. M. Bryant, and steps were taken for the building of a chapel at Brighton. The Melbourne structure, a compact brick building, was speedily run up, and so was the chapel at Brighton, for they were both opened for service early in the following year. The first anniversary meeting of the congregation was held in the Latrobe Street Chapel, on the 23rd March, 1851, when it was announced that there was cash in hand amounting to £112 15s. 4d. The place at Brighton was opened on the 20th April, when the subscriptions and collections were reported at £84 13s. 2d., and there were friendly promises of £66. The occasion was marked by the presentation to Mr. Bryant "by a number of official and unofficial friends" of a "blessed Bible and Concordance, as a small testimony of their sincerity, and as a public demonstration of their gratitude for his labours."

Church of the Tabernacle.

In 1850, the Rev. John Allen got together a small congregation under the above designation, and they erected a small chapel in Fitzroy Street, Fitzroy. On the 8th May they held their first service, and in September excited some interest, as they were joined by John Wroe, the founder of a sect known as "Beardies." Wroe himself exhibited, for that beardless time, what was considered a frightfully disfiguring hirsute crop, which fell in plentiful coils from his face down over his breast. He passed himself off as a "bearded" prophet, but his foretellings were not as realistic as his hair. He pretended he had confidential communings with a Holy Spirit, who deputed him to declare that the future of Melbourne would be of the brightest description, only that the early coming of the Millennium would spoil everything.

Wesleyan Methodists Association.

Early in 1851, the Rev. Joseph Townend arrived from England as a Missionary from the Wesleyan Association, and after beating up about forty followers commenced services in a room in George Street, Fitzroy. A small chapel was afterwards built there, but there commenced such a discord between the Minister and the Trustees, that their squabblings were only settled by the intervention of some of the legal tribunals. The Rev. Mr. Townend persevered, and though beset by many difficulties and discouragements, his mission in a few years was not unproductive of good.

German Lutheran Church.

During the years 1849 and 1850, there was an influx of Immigrants from Germany, mostly Lutherans, and as they had no ordained minister with them, they used to attend the English services at the

*About one half of these are resident in Melbourne and suburbs.

Independent Chapel in Collins Street. The Rev. A. Morison having given them the use of the Independent School-room, the place of a minister was for a time supplied by a Mr. Wanke, a layman. The Rev. Mr. Rupprecht at length arrived, and he held services at 3 p.m. on Sundays, at the Independent Chapel for some time, with a congregation numbering about 60 persons. This was an unsatisfactory state of things, for though Mr. Rupprecht preached, he had no direct authority from his following to do so; and a meeting of Germans was held on the afternoon of Sunday, the 13th April, 1851, to adopt measures necessary for a regular appointment. The business was at once proceeded with by Mr. Wanke proposing, and Mr. Thiele seconding a resolution nominating the Rev. Mr. Rupprecht as Minister of the *Evangelisch Lutherische* Church of Melbourne, taking as a basis the confession of Augsburg with the Symbolic Books and Luther's Great and Little Catechisms. It was stated that a clergyman had been for some time expected, but they had waited patiently for over twelve months, and could wait no longer. Mrs. Zahn, from Collingwood, expressed a wish to speak in support of the proposition, but the Chairman (Mr. Markert) ruled that he did not consider himself justified in permitting a lady to talk; but the lady tossing her head jauntily, defied the ruling, and persisted in warmly advocating the immediate installation of a minister. Mr. Weidt wished the appointment to be only temporary, whereupon Mr. Rupprecht entered into a brief explanation. After visiting for seven years the gymnasium at Breslau, and its University for three years, he took Orders in 1845. He made a trip to the Australian Colonies twelve months before, and intended returning to Germany. But he was willing to officiate as minister in Melbourne till the arrival of the expected clergyman, and even longer if they desired. The resolution was adopted, and an engagement with the minister signed by all present. On the fifth day after (Good Friday) there was a German service at the Independent Church, at which the new minister officiated. This occasion was rendered eventful by the baptism of the two first Australian German children in the colony. At a subsequent meeting of the congregation the following appointments were made:—Wardens Kirchenvorsteher to act conjointly with the Rev. Mr. Rupprecht, G. Thiele, N. Lange, G. Wanke, August Wernicke, Moritz Helm, H. Runge, Trangott Vorwerg, Ernst Altman, Hempel, sen., Fred. Eulest, Secretary, and August Jentsch, Collector. On Easter Sunday (20th) there was another effective service, and both minister and congregation seemed well satisfied with each other. The attempts so made to establish a German Church failed through the paucity of followers, as also did another effort tried two years after by the Rev. A. Kappler. The gold discoveries, however, quickly brightened up the prospect, and the German population being swelled from South Australia and elsewhere, the Rev. M. Goethe succeeded in forming congregations towards the beginning of 1853, at Melbourne and Germantown, outside Geelong. The first German Church on the Eastern Hill was erected at the commencement of 1854. * * * * *

NOTE.—Wandering amongst the ecclesiastical waifs of the colony, I picked up two "Fraternities," of which there is little or no other mention than the fact of their once existence. As their objects, judging from my knowledge of the religious belief of several of the projectors, were not confined to working for the spiritual salvation of any particular sect, they are appended here as more suitable than attaching them specially to any of the preceding denominations:—

AUXILIARY BIBLE SOCIETY OF AUSTRALIA FELIX (ESTABLISHED 14TH JULY, 1840).

Patron—His Honor Charles Joseph Latrobe, Esq.; President—William Lonsdale, Esq.; Vice-Presidents—Rev. James Clow and Edward Jones Brewster, Esq.; Committee of Management—Messrs. John Gardiner, William Locke, A. Beale, J. B. Were, John Patterson, R.N., William Kerr, Robert Reeves, D. E. Wilkie, M.D., J. H. Patterson, J. O. Denny, J. J. Peers, and William Witton, with all Ministers, Members of the Society; Committee at Geelong—Rev. Andrew Love, and Messrs. Alexander Thomson, and Jonathan Clerke, M.D.; Treasurer—John Dunbar, Esq.; Secretaries—Rev. William Waterfield and Rev. James Forbes, A.M.; Depositary—Rev. William Waterfield.

PORT PHILLIP THEOLOGICAL EDUCATION SOCIETY. (ESTABLISHED, 1841.)

President—Rev. James Forbes, A.M.; Committee of Management—Messrs. Robert Campbell, Skene Craig, Archibald Cunninghame, James Oliphant Denny, James Drummond, John Dunbar, James

Graham, Matthew Stewart Holmes, William Kerr, Rev. Andrew Love, David Patrick, M.D., John Hunter Patterson, and Alexander Thomson; Treasurer—Thomas Elder Boyd, Esq.; Secretary—David Ogilvy, Esq., W.S.



CHAPTER XV.

OLD COURT-HOUSES, OLD GAOLS, AND THE PENTRIDGE STOCKADE.

SYNOPSIS:—The Bourke Street Court-house.—The Supreme Court "Rookery."—The Provincial Rhadamanthus.—Latrobe Street Court-house.—Laying the Foundation Stone.—The Procession.—Masonic Prayer.—The Inscription.—Masonic Invocation.—The First Masonic Oration in Public.—Opening of the New Court-house.—The First Gaol.—The First Gaoler.—The Collins Street Prison.—Its First Criminals.—"The Rules" Described."—Abolition of Imprisonment for Debt.—Cessation of "The Rules."—Cost of Melbourne Gaol in 1841.—Increase of Criminals 1840-42.—A "Capital" Compromise.—A Prison Marriage.—The First Treadmill.—A Flight of Gaol-birds.—The Russell Street Prison.—The Treadmill Redivivus.—Poor Rooney's Smash.—The First Runaway Convict.—The Treadmill Described.—Escape of Criminals.—Corporal Punishment.—Discontinuance of Transports to Van Diemen's Land.—Formidable Conspiracies.—The Treadmill in Order.—"Solitary" and the Lash.—Insubordinate Stone-breakers.—"Jack Ketch" under Sentence.—"Piping" to Liberty.—A Subterranean Flight, ab inferno.—An Exciting Chase and Capture.—Wintle's Pluck, Retirement, Pension, and Death.—Pentridge Stockade.—Mr. Samuel Barrow First Superintendent.—A Pentridge Procession.—Early Prison Troubles.—Prison Breaks.—A Convict Shot Dead.—The Lash.—Attempt to Level the Stockade.—Barrow Accidently Drowned.—Mr. John Price his Successor.—Mr. Price Murdered by Convicts.

The Bourke Street Court-House.

AT the South-west corner of King and Bourke Streets there was, in early days, erected a plain-looking, store-like, brick-walled, shingle-covered building, and therein the then small business of the Crown Lands Department (controlled by Commissioners) was disposed of. The entrance at one end faced Bourke Street, and nothing could be less pretentious, less comfortable, or uglier. In the beginning of 1841, when it was known that a branch of the Supreme Court was to be established in the district, the ruling powers were driven to their wits' end as to how, and where, an apartment could be procured for the temporary accommodation of the Resident Judge and his judicial following. After a good deal of casting about, it was finally resolved to convert this place into a legal "make-shift," and the Crown Lands Commissioners, with their troopers and bailiffs, were hurried off to a wattle-and-daub shed, a rearward appurtenance of the Superintendent's establishment on Batman's Hill. So the barn underwent a partial process of fitting up; and the single-roomed cottage referred to in a previous chapter as a Clerk of Works' Office behind, was transformed into "Chambers." This "rookery" then became the Supreme Court, and here it was that the wilful and wayward Judge Willis "ruled the roost." No other Judge presided there, for by a curious coincidence, the first Supreme Court, built as such in Port Phillip, was just ready for opening on the arrival of Mr. Justice Jeffcott from Sydney, to whom was accorded the rarely enjoyed privilege of making his *debût* as a Judge in a maiden Court-house. After the change of *venue* there was some intention of turning the old place into a Military Barracks, or a Police Station, but it passed into the official occupancy of the Court of Requests, where the polite and punctilious Commissioner Barry, reigned for several years amongst his small-fry officials and motley crowds of petty litigants. It was next consigned to various purposes including that of an Immigration Office, until the time came when it was compelled to disappear altogether, and make way for the premises known as the offices of the Industrial Schools and Penal Establishments.

The Latrobe Street Court-House.

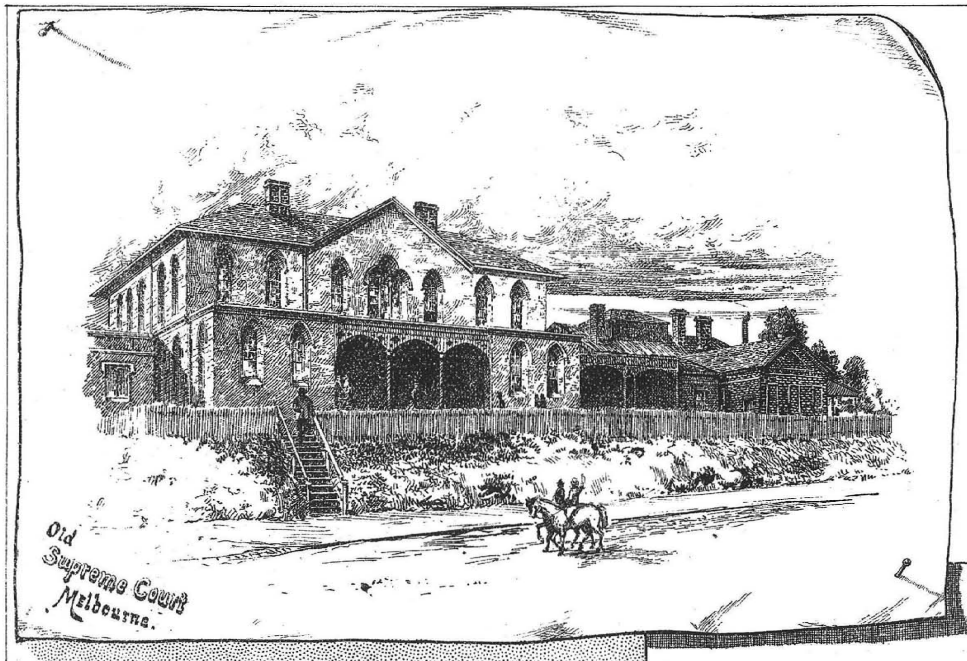
There was a great deal of talk, and no little "blowing," about what a grand thing the projected New Court-house was to be, for there was no question as to the propriety of providing something like an edifice wherein the Rhadamanthus of the Province might dispense that justice which is, theoretically at least, supposed to be an ingredient of the British Constitution. Designs were prepared at the Colonial Architect's office in Sydney, though issued nominally under the *imprimatur* of the Provincial Clerk of Works. Tenders

were invited in the beginning of 1842. The merits and demerits of half-a-dozen sites were considered, and each place had its adherents. Public opinion was split into half-a-dozen segments, in favour of the sites of the present Post Office, the Bank of Australasia, St. Paul's Cathedral, the Town Hall, the Mint, and, singularly too, that whereon the new Law Courts are now erected. A new Gaol had been commenced off the Northern side of Latrobe Street, and as the propriety of placing the new Court-house near the new Gaol obtained a general acquiescence, that course was determined on. As the day approached for the laying of its foundation there was excited expectation, for the good people, mistaken or otherwise, affected to regard it as a day "big with fate," and the feeling was intensified by the preparations being made to give *éclat* to the occasion. His Honor the Superintendent manifested a warm interest in the event, whilst Judge Willis was in a paroxysm of weak delirium, for to his other failings he added an egregious self-sufficiency, and nothing could convince him that he was not the people's idol. The day was proclaimed a general holiday; there was to be a grand spectacular exhibition through the streets; the stone was to be laid with Masonic honours, and the "Brethren of the Mystic tie," including the Freemasons' and the Oddfellows' Societies, were to march in full regalia. This was the first thing of the kind in Melbourne. Printed programmes were circulated, and the most elaborate precautions taken to avert anything of a hitch occurring. The 22nd July, 1842, was originally fixed for the ceremony, and it rained so incessantly that a postponement to the 25th was unavoidable. Even then appearances were so unpromising that glum were the looks, and bitter the disappointment, when the morning broke frowning and bad-tempered. Anon the rain poured down, but towards noon the face of the heavens expanded with pleasant smiles, and by "high twelve" the sun wore a genial face. From an early hour in the morning preparations were made for witnessing the procession by persons of all degrees, and a universal desire was apparent to have something like a "day of it." The open space in front of the old Court-house was the appointed *rendezvous*, where the processionists should meet, and complete all the necessary preliminary formalities for the start, and as noon approached streams of people were flowing to this gathering ground from every quarter.

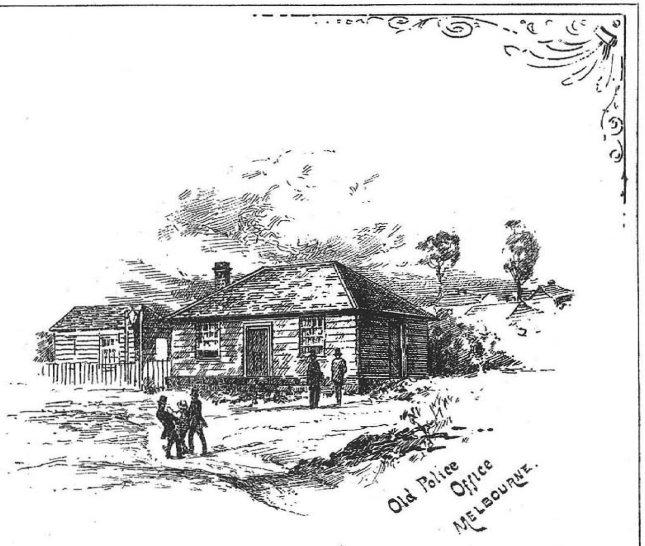
Two hundred Freemasons left their Lodge-room at the Royal Exchange in Collins Street, accompanied by all the paraphernalia of their Order, about half-past eleven, and marched to the Court-house, where, forming into line, they were followed by the Oddfellows, about sixty in number, decked in aprons, gloves, ribbons, and other insignia peculiar to that Order. Passing through, the Masons formed in front, where the Town Band was stationed, and which struck up a lively air. The children of the various schools in town paraded next in full procession, and after marching and counter-marching, marshalling and re-marshalling, the animated mass moved forward in the following order:—

The Ranger on Horseback, Mounted Police, Melbourne Police, Band, The Schools, Oddfellows;
The Ancient and Honourable Fraternity of Free and Accepted Masons, in the following order:—
Tyler, Banner of Faith, Masters of Ceremonies, Terrestrial and Celestial Globes;
Entered Apprentices, Fellow Crafts, Six Junior Masters, Deacons with Wands, Secretary with Roll, Treasurer with Bag
Six Masters, Deacons, Corinthian Light, Junior Warden, Six Masters, Doric Light, Senior Warden;
Banner of Hope, The Lodge (borne by four Masters), Cornucopia, Pitcher with Wine;
Pitcher with Oil, Organist and Choir, Stewards, Architect and Builder, Bible, Square, and Compasses;
Banner of Charity, Chaplain, Clergy of all Denominations (two and two);
Installed Masters, Ionic Light, Book of Constitutions, Royal Arch, Knights Templars;
The Past Master, Worshipful Master, Inner Guard, Civil Officers of Government, Chief-Constable on Horseback;
Magistrates of the Colony (two and two);
Civil Officers of the Government Heads of Departments (two and two), Tipstaff of the Court;
Members of the Bar, Police Magistrate and Staff;
The Resident Judge, supported by the Officers of his Court, followed by the Members of the Legal Profession—
The Attornies—(two and two), Inhabitants.

The Cavalier, who, under the somewhat uncircumscribed definition of "Ranger," pioneered the movement, was the well-known and experienced Mr. William Wright, the Ex-Chief-Constable, who had been recently appointed to the executive head of an Association established for the suppression of horse and cattle stealing, and as such, was denominated "The Ranger," on account of the almost illimitable field of operations over which his jurisdiction would range. Several thousands of men, women, and children either accompanied the procession or lined the streets. The route lay along Bourke, William, Collins, Elizabeth,



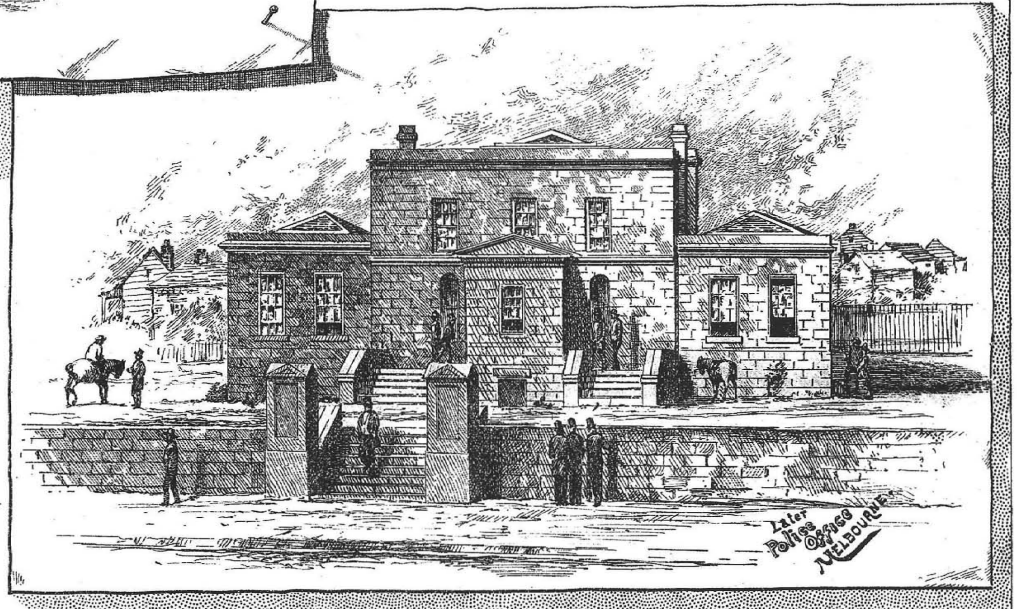
Old Supreme Court Melbourne.



Old Police Office Melbourne.



Selectors.



Later Police Office Melbourne.

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Lonsdale and Russell Streets, to the building site, at the intersection of Russell and Latrobe Streets. It reached from William to Elizabeth Streets, and, as it passed, Collins Street was "blocked" by a moving mass of some five thousand persons. On arriving at its destination, there was considerable confusion and difficulty in clearing sufficient space to admit those who were to take part in the ceremony. After much crushing and knocking about, the officiating individuals succeeded in obtaining places near the stone, and the proceedings were commenced by the Rev. A. C. Thomson, the Episcopalian Minister and Masonic Chaplain, offering aloud the following

PRAYER :—

"O Thou! at whose fiat the universe arose arranged in order, and clothed in beauty: Thou who hast reared the whole frame of Nature as a vast temple in which to celebrate Thy praise, and manifest Thy power, truth, and abundant goodness, vouchsafe to look upon us and bless us in this undertaking. Do Thou, O Most High, who hast laid the foundations of the world, and erected the pillars of the same, Who sittest upon the circle of the earth, Who hath stretched out the heavens as a curtain, and garnished them with light, and has spread them out as a tent to dwell in, now deign to be with us assembled under Thy protection to lay the foundation of a Temple in which Justice and Equity are to be administered in Thy holy fear.

"May Thy blessing abundantly rest upon us this day in laying the foundation, and during the progress of the work even to completion. Defend from all accident and harm those engaged in the work, prosper them in their labours, and let harmony, peace, and brotherly love prevail amongst them.

"May all who are appointed to preside and administer the law within its walls have ever a sacred regard to that eternal rectitude and immutable truth with which Thou dost direct and govern all things. May they ever be under Thy guidance and fear, remembering Thee, the Great Judge of all. May every judge and every juror who is called to perform his functions in the precincts of this Court, whose foundation is this day to be laid, be penetrated with a deep sense of his sacred duty to do justly, love mercy, and reverently regard Thee, the Supreme. Let incorrupt and inviolate truth ever be spoken by those who are here to bear witness, that so truth and justice may flourish amongst us, and violence, fraud, and wrong be restrained and kept far from our dwellings and our borders. May right ever be upheld and wrong and injustice ever be suppressed and punished in this Temple of Justice. These blessings do Thou vouchsafe to grant unto us and our children, for the sake of Him whom Thou hearest always, to the advancement of our prosperity and welfare, and the glory of Thy great name."

Response by the Masonic Body—"So Mote it be."

An anthem, composed for the occasion, was next sung, the school children joining in, and it is recorded "that the melody of their voices greatly contributed to increase the solemnity of the occasion."

The Resident Judge then handed to the Masonic Treasurer a bottle containing some current coins of the realm, and a slip of parchment thus engrossed :—

THE FOUNDATION STONE
Of the
COURT HOUSE OF AUSTRALIA FELIX,
Laid this day, Monday, 25th July, 1842,
In the Sixth Year of the Reign of HER MAJESTY QUEEN VICTORIA.
HIS EXCELLENCY SIR GEORGE GIPPS, Governor of New South Wales;
HIS HONOR C. J. LATROBE, First Superintendent; and
HIS HONOR JOHN WALPOLE WILLIS, First Resident Judge of this Territory;
JAMES RATTENBURY, Architect; GEORGE BEAVER, Builder.

The bottle was fixed in an excavation in the under-stone, after which some hot lead was poured into the orifice, over which the mortar was placed, and the Judge, with a silver trowel, smoothed it over. The top stone having been lowered, the plummet was handed by the Masonic J.W. to the P.M., and by him to the Worshipful Master, who applied it to the stone to ascertain its perfect adjustment. The S.W. then handed the level to the P.M., who performed the like operation, and gave the square and maul to the

Judge, who thrice knocked on the stone. The treble knocking was repeated by the W.M., after which the Chaplain pronounced the following invocation:—"May the Great Architect of the Universe enable this work to be carried on successfully to its completion, and watch over and protect the Temple of Justice, so that the administration of its sacred rules may tend to the good of the people and to the glory of His holy name."—P.M., "So Mote it be." Three loud cheers were asked for by the Masonic Master, and enthusiastically given. The cornucopia was next handed to the W.M., who strewed corn over the stone, and, in like manner, silver vases, containing the wine and the oil, were passed, and the contents poured over the corn. The Chaplain followed with a final invocation:—"May the bountiful hand of heaven ever supply this province with abundance of corn, wine, and oil, and all the necessaries of life; may He, whose mighty hand encompasses Eternity be the Grand Protector over this infant city and its inhabitants, and may He long preserve this building from peril and decay."—P.M., "So Mote it be."

Mr. P.M. John Stephen then delivered the following

MASONIC ORATION,

The first public utterance of the kind in the colony:—

"May it please your Honor,—The station which I have the honor to occupy amongst the Fraternity of Masons confers upon me the distinguished privilege of acknowledging the compliment paid to our Order, in calling upon the members of the Lodge of Australia Felix, to assist in laying the Foundation Stone of this important building. It being one of the principles of our Craft to uphold the administration of Justice, we cannot but contemplate the complete establishment of Courts of Equity and Law, with sentiments of the highest satisfaction, as tending to cement that mutual confidence in a community which is essential to the promotion of the general interests of society. Upon such an occasion as the present, it may be expected that the novelty of the scene should induce some explanation as to the concession of the honour which has been enjoyed by the Masonic Body, and perhaps it might be presumed that some of the secrets of the Craft would leak out during this ceremony. I will, therefore, so far gratify public curiosity as to communicate some form of the leading characteristics of Freemasonry. The Banner of our Institution rests upon the principle of doing unto others as we would wish them to do unto us. Our superstructure is supported on the columns of Prudence, Temperance, Fortitude, and Justice; whilst o'er the summit of our edifice float the Banners of Faith, Hope, and Charity. At the same time, lest it may be supposed that the various insignia borne in our procession are destitute of any real utility, I will endeavour briefly to explain the purposes to which are applied the few which are at present within my reach."

The speaker then taking the Chisel, the Rule, and the Maul, gave an exposition of their practical and theoretical application, concluding by again thanking His Honor for the compliment paid to the Craft, and requesting the favour of the Judge's company at a banquet, to meet the Fraternity.

The Resident Judge expressed his thanks and satisfaction at the readiness with which the Free and Accepted Masons of the Lodge of Australia Felix had responded to the call on their services, in assisting to lay the foundation stone of the first Temple of Justice to be erected in this district. He complimented the body generally, and said he was highly pleased at the able exposition of their principles which had been given by Mr. Stephen. He alluded to the importance of the structure, the foundation of which had just then been laid, declaring it to be second only to a religious edifice. He descanted at some length on its value as a Temple in which Justice was to be dealt out impartially in spite of "the strife of tongues," and in the due administration of which every member of the community was deeply interested. He expressed his own determination firmly to uphold Truth and Justice, and to maintain inviolate the sanctity of the objects for which the building was to be erected. A community taking Justice as its pilot, and Religion as its pole-star, could not do otherwise than advance steadily in prosperity and social happiness; and his hearty wish was that Australia Felix might prosper in everything which promoted her best interests. In all probability before the walls of the future building were grey with age, he would long have left them; but in whatever position he might be placed, his warmest wishes and best exertions would ever attend the colony, which, if left to its own resources, and own self-government, would rapidly rise in prosperity, and be the first province of the Crown in this hemisphere. His Honor concluded by expressing his regret that, for various reasons, he could not do himself the pleasure of dining with the Masons in the evening.

Judge Willis little dreamed, at the time he was orating, that before the Court-house was opened, he should be recalled from the Bench.

"God save the Queen" was then chanted, during which a charitable collection was made by two of the Masonic brethren. The order of procession was reversed, and, headed by Judge Willis and the Worshipful Master, returned to the Old Court-house.

A large proportion of ladies participated in the day's ovation, and the verdict unanimously returned was that the ceremonial had passed off in a manner most gratifying and creditable to all concerned.

In the evening the Masonic body, and a number of gentlemen not belonging to the Craft, dined together at the *Royal Exchange Hotel*, Collins Street, where everything went off in the happiest manner. The Oddfellows had a banquet of their own at the *Crown Inn*, Lonsdale Street, where sociality and good fellowship characterised the proceedings. My reason for giving such a lengthy notice of this ceremonial is because of its being the first of the kind in the colony, and the first of those public displays in which the Associated Societies of Melbourne, in after years, so distinguished themselves.

The New Court-house when finished asserted some pretension to architectural taste. In less than a year it was completed, and opened for the first time on the 15th July, 1843, when Judge Jeffcott presided on the first occasion of his judicial appearance in Melbourne. This "Court-house of Australia Felix," whose birthday was signalized with all the pomp and circumstance detailed, is the old weather-beaten stone building now in its turn, on the eve of being cashiered. Probably ere long it will have disappeared from off the earth as completely as its humble predecessor; yet it has done good work in its day, and it had the inestimable advantage of a race of Judges of whom, without a single exception, Victoria may well feel proud. Since the introduction of the Supreme Court as an Institution more than a dozen Judges have officiated in the (now) Old Court-house. It will be fortunate for the new Law Courts if they should be as well benched, for, taken as a whole, no future dozen Judges will prove a better selection. Many a thrilling drama of real life has been witnessed in the old building of which I am now writing, and with all the terrrible tragedies, and some of the comedies, presented on its boards in the early time, I hope to make my readers acquainted before I bid them farewell.

The First Gaol.

The identity of the first regular prison for malefactors in Melbourne is difficult to ascertain, in consequence of the haze which the flight of even only little more than forty years has left in its wake, and the silence of the old chroniclers, or what is worse, the inaccuracy of one or two writers on the subject. Of the few men still surviving who were contemporaries of the first "Bridewell"—men who must have often seen and passed by the place hundreds of times—I can only find two who have a recollection of such a place of personal restraint, and even these differ upon two essentials, respecting which a person would think there ought to be no possibility of disagreement, viz., the precise spot on which it stood, and the materials of which it was constructed. After as thorough an exploration of the musty old difficulty as it was possible to effect, and with means which would not be available if the task were much longer deferred, the conclusions which I have arrived at, based upon positive and circumstantial evidence, will be found embodied in the following relation:—

From 1835 to 1839, there was but little occasion for a prison, as crime was in direct proportion to the population, and after the arrival of the first Police Magistrate in 1836, when a prisoner was committed for felony, as there was no competent Court to try the case in Melbourne, it was necessary to forward him to Sydney, to be there dealt with. Even such instances were rare, and in ordinary matters of theft, as the perpetrators were mostly of the convict class, they could be served out in another way, and flogged for some breach of penal discipline, which answered the purpose. When a person was arrested upon a serious charge he was detained, pending a preliminary examination, in the slab-huts, used as watch-houses, before described. Lock-up and gaol were in those times convertible terms, and no distinction seems to have been drawn between them.

In the beginning of 1838, a notorious murderer named Commerford, afterwards hanged in Sydney, was secured in the first lock-up near Captain Lonsdale's original Police-court cabin. This was an insecure place

in which to hold such a daring criminal; but as it was one-half of the guard-house where three or four armed soldiers were on perpetual duty, escape was rendered so risky that even the murderer did not dare to try it. The brick building, used as a temporary Supreme Court, was occasionally turned into a prison, and once, in the early part of 1839, the mounted police being in quest of some aboriginal sheep-stealers, captured half-a-dozen black women and brought them to Melbourne, in the hope that the men who had fled to the bush would be induced to return to the outskirts of the town through anxiety for their wives and daughters, and be an easy conquest. These women were locked into this "tumble-down," where it was thought they were quite secure, and no watch was kept. The next morning, however, the place was found empty, as during the night the dark ladies removed some of the bricks in the end wall—got through and rejoined their companions of the wilderness.

To Mr. E. T. Newton, who for some time was business manager for Mr. John Batman, I am indebted for the following information (obtained from a gentleman at Alberton) relative to the first gaol:—

"My belief as to the site of the gaol is, that it was on the rising ground, a short distance from the back of Batman's house, in a Northerly direction where 'Tulip Wright' resided; and that it was burnt down whilst I was away from Melbourne in Launceston and Hobartown, purchasing supplies for the Government contracts, which in those days Batman had the supplying of, and to the best of my recollection it was a slab building."

The "Tulip Wright" named was the well-known Chief-Constable to whom reference has been already made, and the facts of this worthy being "hutted" in immediate propinquity, and the destruction of the place by fire, led me to believe that the writer's memory must have erred so far as to cause him to associate the gaol with the first watch-house more that once indicated.

About the middle of 1838, there was a regular (the first) gaol built on a portion of the half-acre allotment at the corner of William and Flinders Streets. This was purchased by Batman at an early land sale for £75, and upon it, some distance in from the streets, rearward of the now *Sydney Hotel*, was erected a small brick building, said to be a store, but more like a stable with a hay-loft overhead. The entrance was end-ways from Flinders Street, and access was had to the second story by means of a step-ladder. It was engaged by the Police Magistrate for a gaol, and a high ti-tree paling or stockade was put up all round; a couple of huts added as gaoler's residence and guard-room, and then the place was pronounced to be "fit for duty."

Mr. Robert Russell has supplied me with a copy of a waif found by him buried amongst some old papers remaining since he held the office of Clerk of Works. It is a rent account furnished by Batman, and here is a transcript:—

"H. M. Government.
Dr. to Jno. Batman.
For one Quarter's Rent of Gaol—Quarter ending September 30, 1838, at 20s. per week, £12."
"Received from the Chief Police Magistrate at Melbourne the sum of £12, as per annexed account."

Two curious and almost incredible facts are disclosed by this scrap of M.S., viz., that only four-and forty years ago, the Government of Port Phillip had to resort to hired premises for a prison, and the rent for the same was just twenty shillings a week. There were always a couple of military sentries as an outer guard with loaded guns, on the watch and ready for action at any hour of day or night; and the fear of being shot down in attempting to escape contributed much more than the wooden palisading to keep the prisoners in safe custody. Though small the stable-building, it was so arranged that if not admitting of a classification of prisoners, it provided for the separation of the sexes, for the men were located on the ground, and the women in the upper compartment. The ladies occasionally so exalted, used to take it into their heads to look down upon the "lords of creation" immured under their feet, and as the ceiling or flooring boards between the upper and lower regions had either shrunk or were loosely jointed, through the interstices the female prisoners had frequent opportunities of causing annoyance to their fellows below. Once the wife of a well-to-do painter was incarcerated there for threatening the life of her husband, and she organised a mode of onslaught upon the prisoners, of whom she had so much the upper hand, that the men rose in rebellion in the basement, bellowing and swearing that Samson-like they would pull down the whole concern, even were they to perish in the ruins. The gaoler rushed in to check the *émeute*, the guard was

summoned at "full cock and fixed bayonets," and it was only by the most vociferous threats of a flogging and a week's spell day and night in the stocks, that Mrs. S—— was coerced, first into an armistice, and then into a promise of future good conduct.

This old prison afterwards formed portion of the business premises of Messrs. Ashurst and Co., whose counting-house was for years at the junction of William and Flinders Streets, which was long known as "Ashurst Corner." Their store extended backwards, and the gaol building as an old outhouse continued for a time to be used as a place for the deposit of lumber. It was known as the Old Prison, and racy were some of the stories detailed concerning it.

In January, 1838, there came from Sydney with the appointment of gaoler, a man possessed of special fitness for the post—assuredly the "right man in the right place." This was Mr. George Wintle, so well known for a series of years in Melbourne. Arriving in Sydney in 1836, he was nominated Superintendent of Hulks there, whence he was transferred to Melbourne. He was a good disciplinarian, punctual, patient, and persevering, and it was only the continued exercise of such qualities that enabled him to cope effectually with the hazardous responsibility assumed by him. As the keeper of three gaols in Melbourne, he passed successfully through ordeals undreamed of in the Colonial prisons of to-day, and was superannuated a few years ago, after a lengthened career of usefulness not exceeded in Victoria.

In 1839, convicts transported from the Quarter Sessions were retained in the Melbourne gaol until forwarded to Sydney to serve their sentences, but it was always arranged that a brig or schooner was ready to start with them a day or two after the close of each sitting. These "dens" were sometimes so crammed as to resemble the famous "Black Hole" of Calcutta, but the life was always tough in the Port Phillip prisoners, so that, though the "scrooging" in the early gaols often approached, it never went so far as, actual smothering. In April, 1839, there were fifty prisoners "done" almost to death in one of these kennels, which so stirred the insensibility of the sleeping powers in Sydney, that a new gaol was sanctioned, and tenders were called for its erection.

A site for the new gaol was chosen in Collins Street West, a short distance from King Street, on the North side, where the extensive wholesale stationery warehouse of Sands and M'Dougall may be now seen. The plan and specification of the structure, though prepared in the office of the Colonial Architect in Sydney, reflected but small credit upon the professional ability of that establishment. It was a brick-built, shingle-covered, rough-and-tumble sort of an affair, subdivided into three apartments, with two small cells for solitary confinement; and such an annexe as a surrounding wall was not even thought necessary. Two huts in the vicinity served for a military guard-room and quarters for the keeper. It was opened for the reception of prisoners early in 1840, and on the last day of the preceding year the number on the books was—awaiting trial for murder 2, other felonies 9, assault and rescue 4, with 11 aboriginals detained for various minor offences. When the Supreme Court was introduced in April, 1841, provision was necessary for persons imprisoned for debt. To cram them into what would soon be too small for its quota of criminals was not to be thought of; but Judge Willis obviated the difficulty by proclaiming a certain area of the town, wherein debtors might remain at large, upon entering into specified recognizances not to leave until duly released. If these "Rules-men" bolted, the bail-bonds would be estreated.

"THE RULES."

It may not be uninteresting, at this distant period, to reproduce this Order of the Court—the first and only one of the kind ever made in Victoria:—

"The Rules of the Debtor's Prison in Melbourne shall be comprised within the bounds following, that is to say, all that part of Collins Street which lies between Spencer Street and the North-East side of William Street, so much of William Street as lies between Collins Street and the North-West side of Little Collins Street, so much of Little Collins Street as lies between William Street and the North-East side of Queen Street, so much of Queen Street as lies between Little Collins Street and the North-West side of Lonsdale Street, so much of Lonsdale Street as lies between Queen Street and the South-West side of Spencer Street, and that part of Spencer Street which lies between Lonsdale Street and the South-East side of Collins Street, together with the area comprised within, and bounded by the portions of streets aforesaid; and all houses (except as hereinafter is excepted) on each side thereof—Provided that all taverns, victualling houses, ale houses, or houses licensed to sell spirituous liquors, houses of public entertainment, and also all disorderly houses, and houses of ill-fame shall be excluded out of, and form no part of the said Rules."

The phraseology of this notification is so involved as to render it difficult, without a town plan to trace the circuit. The boundaries frequently underwent alterations to square with the Judge's whims, or to meet the convenience or inconvenience of debtors, according to his erratic gusts of good or bad humour, and when once a prisoner was relegated to "The Rules," especially if the debtor were a person in a good position, the Judge would be in a state of constant fidgetiness as to the comfort, or discomfort, of the individual so out "under bond." When Mr. J. B. Were was committed for contempt, as described in a previous chapter, after passing a night in gaol, he was permitted the privilege of "The Rules." Next day he moved into a comfortable house, and made matters almost as enjoyable as if at home. He even ventured to indulge in a circumscribed canter on horseback, and one day Willis meeting him whilst in the enjoyment of equestrian exercise, was so horrified at what seemed to his jaundiced eyes an offence almost equivalent to a further contempt of Court that, returning to his chambers, he sent for the Sheriff, and commissioned him to warn Were that sojourners in "The Rules" were supposed to exercise only on their own legs, and if he met him again riding about, his conditional enlargement would be cancelled. Mr. Were laughed; mentally wished the Judge in even a warmer climate than Melbourne on a hot-wind day, and paid no attention to the threat. Willis' thickening troubles intervened, or otherwise Were and his "prad" would have had to dissolve partnership.

"The Rules" remained substantially the same until the 31st March, 1844, a day of immense jubilation to the defaulting fraternity, as, by an Act of the Legislative Council of New South Wales, imprisonment for debt was then abolished, unless under very exceptional and fraudulent circumstances.

It is amusing and instructive to mark the difference in the prison expenditure of the district now, and little more than forty years ago, when the Melbourne Gaol was the only place of the kind, and was thus provided for on the New South Wales Estimates for 1841:—Gaoler, £120; Three Turnkeys 3s. 3d. each per diem, £177 18s. 9d.; One Clerk, 3s. 6d., £63 17s. 6d.; Rations for Prisoners confined in Gaol, £600; Clothing, £80; Stationery and Printing, £20; Utensils and Incidental Expenses, £130. Total, £1191 16s. 3d.

Towards the close of 1840, the prisoners increased to seventy, and soon after, the gaol was so inconveniently crowded, that, in hot weather, a number of the prisoners used to be let out for an airing in the street with a cordon of soldiers, ready to shoot any fellow disposed to run away. In March, 1842, the place was so thronged that the inmates had hardly room to lie down, and Wintle besought the help of the Police Magistrate, who pressed the matter on the Superintendent, and it was decided to release twenty-five of the best conducted prisoners. In 1840 a second lock-up had been erected at the south-east corner of the Eastern Market Reserve; and this being now walled in, some of the prisoners were removed thither, which eased the gaol proper. Further, the time had now arrived when no longer delay could be allowed as to its enclosure, and a brick wall was built all round, except at the point which abutted on the street.

In July, 1841, a curious compromise of a capital felony happened. Thomas Regan was committed to take his trial on a charge of rape, and whilst in gaol, he proposed to escape one noose, by putting his neck in another; or in plain words, if let off, to marry the prosecutrix, an arrangement to which she readily consented. The authorities were appealed to, and as there were strong doubts about a conviction, they were not indisposed to ratify the treaty, on due performance of the marriage contract. But a laughable and unexpected impediment intervened, through the Rev. Father Geoghegan refusing to tie the nuptial knot until the prisoner was released from custody, as he could not be validly married under *duresse*. To this the law adviser demurred, as Regan, on being emancipated, might decamp *minus* his promised bride. Further negotiations ended in a bargain, the prisoner being allowed out in the street under a guard, with instructions to "pot" him as dead as a ducat if he tried the trick known as leg-bail. Here, in the midst of a merry crowd who flocked to see the fun—prompted by the same curiosity that gathers modern old and young ladies to St. Peter's or St. Patrick's where more fashionable marriages are held—and with military honours, the fellow's new fetters were securely rivetted by the ecclesiastical blacksmith, and the happy pair were soldered together as "bone of one bone and flesh of one flesh." A Melbourne newspaper describes the bridegroom as a "tolerably good-looking chap," and the "fair" one as "a giantess of six feet in height, one-eyed, with a large area of chin on which flourished a stiff, hard beard." If this portraiture be anything

approaching correctness, the change of halters must be something like a descent "from the frying-pan into the fire" with a vengeance.

The First Treadmill.

To provide salutary muscular exercise for the rogues and vagabonds already "putting in an appearance," it had been resolved to procure the addendum of a treadmill at the cost of £280. The "milling" apparatus was to perform no other function than simply revolve—no other grinding than perspiration out of its patrons on a warm day, to be propelled by no other motive power than the instep-oil of the rascals who footed the everlasting staircase, and it was anything but a "merry-go-round" for those who peripherised in this horizontal step-dance. It was to be constructed on a scheme capable of accommodating sixteen persons, *i.e.*, a trotting team of ten, and a relief squad of six awaiting their turn for a "mill." After the average circumlocution, the gyrating machine was completed, but it soon began to disappoint the reformatory anticipations indulged in. Like a bad clock it would not keep time, and its motions, when it did take it into its head to go, were of a very erratic character. At all events, it was always getting out of order, and never gave satisfaction. Its opening day was, not inappropriately, the 1st April, 1842, and after a few weeks' working the concern broke down with a grand smash, under the prancing pedestrianism of ten lubberly scamps, and to the unmitigated delight of all the rascaldom in the country. There was no mechanical talent in Melbourne able to rehabilitate it, and it was consigned to a lumber store, where it remained in limbo for some years, when its material was utilised in another similar experiment in another place.

Some idea of the internal state of the prison towards the close of 1842, will be gathered from the following extract, copied from a Melbourne newspaper of the 1st November:—"The Gaol.—A correspondent who signs himself 'A (Late) Debtor,' has sent us a long letter containing information relative to some of the interior arrangements of the gaol, which, if our correspondent is to be believed, require alteration. He says there are three turnkeys employed in the establishment, one free and two bond, one of the latter being the man who hanged the blacks for the murder of the whites at Western Port—the second being the present hangman. These men, we are told, do not know how to occupy their time, 'for when they are not larking with the women and using most disgusting language, they are amusing themselves playing marbles.' Our correspondent complains, and with justice, that these men 'are allowed to have control over free men and *debtors*,' and adduces an instance of its impropriety, in the case of a decent female, 'who went to the gaol a few days since to see her husband, who had been confined for debt. The female was searched very minutely by one of these ruffians to ascertain if she had any spirits or tobacco. She mentioned the circumstance to her husband, and on being informed it was "Jack Ketch" who had searched her, she fainted, and continued in a fit for some time afterwards.' Our correspondent concludes by expressing his surprise that there should now be three turnkeys employed at the gaol, when about five months ago there were nearly double the number of prisoners, and but one turnkey."

A Flight of Gaol Birds.

Early on the morning of Sunday, 5th March, 1843, there occurred a serious break prison, in which four notorious convicts made a successful *exeunt*. This was accomplished by the removal of some bricks from the wall, and through the opening so made they passed into the yard, where they were joined, as a confederate, by a soldier-sentry. This fellow unlocked a door which let them into liberty, and flinging his musket and accoutrements into a refuse pit, he accompanied them in their flight. The bolters were named William Duncan, and James M'Guire, burglars, under sentence of transportation for life; William M'Donald, burglary, fifteen years, and William Rafter, cattle stealing, fourteen years; the soldier's name was William Beacroft. The corporal's guard coming round to relieve about an hour after, discovered that certain gaol birds had flown, and raising an alarm, a hasty but fruitless pursuit was organised. The fugitives got away towards Geelong, and off to the then "far west," where they "bushranged" and pillaged in a promiscuous style. Intelligence of several daring outrages, supposed to have been perpetrated by them, reached Melbourne in due course, but none of the runaways were ever re-captured. Two human skeletons

were afterwards found in the bush, and supposed to be the remains of a couple of the villains, murdered by the others. The soldier and the remaining survivors were reported to have got on to the "Glenelg," and crossed the border into South Australia, but it was never satisfactorily confirmed.

On the night of the 5th May, 1844, a daring but unsuccessful attempt to break prison was made, but eventuated in a spoiled trick. Four desperadoes fabricated an excavating implement by tearing the handle off a night-tub, and fastening it to a broom-stick. Some of the flooring-boards in the ward were removed, when the door suddenly opened, and revealed the forms of the gaoler and the guard. The burrowers were dumbfounded, and as soon as some of them recovered their gift of the gab, they poured out a volley of abusive obscenity and defiance, but Wintle's stern look, and the fixed bayonets of his companions now brought to the "charge," quickly caused the reprobates to knock under, and they were secured and heavily ironed. Their names were, George Abbot, waiting trial for murder; Terence O'Neal and George Bryan, "lifers," the first for forgery, and the other, shooting with intent; and George Philip Loyd, a "seven yearer," for horsestealing. There were fifteen other prisoners herded in the same cell, who took no part in the outrage. They remained in bed, and seemingly enjoying the little night-scene enacted on the boards before them. A turnkey on watch, hearing some mysterious muffled noises, aroused the gaoler, who had the guard turned out, with the coolness and promptitude so characteristic of him, and thus was the meditated escape frustrated.

So this gaol continued until the beginning of 1845 (when the prisoners were transferred to the new gaol in Russell Street), and notwithstanding all its drawbacks, it did duty much better than could have been expected, especially when the desperate character of some of the persons incarcerated there is considered. It is remarkable, that during the five years it served as a prison, no death occurred there, a fact which ought, in a large degree, to be placed to the credit of the Colonial Surgeon, Dr. Cussen. When what got to be known as the Old Gaol, was vacated, efforts were made to obtain it as a District Police Court, to which the Government would not agree. So it was ultimately turned into a barracks for the military detachment then serving in Melbourne.

The Russell Street Prison.

The brick gaol in Collins Street was not long in use before its utter inadequacy to meet the ordinary prison requirements of the district, became so manifest as to force a conviction on the Executive Government, that it should be replaced by a more substantial and commodious structure. Two thousand pounds had been voted by the Legislature towards the erection of a suitable building; but the public purse-strings had to be opened to more than ten times that amount, before the object in view was attained. After much wavering and incertitude a slice of the then verdant plateau away to the north of the town was selected; and this is the section of land whereon the Metropolitan prison now stands. It was then a nice afternoon stroll from the inhabited portions of the township, amongst the luxuriant gum and she-oak trees beyond (now) Carlton, spread out as in some grand old park. No one outside a Lunatic Asylum would then think of going into business beyond Lonsdale Street, which was the point of demarcation between town and country; and, except the residents of three or four weather-board cottages, planted at far intervals between Fitzroy and Flemington, no human being had an abiding-place there. Here it was that the new prison-house was to be built, and it may be now seen in the old weather-browned southern wing next the Court-house. It was commenced in 1841, and arranged to be out of the contractor's hands in eighteen months. It was to be a strong stone structure, but the design after which it was modelled, was, as in the case of its predecessor, muddled to a degree. It will scarcely be credited that the draughtsman, unbenefited by previous experience, never thought of such an appanage as an outer wall until after the main building was finished.

However, up it went, raising itself by degrees like a gaunt spectre, until it overlooked the town, and very much as a spectacular eye-sore did the Melbournians then regard it. Not only that, but its size so alarmed the people, that they half fancied the absentee Government of New South Wales had some sinister purpose in hand, and was bent on erecting an immense place of confinement, into which every man, woman, and child might possibly be impounded some day, like a mob of cattle. It was not only the

unlettered and ignorant *plebs* that harboured such absurd delusions respecting the new gaol, because a scare, little less exaggerated, dazed the judgment of some of the best-informed and coolest thinkers in the community. For instance, when, in 1844, as the building was nearly finished, a large public meeting was held in the open-air, on a part of the now Public Library Reserve, to remonstrate against the delayed separation of Port Phillip, Sir James (then Dr.) Palmer, one of the speakers, arraigned the Sydney Government for the manner in which the district had been treated, and one of the counts in his indictment was the erection of so large a gaol. Turning round, and pointing to the louring pile, he exclaimed: "Look at that enormous gaol, and say, if it is not a libel on this colony." Mr. Edward Curr, the most cautious and calculating public man of his time, another of the orators, improved the occasion, by enlarging and emphasizing the Palmerian notion in the following vehement language:—"Look next at the gaol, that hideous mass of deformity which stands so conspicuous before you, and which Dr. Palmer has so correctly designated as a libel on our colony. It has cost you £25,000! And why and wherefore was the monster, huge as it is hideous, erected? I will tell you. Your rulers dwell in a convict colony where it is calculated that a number of persons equal to the whole number of the inhabitants are passed through the gaols once every three years. This explains their ideas in erecting here the libellous monster." Dr. Palmer lived to witness the great changes wrought by time in the penal organisation of the colony, and if the shade of Edward Curr, who died nearly forty years ago, could revisit "the glimpses of the moon," it would behold how, what was once denounced as a standing menace to the town, has dwarfed into tarnished insignificance compared with the massive pile of prison buildings which has since grown up beside it.

After the gaol was finished it was found that a wall could not be dispensed with, and a contract was accepted for one twenty feet high, two feet thick, and with piers of three feet each, of the like stone as the building, and to be done in four months, for £800. The concern was opened "for the transaction of business" on the 1st January, 1845, when there were transferred to it fifty-nine male and nine female prisoners, detained for offences graduating from murder to lunacy, if the latter could be deemed an offence. No attempt at classification could be tried, nor were there any separate divisions for keeping the sexes apart. All the gaoler could do to remedy such shameful blundering was to shut up the males in one quarter and the females in another, each section being permitted to exercise in the yard by rotation. And there was only one yard extending along the northern side, the length of the building, and thirty feet in width. At the end facing Russell Street the entrance was by means of a large heavy wooden gate. It would be difficult even to imagine anything more inconveniently or imperfectly arranged than this so-called twenty-five thousand pounder leviathan and its belongings.

The Treadmill Redivivus.

The treadmill, as a reformatory engine, was not lost sight of, and the new gaol was not considered complete without such a refresher, which was to be put up in a yard walled off from the main one, at its western end. Tenders were called for its erection, a Mr. Daniel Rooney was declared to be the successful contractor, and the 1st June, 1845, beheld the commencement of the great undertaking; but it was not opened for exercise until the 1st March, 1846, when wonderful results were expected under the engineering of one Robert M'Cord, a turnkey, who was promoted for his supposed aptitude, to the exciting, though rather monotonous dignity of Master of the Mill. The second circumrotary machine was not much of an improvement on the first, and, from something or other going wrong with it internally, there were frequent break-downs. It used to be also thrown out of work through its constructor, or the specification anticipating more employment for it than it obtained. It was made to circumgyrate only under the weight of fifteen average adults, and, as it frequently happened, that there were not this number of prisoners under sentence of hard labour at a time, the "mill" would stand still. One day M'Cord tested all his ingenuity to work it with eleven men, but it was no go, and as there was no known method of dummying it, the experiment was abandoned. Then poor Rooney, the contractor, who fondly dreamt of making a fortune out of the job, went to smash. He notoriously either scamped or botched his work, for which he was to receive between £600 and £700, and Rattenbury, the Clerk of Works, refused to certify any payments. Rooney was, in consequence, landed in the Insolvent Court, and it was a toss up as to which was in the more dilapidated condition—the man or his machine.

The gaol staff was slightly strengthened, and a Visiting Magistrate and two Chaplains were put on its estimates, which, on the 1st January, 1847, were thus particularised:—Gaoler, Mr. George Wintle, per annum, £150; Visiting Magistrate, Mr. James Smith, per annum, £40; Church of England Chaplain, Rev. A. C. Thomson, per annum, £25; Roman Catholic Chaplain, Rev. J. J. Therry, per annum, £25; Medical Attendant, Dr. Cussen, per annum, £80; Clerk, Mr. D. M'Tavish, per annum, £84; Superintendent of Treadmill, R. M'Cord, 3s. 6d. per diem; Turnkeys, 4, each 3s. 6d. per diem.

There was a foundry at this time in Melbourne, and its proprietor (Mr. Fulton), anxious for the condition of the treadmill, took it in hand, and for £120 covenanted to put it to rights—no cure, no pay. His doctoring was pronounced to be very satisfactory, for the "stepper" was once more fit for pedestrian recreation, and warranted to travel at the rate of fifty paces per minute—a degree of speed far from relished by the most jiggishly disposed of those for whose behoof the expensive "constitutional' was prepared.

A Lunatic Difficulty.

There was another use to which the prison was necessarily put, which must have increased the troubles and responsibilities of the gaoler in a large degree. There was no distinct place for the detention of lunatics, and as those remanded from the police courts had to be put somewhere, to gaol they had to go. In the beginning of 1847, there were fifteen of such miserable creatures (men and women) on the gaoler's hands, without any special means for insuring their safe custody, or keeping them apart from the other prisoners of both sexes. Still it is wonderful how no accidents occurred, and more wonderful that, during the ten years ending June 30th, 1847, only two prisoners died in gaol, though on one occasion (in the old Collins Street prison) there were 113 human beings confined there, and fever had shown itself more than once. This is a fact which speaks volumes for the medical skill and attention of Dr. Cussen, the acting colonial surgeon of the time.

One day in June, 1847, Jacob Jacobs, a runaway convict from over the water, arrived in a craft from Launceston. He had a cabin all to himself during the passage, for, prior to the sailing of the schooner, he stowed himself away in an empty case, and so travelled *incog.* to Melbourne, where he succeeded, no doubt with the complicity of some of the crew, in disembarking in safety. The escapade leaking out by some means, Mr. Jacob Jacobs was hunted up by the police, discovered, and remanded pending the receipt of information from Van Diemen's Land. The Melbourne gaol was his resting-place, where, during the night of the 12th July, he cut or forced a panel of his cell door, got out, and concealed himself in an unoccupied cell in the ground tier. The cook of the establishment had his cubiculum upstairs in the second tier, and early in the morning a turnkey proceeded to rouse the cook to prepare breakfast. Whilst the Janitor was so occupied in the upper story, Jacobs, slipping out of his hiding-place, ran into the front yard, and, jumping on to the cook-house, got over the wall and slipped down at the south side, where there was no sentry, cleared out, and was never more heard of.

Occasionally sensational *canards* of cruelty to lunatics and prisoners used to circulate outside; but sometimes the complaints were well founded. Towards the end of this year, serious accusations were made against the gaoler and turnkeys Griffin and Walton. A board of investigation was appointed, and resulted in the dismissal of the turnkeys. As regards the gaoler the whole case broke down, but it oozed out that when he and his wife were staying in a private cottage at Collingwood, they employed a female prisoner as a servant without leave or licence.

The Treadmill Described.

The treadmill did not after all benefit permanently under the Fulton treatment. It would be quite the correct thing for a week or two, would then take grumpy fits, and so shake the fellows trampling it as to subject them to the action of a sort of galvanic battery that, every five minutes or so, nearly jerked the life out of them. They would blaspheme and howl like so many foul-tongued fiends; would gnash their teeth, and look with murder in their eye-balls at the gentle M'Cord, the manager. But they could only use their

voices, for no action except the milling was possible so long as the eccentric dumb animal went round. A man on the mill held on by his hands to a strong cross-rail at arm's length over his head, with his feet on one of the steps or grooves inserted from end to end and all round in an immense circular block, in reality to the mill. When the machine was set going, this revolved towards the person on it, and if he missed a step he would get such a tap about the toes, insteps or ankles, as would make him smart for his awkwardness. If he let go his hold of the cross-bar only for an instant, he would be precipitated head foremost on to the mill, and a fractured skull or broken limb, or worse, perhaps, be the consequence. When once up, until the grinding stopped, there was no choice left but to stick on and dance away merrily or otherwise, pleased or displeased, until the signal to halt was given. At length, in 1848, the treadmill underwent a further course of medical coddling, at a cost of £100, and, in March, it was declared to be in splendid condition, and capable of accommodating twenty-four in a batch. The prison was pretty full; there were a a good many pupils entered on the books of the Terpsichorean Academy; and there was never so much life, if not enjoyment, in the new gaol before or since. But the treadmill was not the sole contributory to the sprightliness observable, for one Berry, an ex-Sergeant of Police, and afterwards head turnkey, took it into his head to convert himself into a peripatetic sly-grog shop in connection with the prison, and in this illicit manner he used to supply spirituous liquors to any of the prisoners who were able, through themselves or their friends outside, to provide cash or other valuable consideration sufficient to remunerate him for the enterprising venture. But Berry's pitcher journeyed to the well once too often, and was broken; for the gaoler, "smelling a rat," set himself to detect the fraud, and, catching Berry *flagrante delicto*, bowled him out. The unlicensed victualler, however, in consequence of some influence worked in his behalf, was simply sent about his business.

A fresh difficulty now intervened. There was no gaol hospital, and the colonial surgeon was at his wit's end to know what to do with several sick prisoners. One of them was, or pretended to be, so dangerously indisposed that the official medico would not answer for his life unless he was moved outside the prison. His name was Smith, serving a sentence for watch-stealing, of which one year remained. There was a small cottage Government Hospital in Bourke Street, superintended by an old lady-dependent of the doctor's, and to her care the valetudinarian was transferred by a Judge's Order in April, 1848. Smith and his nurse got on very amicably together for a few days, though, notwithstanding all her tender care, his ailment showed no improvement. One night, however, he took the unmanly advantage, whilst his gaoleress was in the arms of Morpheus, to escape through the window, and never after troubled either doctor or anybody else in Melbourne. The prisoners about this time often increased to over 100, and on the 13th May reached as high as 134. This so alarmed Mr. A. M'Kenzie, the timid little Sheriff, that in a flutter of alarm he applied for two additional turnkeys, and after much circumlocution got them.

On the 6th June, a daring and successful flitting was effected from the gaol. At 4 p.m. the prisoners were mustered; there were a good many in the treadmill yard, and as they were all believed to have passed, as directed, into the main building, the gate connecting the yard with the prison was locked. Two of the rascals, however, managing to slip behind the mill, eluded the observation of the turnkeys, and so were both locked in and locked out at the same time. They were William Booth, a Pentonville exile, under sentence of a year for robbery at Geelong, and John Collins, eighteen months for burglary. When left alone they knew they would not be long so, as no doubt they should be very soon missed, and therefore there was no time to be lost, so creeping from their burrow, they cut down a rope line extending across the yard, and mounting the shed that stabled the mill, there made fast the rope, and prepared to descend by means of it. Booth took the first turn, slid down, and cut away through the Carlton woods. Collins was not so nimble, and whether through getting entangled with the rope, or losing his presence of mind, he remained swinging between heaven and earth until the sentry on duty outside turning on his beat, saw and captured him. A shot from the soldier turned out the gaoler, turnkeys and guard, but by this time Booth was far away in the bush, and no tidings of him ever came to hand.

The treadmill had been for some time doing its duty satisfactorily; but the improvement in the machinery was, to some extent, counterbalanced by the inefficiency of the Superintendent, who began by neglect, went on to disobedience of orders, and never pulled up, until he put himself out of his billet, and was succeeded by a turnkey named Southmier.

A "Plant" Sprung.

On the 20th July, a formidable plot amongst some of the prisoners, was accidentally discovered by Jack Harris, the hangman, whose fixed residence was in the gaol. Criminals used to be executed on a scaffold erected in a corner of the treadmill yard, and as the day for a capital punishment approached, Harris came into the place one morning to prepare for putting up the gallows. Whilst pottering about he noticed some object, partially buried near the mill-shed, and on further examination turned up two bundles of rope from a few inches beneath the surface. They were manufactured from blankets, torn up, twisted, and knotted, in two parts, one about twenty-four, and the other sixteen feet in length. This led to an inquiry which elicited the fact, of a conspiracy, amongst twenty-two of the prisoners, for the purpose of escape. Their plan was this:—On the next day, at eight a.m., the prisoners, when let into the yard, were to disarm and gag the superintendent and turnkey in charge of them, and, climbing to the top of the mill, by the aid of the concealed ropes, get away. The only risk they ran was from the sentry posted outside, who, through a recent niggardly order of the Government, was forbidden to keep his gun loaded. The conspirators were secured and searched; and when it came to the turn of the reputed leader, a convicted highwayman, named Richard Lovell, he refused to surrender, and even threatened to fling Wintle (the gaoler) over a bannister. He was overpowered and heavily ironed, and his conduct was so outrageous, that, on its being reported to the Visiting Magistrate (Mr. Smith), he and Lieutenant Mair, J.P., held an official inquiry, and sentenced the offender to fifty lashes. His punishment was administered on the 4th August, by Harris, the hangman, in the presence of all the prisoners and a strong military guard. This was the second instance of the infliction of corporal punishment in gaol in eleven years. Orders were now issued to the sentries to keep their pieces loaded in future, and not before it was needed, for the prisoners were 110 in number; some of them the greatest scoundrels conceivable, an admixture of New South Welsh and Van Diemonian convictism and English exileism. To guard this branded and evil-blooded herd there were only seven persons within the gaol, exclusive of the guard outside.

Mrs. Wintle, the gaoler's wife, had been, for some time, appointed matron, from which she was now relieved, as all the female patients were removed from the gaol. Collins, the would-be-runaway, detected in the act of escaping, grew very troublesome after that occurrence, so much so, that neither warning, bread and water, nor solitary confinement had any effect upon him, until at length, growing so turbulent and quarrelsome as to become almost unmanageable, on the 20th January, 1849, he was tied up, and a dose of fifty lashes from the hangman-flagellator brought him to his senses.

The transportation of Port Phillip felonry to Van Diemen's Land was discontinued, and on the principle that certain factories are required to consume the noxious gases they generate, the district was expected to keep and maintain its own criminals, and under the conditions of the imperfect and inadequate penal system here, this was plainly impossible. The simple detention of short-sentenced prisoners, and those awaiting trial, with the long-sentenced men, between their condemnation and deportation, sufficiently taxed the powers of the weakly-manned prison, and the greatest difficulty was experienced in enforcing proper discipline. The penal servitude prisoners were at intervals drafted to Sydney, where an outcry was soon raised against them, and not much wonder; for, in June, 1849, there were in the Sydney gaols no less than sixty convicts from Port Phillip, and thirty of our insane patients at Tarban Creek, the lunatic asylum of New South Wales.

Another formidable conspiracy was detected amongst the prisoners, on the 2nd November. "From information received," the gaoler caused an examination of the shackles, by which Luke Dowling, Lewis Staunton, George Harrup, Michael Murray, J. Bourchett, and F. Boardman were secured; and the irons were found to be so nearly cut through that they could be severed in a moment. These six felons were awaiting transportation to Sydney; they were hardened, desperate characters, and it was ascertained by the confession of one of them that they intended, at an early opportunity, to unfetter themselves, murder three of the turnkeys, and conceal their bodies in the closet, then secure the fire-arms, let themselves out of the gaol, killing anyone who barred the way, and having escaped, take to bushranging. Murray and Bourchett were each sentenced to fifty lashes, and the others to a spell of solitary confinement.

On the 20th November, a notorious vagabond, named John May, ineffectually attempted to get away. Brought up at the Police Court as a vagrant, he received three weeks' imprisonment; and in the course of a few days the police obtained reliable information that he was what was known as a "life-bolter," from Hobartown, for whom an anxious look-out had been kept for some time. This intelligence reached May in prison, and he was well aware that on the expiry of his vagrancy term, he would be re-arrested at the gaol gate, re-imprisoned, remanded to where he fled from, and dealt with as he deserved. This induced him to attempt an escape. He was confined with two other prisoners, in a cell in the upper tier or corridor, and Hartnett, the head turnkey, having his suspicions excited, had May's cell unexpectedly entered, and there was the prisoner leisurely at hard labour of his own providing, chipping the window-sill, where one of the iron bars was imbedded. The tools employed were a piece of iron flattened at one end like a chisel, a shoemaker's awl, and a screw, believed to be picked out of the machinery of the treadmill. The bar he had nearly got out, but it had been sunk only a quarter of an inch in the stone; and on examination a second bar was found to have been removed and replaced, with the crevices in the stonework filled in with soap. May's two companions were admiringly watching the industrial enterprise exhibited before them, and both said and did nothing. May was not only impudent and defiant, but offered considerable resistance; he was soon secured, and an application of Jack Harris' cat, a few days after, made him a sorer, though hardly a wiser man. He was subsequently returned to Van Diemen's Land, where, possibly, "cats" with worse claws than the Melbourne ones, treated him to severer scratchings. Supposing May to have carried through his project so far as to get out through the cell window, he would have had to effect a forty-feet descent into the yard, cross two walls studded with broken glass, and then chance the now loaded gun of the outside sentinel, before he could securely sniff the free air of liberty.

The Treadmill in Order.

The treadmill was so improved in its habits as to be a model in time-keeping for the Melbourne clocks, and it had attained such a degree of efficiency at the beginning of 1850, that the fellows compelled to hop on it, declared they could not, and would not stand such nonsense any longer; and so, on the 14th April, twenty-eight of them struck work, or rather, dancing, and swore lustily, that sooner than be longer sweated to death on the mill, they were prepared to undergo any degree of punishment short of hanging. The gaoler remonstrated ineffectually, and one of the chaplains implored them to be submissive, but he was irreverently told "to delay his ——— clapper, and keep his ——— preachments for Sunday." Mr. E. P. Sturt was then the Visiting Justice, and he was, of course, appealed to. Sturt, though, as a rule, a humane and good-natured man, was capable of much firmness in those times, and as the recusants would not listen to reason, he ordered the whole of them to seven days' "solitary" on bread and water With difficulty this sentence was carried into effect, through want of room, and on the justice and the gaoler going round the last day of the week, to ascertain how the half-starved "solitaries" fared, the refractories were found in such a depressed state of mind and stomach, that, save two, they were all not only willing, but glad to return to that detested mill which they had denounced in terms of unmitigated abhorrence, and on this condition they were enlarged. The two exceptions were a couple of worthies known as "Nobby" Smith and "Bob" Newell, under Supreme Court sentences. "Nobby" bullyragged Mr. Sturt in a style of such profane Billingsgate as would make the most foul-tongued bullock-driver blush; and "Bob" not only slang-whanged, but took to hammering a turnkey. A Court, consisting of the Mayor (Dr. Greeves), and the Visiting Justice, was formed the same day, when Smith was sentenced to thirty-five, and Newell to fifty lashes. The flogging was performed in trenchant style by Tom Cahill, a newly-appointed hangman, *vice* Harris, dismissed; and "Nobby" and "his pal" were so tamed thereby, that they returned quiet as lambs, and rejoined their companions in the milling operations, now resumed with renewed vigour.

During the night of the 17th June, 1850, William Taylor, *alias* Hawkins, managed a successful escape. Serving a sentence of two years for uttering a forged cheque, he and two other prisoners were immured in a cell in the upper northern tier, the window of which overlooked the treadmill yard. Twisting a rope out of some blankets and forcing a bar, he got through the window, and, no doubt, helped by his companions, let himself down into the yard. From this place there was a door through the West end

conducting to a wooden stockade recently erected without, where a gang of prisoners used to be employed breaking stones for the Corporation.

This door-way had been broken through the wall, and the door put in so recently, that the stones bonding the frame had not time to thoroughly set, facts of which the escapee must have been aware. Entering the Stockade, he found a ladder and by its means surmounted the twelve feet timber enclosure, and got away unperceived by the Military Guard, who, being on duty marching up and down outside the Northern wall, could not have cognizance of what was going on at the other end. This fellow remained at large until February, 1851, when he was re-arrested at Geelong, and subsequently convicted and punished for prison-breaking. The two men locked up with him were convicted robbers named Craven and Curran, whose sentences had nearly expired, a sufficient reason for not joining in the flight. There was then known to be a Thieves' Association in Melbourne, and Craven, when out of trouble, was believed to be their skeleton-key maker. Nothing was known of the escape by the gaol officials until a turnkey came round at five next morning. Craven and Curran, when questioned, professed much surprise and utter ignorance of Taylor's doings, as they were fast asleep the whole night. Whilst in gaol Taylor was identified as the perpetrator of a daring highway robbery on the Broken River, and was, no doubt, unwilling to chance another trial and a probable addition of another five years to the sentence he was undergoing.

To the credit of that branch of humanity known as woman-kind, it contributed but a small proportion to the criminal population, and when, in July, 1850, the gaol swarmed with 140 males, the number of female prisoners was only 18.

Insubordinate Stone-Breakers.

As previously stated a small wooden palisaded enclosure was attached to the Western end of the prison yard, in which a gang used to be employed supplying broken metal for macadamizing the streets, which was used and paid for by the Corporation. On the 4th March, 1851, about 50 prisoners were employed stone-knapping. They were serving sentences of imprisonment for periods varying from two and three, to five years, and were under the control of two free overseers (Murphy and Hartnett) and a warder (queerly enough named Tender) fully armed. In addition there was a soldier-sentry on guard perambulating the North side of the gaol yard, and a military reserve of four men in the guard room. The three free overseers were assisted by three good-conduct prisoners as acting-overseers, named Williams, Boucher and Doyle. About 3 p.m., Thompson, one of the stone-breakers, rushed suddenly to the outer gate, and with a couple of strokes of his hammer, smashed the lock. Half-a-dozen others were instantaneously up in arms with picks and hammers, as if acting in concert, and determined to support their leader. Murphy and Hartnett called upon them to desist, and Murphy snatching a hammer, charged Thompson, but was in his turn followed and pinioned by a prisoner named Johnstone. Murphy quickly shook the fellow off, and turning rapidly round, throttled him. Hartnett gave an alarm, which was heard without by Tender, who planted himself in front of the door, prepared for action. Before the commencement of the *mêlée*, Salmon and Quinn two of the prisoners contrived, unnoticed by the overseers, to secure the door, communicating with the gaol yard, by shooting a large bolt, and so shutting off assistance from within. A general scuffle now ensued, though the deadly weapons in every one's hands were not resorted to. It was a kind of blind scrambling, in the course of which the convict overseers gave much help, and one of them was pounced upon by a huge highwayman, named M'Kay, who tried hard, but unavailingly to garrote him. Jack Harris, the ex-hangman, was at this time serving a sentence for larceny at Geelong, and the gaoler sagaciously employed him as a look-out over the stone yard. His watch-tower was one of the upper windows from which the bars were removed, and here, perched like an owl, he passed his time tiresomely enough. He was a wicked-minded old scamp, praying Providence for something to turn up to vary the stillness of the gaol, and the ding-dong of the stone-breaking. He had no gong to strike nor bell to ring, nor rocket to throw up if anything went wrong. He could screech like a hungry hyæna, and the gaoler's orders were, "Harris, the moment you observe anything go wrong, you have good lungs, and you are to commence yelling and shouting, and making every noise you can out of your mouth and throat until some of us below hear you." Harris promised compliance, and when the chance offered kept

his word. Wintle (the gaoler) was reclining on a sofa in his quarters, indulging after a worrying forenoon's work, in a forty-wink nap, when he was startled by a distant sound which astonished him. It was an outcry such as he never before heard through an eventful experience in many lands. It was a discordant combination of bellowing and crowing, as if blown by some supernatural power through a Titanic trombone. "Good Heavens," cried he to his wife (the matron), "What on earth can this be? The prisoners have all gone mad, or there is something extraordinary up inside." The guards were stationed next door to him, and turning them out, Wintle jumped upon a ladder, and obtained a view of the North side of the prison, when the first object that met his view was Harris with his head through the watch-tower observatory, his hands improvised into a speaking trumpet, and the "look out" howling and roaring—not only black in the face, but as if he would blow himself to atoms in one of his gusts of vociferation. Wintle at once surmised what was wrong, and with a strapping young Scotchman named M'Tavish (the prison clerk), backed up by the corporal's guard with fixed bayonets, he hastened to the scene of action. In his precipitation he took the wrong road, for, instead of hastening round outside to the stockade end, he rushed through the main building into the yard, and on reaching the door in the end wall, found it fastened on the wrong side. He knocked and kicked and hammered for ingress, but was answered only by the hubbub of the conflict a few yards off; he sent for an axe to break open the door, but before it could be fetched, the door opened, in consequence of a Madras man, named Mingo, one of the prisoners, having withdrawn the bolt. Thompson, the ringleader, after forcing the outer gate, found himself confronted by the Warder (Tender) and the soldier-sentry, who, on hearing the scuffling, ran round. He swore at them, and threatened all sorts of vengeance, but the taste of cold steel indicated by the point of the soldier's glittering bayonet scared him from further advance. On turning round to take counsel with some of his co-ruffians, the gaoler met him face to face, and throwing up his hands Thompson exclaimed in a loud despairing voice "'Tis no go, boys," and then surrendered unconditionally. All the other malcontents did likewise, and they were marched off to their cells and locked in. The next day the Visiting Magistrate (Mr. Sturt) and Captain Dana, J.P., conducted a magisterial inquiry with the result that—Henry Thompson, Samuel Johnstone and William M'Kay were sentenced each to three weeks' solitary confinement; Luke Quinn, and George Salmon, fourteen days; William Hatfield, Thomas Lewis, and William Davies, seven days;—bread and water to be the dietary of all of them. Such a punishment was altogether insufficient for three or four of the villains, who should have been severely flogged, and it is difficult to account for the leniency, especially as Dana was not a man ever disposed much on the side of mercy; and Sturt's good judgment was seldom at fault. On this occasion it erred egregiously.

"Piping" to Liberty.

The most extraordinary escape, perhaps, ever recorded in the annals of this or any other country occurred on the 11th October, 1851. Two men named John Smith and Henry Staunton were in gaol awaiting trial for robberies. Acting in concert, they watched an opportunity, and at 1.30 p.m. slipped away separately to an out-house then situated near the Western end of the prison yard. An iron pipe, 30 feet long, and 2 feet 1 inch in diameter, formed a communication from the closet with a cess-pool sunk 30 feet outside the yard wall, and within the stone-breaking enclosure already described, but in a portion now separated, where the broken metal used to be left until carted away. The reservoir happened to be uncovered, as the *vidangeur* had been at work there only the night before. Of its empty state the two prisoners must have been aware, otherwise they would never have concocted the plan which they successfully carried through. Descending to the closet, they groped out the pipe, into which they penetrated, Smith leading. How they advanced through this disgusting tunnel it is difficult to say. They had the advantage of a continuous incline, and, there being little obstacle, on they went. Possibly one man could not have done it through the insufficiency of motive power, but in this case the hindward propelled the foremost, holding on to him all the time; and at length, reaching the reservoir, Smith got into it, Staunton remaining *perdu* until he saw how it fared with his leader. All the broken metal had been carted away by the corporation drays, and the enclosure was quite empty. The gate was left carelessly open, as it was supposed there was nothing to shut in, and so far the odds were immensely in favour of the

"outward bound." In the reservoir was fixed a pump, and up this Smith climbed, breathed in the fresh air, and looked about. Finding the coast clear, he quickly jumped into the enclosure, made for the open gate, and ran as if for his life. The outside warder on duty over the stone-breaking gang, seeing the strange-looking figure emerge from the enclosure, at once took it for granted there was an escape, immediately acquainted the military sentry of the fact, and they both started off in pursuit. The fugitive made for the bush along Victoria Street—then an unformed, uneven, stumpy track—and, as there were several persons passing backwards and forwards, the soldier was afraid to fire at Smith, lest he might shoot someone else. The consequence was the runner had a good start, and, though sadly handicapped in consequence of his subterranean excursion, the soldier was equally at a disadvantage through the weight of his accoutrements, whilst the warder had too much flesh to be in racing condition. At length the soldier fired at the flying target, grazing it, but doing no harm. The gunshot report brought out the corporal and his guard with Wintle (the gaoler), but the latter was so solemnly stout and stiff in his limbs, that to lead a foot-hunt was altogether out of his line. Some of the soldiers were active young fellows, and off they pegged, blazing away, but throwing their bullets far astern of the mark, which kept well out of range. Smith pelted on northward of the old cattle yard, at the now junction of Victoria and Elizabeth streets; and, keeping the Old Cemetery well to the left, clapped on all sail, steering towards the Benevolent Asylum, then on the eve of being opened. Two of the soldiers pushed ahead, determined, if possible, to run him to earth, but their guns and equipments retarded them, and the runaway could beat them hollow. Half-a-dozen civilians joined in the fun, and helter-skelter along they galloped as fast as legs could carry them, the course frequently changing from a flat to a steeplechase country, where small, nasty water leaps had to be taken and fallen trees jumped, for there was no time for going round to an easy crossing, as Smith hit out in regular bee-line style. It was neck or nothing with him, "a gold chain or a wooden leg," and a barked shin or two was of little account where freedom beckoned him on, and the hangman's "cats" caterwauled from behind. Sometimes the hunters made good running, and the excitement was varied by random shots fired by the guard, and once they were so close that a bullet struck within a foot of the fleeing heels. On nearing the asylum, Smith put on full steam for a final effort, and as it was up hill, his superior powers of locomotion so told in his favour that he topped the rising ground to the north of the asylum, leaving his pursuers well in the rear. He dashed down the other side, and, on getting within shelter of a large fallen tree—for there was much dead wood about—burrowed under it and lay there panting. The others were soon on the crown of the hill, when, to their astonishment, on looking around they could observe no trace of the fugitive, and what had become of him was matter for much surprise; to lose sight of him was passing strange, but to be completely *thrown off the scent* was marvellous. How to act, or what next to do was a puzzle, for black-trackers were then unknown, and a blood-hound was not accessible.

During the hunt the party were observed by a son of the gaoler, Master George Wintle (then in his thirteenth year), as he was returning from school, and, being a light, nimble lad, with the fleetness of a young deer, he followed the hue and cry, and arrived on the hill almost as soon as the rest. Whilst they were in a quandary, this youngster treated himself to a coursing match, and, making a circuit of the valley, in skirting a fallen tree he smelt something near him, and a little further investigation disclosed the form of a man coiled up like an opossum. A shout of triumph from the finder quickly brought the rest to the place, and there lay Smith at bay. When ordered to come out, he bluntly refused to do so, and sulkily dared any of them to lay a finger on him. The filthy condition in which he had parted company with the reservoir, amply warranted his adopting *noli me tangere* as a motto, without the permission of any Herald's College, and no person present seemed disposed to be brought into close quarters with him. One of the soldiers proposed to shoot, and another to prod him out with a bayonet; but though it may be justifiable to kill or wound a flying enemy, a lawyer's clerk in attendance ruled that it was highly illegal to resort to such violence against a person so *hors de combat*. The next proposal was to smoke him out of his lair, and when Smith heard some of them preparing to gather a heap of green bushes for the purpose, he voluntarily came forth and offered to surrender, but no one was willing to take him into custody. It was finally arranged that Smith should march back to the gaol in front of the soldiers, who followed with their loaded guns at the "ready," and were prepared to shoot him if he attempted to run. This was done accordingly, and Smith, as if enjoying a kind of triumph, headed the return procession, and all the way was in the most

exuberant spirits, looking over his shoulder, grinning and putting out his tongue, chaffing them as a pack of cripples who knew nothing about running or shooting, and offering, if they would only give him a ten yards' start, he would race them again, and let them fire away as much as they liked after him. Smith was afterwards convicted and punished by a long sentence of hard labour on the roads for his original offence.

But now I must return to the other fellow (Staunton), left stopping the mouth of the pipe, in much uncertainty as to how it would fare with the mate who so skilfully piloted him thus far. With a throbbing heart he listened as Smith ascended *ab inferno* through the help of the pump, and he soon heard the first of the firing, the alarm, and the shouts of the guard setting forth in pursuit. The stone-breaking gang were locked up in the gaol, and as it was never for a moment imagined that there was a second man "piped," no one looked after the enclosure where the metal used to be stored. In a short time a perfect quiet reigned about the region of the reservoir, and then Staunton crawled forth like a huge snail from its shell, and, mounting the pump as he had seen Smith do, got into the upper world, and lost no time in making off. Passing through the gateway, he had a safe view of the now distant running, and shaped a course different from that taken by Smith. He made a short circuit towards the side of the Hospital reserve (now the Public Library grounds), intending to double back towards Little Lonsdale Street, where some of his thieving confederates were residing, and in any of whose dens he knew he would be welcomed. He was just on the turn, when the Supreme Court crier, an undersized, podgy, asthmatic individual, named Black, intercepting, pompously challenged him in the Queen's name to surrender. Smith, in reply, bade the intruder go to somewhere commencing with H, and warned him to "stand clear, or he would ——— suffer for it." Black was resolved to do nothing of the kind, and not possessing the olfactory sensitiveness of the Smith hunters, rushed upon Staunton, grappled with him, and clung on like a barnacle to the bottom of a ship. Staunton treated the other to an affectionate embrace that half-stifled him, and the two worthies came down rolling over on the ground. Staunton being the much stronger man soon shook off his would-be captor, jumped up, and treated Black to a parting kick in the ribs, which left him for some time senseless. The fellow then disappeared by the *Ship Inn* corner, down Little Lonsdale Street, where there were some rights-of-way of bad repute, and into one of these back-slums he vanished, and all trace of him was lost. On Black reviving, as soon as he was capable of moving, he limped off in search of a constable, whom he soon found, and all the available police in the city were quickly out in quest of the second bolter. They searched for him high and low, up and down, and everywhere without effect, and his escape was much aided by the fact that, being a very recent arrival from Van Diemen's Land, the detectives and ordinary constables had but small personal knowledge of him.

The expedition through the pipe was even more than a nine days' wonder in Melbourne. It was deemed a feat of a most extraordinary character, considering the size and filthy state of the tube through which the fellows passed. Much curiosity was also evinced as to how Smith and Staunton had become familiarized with the subterranean topography of the conduit; but it was afterwards ascertained that a person named Chambers had been received into the gaol under a sentence for bigamy, on the morning of the escape. He was the Government contractor for nocturnal work of a certain kind, and the night before his trial (for he was out on bail) his men had emptied the reservoir. He was therefore well acquainted with the termini, both inside and outside the prison, and he had given Smith and Staunton the bearings and gradients of the tubular contrivance, and such other information as they found useful *in transitu*. When all this was known, several of the prisoners deeply regretted their ignorance of the valuable secret, and it was believed that Chambers had imparted the private intelligence to none others than the two worthies indicated.

In the course of a short time, but "a day after the fair," it was found by the police that on the night of the occurrence, Staunton slipped unperceived out of town, and passing through Collingwood, struck into the Sydney Road beyond Brunswick, with the intention of making his way overland to Sydney. A person answering his description put up at a public-house at Seymour, where he was heard to declare that he was going to Sydney to murder his wife, who had, since his committal for trial, eloped with a man with whom she was cohabiting there. It was also said that he changed his mind (also his name to Williams), and, turning westward, had travelled circuitously towards Portland, and stayed at the Grange, where he had been employed some years before. Here he feigned illness, and limped about with a large

blister on his breast, displayed so ostentatiously as to admit a portion of it being seen. At this time there were two brothers, named Bloomfield, Chief-Constables in Victoria, viz., one in Melbourne, and the other at the Grange. As a reward was offered for Staunton's apprehension, no doubt the Melbourne Bloomfield kept the brother well posted as to all the rumoured movements of the runaway. This led to the arrest of the supposed criminal, and on being brought before the Grange Police Court he did not deny that he was the person wanted. He was remanded to Melbourne, and the Grange police were in a great state of uneasiness for fear such a desperado might effect a second escape on his journey to the capital. He was consequently heavily ironed, and put on board the first vessel sailing from Portland to Melbourne, when to make doubly sure of his safe custody, he was chained to the mast day and night. At the end of the month he arrived in town, when it was ascertained, to the ineffable disgust of all concerned, that the prisoner was not Staunton, but quite a different person—some half-witted fool, who, through a morbid craving for notoriety, had actually stated since his remand, that he was the real Simon Pure. But the real Staunton did after all go to Sydney, where, in the course of a few months, he got into a drunken row, and was locked up in a watch-house. Here he was recognised, and remanded to Melbourne, which he reached in the early part of 1852, and was tried for the crime for which he had been in the first instance committed.

At the end of 1851, provision was made for strengthening the staff of the gaol, and in addition to the gaoler and matron, there were eleven male and four female turnkeys, and the executioner was still retained at the daily wage of 2s. 6d. and rations.

Additions to the gaol seemed for some time to be so indispensable, that in May, 1851, the erection of a new parallel wing was commenced, but it was not to be finished for two years. It was to provide for one hundred prisoners, in three tiers of cells, of seventeen on each side. The walls were to be of blue basalt, more durable, and better to the eye than the brown stone (half free and half sand) of the first wing. This made a slow progress at first, but the gold fever that broke out before the year was over, gave it an impetus little expected when the foundation was laid.

Wintle's Pluck and Coolness.

In quelling the several attempts at insubordination and prison-breaking, Mr. Wintle always showed a coolness and courage before which the rebelling prisoners would quail, and more than once he narrowly escaped injury at their hands. On one occasion a fellow struck him a furious blow with a broom-handle across the throat, and got half choked himself in return.

Often in the evening, Wintle used to take a walk from the gaol to Brunswick to visit some friends residing there. The country northward of the gaol was then a wild, uninhabited bush, and his way was through a portion of the Royal Park. Near sundown he was once leisurely returning on his constitutional, and when passing through the now University Reserve, was suddenly confronted by an ex-prisoner, who, presenting a pistol at his whilom guardian, exclaimed, "Now, you ———, I've got you—stand!" Wintle looked the man straight in the face, knocked the pistol out of his hand, administered the rascal a sound kicking, and leisurely resumed his walk home. No person, save his family, ever heard a word about the rencounter, until it was recently communicated to me by one of them. Mr. Wintle retained his onerous office up to 1869, when he was most unnecessarily required by the Government to retire on a well-deserved pension. He died on the 28th April, 1870, and there can be little doubt that his end was accelerated through being relieved from active employment, and worry about the settlement of the amount of compensation or superannuation to which he felt himself entitled, there being circumstances in his case that could not be fairly met by the Civil Service Act. The final arrangement was hung up so long that it is only recently that a compromise has been effected with his family.

Strangely enough Wintle was succeeded in the governorship of the Melbourne Gaol by Mr. J. B. Castieau, who obtained an appointment there through Wintle, in 1852. Mr. Castieau who had proved himself a thoroughly efficient public officer, was subsequently Inspector-General of Penal Establishments, and so far fared better than his predecessor.

The Pentridge Stockade.

The *ovum* or organism from which has germinated the now large penal repository of Pentridge—exteriorly and interiorly more like a strongly fortified town than anything else, except that its inhabitants are so divided into *castes* as to be divisioned in sections from each other—was so shabby, insignificant and feeble as to pass the belief of any person who did not see it. It was something larger and stronger than the first prisoners' barracks, put up by order of Captain Lonsdale in 1836, on the "Government block." The prisoners' huts were constructed of logwood instead of bark, and the enclosing fence of strong stakes and thick paling, in lieu of ti-tree boughs and branches. In 1850, when the separation of Port Phillip from New South Wales was virtually *fait accompli*, a portion of the present Pentridge *locale* was chosen as a suitable site for the erection of a stockade, or place of detention for the prisoners to be employed on the public roads or works, and a beginning was made in August, by the construction of two rows of huts, about twenty in all. The appointment of Superintendent was eagerly sought for by a dozen applicants, amongst them being Sergeant Ashley, the then head of the Melbourne Detectives. But Mr. Latrobe thought it better to secure the services of some officer who had graduated in a regular Penal establishment, a man of known experience in dealing with criminals of every tint of crime and disposition—one skilled in checkmating the convicts known to be adepts and sojourners in the Stockade, either runaway or expiree felons from New South Wales and Van Diemen's Land. A Mr. Samuel Barrow who had won his spurs in the management of the convict departments at Hobartown and Port Arthur, accordingly received the appointment whereby a good deal of local jealousy was occasioned. The residents in and around the township now known as Coburg, were greatly alarmed at the planting of a convict taint amongst them, and they were apprehensive of rapine and robbery, from what they considered to be the inevitable result of frequent outbreaks of the prisoners. To quiet their fears sufficient protection was promised them, and accordingly eight constables were stationed there, with a sergeant and seven black troopers, quartered in the immediate vicinity of the Stockade.

On the 5th December, 1850, the first batch of convicts was removed from the gaol. Barrow was so much delighted at being able to make a commencement, that he actually worked up a small processional display, and the following was the order of march out of town :—

The Stockade Superintendent in a cab.

Sixteen prisoners handcuffed, and some of them leg-ironed, all clad in prison garb, each fellow branded "Pentridge" on his back, and an armed warder on each side.

District Chief-Constable Brodie on horseback.

Six constables armed *cap-a-piè*.

Sergeant and two black troopers.

The party arrived at its destination without any mishap; and the prisoners being distributed amongst the huts, watches were set, and some of the "black guard" mounted darkies ordered to act as a patrol.

On the 10th December the stockaders were increased to 25, and the first hard labour they were put to was the collection of surface stones wherewith to erect a watch-house. There were at this time 41 Port Phillip convicts serving their time in Sydney, and, by way of Christmas-box, 34 of them, as "returned goods," arrived in Melbourne on the 22nd December, of whom 27 were forthwith detached to Pentridge. Two working gangs were formed and set to labour at road-making. They were watched over by five constables with loaded muskets and fixed bayonets, and two black troopers were perpetually riding round the workers with double-barrelled rifles ready to pop after any fellow disposed for a run. The order of the day was, that if any prisoner attempted an escape he was to be called on to stand, and if he did not comply *instanter*, he was to be shot at.

For three months or thereabouts Mr. Barrow had calm weather and a smooth sea, and he and his mixed crew got on swimmingly; but the sky soon darkened, the winds rose, and the waters of circumstance turned into an angry surge. In fact, for the three and a-half years he held command, he was scarcely ever out of squalls or hurricanes of one kind or other. The first outbreak occurred on the 26th March, 1851. Seventeen convicts were employed a short way from the Stockade, and, in the course of the afternoon, one of them picking up a tidy knob of a stone, and aiming at the eye of Constable Price, fired with such precision

as to bring his man down. A second convict named Rich, seized the fallen warrior's gun, and, waving it as a signal, started for the bush, followed by all the other prisoners. The black police patrollers charged after the ringleaders, at whom one of them named "Jack" fired, when Rich, turning, discharged Price's gun, but without effect. The musket report acted like wild-fire in bringing forth the whole guard, rank and file, when there was a smart run for it, and nine of the runaways were captured. The same night two more prisoners escaped by scaling the fence or palisade, but they were re-taken, and the next day the hangman was out from Melbourne, and had a regular "go in" with his cat-o'-nine-tails; for the eleven fugitives, and a twelfth for gross insubordination, received a stiff flogging. Amongst them was Rich, who was afterwards tried at the Supreme Court for feloniously shooting at the trooper. It was urged on his behalf that he fired in self-defence, a plea which the jury were simple or ignorant enough to swallow, for they acquitted him. The remaining eight of the seventeen got away miles into the interior, took to bushranging, and committed several daring depredations with impunity. Scarcely a week passed without an escape or two, but as a rule the scoundrels were re-captured and punished. Barrow issued a regulation that the labour gangs should dine where they worked, but after a time this was strongly objected to, because of the discomfort and inconvenience, especially in wet weather. The question was referred for the consideration of the Visiting Magistrate (Mr. Sturt), and he decided that on fine days the noon-day feed should decidedly be *al fresco*. The prisoners still persisted in their objection, and, headed by a plucky little "Pentonvillian" known as Owen Suffolk, they struck work. He was energetically seconded by a co-convict (Dillon), and each was condemned to two months' imprisonment, cumulative on the sentence he was serving. About this neither cared a rush. Next morning when the labour parties were being taken out, it was found that the arch-agitators (Suffolk and Dillon) were to be confined to barracks, and the others vowed they would not go without them. In this dilemma the Visiting Magistrate's aid was again invoked, and on his arrival he intimated that they should have the rest of the day and the night to think over it; but if on the next morning they persisted in their disobedience, he would order every man Jack of them to receive 100 lashes each. This hint brought them to reason, for the following day they quietly resumed work.

August of the year 1851 was wet and boisterous; and one dark, rainy, nasty night (the 19th), a wholesale attempted escape was made. Twenty-five prisoners were in the plot, and raising some of the flooring boards, they excavated a narrow tunnel through the mud and stone of the foundations, hoping by so undermining to burrow out under cover of the gloom and the tempest. Barrow had obtained some private information of the project, and had a force in readiness for its frustration. He accordingly appeared in the back-ground just as the operations for exit were about completed, and spoiled the little game. But he seemed to have been rather premature, for so decided a magisterial board (Messrs. Sturt and Fenwick) constituted for the trial of the offenders, by whom it was held that the evidence of the intended outbreak was insufficient, for Barrow ought to have "waited a little longer."

About 9 a.m. of the 29th August, a large convict gang was employed road-mending or making, a mile on the Melbourne side of the Stockade, and thirty of them suddenly bolted, of whom eighteen dashed off from the works and disappeared. The guard consisted of four armed constables, who fired into the mob, one of whom, (Robert Taylor), under a five years' sentence, was shot dead, a second (George Foyer) dangerously, and a third slightly wounded. It was Constable Price whose shot took fatal effect. The prisoner dangerously wounded received a bullet in the side which came out near his breast, and he, almost miraculously, recovered. Two of the four guards remained in charge of such of the prisoners as did not run, whilst Price and the fourth constable started away in pursuit. The black troopers (two of whom were supposed to be on duty) seem to have been asleep during the *mêlée*, but they turned up soon after. The fugitives scattered in twos and threes, each small squad taking the point of the compass which offered the best chance of a safe run. There had been recent floods, the Merri Creek was swollen almost to bursting, and two of the fellows who made for it were frightened by its frothy snarling, and, preferring land to water, had to retrograde, and strike out as best they could. Half-a-dozen made post haste for Melbourne, and were pursued by Mr. Grattan Anderson (son of the Pentridge poundkeeper) and a black trooper. The runaways, who had a good start, reached Brunswick, when some civilians, seeing they were escaping convicts, intercepted and bailed them into a paddock, where by the help of Anderson and the trooper,

they were secured and conducted back. When the alarm was spread, the residents cheerfully rendered assistance. A stray straggler was picked up here and there, but the most desperate of the villains for a time baffled pursuit. When intelligence of the outburst reached Melbourne, the city and district Chief-Constables (Bloomfield and Brodie), were soon in the saddle and away with some troopers to join in the hunt. They visited the Saltwater River and the Merri Creek, and posted constables in several places with the view to cut off retreat. Before next morning the convicts were all recaptured except three (the worst of the lot), and one of them was discovered working as a baker's boy at Richmond, with his "Jim Crow" hat turned inside out, the broad arrow obliterated from his clothes, and the illuminated letters "Pentridge" whitened off his back, and, in order that he might be taken for a denizen of the "floury" land, he procured lime and white-washed his clothes. It is singular that one Farrell, the ringleader and the first to rush, was the first to surrender. He was all bounce and bravado until he heard the first shot fired. A coroner's inquest was held on Taylor, the man shot dead, and the jury returned as their verdict, that death had been caused by a gun-shot wound inflicted by a duly authorised constable upon a prisoner whilst endeavouring to escape from legal custody. A rider was added expressing approval of the conduct of the police.

On the next night (30th), eleven of the captured prisoners were ironed and kept together. Some noise was heard from their quarter of the Stockade, and on the Superintendent examining as to the cause, he was astonished to find that all the fellows had their irons off; and a closer inspection revealed an aperture cut in the roof of the building, and concealed by an old shirt drawn over it like a curtain. How this had been effected remained one of the ten thousand and one lost secrets of the since big prison-house. The prisoners were freshly and doubly ironed, and on the 1st September were convicted before a Magisterial Board of attempting to abscond. They were sentenced to one hundred lashes each, and the floggings were served out there and then.

Still the application of the scourge failed to keep the prisoners within reasonable bounds of subordination, and the gold mania, then in its incipient stage, no doubt was a powerful factor in the disaffection. As an additional terror, Harris, the ex-hangman, was transferred from the gaol to the Stockade, where it was thought the presence of a resident *fouetteur* would operate salutarily, and he was kept so fully employed as to be unequal to the amount of work he had daily in hand, so that it was necessary to have the actual hangman (Cahill) to help him.

Attempt to Level Pentridge.

In the construction of the Stockade iron screws and nuts were used, so that the frame could be, at any time, shifted like a travelling circus, from place to place; and this faulty mode of conformation did not escape the observation of the class of beings domiciled there. It occurred to some of the most scientific of them that if at any given time one side of a row of nuts were unscrewed, the whole concern would topple over, and a general escape would not be an insuperable difficulty. It was consequently agreed to make the experiment. The unscrewing was secretly commenced, and on the night of the 9th September, the crisis was to be brought about. But the Superintendent got wind of the plot through information secretly conveyed to him by one of the spies inseparable from such communities, and being on the *qui vive*, he caught six of the principals, red-handed, and had them forwarded next morning to the Melbourne gaol. Three of them were leg-ironed, and to these were handcuffed the remainder, and under an escort of four black-troopers, and two infantry policemen, they were dispatched on their journey. They arrived safely at Russell Street, and whilst awaiting admittance at the gate of the prison, one of them, Callaghan (a five years' man), snapping his bracelets, dashed away, and running round by the Court-house, plunged into a crowd collected there for a Legislative Council nomination about to come off. He was followed by one of the constables from whom he had broken away, loudly calling upon him to surrender, to which a deaf ear was given. The constable, whose conduct was cool and self-possessed, continued the pursuit, and whilst the fugitive was furiously wriggling his way through the people, he received a carbine ball, which, entering under the left shoulder, came out at his ribs, smashing one of them. He fell, and was removed, in a dangerous condition, to the gaol, but the thread of life was strong in him, and he afterwards recovered.

The report of the shot created an immense sensation amongst the free and independent electors, and the wonder was how no one else was injured.

The next step taken was the issue of an order for the withdrawal of all long-sentenced prisoners from Pentridge to Melbourne, there to undergo their punishment in the gaol. In October the increasing gold excitement grew so intense that it was thought advisable to discontinue all the road gangs, and have no prisoners at all worked out of the Stockade. Even this place was weeded not only of the men consigned to lengthened servitude, but of all others bearing a bad character. It consequently became, for a while, a refuge for such as were inoffensive and under light sentences, and a sergeant, with a military guard of twelve, was stationed there to maintain order. The salary of the Stockade Superintendent was £250 per annum, with board, residence, and bond servants, and provision was made on the Estimates for 1852 to give him an Assistant at £125, with like *et ceteras*. The next few years brought those universal changes which swept over the new colony, and disarranged all forecastings of the future; and in no branch of the Public Service was its influence felt more than in that Pentridge of whose infancy I have presented a brief and imperfect sketch. Mr. Samuel Barrow was an able and painstaking officer, but a tragic fate awaited both him and his successor. Barrow reigned only about four years (1850-4), and was accidentally drowned in 1854, on the day Mr. Latrobe, the first Lieutenant-Governor of Victoria, left the colony. There were several boat-loads of friends seeing the Governor off at Sandridge, and one of them had amongst its freight Mr. Barrow and Dean O'Hea, whilom Roman Catholic Pastor at Coburg. This boat capsized; the layman was drowned, but the priest hit out so lustily, and, though overboard, "paddled his own canoe" with such persistent skill as to be saved. Many men have been known to kick themselves out of the world, but it was simply by mere dint of hands and feet that Dean O'Hea barely contrived to keep himself in it. Mr. John Price, another Vandemonian, expert in the art of managing prisoners, was appointed to Pentridge, but his fate, though as sudden, was more terrible than Barrow's, for in March, 1857, he was murdered by a working gang of convicts at Williamstown, several of whom were hanged for the crime.

CHAPTER XVI.

MELBOURNE "UNDER FIRE," WATER AND SNOW.

SYNOPSIS:—The First Incendiarism.—"Billy," the Newfoundlander, Collars a Prisoner.—The Effect of a Dust Storm.—A Mysterious Fire.—First Extensive Conflagration.—Destruction of Dr. Clutterbuck's Residence.—Another Destructive Fire in Collins Street.—£10,000 worth of Property Destroyed.—Destruction of Condell's Brewery.—Burning of Liddy and Passfield's Coach Factory.—The First Fire in Bourke Street.—First Fire in Fitzroy.—Fire at Messrs. Langlands' Foundry.—The Last Old Fire.—Six Great Floods.—Melbourne's Only Snowstorm.

The First Incendiarism.

THE earliest fire, of which there is no printed account, was perhaps (though certainly not from its extent, or the losses sustained) the most peculiar that has occurred in the Colony. It is difficult to draw a straight line between arson and incendiarism, or to tell where the one begins and the other ends. Incendiarism has been defined as "the felony of arson," and to my mind the first conflagration in Melbourne belongs to the higher rather than to the lower grade of the offence. In 1838, the wattle-and-daub guard-house-*cum*-lockup, described in a previous chapter, was one night unusually well filled with inmates, black and white, military and civilians, if the Aboriginals can be included in the latter category. It was situated midway between Collins and Little Collins Streets West. One day a party of the mounted police brought into Melbourne half-a-dozen blackfellows, arrested on a charge of stealing sheep at Keilor, and they were deposited in the watch-house. Night came on, and the weather was sufficiently cold to make a fire agreeable. Firewood was in abundance, and a heap of logs was lighted in the guard-house. The guard were chattering and smoking, and probably on too familiar terms with the abominable rum of which there was an abundance amongst the soldiers, convicts, and sailors in port. Perhaps, through the conjoint influence of the heat and the smoke, the fumes and the potations, added to the supposition that the prisoners would never even dream of an escape, the sentinels not only fell asleep at their post, but snored stertorously. Suspended from the ceiling swung a rude lamp, the guttering tallowy flame from which was sufficient to make darkness visible, but for the logs which blazed merrily on the hearth. In the door separating the prison from the parlour part of the structure, was cut a circular aperture, serving the double purpose of ventilating the interior den, and affording a peep-hole through which the guard could occasionally reconnoitre the prisoners inside. The structure was of the most combustible material, and the roof or covering was composed of a kind of long white reed then growing in the swampy hollows about the township. The darkies beheld through the spy-hole how it was faring with the whites outside, and the possibility of escape flashed on their benighted minds. How to do so was the question. The door was fastened on the outside, and it could not be forced without awaking the slumberers, in which case all hope would be over; and in this state of pondering uncertainty, an old blackfellow, more astute than his companions, proposed that the place should be fired, and the flames and confusion would give an almost certain chance of getting away. This suggestion was not only approved but acted on. The roof reeds were several feet in length; and quietly detaching some of these, the prisoners ran them through the port-hole in the door, lit the tops from the lamp, and then ignited the roof in several places with as much *sang froid* as a lamp-lighter would light one of our street lamps. In five minutes the whole place was a fierce burning pile; the soldiers roused from their repose by the smoke and flames, put it down as an accident, and ran away to sound the alarm at the neighbouring barracks. The entire detachment turned out, but only to find the guard-house and its appurtenance a heap of ashes, and all the prisoners off, except one fellow, who was collared and detained by a Newfoundland

dog, a hanger-on at the barracks, who used to take it into his head to remain with the guard as company. This night he was out with them, and, as the sequel showed, probably the only rational and sober individual of the lot. A shedful of salt junk required for convict rations was also destroyed. A second version I have heard of this extraordinary affair is that there was no circular hole in the door; but an opening at the bottom intervened between the door and the floor; and that the blacks got some of the reeds, and, fastening them by the end sufficiently long to reach across the guard-room to the fire, ran them under the door, and thus set fire to the place. I have received both accounts from two gentlemen still alive in Melbourne, and whose veracity is beyond question; but with one or the other, memory in dealing with an event of fifty years ago, may be unwittingly at fault. However, of the burning of the place by the Aboriginal sheep thieves, there can be no possible doubt, as well as that all the black incendiaries escaped, except the fellow so gallantly "dogged" in his flight by the "unrum'd" and wakeful Newfoundlander, who responded to the unaristocratic cognomen of "Billy."

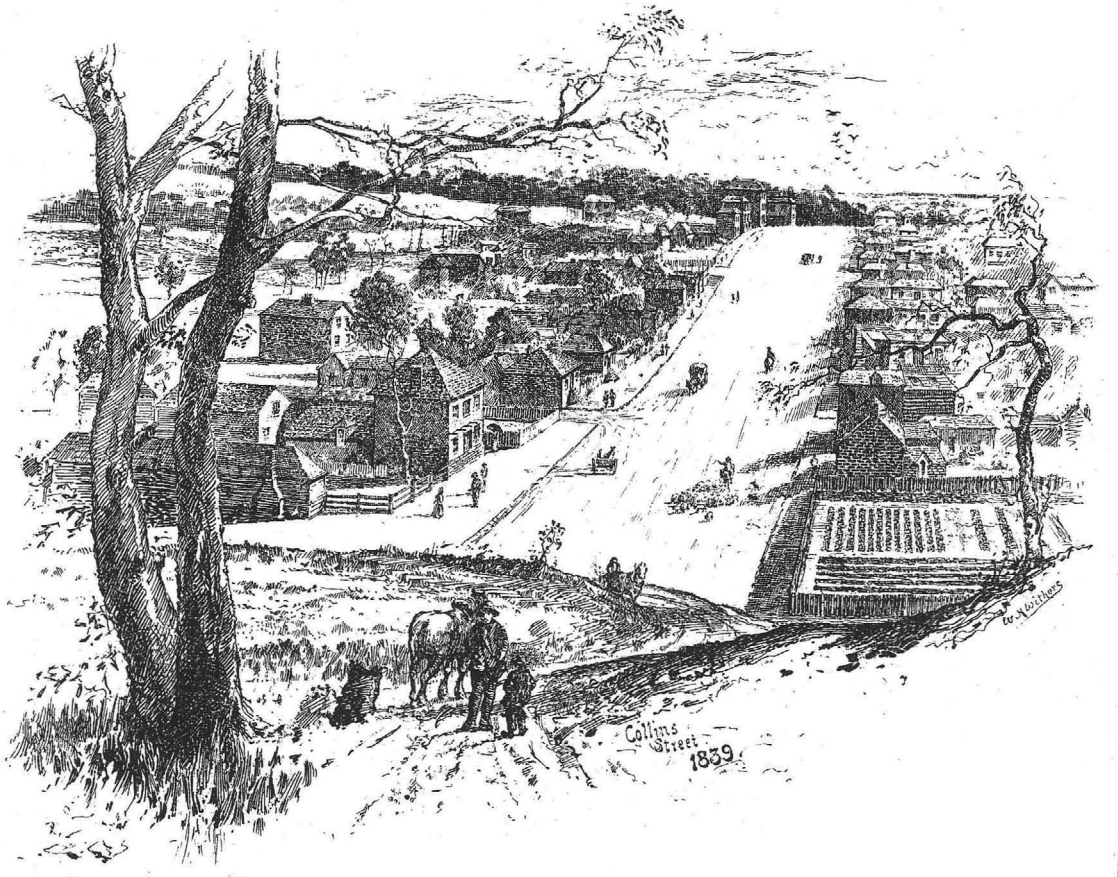
Dust in Melbourne is no new nuisance, and, like the hot winds of old, the dust storms were such as are seldom equalled in modern times. Of course, there is more traffic now to kick up a dust, but as a counter-blast the streets are well macadamized, and the footways asphalted and flagged. Though there was not much walking, or tramping, or carting through the streets forty or fifty years ago, the dust was in such thick layers from the drying up of the winter slush and mud, that, when a stiff wind came on in the dry weather, it was a "blinder" with a vengeance. A singular instance, the effect of a dust-hurricane, occurred on the 29th January, 1839. The morning was fiercely hot, and the wind freshened about noon. At 2 p.m. an immense cloud of dust swept along from the north over the small town, and for more than five minutes an almost total darkness prevailed. There was a cluster of three buildings—one a blacksmith's forge—nearly opposite the present Post-office in Elizabeth Street; and after the storm had passed away, two of these were levelled with the ground, and the forge was reduced to ashes. Luckily the inmates of the two tenements were not at home at the time; but the disciple of Vulcan, in trying to save his bellows and belongings, had a narrow escape. All he rescued was his anvil, because it was fireproof. His name was Blair, and he was a tradesman of good repute and much liked. A few of the townspeople started a subscription to enable him to re-open the forge, but from the limited population of the time it could not be a very remunerative movement. The captain of a schooner which arrived in port the following morning, declared that he had observed indications of the dust twenty miles out at sea.

Towards the middle of the year a two-storied store, occupied by Mr. J. M. Chisholm, was destroyed by a fire, as to the origin of which there was a good deal of mysterious gossip. All, however, that was ever publicly known was that a fire broke out in the place, which was speedily burned down, and both building and stock were insured for an amount that amply covered any losses sustained. Mr. Chisholm was a prominent townsman in Melbourne, and for some time thereafter, the Chisholm establishment continued in a re-built condition on the same frontage in Collins Street, where the recent fashionable and popular emporium of Messrs. Alston and Brown stood, but now bears the historic, and somewhat pretentious name of "Rothschild Chambers."

In 1840 there was a small shop at the north-eastern corner of Queen and Collins Streets, kept by Mr. Hart, a member of the Jewish persuasion; and young Hart having suddenly dropped dead, the same night (in compliance with a Jewish custom) Messrs. M. Cashmore and J. Fonsaker sat up as watchers with the corpse. The building was single storied, and in the midst of their vigil, the watchers were astounded by the concern taking fire and blazing about their ears. Cremation was not a recognised mode of sepulture with them, and to rescue the body from such an unearthly fate, they had to carry it away on their joined arms to the opposite corner, then unbuilt upon; they then hurried back to extinguish the fire, in which they partially succeeded.

The First Large Fire in Melbourne.

The first extensive conflagration occurred on Sunday, 2nd October, 1842, at the residence of Dr. Clutterbuck, one of the first medicoes who settled in that now fashionable doctors' quarter, Collins Street East. It was a comfortable, English built, wooden villa, erected a little westward of the present Melbourne


Collins Street
1839

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Club. The forenoon was fine, the doctor's family had gone to church, himself pottering somewhere about, the cook was getting the Sabbath dinner under weigh, and a housemaid engaged dusting up. A fire was in the drawing-room, where the doctor's dressing-gown was getting aired, when a sudden gust of wind blew the tail of the garment into the flame, and there was an instantaneous flare-up. The issue of smoke from the room was the first indication the inmates had of the accident, and the culinary help flew off to hunt up the master, and tell him what had happened. The doctor took it very coolly, and on re-entering the house, instead of giving an alarm, or making any attempt to extinguish the flames, though part of the room was in a blaze, turned himself to get together articles of special value in the way of plate, ornaments or nic-nacks, which he packed into a case, and with the aid of the servants removed them into the yard out of harm's way. The fire had now its fling, and as the materials of which the place was constructed were thoroughly seasoned, half covered with tarpaulins, and paper-lined, they burned freely, and before any assistance could be rendered were a heap of charcoal. "Cumberland Cottage," a weather-board residence close by, shared the same fate. The two places were so rapidly consumed that there was not time for any possible help to be available. It was about eleven o'clock; the churches were deserted, and the ministers preached to empty benches. Anything like even an attempt to aid was useless, and the multitude had only to look on. Just eastward of Dr. Clutterbuck's was a newly erected building of two stories, into which it was the doctor's intention to remove, and with that view, only on the day before he had some pictures, books, piano, sofa, chairs, &c., transferred there. It was thought that they were out of harm's reach, but the fire caught hold of some wood-work, and jumping to the shingled roof of the other house was soon like a bailiff going down a chimney, in possession. The place was fastened up and the police (with the military now present) burst open the front door in order to save the valuables therein. The piano, pictures and books were saved, but the latter were so crisped by the heat as to be unreadable. At noon the floor of this building fell in with such a crash, as in the language of an old newspaper "made the assembled crowd believe a cannon had been fired." In the doctor's timber mansion, there was a brick cellar tolerably fire-proof, and which he always kept well-stocked. It escaped the clutches of the fire, but not the cupidity of the mob by whom it was discovered and sacked of its contents. A scene of dissipation followed, for, *plus* the disorganized efforts to extinguish the flames, the behaviour of a horde of intoxicated ruffians, who acted like a troop of infuriated demons—begrimed with dust and smoke—was disgraceful in the extreme. The doctor's drinkables were all carried away, and distributed through the town, the result of which was manifested by the incessant drunken rows indulged in in the streets until late that night, in which not only men, but women and boys engaged, and were pulled promiscuously out of the channels by the police. The next day a "plant" of the stolen liquor was "sprung" from one of the several large gullies then abounding in the now fascinating Fitzroy gardens. The building where the fire commenced was insured for £500, and the doctor's furniture for £500 more, but as a good deal of the latter had been removed to the two-storied house, and consequently not covered by the policy, not a sixth of the amount could be claimed. The wearing apparel of Dr. Clutterbuck and his family was destroyed, and the doctor was reduced to such straits that he had to borrow a coat and belltopper to complete his professional rig-out for the remainder of the Sabbath. His loss was estimated at £1000.

Destructive Fire in Collins Street West.

Exactly a fortnight after (16th October), and on a Sunday, too, but at night, and at the other end of Collins Street, occurred the most destructive fire witnessed in Old Melbourne. Mr. A. H. Hart occupied premises opposite the Bank of Australasia, and carried on business as a linen-draper in what was known as "Commercial House." About 11 p.m., a shopman on the premises perceiving that the place was on fire, hastened to inform his employer, who had retired for the night, and when the front door was burst open, the flames broke out furiously, and the whole establishment was in a blaze. Shopkeepers, in those times, usually resided under the same roof as their shops, and, consequently, in this case, several of the inmates had to fly half-naked into the street, and a second shopman and a lad—nephew of the proprietor, who slept in a room adjoining the shop—were with difficulty rescued. The alarm of fire

now became general, church bells rang, and police and private watchmen ran about singing out "Fire!" A large crowd quickly congregated, but there were then few means and appliances to wrestle with a conflagration. Mr. T. C. Riddle, the occupant of the next shop, lost no time in moving his family to a place of safety. There was a large handsome building to the west known as the Melbourne Chambers used as the Savings Bank, as well as offices and business premises, and fearing the fire had extended to this, the front door was forced open and steps taken to secure any valuable property therein. Three adjoining shops (Riddle's, Hart's and M'Gregor's) were completely in the grasp of the enemy, and amongst them in the first and second stories the fire played up without interruption. A strong westerly wind was blowing, wafting red flakes of burning material in the direction of Queen Street. The only supply of water was from the Yarra, by means of a pump and a water-cart. Luckily the river was not far off, and the water-carriers worked well, but unluckily there was no mode of applying the fluid, for the time was anterior to the era of either fire-brigade or engine. The only substitute for the Yan Yean hose was the primitive bucket, while the number of borrowed buckets available was very limited, and nothing even like a suitable ladder was on the ground. Wet blanketing and bucketing were resorted to as far as possible, but a new source of alarm stepped in, as between the Melbourne Chambers and Little Flinders Street rearward there was a congeries of weather-board, wattle-and-daub shanties—where people and merchandise were stowed away in so-called dwellings and stores—and the smallest brand from the burning would burst up this quarter as if it were a huge heap of well-dried fuel. If this happened, there was no foretelling the consequences, as that portion of the town was then studded with cribs of every imaginable shape, and used as receptacles for all sorts of commodities. The military (a detachment of the 80th regiment) and police were on the spot to maintain order and save property. A considerable quantity of valuables of different kinds was saved, though salvage was to a great extent a misnomer; sofas, chairs and tables being dashed about the streets, with the most reckless levity or criminality. A good deal of the stocks-in-trade of the destroyed premises was rescued. All this time the fire was pelting away furiously, and showed an inclination to mount the roof of the Melbourne Chambers, and the store of Messrs. Turnbull, Orr, and Co. adjoining. The bucket-holders, no matter how willing, could not possibly jump up to the tops of two-storied houses, and the few crippled ladders available were just as incapable of doing so. Everyone began to shout for a tall ladder, and in due time one was forthcoming. Turnbull and Orr, merchants, had now arrived, and some bales of blankets were obtained from their store, well saturated with water, hoisted up aloft and spread along the roofs most exposed to the fire. At the rear of Hart's was a brick skillion, the shingled roof of which was torn away in good time to save a wooden dwelling placed within a foot of it, and had a very narrow escape. At the rear of the Melbourne Chambers ran a range of wooden buildings, communicating by a door, and this thoroughfare was, on the suggestion of the Chief-Constable, plugged up with bricks in place of wood, a precaution which, it was thought, had saved the whole area from Queen to Market Streets, including the Melbourne Club-house and the Union Bank. The fire went on, glutting itself on the premises of Messrs. Hart and Riddle, and the Melbourne Chambers. The two first were utterly destroyed and the third left a complete wreck. The Police Magistrate (Major St. John), arrived before midnight, and proceeded with his usual impulsiveness to swear in special constables at sight, for the preservation of order and property. About 2 a.m. the fire had pretty well become exhausted, and as all risk of its spreading was over, people began to think of returning to their beds, and the military and police were posted as guards in the street. Next day it was ascertained that Turnbull, Orr and Co.'s goods and furniture were insured for £1500, and their loss by plunder and breakage was reckoned at about £500. Mr. W. H. Cropper, a wine and spirit merchant, who occupied part of the Chambers, saved the most of his stock. He was not insured. Hart's house was insured for a £1000, and his stock for £300, but he lost considerably. All his personal effects were destroyed, and the fire pushed him so unmercifully that he was left with only the trousers and shirt in which he stood. Mr. M'Gregor who had only just commenced business as a jeweller and watch-maker, lost a valuable stock which was uninsured, and Riddle's destruction of property was estimated at £1000, but luckily he was covered by insurance. During the night the establishment of Messrs. Annand, Smith and Company, grocers and general dealers, at the north-east corner of Queen and Collins Streets, was rushed by the mob on pretence of saving it, though it was far removed from any possible danger. Plunder was evidently the object of such assumed solicitude. and so the place was gutted to the extent of something

like £500. Amongst the townsmen who distinguished themselves in endeavouring to check the disaster are specially mentioned, Messrs. William Wright, Oliver Gourlay, J. B. Quarry, James Purvis, D. S. Campbell, with Drs. C. J. Sanford and W. H. Campbell. The Melbourne Insurance Company would lose about £6000, as Hart, Riddle, Turnbull, Orr and Co. had insured with it. At the time of the calamity, Mr. E. Curr, the owner of Melbourne Chambers, had a proposal for its insurance for £1200, under consideration of an office in Sydney, and the result was not known. It was afterwards ascertained that the acceptance was not obtained in time. Shortly after the breaking out of the fire all the books and papers of the Savings Bank and the Insurance Company were removed from the Chambers and sent across the street for safe-keeping at the Bank of Australasia, which had also made preparations to take in the valuable securities of the Union Bank, corner of Queen and Little Flinders Streets. At one period of the night, when there was some apprehension that the flames might take a wide circuit, and make a raid upon the south central line of Collins and other streets, books, notes, coin, etc., were packed ready to be moved from harm's way; but the emergency did not occur, and the managerial panic subsided. The origin of the fire was a mystery, though rumour accounted for it in that Hart, who was near-sighted, passed through the shop with a lighted candle, and had set fire to some pieces of gauze; but this he positively denied, declaring that his shop had been closed as usual on the Saturday night, and not re-opened, and, consequently, not entered until the fire was discovered. Property in all to the value of £10,000 was reported to have been destroyed, and much indignation was expressed at the culpably gross neglect of the Insurance Company, in omitting to have any fire preventive appliances in readiness, not even a proper ladder or bucket, much less anything in the guise of a fire-engine.

The church bells invariably rung out the alarm of fire whenever such a casualty occurred, and again on a Sunday morning (9th March, 1845), they tolled for other than Divine service, for a fire occurred at an auction mart, kept by a Mr. Boyd, next door east of the *Royal Hotel* (now Union Bank) in Collins Street. The previous weather had been so hot that almost everything was in an ignitible condition, and it was supposed that there was a feast of rats in the auction-room, and that the rodents were enjoying themselves on lucifer—hence the mishap. The police, military, and an immense crowd were soon on the spot, but not until considerable property was destroyed, not only by the fire, but by the ill-directed zeal of the mob. The auction-room was reduced to something like a charred shell, but the upper story and back buildings were uninjured.

The First Fire at a Brewery.

Mr. Henry Condell, the first Mayor of Melbourne, was a brewer, and his establishment and residence were situated in Little Bourke Street, a short distance east of the north-eastern corner of Swanston and Little Bourke Streets, adjoining the now Condell Lane. About 8.30 p.m., of the 15th July, 1845, some street Arabs, in passing, observed smoke in large volumes issuing from the malt-house, and gave an alarm. Flames immediately after burst through the roof, and in ten minutes the whole place was a huge burning mass. The wind was blowing from the north-east, and the glare illuminated the town, like an electric light. The fire raged with much fury, and occasionally a tongue of flame, yielding before the wind, would throw itself across the narrow street, almost touching the houses on the opposite side. Crowds hastened to the spot; the police were there; a detachment of the 99th regiment, commanded by Lieutenant Blamire, was speedily turned out, and the Mayor (Dr. Palmer) drove up in hot haste. The Cornwall Insurance Company had an engine in Melbourne, and it soon arrived. Condell's residence was in great danger, and it was little short of a miracle that it escaped; but it did, at the expense of torn-away doors, smashed windows, broken furniture, and much dilapidation, a deal of unnecessary damage, as usual, resulting from the over zeal and mischievous tendencies of those present. The fire-engine was of some service in playing upon the malt-house; and it would be impossible to exceed the daring and activity of some of the townsmen in scaling walls, removing property and bucketing water, a good supply of which was kept up by the water carters, who then served the town from the Yarra pumps. Three clergymen were conspicuous in their exertions to control and stimulate the efforts of the numerous army of volunteers. They were the Revs. P. B. Geoghegan and R. Walshe (Roman Catholic), and James Forbes (Presbyterian). The Mayor was also

indefatigable, but too fussy. Lieutenant Blamire worked his red-coated contingent to much advantage, and the following residents (all publicans) deserved honourable mention for their praiseworthy activity, and disregard of personal danger, viz. :—Messrs. J. S. Johnson, of the *Southern Cross;* J. G. Taylor, *Bakers' Arms;* Kenneth Bethune, *The Star Inn;* Michael Lynch, *The Rising Sun;* William Mortimer, *The Crown Inn;* and E. C. Greene, *The British Hotel.* The fire, which had confined itself to the brewery, burned out about 10 o'clock. The loss amounted to some £700, and there was no insurance. The fire was supposed to have been caused by the overheating of a kiln ; and it had the good effect of expediting the organization of a fire-brigade—an institution often talked of.

In the afternoon of the 30th January, 1846, a fire broke out on the premises of Mr. T. B. Darling, a chemist, at the east side of Elizabeth Street, between Collins and Little Collins Streets. It originated in a weatherboard out-house, used as a laboratory, through the bursting of a pipe worked in the distillation of lavender water; and in ten minutes the structure was a heap of ashes, the proprietor losing about £150. This was the occasion of the *début* of a newly-established fire-brigade, and it did its duty well by means of the Cornwall Insurance Company's engine. The wind, as has been often remarked, is prone to shiftiness in seasons of conflagration, and on this occasion it luckily changed its direction, for, had it not done so, the *Melbourne Tavern* close by, and Darling's other property, would have shared the fate of the laboratory.

Fire in a Coach Factory.

In the olden time the north-east corner of Collins and Queen Streets was occupied by an extensive grocery establishment kept by Annand, Smith and Co., a well-known firm. The place was for years known by no other name than "Annand's Corner," and adjoining it in Queen Street was a coach factory, kept by two equally well-known Melbournians—Messrs. Liddy and Passfield. Next to Annand and Smith's, in Collins Street, was a saddler's shop, worked by a Mr. Thomas Hamilton, and at its rear was a shed, adjoining Liddy and Passfield's workshop, and here on the 16th September, 1846, a fire was believed to have originated, the whole building being suddenly in flames. This happened about 3 o'clock p.m. just as Mr. J. T. Smith was riding by. He was the first to observe it, gave the alarm, and galloped away to summon the aid of the police and military. The inevitable crowd was first on the ground, though Chief-Constable Sugden (superintendent of the fire-brigade), with his brigadiers and the Cornwall engine, were not much behind. The engine did but little service, for it was no sooner got to work than a pipe burst and it had to give up. The water-carriers, however, stood like men to their guns—or, rather, to their barrels—and, by the united help of a good supply of the Yarra fluid, and unwearied bucketing, the extension of the fire was prevented, and Annand and Smith's place saved. It was said they had 2000 lbs. of gunpowder stored away here (there was then no magazine), and if this had been touched there would have been a blow-up, the consequences of which it would be hard to calculate. It was fortunate that the occurrence did not happen at night. As it was, Liddy and Passfield were the only sufferers to the extent of a few hundred pounds. What was nearly eventuating in a fatal accident occurred to one Thomas Aldorough, whilst on the roof rendering assistance. He fell through, and was much injured, but was dragged out of the fire in time to save his life. Several townsmen rendered valuable service on the occasion, and their names, as given in some of the ancient annals, were :—Messrs. D. C. M'Arthur and C. L. Hussey (manager and teller of the Bank of Australasia), John O'Shanassy, James Purves, William R. Belcher (clerk of Police Court), Wm. Finn, M. Croker, and William Pender.

The First Fire in Bourke Street.

In 1848 there stood midway between Queen and Elizabeth Streets, on the north side of Bourke Street, a tavern of more than questionable reputation, known as the *Golden Fleece*, and from near its Eastern side there ran a range of wooden, ginger-bread looking tenements, not continuous, for at every third or fourth one there was a *hiatus* in the form of an unbuilt-on allotment, fenced or unfenced does not much matter. Two of the houses adjoining were severally occupied by Nathan, a clothier, and Clay, a dealer of the "Johnny all sorts" species, whilst Michael M'Culla, a blacksmith, resided in a two-storied edifice at the rear. Clay's wife was being nursed by her husband, who sat up with her at night.

He did so on the 23rd June, but fell asleep without extinguishing a candle, which, left burning by the bedside, communicated with a curtain and ignited it. About 1 o'clock on the morning of the 24th, the napping husband was hastily awoke from his slumber, the poor wife was after much difficulty and risk, rescued from imminent death, and conveyed to a friendly house in the neighbourhood. The flames spreading rapidly to some of the adjacent places, the group was a huge pillar of fire. The police, military, the Mayor (Mr. A. Russell), and several leading citizens were promptly on the spot, but the fire-brigade arrived just in time to be too late. When about to start the engine, no horse could be obtained to draw it, whereupon the foreman (Dalton) triced on some of the men, who pulled it merrily along up Elizabeth Street, until getting into a quagmire near the Post Office, there the whole lot (animate and inanimate) stuck, and were not extricated until the worst of the fire was over. The fire burned out in an hour and a-half, when it was ascertained that three of the houses fronting the street, and the workshop of Denis Leary (a cooper), were destroyed. M'Culla's house at the back had also gone to ashes, and the butcher's shop of one O'Brien had a wonderful escape. Nathan was completely burned out, but M'Culla saved his furniture, and his loss was lessened through having had a clearing-out sale at his place a couple of days before. Clay had £13 in notes destroyed, and Leary had withdrawn a sum of money from the bank only the day before. This also disappeared, but whether burned or stolen could not be ascertained. The day after, a cash-box was picked up amongst the *débris*, containing some money which was uninjured. A Mr. Douglas, one of the theatrical company then playing in town, was a lodger at one of the places, and the fire bereft him of everything. Property to the extent of £500 was destroyed, exclusive of the buildings, four in number. Such as they were, there was no insurance effected. Amongst the individuals who distinguished themselves in assisting, were Messrs. E. Grimes, and H. W. Smythe (Crown Lands Commissioners), J. O'Shanassy, Frank and James Stephen, H. Condell, H. Moor, T. Robinson, and C. Campbell. Michael Jordan, a bricklayer, was very active, and obtained much praise for his exertions. Chief-Constable Sugden and his town police worked well, but general dissatisfaction was expressed with the inefficiency of the fire-brigade.

The First Fire in Fitzroy.

About 3 o'clock on the morning of the 23rd January, 1850, a fire broke out in the rear of the house of a quarryman named Wells, in William (now Moor) Street, Fitzroy, by which two dwellings, a stable, and portion of three other premises were destroyed. It originated by a man smoking in the stable and so firing some straw. There was also a horse there, and although the man was drunk the brute was not, and it was by the neighing and prancing of the scared animal that the occurrence was discovered. The man-beast escaped unhurt, but his companion was well singed, though not otherwise seriously damaged. The fire speedily reached the dwellings, and burst forth in such a luminous body as to light up the tower of St. Peter's Church, the then next prominent building, and it was seen from all parts of Melbourne, spreading general alarm and inducing crowds to gather from every point of the compass. The Superintendent of Police (Mr. Sturt), Chief-Constable Bloomfield, and all their available force were speedily on the ground. The fire-brigade was there too, but without either engine or water. There were plenty of water-carriers driving about, swearing and vociferating with willing horses and empty barrels, everywhere in quest of water, but not a drop, though in the hot wind season, was to be found, for on that night, above all others, there was not a single pump in working order at the Yarra, and the not-long-established Water Company's tank, at the north-east corner of Elizabeth and Flinders Streets was quite dry. In Wells' house was a cask containing 25lbs. of quarrying powder; the fire was hemming it in, and great were the fears of a terrible explosion. Numbers hesitated to go near it, until one man, named Allcock, fearlessly rushed into the blazing circle and brought away the cask in his arms. This act of undoubted heroism was rapturously applauded, but beyond the empty praise of the moment, this gallant fellow's intrepidity was never further recognised. If the wind had chanced to blow westerly, nothing could have saved the twenty or thirty buildings crammed together in the immediate neighbourhood. As it was, Wells was the only sufferer, and he was ruined, for all the burned down tenements were his, and uninsured.

The First Fire at a Foundry.

The earliest foundry in Melbourne was that of the Messrs. Langlands, in Flinders Street, the members of which firm were much esteemed for their respectability and enterprise. If public opinion could have anything to say on the question, this foundry would most certainly have been spared the casualty about to be described, but elemental or other accidents care little for the consequences they so often entail on the culpable or blameless alike. This property was therefore to be no exception to the inevitable, and accordingly a fire broke out there early on the morning of the 21st November, 1850; and the first notification of the event was the booming of the bell of the Cathedral Church of St. James. The military and police, the fire-brigade and its engine, and the sailors from the shipping along the wharf, brought valuable assistance. There was great difficulty in keeping order, and no less in protecting the property from pillage. There were then two fire-engines in town, both of which were plied with good effect, and were specially serviceable in saving several valuable stores. In a house some dozen yards from the foundry, it was known that a large quantity of gunpowder (some said twelve tons) was stored. This was, therefore, the object of special attention from the aquarians; it was kept in a continuous state of drench, and so passed through the ordeal unexploded. Luckily there was within the grounds, a well copiously supplied with water, and this was a very welcome and needed auxiliary to the Yarra pumps. During the proceedings a 20lb. cask of gunpowder blew up, without injuring anyone. Several thousand persons congregated on the open area about Batman's Hill, including more half-dressed women than ever appeared together in the open air in Melbourne before or since. The foundry was a good deal injured, as also a couple of the premises in proximity. The Messrs. Langlands were insured for £400 in the local company, and lost about as much more; Captain Cole was injured to the extent of some £500, and Mr. Graves, a sailmaker, £250, neither being insured. The origin of the fire could not be ascertained.

The Last Old Fire.

Though last, not the least, in this fire summary, was one that occurred at 2 a.m. on the 21st April, 1851, at the south side of Bourke Street, and not many yards from its junction with Elizabeth Street. There was a smart-looking one-storied hotel named *The Saracen's Head*, doing a good business there, and next to it was the grocery shop of a Mr. Ferris. This place was infested with rats, and some of these marauding vagabonds in a nocturnal foray were supposed to have capsized a case of matches, and the friction causing ignition, the shop was soon in flames, communicating rapidly with a wine store adjoining kept by a Mr. Matthews. The fire-brigade, police and military were quickly in attendance. There were two fire-engines, one belonging to the Victoria Insurance Company, and the other to the Cornwall, but the latter was too tardy in arriving to be of any use. The first engine worked with much effect, but as in other similar mishaps, so in this, all efforts were mainly directed to prevent the spread of the devastation, for if it caught hold of the corner of Elizabeth Street, it was feared that the valuable range of buildings thence to Little Collins Street would go down before it. As usual, several of the citizens were conspicuous for services rendered, and foremost among them were the Mayor (Mr. Wm. Nicholson), Messrs. E. Wilson (of the *Argus*), George Hull, J. O'Shanassy, Rody Heffernan, and James Barry. The two foremen of the fire-brigade (Dalton and O'Reilly) were most indefatigable, and the last-named was seriously injured in an arm. Two houses were destroyed, and two more gutted in order to check the burning, whilst seven families were sent adrift on the streets—viz., Ferris, Mathews, Russell, Davenport, Fidler, Gorman, and Duffin, the last-named being partially insured. There was a great scarcity of water in the Yarra, the consequence of a protracted drought; the Water Company's tanks were empty, and the water-carters and Yarra pumps did not pull well together. Fortunately the night was almost windless, and in the midst of the struggling against the conflagration, an unexpected fall of rain came on, which was better than a legion of fire-brigades, at least such as were equipped like the first corps of that name.

GREAT FLOODS. NO. 1, IN 1839.

The first of those extensive floods, which through the capriciousness of the rainfall, and the snow melting on the mountain ranges, are very uncertain in their visitations, occurred in Melbourne at the close of 1839. The white inhabitants of the settlement had seen nothing of the kind before, and to them it occasioned much astonishment. Since 1835, the Aborigines had often foretold the coming of such events, but they were heard with incredulity; their vaticinations shared the proverbial fate awaiting prophets in their own country, and were set down as a black *ruse*, concocted for the alarm of a race of intruders, regarded with no friendly eye by the natives. The whites were, however, now taught by ocular demonstration to pay more respect to the warnings of their sable contemporaries. During the first three weeks of December the weather was scorching, and hot-windy, when a sudden change set in, and for three days and nights there was a continuous downpour of rain. The waters then took more time to travel to Melbourne than now, in consequence of the thickly-timbered state of the low lands, the profusely matted scrubs abounding along the sides of the Upper Yarra, and the manner in which the river, and watercourses discharging into it, were choked by such deposits as the snags, dead timber, and *débris* of ages. For these reasons, no doubt, the Yarra did not attain any alarming height till the 23rd, and it was not until the 24th (Christmas Eve) that the flood was at its full, when it overflowed the river banks, and inundated all the low-lying locality of the then small-scattered township to a depth of several feet. A punt that plied across the river, a little eastward of the present Princes Bridge, was soon disabled, and all *transit* from North to South was suspended unless by boat, a precarious mode of conveyance. This was of less consequence, as the southern side of the river was then only inhabited by a small colony of brickmakers, all of whom were beggared by the ruin which so unexpectedly overwhelmed them. Between the wharf and Emerald Hill stretched out the brickfield, where was stacked a considerable quantity of bricks, the labour of months, and from this place pile after pile was swept away, accompanied by the miserable shanties in which the people lived, leaving them homeless and penniless at the same time. Two or three of the most substantially-built residences remained, and were six feet under water, almost up to the roofs. The residents had all fled for their lives. At the Melbourne side, the wharf was impassable on foot, and the only locomotion was by means of a couple of cock-boats placed on the streets for the occasion. The water tumbled along Elizabeth Street in an immense volume; Collingwood, Richmond, and round away down to the Beach resembled an immense circular lake. Emerald Hill, then known as the Green Hill, with its sheep browsing on the summit, seemed to look on with resignation at the innovation made by the liquid element; whilst in the far West, Batman's Hill with its picturesque tree-crowned cone, was as an oasis in the swirling watery desert by which it was completely encircled. At this time the streets abutting round the Western Market with Collins and Little Flinders Streets constituted the principal places of business, and being high ground little merchandise was injured; settlement along the Yarra banks had hardly commenced, and no perishable property being exposed to the inundation, losses similar to those sustained by subsequent floods were unknown. The flat from Elizabeth Street to Swanston Street was almost completely under water, and some of the dashing young squatters, in town for a Christmas spree, amused themselves rowing about in boats. Several fatal accidents occurred. A stockman named Jordan was riding into town, and attempting to ford the Merri Creek, at a crossing-place near Northcote Bridge, had his horse swept off by the current. His body was found in a battered condition on Collingwood Flat after the waters went down. The horse was observed on Boxing Day grazing in the now Yarra Bend Reserve, *minus* the bridle, and with the saddle under its belly. The same day William Brennan, a brickmaker, was drowned whilst trying to swim the Yarra. He had come into town, "nobblerized" too much, and would insist on returning home. He rushed into the river, and after a few strokes and struggles went down, but not to that home where a wife and four young children were anxiously expecting him. His body was recovered three days after, embedded in some brushwood on the Southern side. There were two almost miraculous escapes, corresponding in some particulars, and they both occurred on Christmas morning. Another brickmaker, named Crawford, who had also indulged in too much stimulant, took it into his head to cool himself with a plunge into the Yarra, and stripping off at the end of Swanston Street, in he

went. He soon lost all self-control, and shouted lustily for help, but none could succour, and he was propelled with much rapidity towards the "Falls," over which, if he went, nothing could hardly save him. As he approached where he would have to make his final somersault, he got entangled in some of the ti-tree then growing from the bank streamwards, and here he held on until a couple of Aboriginals who were standing by, were prevailed upon by some European, and a *douceur* of two or three figs of tobacco, to rescue him, which was done without risk or difficulty.

The second escape was very singular. A bushman named Glenworth used to make a living in a generally useful way on the Yarra, near Toorak. On Christmas morning the *gunyah* in which he hutted was carried away, and he was in it. It was broken up before it reached the river current, into which he was shot head foremost. He was a good swimmer, sober, and resolved to fight hard for life, but the impetuosity of the waters showed the inability of his attempting to make either bank. He therefore applied all his strength and skill to keep on the surface in mid-stream, hopeful that something in the way of a chance of escape might turn up, and the chapter of accidents did not disappoint him, for, in a minute or so, he saw floating down the river what subsequently turned out to be a "cock," *i.e.*, a small stack of kangaroo grass, cut and saved for provender. It was securely roped and sailed along trimly in the middle of the stream. As it glided alongside, Glenworth grasped one of the fastenings, and, after being towed for a quarter of a mile, with the superhuman strength that comes to a drowning man, he managed to drag himself aboard, and, mounted on his hay raft, voyaged without any further mishap to Melbourne until he was nearing the "Falls," where he had little hope of going over them with unbroken bones. His craft was still taut and kept well together; and as he dashed along there were persons on the northern bank, willing enough to help, but able to do nothing more than shout a few words of encouragement, though they believed he was hastening to his doom. He knew well where the "Falls" were, and as he approached them Glenworth firmed himself in his seat, shut his eyes, and clung to a rope like the grim Death he in all probability fancied was about to clutch him. The little hay-rick took to the "Falls" kindly, and got over without much disarrangement, but in the hitch forward it was compelled to make, its temporary skipper was shot off his perch, falling, luckily, beyond the stones, and in deep water. After sinking, he rose to the surface, and, stunned by the shock he had received, would inevitably have perished but for two brothers (Henry and William Kellett), who jumped into the dingy of the lighter "Lucy" then warped close by, struck out for the drowning man and saved him. It was several days before the flood subsided. Before this occurrence it was the intention of the Government to extend the township over the river, but this deterred them from doing so, for the whole of the proposed extension lay for more than a week buried feet deep in water. No land at South Yarra proper was sold by auction for several years after. Strange is it to record that just one week before, Melbourne bore witness to the power of another destroying element—a gunpowder explosion blowing up a house with its inmates in Market Street—a contrast one would be disposed to regard as an illustration of the marvellous physical forces against which, at times, in this world the power of man is unavailing.

Flood No. 2—in 1842.

There was a great fall of rain on the 25th and 26th July, and on the 27th the Yarra swelled into a large flood. The river rose to a height previously unknown; the South side was completely under water, and a new road in course of formation from Melbourne to Sandridge was *non est.* The brickmaker clearance of 1839 was repeated, but this time with more inconvenience and loss of property, for there were more people settled there. Several gardens planted along the Yarra bank were totally ruined, and the flood breaking over the break-water, or "Falls," is described by a gushing newspaper scribe of the period to be "an humble imitation of the Falls of Niagara." It was modesty of him to put in the adjective. The wharf and low streets were, in places, several feet deep in the inundation, and the scattered township resembled a group of small islands. The pound, which was near the bank of the river, about half-way between Swanston and Russell Streets, was so suddenly overwhelmed that there was much difficulty in saving about forty head of cattle there; and after procuring the enlargement of his prisoners, the keeper found dry quarters

for them at the yards of the *Caledonian Hotel*, a bush-frequented hostelry on the south side of Lonsdale Street, and some twenty yards from Swanston Street.

The first overland journey made in a boat from the Saltwater River to Melbourne was on this occasion, when Mr. Michael Cashmore, one of Melbourne's earliest drapers, with some companions, was weather-bound at a small hotel then near Footscray. They were cut off from town by water, and could not attempt the homeward journey by swimming or wading. Horseback, even if they could procure horses, was equally out of the question. So they took an open boat, and ventured over what was then "a lone dismal swamp," and taking their bearings round about Batman's Hill, after several escapes from snagging and capsizing, reached the Queen's Wharf unshipwrecked, pulled straight for the *Royal Highlander*, a well-known hotel, and did not deem themselves safe ashore until their craft was securely roped to one of the legs of the tavern bar. Then, no doubt, the inward man speedily made up for the outward discomforts of the long and dangerous voyage, and the mariners drank to the good luck which permitted them to escape with no other unpleasant consequences than a rubber of stiff muscular exercise and a sound drenching.

Flood No. 3—in 1842.

The 26th October witnessed another extensive flood, and the Yarra rose 50 feet at Heidelberg, doing much injury to the gardens and land otherwise under cultivation along the line of river to Melbourne. The Melbourne Custom-house and wharf were cut off from dry land, and there was an almost total cessation of business there, and in the low-lying streets. The trans-river brickmakers had to run for their lives from their beds, losing all their household valuables, and several large kilns of bricks, which were carried away by the flood. A dozen families located on the borders of the Western Swamp were also rendered houseless; there was quite an encampment of "miserables" on Batman's Hill, and their condition excited much commiseration. The crops for miles around Melbourne suffered severely, and were in some places utterly destroyed, especially at the Moonee Ponds, the Merri and Darebin Creeks; and, more disheartening still, where cereals had been ruined by the July flood, and the ground re-sown, the farmers' hopes were again blighted. With reference to this flood, Mr. Frank Liardet wrote from Rosedale (Gippsland), in February, 1881, to a Melbourne newspaper:—"There was a still greater flood if my memory serves me, in November, 1842, when the Sandridge lagoon overflowed, and a deep channel was formed from it to Hobson's Bay, a few chains east of the Victoria Sugar Company's works, since built there. I was contractor for the ship mails at the time. A heavy southerly gale blowing at the time backed the flood. The sea ran so heavy in the Bay that I could not venture to go alongside a ship that arrived, but had to get the mails slung over the poop. The above vessel was the "Royal George," Thomas Greaves, commander. In consequence of the gale being directly opposed to the current from the lagoon, the surf was too heavy to risk running. I beached my fine old whaleboat, safely landed the mails, carried the boat about 300 yards, and landed the mails in safety in William Street, between the present *Yarra Yarra Hotel* and the *Sydney Hotel*. My crew having been some hours exposed to wet and cold, I gave them some stimulants. This was supplied from the balcony, as we stood up in the boat alongside. My recollection is that there must have been four feet of water on the top of the Queen's Wharf." The writer, drawing, as he admits, upon his memory, evidently mistakes the month, for there is no record of a flood in November of that year.

Flood No. 4—in 1844.

The greatest flood ever known in Melbourne occurred on the 1st October. For two or three days it had rained heavily, though intermittently, but during the entire night of the 30th September it fell literally in torrents, the wind blowing stiffly from the north-east. Business was practically at a stand-still, and the general dullness was only relieved by the amusement created by witnessing the efforts of wayfarers to make their way through the rain, water and mud abounding everywhere. It rained continuously during the day, and towards evening the Yarra was very high. A general clearance of the brick-fields was effected, and on the northern side much havoc was made amongst the boiling-down establishments and slaughter-houses westward of the city. In some of the houses over the river, the inhabitants during the early part of the day, were in a state of terrible uncertainty, the Yarra rising gradually, and the women and children dreading

to move out of doors. They were ultimately removed safely. There was a considerable destruction of property, and much damage was done to goods piled on the wharf, and in several of the stores in Flinders and Little Flinders Streets. Allison and Knight's mills and Langland's foundry were forced to stop work, and several of the small houses were actually "up to their necks in water." Boats worked for hire along the river's bank, and through portions of William, Queen, Elizabeth and Swanston Streets. The Western Swamp was then a large swine-fattening ground, and some hundreds of porkers were sent swimming about, the greater number of which were carried out to sea, where the sharks, no doubt immensely enjoyed themselves on fresh pig. In several parts of the interior the settlers were severe sufferers, and the gardens and farms along the creeks and rivers near Melbourne, were denuded of cultivation. At the junction of the Yarra and Merri Creek, near Dight's mills (Studley Park) the river was up to thirty-six feet. In the mill there was a considerable quantity of grain stored, which was saved after much toil and difficulty. Mr. Liardet, the mail contractor, brought an important ship-mail from Sandridge to Melbourne, by the joint means of a cart and a boat, for which important service both public and newspapers loudly sounded his praise. Narrow escapes and half drownings in the streets were of common occurrence during the flood, and the following incident is mentioned because of its extraordinary sequel. Elizabeth Street was always the most dangerous locality, for there the water was at its highest, especially at the Post-office corner. A Mr. Wentworth was on some pressing business, and seeming to think rather slightingly of the roaring torrent, boldly stepped in; but he had not waded many yards when, his feet sliding from under him, he was swept away, and with much difficulty rescued from drowning, near the intersection of Little Collins Street. On being pulled ashore he was coatless, his struggling for existence, and the violence of the water having stripped him of his upper garment, which was whisked away, and never recovered. In its pockets were a large sum of money, an unsigned bond, and some memoranda, which shared its utimely fate.

Flood No. 5—in 1848.

October 13th and 14th were inclement wet days, the "pelting of the pitiless storm" having been almost incessant during forty-eight hours. The low lands about the city disappeared under water, the Yarra rose as rapidly, and the flood on the afternoon of the 14th was nearly as high as in 1844. The swamps and lagoons united, and Melbourne exhibited the appearance of a sea-girt settlement. South of the river the low brushwood towards Sandridge and away by Fisherman's Bend was covered, and the water was up amongst the branches of the trees. The Melbourne wharf was impassable, except a narrow strip of causeway, portion of a street improvement, running from the southern part of Queen Street in the direction of Coles' dock. The *Royal Highlander*, an hotel in Flinders Street, kept by a Mr. Shanks, was completely islanded, and he put on two or three ferry-boats for the convenience of his customers, who were conveyed to and fro free of charge. The brickmakers as a matter of course, were again heavy sufferers. Early on the morning of the 14th one of them was awakened by the motion of his bed, and to his consternation discovered that it was floating about like a raft, in several feet of water. He aroused his wife and two children, and it was little short of a miracle that they escaped with their lives. There were some tanners and curriers settled on the river bank near the present gasworks, and they had some hairbreadth escapes, little caring, so long as they saved their own skins, what became of a large quantity of other hides they were forced to abandon in their hasty flight. Batman's Hill was again an island, and as the rearing of pigs and poultry had grown into a local industry around the Western Swamp, heavy losses were sustained by a class of people least able to bear them. At Heidelberg the water was within two feet four inches of the height of 1844, and damage was done there, at the Merri Creek and at Richmond. At Studley Park the force of the current tore up the piles supporting a punt established there by Mr. John Hodgson, rendering it for the time unserviceable. During the 15th a considerable quantity of sawn timber (belonging to woodcutters) and limbs of trees were borne down the river to the great risk of the Yarra wooden bridge, which luckily escaped, and some 300 or 400 tons of the drift-wood were forced over the breakwater into the basin of the river. Here it was rushed by a number of wood-fishers who resorted to various expedients to get the flotsam ashore. Amongst the other waifs wafted along the Yarra, was a cradle, but it was soon found to be untenanted. The Mount Macedon road was then the most important highway in the district,

but a portion of a bridge over the Deep Creek at Keilor was carried away, and no bullock drays or heavy carts could pass until the damage was partially repaired. The residents of Richmond were in a state of complete isolation for two days, as they had no means of crossing over the formidable body of water sweeping the Collingwood and Richmond Flats, as well as the Fitzroy Gardens and the Richmond Paddock to the Yarra. In thirty-six hours the Yarra at Melbourne attained the height of fifteen feet. The flood of 1844 was higher than the present one, for then the water was sixteen inches higher in the second floor of Dight's mills at Studley Park. The flood of 1848 went down much sooner than that of 1844.

Flood No. 6—in 1849.

On the night of the 26th November, a tremendous hurricane swept over the City of Melbourne, smashing and eradicating trees at Batman's Hill, Flemington, Collingwood, Richmond, South Yarra, and other places, demolishing and dismantling houses, and shaking every place and everything to their foundation. A two-storied brick house, belonging to John Bennell, a bricklayer, was blown down in Spring Street, two houses in Lonsdale Street, and one near the Flagstaff. The wooden tenement of Doolin, a shoemaker in Little Collins Street, was carried off no one knew whither, and chimney stacks were levelled by the score. It rained with great fury, and on the 27th there was an immense flood in the Yarra, and again the brickmakers were summarily ejected from their holdings, and they and their hardly-acquired property, unceremoniously dissolved partnership, one man losing 100,000 bricks. Towards evening the river was almost as high as it was ever known to have been, and between the wind of the night before, and the inundation of the day, great loss was inflicted on the shopkeepers in parts of Elizabeth, Swanston, and Flinders Streets, as well as to the mercantile establishments formed along Flinders Street West. Murphy's Brewery was completely swamped, and a large quantity of sugar rendered useless. At the slaughter-houses on the bank of the river so much meat was rendered food for fishes, that there was serious apprehension of a meat famine, and, as it was, rump steaks and loin chops were at a premium. The Western Swamp was quite a new "Curiosity Shop," in consequence of the variety of dead and living lumber of which it became the receptacle—furniture, wood, bacon, pork, and poultry, etc. 2500 sheep at Philpot's boiling-down establishment perished. It was a grand field-day for the glaziers, for never before nor since was there such a shattering of glass, and the bad wind blew a good harvest to the putty fraternity, there being then no such thing as plate-glass in general use. Fencing was knocked down everywhere and the suburbs were strewn with posts, rails and palings. On the 27th the river rose thirty-seven feet above its ordinary level at Dight's Mills, having ascended to the third storey, and Burchett's Tannery near the now Richmond Railway Bridge, a two-storied brick building, eighty feet long, was hurried down the stream and with it a considerable quantity of leather and other property. At Melbourne the river was two and a-half and at Richmond four feet higher than in previous floods, and there were several very narrow escapes. At the south side a man had to be released from a house, and another individual, whilst endeavouring to preserve his chattels, was obliged to scramble upon the roof, until a boat put off and rescued him. A boat with half-a-dozen men capsized in the Yarra basin, but they were saved. On the 28th a horse saddled and bridled floated over the breakwater, which led to the supposition that a man had been drowned somewhere up the river. The same evening, the body of a woman with a child clasped to her breast, was carried down the Yarra, past the end of Spencer Street, and neither was ever recovered. They were supposed to be a Mrs. Tegg and her infant (lately come from Adelaide), who had that morning left the *Victoria Hotel* in Little Bourke Street. On the Melbourne wharf and the swamp a gang of wreckers turned out, considering it a good opportunity for turning a dishonest penny, but a party of police was told off for "coast-guard" duty, and disappointed the would-be-plunderers. Two policemen were detected in the act of appropriating some firewood to which they had no claim, and were "drummed out" of the service. The losses sustained by the Melbourne merchants were put down at several thousand pounds. Even on the 29th the flood was so high that Mr. Furze, of the firm of Stook and Furze, butchers, was drowned in attempting to ford the Merri Creek. He had been only five months married, was a general favourite, and much regretted. His body was found next day, and his funeral was a very large one. The communication was kept up between Melbourne and Sandridge by means of boats put on through the enterprise of Mr. Liardet, an hotelkeeper,

and mail contractor there. In the Bay the weather was terrible. On the 29th the inundation had to a great extent subsided, and people were able to turn their attention to business. Lynch's punt at the Salt Water River had sunk, and the Racecourse was four feet under water. A dead body recovered from the Yarra was interred without an inquest. The coroner resided at Brighton, and could not get to town, but was much censured. Two men named Bruce and Chips perished in the Deep Creek near Keilor. A large boiling-down vat was swept away from Watson and Wright's melting establishment, below Batman's Hill, and a wooden house, freighted with three pigs, sailed away from South Yarra, and disappeared. There was great loss of sheep, over 50,000 on the rivers Exe and Werribee, Deep Creek, and other places, and amongst the settlers who suffered heavily were Messrs. Aitken, Yuille Staughton, Riddell, Hamilton, and Learmonth. Several gardens laid out at much expense on the Yarra and the Merri Creek, were completely wiped out of the landscape by their submergence, and the accumulation of all sorts of recrement deposited on them. This flood was believed to have been the result of snow melting in the ranges, more than rainfall. It was in its consequences the most destructive that had occurred, and the Rev. A. M. Ramsay improved the opportunity by preaching two very eloquent and pathetic sermons in the Protestant Hall, entitled "The Force of the Storm; or a Memorial of the Late Flood." They were published in pamphlet shape, and had a good circulation.

The Great Old Flood (1844).

A respected old colonist has favoured me with the following communication, which is well worthy of perusal :—

Mr. Garryowen,—Dear Sir,—I have just read the 91st number of the *World*,* and can well remember the great flood, when the rain came pelting down on the last day of September, and the first day of October, 1844, and I will draw your attention to a circumstance that took place during the occurrence. Seven of the leading mechanics at Langland's and Fulton's foundry had built a paddle-boat for their own amusement, called the "Democrat." It was both built and owned by James Dow, John Dutch, William Fulton, James Patterson, George Stewart, Thomas Elder, and Edmund Ashley (all gone to their long home but the two last-named). The builders also made and put in machinery to bring the speed up, by multiplying cog-wheels, and it was so arranged that the crew of seven could all use the vessel for their own pleasure, which was often indulged in, up the Yarra to Dight's Mills, and down the Yarra up the Saltwater River to Solomon's Ford, and round the Bay by Williamstown. At that time the steamers "Vesta," "Aphrasia" and others were running, and considered fast boats. The "Democrat," with its crew, used to race these larger boats, and could and did always catch them, and then get towed up the river to anchorage at the Melbourne Wharf. During this flood these amateur tars launched their "Democrat" at the foundry yard, and proceeded up Flinders Street, crossed the river over the Falls to go to Sandridge overland, round by Williamstown, and up the Yarra to Melbourne again; but when skirting Emerald Hill the boat struck a stump and sprung a leak, though of small dimensions. They then turned back to town, staunched the boat, and then proceeded round Batman's Hill, up the swamp to the racecourse, down the Saltwater River, and up the Yarra to Melbourne again.

When the flood went down, the vicinity of the river banks was strewn with drowned pigs, dogs, fowls, cows calves, etc., and many residents on the low-lying ground were almost ruined.

The writer was an eye-witness to the above, and you can make use of this memo. as you please. Yours truly, E. A.

P.S.—This is the flood that made the deep gulley from Sandridge Lagoon to the Bay.

Melbourne's Only Snow-storm.

Snow in our city may be regarded as a phenomenon, for during the memory of the white man it has only put in an appearance on two occasions. Forty years ago, when there was little or no opportunity for general travelling in the interior, a person might grow old and grey in Melbourne without seeing a snow-flake, but since the settlement of the colony and the facilities offered by modern locomotion, the snow-capped pinnacles of Mount Macedon, and the Gippsland and other mountain ranges have become, if not familiar, at least not unknown, objects to the people of to-day. The first snow known to have fallen in Melbourne was on the 14th July, 1840, when the quantity was small and its effects harmless and evanescent. The winter of 1845 was intensely cold, with heavy frosts and thick ice, and on the morning of the 27th June there was a brisk, though brief, snow-fall at Heidelberg. The winter of 1849 was also raw, cold, and frosty, with hail, ice, and sleet; and on the morning of the 31st August the good people of the

* The first chapters of the "Chronicles" were published in the *World* newspaper, and, on the demise of that journal, were continued in the *Evening Herald*.—Ed.

town were astounded when they looked upon the immense white drapery which shrouded everything out of doors. I well remember peeping through the curtains of my bedroom window in Spring Street, shortly after day-break. I rubbed my eyes, rushed out of doors, and then, to my surprise, renewed acquaintance with an old friend with whom I had parted company on the other side of the globe years before. The snow was general, and in places more than a foot thick. About 9 a.m. a thaw set in, and the melting snow overwhelmed the half-made streets and unkerbed channel-ways. The low-lying streets were, in places, feet under water. Elizabeth Street was like a canal that overflowed its banks, and traffic was suspended. Punts there were not; small boats could not live in the gurgling roaring water-course; and here and there rickety corporation bridges, at the street intersections, were washed by the first flood-burst into the Yarra. By degrees the waters subsided, and as there were no omnibusses and but few cabs to be found, bakers' and butchers' carts were called into requisition, and draymen turned their vehicles into horse-worked ferries and made a good thing of it. Several accidents, some of them fatal, occurred. A woman tumbled into a pool of water at the (now Colonial Bank) corner of Little Collins Street, and two men, at some risk to themselves, pulled her out half-drowned. A child slipped into a gully in Lonsdale Street, and its mother nearly perished in saving it. A horse and rider were carried away in Flinders Street, the man escaping, but the animal being so injured that it had to be shot. Near the Post-office corner there were half-a-dozen hair-breadth escapes, and in Swanston Street the following incident happened :—There was an old tube-crossing or wooden conduit, the remains of some civic experiment, at the corner of Bourke Street, half-filled with water. Into this a little boy was propelled head-foremost and stuck. He would have been given up for lost but for the subterranean howling that issued from the pipe, and, as he was alive, the question arose as to how he was to be extricated. He had travelled so far under the road that a man's arm could not reach him, and there were no practical grappling-irons convenient. In this emergency Mr. Robert Cadden, then a well-known clerk of the District Police Court, rose to the occasion. Another boy of the same size as he who had disappeared, encouraged by promises of ample remuneration, consented to be shoved in after the other, which was done, with due instructions that when he should come to the boy's legs he was to clutch and hold them to the death if necessary. This not very pleasant operation was successfully effected, and on a signal from the search party, Cadden, aided by a bystander, drew him out by the heels, and by this contrivance the first unfortunate was literally towed *ex articulo mortis*, and on re-entering the world, shook himself like a half-drowned rat, amidst the acclamations of the crowd which witnessed the plucky deliverance. A subscription was improvised, and the two boys departed with a freightage of small silver and copper coins, little expected by them as a result of the snow-storm. Cadden, who was a thorough good fellow, was amply compensated by a slice of the *mens conscia recti*, in such a case inevitable. Much suburban damage was done; a large number of pigs on Richmond and Collingwood flats were drowned, and planks of timber, shingle, and paling in considerable quantity carried from the wharf and adjacent wood yards into the river. A great flood was expected in the Yarra, and towards evening the rain came, and continued its downpour until next morning. At midnight it was tremendous, and there was never a colder, sloppier, or more miserable night in Melbourne. The molten snow ran gurgling along from the ranges, and, reinforced by the rain, the rivers and creeks boiled over and submerged the low-lying land for miles. The floods kept rising until the afternoon of the following day, when Melbourne looked like a town built on a small island, for it was almost environed by water. At Heidelberg, Darebin, Merri Creek, and along the Yarra banks from Studley Park to the Saltwater River, and for miles up the Deep Creek, there was a large destruction of property, and though not equal to the flood of the preceding year, this one was more disastrous in its results. On the evening of the 1st September, the Merri Creek was as high as ever before seen. During the 2nd and 3rd the water fell some six feet, and to avert sacrifice of human life, beacons were lighted at night as danger signals at several points of its course. The accounts from the country reported the snow and floods as almost general, especially heavy in the Geelong district, where the Barwon assumed a form that frightened the settlers located near it. Country bridges were demolished, country mails stopped, and a postman was drowned whilst rashly endeavouring to cross a creek at Mount Emu. Another person almost lost his life in the Deep Creek, about twenty miles from town; and the escape of half-a-dozen drunken people at the Merri Creek was little short of miraculous. Such is the history of the only snow-storm visitation witnessed in Melbourne since the White foundation of Port Phillip.

CHAPTER XVII.

THE THREE GOVERNORS, AND LADY FRANKLIN.

SYNOPSIS:—Arrival of Sir Richard Bourke.—The First Roast Goose.—The Governor's Visit to Geelong.—His Departure from Melbourne.—His Departure from Sydney.—His Death in 1855.—Visit of Sir George Gipps.—Presentation of an Address.—The Governor's Reply.—The Levée.—Presentation of Colonists.—The Ball.—Deputation from the "Fourth Estate."—Public Dinner to His Excellency.—The Press not Invited.—An Imposing Array of Toasts.—The Governor's Speech.—Mr. Latrobe playing "Second Fiddle."—His Excellency's Return to Sydney.—His Return to England.—His Death in 1847.—Arrival of Governor Fitzroy.—His Excellency's Miraculous Escape.—The Levée.—Presentation of Addresses.—Governor's Visit to Geelong.—His Return to Melbourne.—Anti-transportation Addresses.—A Ball to the Governor.—His Excellency's Departure from Melbourne.—His Departure from Sydney.—His Death in London.—Arrival of Lady Franklin.—Presentation of an Address.—An Amateur "feu de joie."—First Amputation in the Colony.—Lady Franklin's Departure for Sydney.

IT happened that, during the connection of Port Phillip and New South Wales, the Southern territory was thrice honoured with visits from the high officials administering Her Majesty's Government at Sydney.

The first event of this kind occurred in March, 1837, when

Sir Richard Bourke

Arrived in state in H.M.S. "Rattlesnake." Born in Limerick, Ireland, in 1778, Sir Richard joined the regiment of 1st Guards in 1798, and saw some service in Holland, where he received a wound. In 1806, he was present at the siege of Monte Video, subsequently serving in the Peninsula. He was Lieutenant-Governor of the Eastern District of the Cape of Good Hope for some time, and in 1831, received the honour of Knighthood, and an appointment to the Governorship of New South Wales, his administration of which colony was marked by much zeal and independence. He left Sydney in 1837, and died in his native city in 1855. On the 4th March, 1837, he made his entry into the then unnamed settlement.

The Governor came up the Yarra in one of the man-of-war's boats, and after a fashion, was accorded a queer, though cordial reception, for a small fleet of whale-boats and shaky dingies rowed down the river to receive him, and all the way back he was greeted with cheers, alternated with the frequent discharge of firearms from both boats and river banks. A detachment of the 4th Regiment, "The King's Own," was then stationed in the place, and from this a guard of honour was detailed to what is now the Queen's Wharf, to await his arrival. Buckley, "The Wild White Man," had a corps of his own in readiness, for marshalled a short distance off, there was drawn up, under his command, a small *posse* of Aborigines, who had been tutored like parrots to chatter the words "Gubernor, Gubernor." The principal European residents (not more than a score of persons) were also in readiness, and on the debarkation of His Excellency, a motley procession was formed, which proceeded through the scrub and bush—streets there were none—to the area at the western end of Bourke and Little Bourke Streets, near Spencer Street, where the Governor was to be temporarily quartered. Tents had been brought from Sydney for the accommodation of the Vice-Regal party, and the Governor went under canvas in preference to staying at Batman's house (the only comfortable residence to be found), which was courteously placed at his service. The Governor lost not a moment in entering upon business, for after receiving and returning the congratulations of the principal settlers, and some conference with Mr. Hoddle, he rode out and indicated, in a general way, the boundaries of the embryo township. At 5 p.m., a somewhat unofficial hour, he received a deputation of the inhabitants, when the inevitable "loyal and dutiful Address" was presented to

him, from which I extract this passage:—"It is very important that the sites of towns and preliminary arrangements should be speedily and effectually determined, and we congratulate ourselves that these will be effected under your Excellency's personal superintendence." In the course of his reply the Governor remarked, "In the belief that its (the town's) future progress will realize the sanguine expectations entertained regarding it, I have felt very strongly the necessity of fixing at once those points of occupation which are obviously of the greatest importance, in order to prevent waste of capital, and to give to the industry of the settlers a permanent direction. . . The difficulty of introducing all the advantages of order and society into new and remote settlements is well-known; but I trust that, in the present instance, the praiseworthy disposition evinced by the inhabitants, will continue to characterise the district, and to aid the efforts of Government in securing its peace and prosperity."

The First Roast Goose.

After the deputation was bowed out, His Excellency sat down to dinner, the principal ingredients having, like the tentage, been shipped from the man-of-war the day before, the *pièce de résistance* being a goose, the first so immolated in the province, and whose slaughter on this occasion was the result of an amusing blunder on the part of the Governor's convict cook. Mrs. Westmacott (the wife of Captain Westmacott, the Governor's Aide-de-Camp) forwarded by the "Rattlesnake" a pair of geese (male and female), as a desirable present to Mrs. Lonsdale (the wife of the Police Magistrate), and they were put into the boat that brought the Governor's luggage from the Bay; but when "cookey" saw them he jumped to the conclusion that they were to be spitted, and cooked the lady goose for dinner, a mistake not discovered until she was dished and placed piping hot upon the table. The gentleman goose was saved, aud he was absolutely the first widower in the settlement to evince a lasting regret for the loss of his better half. He pined away to a skeleton, and Mrs. Lonsdale was so interested in the manner in which the poor fellow sorrowed over his bereavement, that she gave him absolute deliverance and immunity from the cook's knife as long as he lived.

During Sir Richard Bourke's stay he manifested a deep interest in the future city, and, in conference with Mr. Hoddle, determined the size and names of the principal thoroughfares. There was a good deal of discussion as to the laying out of the town, and even controversy about the width of the streets. All difficulties were finally arranged, a plan was approved, and most of the streets named. The establishment of townships at Williamstown and Geelong was also sanctioned. The Governor returned on board the "Rattlesnake" on the 5th, where he remained in consequence of heavy rain, but he was consoled by a steaming kangaroo for dinner. All the natives for several miles rolled into the settlement to see the "big one Gubernor," and brought a small drove of kangaroos as a present to him. There was to be a grand Corroboree in his honour on the night of the 6th, but the inclemency of the weather prevented it. On the 8th, the Governor made an overland trip to Geelong, and an Address was presented to him by the settlers "squatted in this remote dependency of His Excellency's province," to which a suitable reply was given. His Excellency, in the course of his return, made a detour *viâ* Mount Macedon, in which he was piloted by the "Wild White Man." He arrived in Melbourne on the 21st March, and sailed away forthwith to his seat of Government.

Sir George Gipps.

The reception given to the Governor of New South Wales in the latter end of 1841, was different to that accorded to Sir Richard Bourke on the occasion of his visit in 1837. The district had immensely increased in importance, and Melbourne, though a straggling and uncouth-looking town, was daily giving evidence of much commercial life, and increased social and political activity. Sir George Gipps had hitherto shown scarcely any interest in its development. Yet his coming was looked for with a trustful hope, for it was reasonably to be expected that when he came and saw, he would of necessity feel constrained to do something to remedy the anomalous state of things prevailing. At 8 o'clock on the morning of the 23rd October, Sir George Gipps and his suite arrived in the Bay, per steamer "Sea Horse," from Sydney, and was received with a salute of nineteen guns from a temporary battery at Williamstown, and from such of

the shipping in the harbour as were in a position to join in the demonstration. He went ashore at Williamstown, which was then in appearance much more of a "fishing village" than now. He crossed over to Sandridge where his arrival was not expected, and where there were only three horsemen to bid him welcome. Each of the equestrians offered his nag to the Governor, but as the whole party could not be accommodated with horses, the offer was courteously declined. The Governor strolled about, and, being of a practical turn of mind, utilized the occasion by ascertaining if any spot of the whereabouts would form a suitable position for a powder magazine. He selected a portion of the beach below Emerald Hill, and, though the locality was never applied to such a purpose, it will always be interwoven with the warlike reminiscences of the colony, as it was the practising ground for the rifle and artillerymen of after years, and in the future will form part of the *route* of the Military Road from Sandridge to St. Kilda, which is believed to be an important consideration in the city's defences. Meanwhile the news of the Governor's arrival and debarkation had travelled to Melbourne, and the townspeople began to pour down the Melbourne Road to meet His Excellency; amongst the foremost were His Honor the Superintendent, and some of the so-called heads of the diminutive departments. A deputation had been appointed to receive His Excellency, and escorted by this cavalcade, the Vice-Regal group moved towards Melbourne. Half-way, the Governor ascended the side of Emerald Hill to look about him, after which he crossed the Yarra in a punt then plying near the site of Princes Bridge. The Governor continued his course along Flinders Street to Batman's Hill, and thence by William Street to the Flagstaff Hill, returning through Collins Street, to Northumberland House, in Flinders Street (within a few yards of the present *Port Phillip Club Hotel*), where he was to take up his temporary residence. At several points he was loudly cheered by the people, who had turned out *en masse* to see him. In the evening an attempt was made at a public illumination. The town would have been in darkness upon this occasion, but for the enterprise of Mr. Michael Cashmore, who imported a few lamps from Sydney; and he and Mr. T. Halfpenny, the keeper of an hotel on "The Block," were the most prominent "lighters up." Cashmore's was a drapery establishment at the north-east corner of Collins and Elizabeth Streets, and as clumsy fireworks and crackers were easily procurable, there was plenty of blazing away, noise, and hubbub at all events. The next day being Sunday, the Governor attended Divine Service at St. James' Church, when the Episcopalians had a grand field-day.

Presentation of an Addrss.

At half-past one o'clock on Monday, the 25th, His Excellency, accompanied by His Honor the Superintendent, the Aide-de-Camp, and the Private Secretary, arrived at the New Custom House, where the party was met by a Deputation of Colonists, consisting of Messrs A. Cunninghame, R. Barry, A. F. Mollison, J. Kilgour, and F. Manning. The following Address was read by Mr. Cunninghame :—

"We, the inhabitants of Port Phillip, beg leave to address your Excellency with the assurance of our unfeigned loyalty towards our Sovereign, and of our sincere respect for your Excellency, Her Majesty's Representative in New South Wales.

"We hail with the highest satisfaction your Excellency's visit to this district, and we trust your Excellency's stay will be sufficiently prolonged to offer an opportunity for that full examination into the resources, improvements, and wants, alike of the town and province, which they would seem to deserve.

"To this examination we respectfully solicit your Excellency's earnest attention; and should it result in your Excellency's conviction that we possess the true elements of prosperity, and that we are practically working them out, then we trust that your Excellency will afford us the aid which is essential to their more full and rapid development.

"We sincerely hope that your Excellency's visit will have the happy effect of firmly establishing that respect and confidence which it is so desirable should exist in our mutual relations; and it is our ardent desire that your Excellency may bear with you, on your return to the seat of Government, no ungrateful recollections of Australia Felix."

His Excellency thus replied :—

"GENTLEMEN,—I am happy at length to find myself in the district of Port Phillip. I feel greatly obliged to you for the very kind and cordial reception which you have given me, and I thank you particularly for this Address.

"My stay, gentlemen, amongst you must necessarily be shorter than I could desire it to be; but it will be, I trust, sufficiently prolonged to enable me to form an opinion of the resources of your province, and of the improvements of which it is susceptible, as also of its immediate wants.

"To become better acquainted with these latter is one of the chief objects of my visit; to satisfy them as far as the means at my disposal will permit, I trust I need not say is my very anxious desire.

"Favoured as you are with a district of exceeding beauty and fertility, I cannot doubt that the onward course of your prosperity will be as steady as the first development of it has been striking; and I shall, indeed, gentlemen, bear away with me a grateful recollection of Australia Felix, if I may permit myself to hope that my visit has in any way tended to advance your interests, or to confirm and strengthen those feelings of unanimity and mutual confidence which are no less necessary for the happiness of individuals than for the prosperity of States."

THE LEVEE.

This was the first ceremonial of the kind in Port Phillip, and, as it has become such a time-honoured Institution in every Dependency of the British Crown, it may be worth while to preserve the names of those who attended on an occasion memorable as the precursor of the series of similar loyal demonstrations which have since taken place in the colony.

The following gentlemen were presented to His Excellency by the Aide-de-Camp in waiting:—

Messrs. Andrew, A.; Abercrombie; Atkinson, H. H.; Archdall, M. W. F.; Addis, Lieut. R. N.; Airey, George; Arden, George; Buchanan, S.; Boyd, T. E.; Ballingall, James; Bonney, C.; Brewster, E. J.; Baylie, W. H. W.; Browne, S. J.; Bunbury, Captain; Clarke, Thomas; Cussen, Dr.; Condell, Henry; Cole, G. W.; Carfrae, M.; Clutterbuck, Dr.; Cavenagh, George; Conolly, J. M.; Campbell, Lyon J. D.; Carrington, H. N.; Clay, F. L.; Craig, Skene; Crowe, J.; Drummond, Peter; Drummond, M.; Darke, W. W.; Denny, J. O.; Dutton, F. S.; Dutton, W. H.; Deane, Robert; Erskine, J. A.; Ebden, C. H.; Foster, L.; Forbes, Rev. James (Presbyterian Minister); Fawkner, J. P.; Fennell, R.; Foster, J. F. L.; Griffiths, G. R.; Geoghegan, Rev. P. B. (Roman Catholic Pastor); Griffith, Charles; Graham, James; Gurner, H. F.; Harper, W. M.; Hawkey, M.; Heape, Benj.; Hoddle, R.; Hawdon, J.; Hardy, William; Halloway; James, N.; Jamieson, H.; Kirsopp; Kemmis, A.; Kerr, Wm.; Kirkland, J. D.; Kelsh, D.; Kitson, H. H.; Lonsdale, Captain Wm.; Locke, W.; Langhorne, A.; Le Soueff, C. H.; Lewis, Capt.; M'Crae, F. Dr.; M'Crae, Capt.; Marsden, J. A.; McArthur, D. C.; M'Arthur, D. G.; Macvitie, W. V.; Murray, Hon. Erskine; Murray, Hon. R. Dundas; Munro, David; Murchison, J.; M'Kenzie, Capt. R.; Manton, F.; Macfarland, James; Miller, J.; M'Arthur, James, jun.; Maclachlan, Captain; M'Killop, A.; Minton, Captain; Morris, H. B.; Malcolm, J.; Meek, W.; Meyer, Dr.; Montgomery, J.; Nutt, T. H.; Neville; Orr, A.; Ocock, R.; Orton, Rev. J. (Wesleyan Minister); Orr, J.; Petrie, John; Patterson, J. H.; Pentland, C.; Palmer, J. F.; Porter, J. A.; Porter, G.; Porter, G. W.; Peers, J. J.; Robinson, G. A.; Rawson, Samuel; Russell, Andrew; Riddell, J. C.; Ryrie, W.; Roach, Captain; Russell, Robert; Rattenbury, J.; Sanford, C. J.; Sewell, Edward; Simson, D. C.; Stafford, Edward; Stephen, J.; Smythe, G. D.; Sconce, R. K.; Stafford, J.; Sayers, E. M.; Smyth, Captain; St. John, Major; Smith, James; Stevenson, C. B.; Smith, J. A.; Simpson, J.; Sullivan, Lieut.; Thomson, Rev. A. C. (Episcopalian Minister); Thomas, D. J.; Thorpe, Abel; Tyssen, H.; Thomas, Wm.; Vignolles, F. D.; Verner, W.; Winter, George; Welsh, P. W.; Were, J. B.; Wills, T.; Watson, Dr.; Williams, Charles; Wigmore, Capt; Webster, J.; Westgarth, W.; Were, George; Walford, F.; Wilkinson, Rev. S. (Wesleyan Minister); Wilson, Rev. J. Y. (Episcopalian Minister); Wight, E. B.; Wilmot, Dr.; Williams, O.; Waterfield, Rev. W. (Independent Minister).

Of these 150 gentlemen who forty years ago made their *devoirs* to the Queen's representative, but few of them are now living.

On the 26th His Excellency proceeded by the "Aphrasia" steamer to Geelong, where he was received with enthusiasm, and presented with an Address, to which he replied *extempore*, not having been previously apprised of the intended compliment. The 27th was passed by Sir George in an inspection of the town and neighbourhood, and in seeking information upon matters of importance.

The Ball.

On the evening of the 27th, His Excellency was entertained in the manner thus described in a newspaper of the period:—

"The subscribers to the 'Private Assemblies' gave a Ball and Supper at the Exchange Rooms in Collins Street, in honour of the Governor, at which his Excellency appeared, and in high spirits. The apartments were tastefully decorated with festoons, and the walls beautifully papered for the occasion. Upwards of one hundred and fifty of the *élite* of rank and fashion of the town and surrounding districts were present, Mrs. Latrobe uniting with the 'fair' party in adding additional fascinations to the attractive scene. Dancing was continued to twelve o'clock, when supper was announced. The company then partook of a sumptuous repast prepared in Mr. Davis' best style. The following toasts, amongst others, were appropriately introduced:—The Queen, Sir George Gipps, Lady Gipps, Mr. Latrobe, Mrs. Latrobe, etc. His Excellency was particularly happy in responding. He was sorry that her Ladyship had not accompanied him, as she had, up to the last moment of his departure intended to do, as she must have felt gratified by the warm and handsome manner in which he had been received."

The 28th was quite a busy day with His Excellency. He received a memorial from the Exchange Committee (Chamber of Commerce), bringing under his notice the requirements of the port, the state of the wharf, pilotage and harbour dues, and other matters connected with trade and commerce, to which representations His Excellency promised a careful consideration. The editors of three Melbourne journals urged by the all-powerful impulse of self-interest, agreed to an armistice, and buried the hatchet of personal vituperation for a brief season. The triad resolved themselves into a deputation, and interviewed the Governor for the purpose of obtaining a relaxation of some of the most stringent provisions of the "Newspapers Acts," which were passed during the reign of Governor Darling, for the penal colony of New South Wales. They constituted a penal code of much vigour, and did no credit to the Legislative wisdom by which they were generated. The Governor received the "Fourth Estate" with affability and good humour, remarking that "he did not see that they had much cause of complaint, for if there be a place where the newspapers did exactly as they liked, that place was Melbourne." He expressed an opinion that the Colonial Press should be placed on the same footing as obtained in England, and he should be prepared to give favourable consideration to any proposition to such effect.

The same evening he was fêted at a public dinner in his honour, but as no complimentary tickets were issued to the Press, the proceedings were not reported, and only very short, and not very complimentary, paragraphs appeared on the subject. It was afterwards considered that it would never do to allow such an interesting event to pass by altogether so "unhonoured and unsung," and, accordingly, in the course of the week, what purported to be a detailed report of the sayings and doings appeared in "Extraordinaries" simultaneously issued from the three offices. As the speeches were cooked up for this occasion, it might be termed a typographical picnic, for each person contributed his own share or "whack" to the literary entertainment; but the "baked meats" were cold, and the relish had worn off by the time the feast was served.

There was an imposing array of toasts, for in addition to the formal ones, the following were disposed of by the gentlemen named after each:—

"The Civil and Religious Institutions of the Colony," Mr. A. F. Mollison; "The Bench and the Bar of the Colony," Mr. C. H. Ebden; "The Golden Fleece of Australia," Mr. P. W. Welsh; "The Agricultural Interests of the Colony," Mr. A. Cunninghame; "The Mercantile Interests of the Colony," Mr. S. Raymond; "Immigration," Mr. R. Barry; "Lady Gipps," Mr. C. H. Ebden; "Mrs. Latrobe and the Ladies of Australia Felix," Mr. Manning; "The Hero of the Age, the Duke of Wellington," Hon. E. Murray; "Prosperity to Australia Felix," Sir George Gipps.

The Governor appeared in good humour, and, in the course of an able speech, in replying to the toast of the evening, "The health of His Excellency, Sir George Gipps," said:—

"I rejoice to find myself at length among you. My visit has been long contemplated, and I doubt not you have considered it has been too long delayed; but so entire has been the occupation of my time and attention with the cares of the general Government, that I could not carry my intention into effect at an earlier period. While there were no other modes of communication between Sydney and Melbourne than by means of sailing vessels, it was absolutely impossible for me to leave the seat of Government for such an indefinite period as a visit to Port Phillip must have involved. But though I had not seen Melbourne, I was perfectly acquainted with what was passing here; I knew the amount of money in your Treasury; I knew the amount your land realised per acre, the value of your town allotments, and the value of your suburban; I knew the extent of your flocks and herds; and, in short, I knew what was passing in your province nearly as minutely as perhaps any gentleman present. But there was one circumstance I did *not* know, for which I was totally unprepared, and which has given me much more gratification than all your gay balls and dinners—good things in their way, certainly—and that was the extent to which cultivation has been carried, the general cultivated appearance of your country, and the extent of land actually under the plough which I have met with during my rides in the neighbourhood of your city. On another, and a somewhat more formal occasion than the present, I expressed my admiration of the beauty of your district, its commercial situation, and the active industry of its inhabitants; but I was not then aware of the great quantity of food, fit for the sustenance of so many, growing in the vicinity of Melbourne. I knew that large speculations had taken place in land; I knew that in many instances two and three hundred per cent. had been realised beyond the Government sales, and I have no doubt there are also many gentlemen here present who have acquired large fortunes in this manner. But these are not the individuals who have conferred a blessing on the community, who have benefited the best interests of your province. They have been good speculators, lucky fellows; but it is he who first puts the spade in the soil—who first, on the spot where the kangaroo had hitherto fed, raises food for the use of man—who is the real benefactor of his country. Agriculture is the foundation of a nation's wealth, and every blade of corn grown within its boundaries adds to its prosperity."

One incident occurred which was long remembered for Mr. Latrobe. In responding to the compliment paid him, by drinking towards his health, the Superintendent, bowing to the Governor, said—"I shall have much pleasure, Your Excellency, in playing 'second fiddle' to any tune you choose to play." He thus came to be nicknamed "The Second Fiddle," and full many a time and oft was it cast in his teeth.

On the 29th His Excellency returned to Sydney in the "Sea Horse," amidst the acclamations and good wishes of the community. There can be no doubt his visit was productive of much good, and during the remainder of his stay in New South Wales, the wants and wishes of the new colony received a much larger share of attention from him than had previously been the case. Sir George Gipps was, like his predecessor, a Peninsular officer, and was wounded at Badajoz. Commissioned in the Royal Corps of Engineers, he was a Lieutenant-Colonel in 1841. After administering the Government of New South Wales from 1837 to 1846, he returned to England, and died at Canterbury, 28th February, 1847, aged 57. He was proud and peremptory, and through an infirmity of temper, often got himself into scrapes which another man would have easily avoided.

Sir Charles Fitzroy

was the third son of Lord Charles Fitzroy, brother of the first Duke of Grafton, and he married Mary, fourth daughter of the fourth Duke of Richmond. One of his brothers was a Governor of New Zealand, and another an Aide-de-camp to the Duke of Wellington at Waterloo. Sir Charles had been Governor at Prince Edward Island, and Chief Commissioner at Antigua. As Governor-General of New South Wales, he arrived in Sydney on the 2nd August, 1846, and, in the following year, his wife was thrown out of her carriage through the bolting of the horses at Parramatta, and died from the injuries received.

In 1849, it was officially intimated to be His Excellency's intention to visit that distant and neglected region of his Government known as Port Phillip, or Australia Felix; and all grades of society

manifested a strong desire that the coming guest should be accorded a welcome befitting his high position. The province had undergone great changes, materially and intellectually, since the visit of Sir George Gipps, in 1841; but in proportion to the increase of prosperity, was the accumulation of dissatisfaction at the worse than indifference displayed by the Executive coterie in Sydney, by which Port Phillip affairs were supposed to be managed. Political life also showed a state of much vitality, and the flame of agitation was kept burning vigorously, in consequence of the deferring of Separation, and the vacillation of the Home Government on the deeply absorbing Transportation question. On all hands it was conceded that, whilst the Vice-Regal visit could not possibly do harm, it might perchance effect something the other way. Many were the preparations made in anticipation of the event, and when it was known that the Governor and suite had started from Sydney in H.M.S. "Havannah," the excitement increased. This was anterior to the era of telegraphic communication in Australia, and nothing could be then known of an incoming vessel until within a few miles of Williamstown, when she was signalled from the Flagstaff in West Melbourne. About 4.30 p.m. of the 12th March, it was announced at the Signal Station, that a ship-of-war was in sight, and soon after, when it was ascertained to be the "Havannah," the man-of-war ensign was run up, and fluttered the news about everywhere. As the ship neared Williamstown she was saluted from a battery of four six-pounder guns, and in half-an-hour an answering salute thundered forth from the throats of the 68 and 32lb. carronades of the "Havannah," by this time anchored. The Governor immediately left in the frigate's barge, which was pulled towards a small pier at Sandridge, from which place the Superintendent had previously gone, intending to join His Excellency on board; but when he saw that the Governor was making for the shore, he ordered the boat to be "put about," and did likewise. Sir Charles Fitzroy was accompanied by Mr. George Fitzroy (his son and private secretary), and Mr. Masters as Aide-de-camp. The Governor was received at Sandridge by Captain Conran, then commanding a detachment of the 11th Regiment stationed in Melbourne; Captain Dana (Chief of the Native Police), and two or three other officials. Mr. Latrobe joined them, and horses being in readiness, the cavalcade set forth for Melbourne, by what was known as the Beach Road, a scrubby, sandy, uncomfortable thoroughfare. There was then spanning the Yarra, a rickety old wooden bridge, and a nearly-finished new stone one—the Princes Bridge of yesterday—on approaching which His Excellency beheld an immense crowd of people. He was received with a volley more inspiriting than that of the "Havannah's" carronades—a loud, ringing, prolonged peal of artillery from the distended fauces of thousands. The Governor was officially welcomed by the Mayor (Mr. W. M. Bell), the Town Clerk (Mr. J. C. King), and several Aldermen and City Councillors, flanked by the City Police in well-brushed uniform, and under arms. Apartments had been engaged at the *Royal Hotel* (now the Union Bank site), whither the Governor proceeded, and was tumultuously cheered. On the following day (the 13th) Sir Charles Fitzroy, accompanied by Mr. Latrobe and several officials, rode round the city and suburbs, *en route* visiting the Court-house, Gaol, Powder Magazine, Hospital, New Bridge, and other places of note; and in the evening His Excellency dined with the Superintendent at Jolimont, there being also present the principal officers of the "Havannah," and some of the cream of Melbourne aristocracy. That night, after dinner, His Excellency met with an accident, and had what might be truly termed a

Miraculous Escape.

Accompanied by his son, and Captain Erskine, of the "Havannah," the Governor was returning to town in Mr. Latrobe's carriage, and whilst descending the Eastern Hill, near the Scotch Church in Collins Street, some ultra-loyalists were amusing themselves letting off squibs opposite the Mechanics' Institute. The explosions, and the flashing of the fireworks, so frightened the horses that they dashed away at full speed, tearing along until they arrived at the Swanston Street intersection, across which they plunged, and ran into a heap of bricks and stones stacked as building materials on the side of the street opposite the Club House (now the Bank of Victoria site). The carriage capsized, and its inmates were rolled out on the roadway, the Governor fortunately sustaining no injury whatever, Captain Erskine faring equally well, but Mr. George Fitzroy had a severe shaking, with no further damage than one or two slight abrasions. The coachman was propelled like a kicked football from his box some feet in

the air, and pitched into an empty cask close by without receiving so much as a scratch. The horses were, however, on for a spree, for they got away with the carriage pole between them, with which they cleared the streets in triumph, a hair-breadth escape happening every yard they traversed, for there was a good number of people perambulating the streets. Turning the corner they rushed slantingly across Elizabeth Street, upon the footpath at the Western side between Collins and Little Collins Streets, where they stove in the shop window of a Mr. Davis, a general dealer; and in backing into the street passed over a man named M'Laren, slightly injuring him. Onward they pelted to the Post Office, and there, taking the Bourke Street corner in splendid style, up hill, and thence Northward along Queen Street to the Lonsdale Street corner, where one of them came down, tripped, as was supposed, by the carriage pole, and they were captured. There never was before or since a longer or more crooked run of a pair of harnessed carriage horses through the streets of Melbourne. The Governor's narrow escape, considered in connection with his wife's death two years before, under circumstances not dissimilar, imparted a significance to the accident which made it a topic of earnest gossip in town long after His Excellency's departure.

His Excellency held a *levée* next day (14th) in the *Royal Hotel*. The ceremony commenced at 11 a.m., and was attended by about 250 persons, including the Episcopalian and Roman Catholic Bishops (Drs. Perry and Goold), and rarely, if ever after, did these two dignitaries meet at such a place. Congratulatory addresses were presented from the City Council, the Bishop and Clergy of the Church of England, the Committee of Management of the Mechanics' Institute, the Inhabitants of Melbourne, the St. Patrick's Society of Australia Felix, and the Independent Order of Oddfellows. Whilst the presentations were being made, James Taylor, a pastrycook and baker by trade, dropped dead amongst the crowd in the street.

On the 15th Sir Charles Fitzroy, accompanied by the Superintendent, Mr. F. A. Powlett, Commissioner of Crown Lands, and Captain Dana of the Native Police, proceeded by the "Thames" steamer to Geelong, where His Excellency's reception was most enthusiastic. Some twelve hundred persons, with the brass band of the Order of Rechabites, awaited the steamer's arrival, and welcomed the Governor as a conqueror. Forty Rechabites also turned out in full regalia, and endeavoured to be, if they really were not, personages of vast importance. The Governor was received by Captain Fyans, Lieutenant Addis, Messrs. Charles Sladen, J. F. Strachan, F. Champion, Dr. Shaw, and others. They proceeded to Mack's Hotel, and after a brief stay there, His Excellency with some of his following rode out to have a look about Corio, and its picturesque surroundings. The same evening the Governor entertained a select party of about a dozen to dinner. He held a *levée* on the following day, which was attended by some seventy persons, and addresses were presented from the towns-people, the Clergy of the Church of England, and the School of Arts. That afternoon he rode out again, and made a trip over the Barrabool hills, which he much admired. The day wound up with another private dinner party at Mack's. Returning to Melbourne on the 17th, the Governor, on Monday, the 19th, received a deputation from the City Council, appointed to confer with him on matters of pressing importance. His Excellency was frank and affable, and declared his willingness to do all in his power to promote the interests of the place, and was not opposed to the appropriation of a sum of money to improve the navigation of the river. As to a scheme of works to supply Melbourne with water, the estimated cost was £16,000, and he was agreeable that a moiety of this sum should be advanced by the State, conditional upon the Corporation finding the other half; and as the Council had no power to levy rates beyond a certain amount, he had no objection to cause a Bill to be introduced in the Legislative Council to give authority for doing so. As to a vote for street improvements, he was unable to promise any help, and he regretted that the state of the public revenues did not admit of a speedy completion of Princes Bridge. In a discussion about Light-houses, Captain Erskine, of the "Havannah," who was present, expressed a preference for Point Lonsdale as a light-site, in lieu of Shortland's Bluff.

Two deputations interviewed His Excellency to protest against the threatened conversion of the district into a penal colony. One represented the Anti-transportation League, and the other, the Magistrates of both City and Territory. They were received separately, and the Governor's reply to both was of the same tenor, viz.:—That in consequence of the public addresses already at various times presented on the subject, and a strong recommendation urged some time since by the Superintendent (Mr. Latrobe), an

assurance was given that in the event of any more convicts being sent to Port Phillip, they should not be allowed to land here, but be forwarded straight on to Sydney. This announcement communicated intense satisfaction, because there was an almost undivided public agreement to resist, by every possible means, the moral degradation of the district by making it a receptacle for British criminals. The circumstances which led up to this feature of the Governor's visit, will be detailed in a future chapter. Afterwards His Excellency drove to Heidelberg and lunched at Mr. Joseph Hawden's. Coming back he looked in at the Lunatic Asylum, was delighted with the bend of the Yarra there, and approved of the arrangements. The Melbourne Hospital was subsequently visited, and the day pleasantly wound up at a dinner with members of the Melbourne Club.

A grand ball was given to the Governor on the evening of the 20th, at the *Royal Hotel*, where, it was avouched "two hundred of the rank, beauty and fashion of the colony, added to the brilliancy of the entertainment." The supper was only tolerably good, the dancing much better, but the musical arrangements eclipsed anything of the sort previously attempted. The musical conductor was a Mr. Megson, one of the orchestra brought to Melbourne from Launceston in 1845, by Mr. George Coppin, on his first arrival. At 10 o'clock the Governor and Mr. Latrobe made their appearance, and took their seats side by side on a sofa placed "on a raised and well-carpeted platform at the end of the room." At 1 a.m. supper was announced, and was represented as being "excellent—nothing too much, nothing too little." After the Queen's health was bumpered, Mr. M'Kenzie (the Sheriff) proposed "His Excellency Sir Charles Fitzroy," which was toasted with much acclamation; and the Governor, in response, said "that though 'Separation' was the watchword in Port Phillip, and they ought to have it, he was selfish enough to wish that the district was still more closely allied to Sydney than it was, that he might have an opportunity of personally returning the many acts of kindness and attention which had been shown to him since his arrival in this beautiful province." A newspaper of the next day declared "that loud cheers broke forth at this happy passage." The Governor remained until half-past four, and early on the morning of the 22nd the "Havannah" sailed away and the Governor with her.

Sir Charles Fitzroy was a good-tempered, easy-going kind of gentleman, who did not suffer the worries of the world to discompose him unnecessarily. He was very popular during his stay in New South Wales, which he left on the 28th January, 1856, and died in London two years after.

Lady Franklin.

A postscript to a lady's letter is generally supposed to be its most important part, and it is, therefore, no discourtesy to give a nook at the end of this chapter to the adventurous wife of a Governor of Van Diemen's Land, who did Melbourne the honour of a flying visit so early as 1839. This was Lady Franklin, the consort of Sir John Franklin, the great ill-starred explorer, who was then administering the Government of the island over the Straits. Her Ladyship and suite arrived in Port Phillip on the morning of the 4th April, in the "Tamar," from Launceston, and put up at the popular resort known as *Fawkner's Hotel*, corner of Collins and Market streets. The inhabitants were not slow in doing honour to such an "illustrious stranger," and a deputation of them waited upon her Ladyship with a complimentary address, to which, in a well-conceived reply, she expressed delight at the "cordiality of the amicable feeling which exists between the two countries (Port Phillip and Van Diemen's Land), so naturally and nearly related." In the afternoon she took a drive through the town, and in the evening a very weak attempt was made to get up an illumination, and there was a fire-work exhibition by the discharge of a few crackers. One over-excited individual essayed a *feu de joie* from a rusty blunderbuss, which, instead of going off decently, burst, and carried away a slice of the man's arm. Dr. Cussen, Colonial Surgeon, was obliged to sever the limb, the first amputation performed in the colony. Lady Franklin, after a short stay, proceeded overland to Sydney.

CHAPTER XVIII.

OLD MELBOURNE CHARITIES.

SYNOPSIS:—Rules and Regulations.—Code of "Proposed Principles."—Early Difficulties.—Governor Gipps refuses a Site.—Subsequent Grant of Site.—The Governor's "Atonement" and Cheque for Fifty Pounds.—Hospital Concert.—Selection of Site.—Laying the Foundation Stone.—A Monster Procession.—A Masonic Oration.—Higher Principles of Masonry.—The Mayor's Address.—First Contract.—First Committee of Management.—Convocation of Governors.—The First Medical Staff.—Death of Dr. Hobson.—Opening of the Hospital.—First Hospital Scandal.—Insanity of Mr. J. H. Umpleby.—Annual Report for 1848.—Statistics for 1848.—Receipts and Expenditure for 1848.—Entertainment to Sir Charles Fitzroy.—The Governor's Donation.—Robbery at the Hospital.—Annual Report for 1849.—The Annual Report of 1850-1851.—Number of Patients, 1848-1851.—Marvellous Changes during Forty Years.—Report for 1881.—Hospital Sunday Fund.—Receipts and Expenditure.—Report and Statistics for 1887.

The Melbourne Hospital.

FROM an early period, the absence of any recognised mode of affording medical and surgical relief to the destitute was much felt, and the first great work undertaken by the philanthropic public was an effort to raise some kind of permanent institution which would, even partially, satisfy the requirements of those whose limited means rendered them unable to pay for private medical advice and treatment. The first step taken towards attaining so desirable an object, was at a public meeting, called for the establishment of a Public General Hospital, in Melbourne, by the following gentlemen :—J. Simpson, J.P.; F. M'Crae, J.P.; P. B. Geoghegan; W. H. Dutton, J.P.; J. Patterson, M.D.; Arthur Kemmis, J.P.; P. W. Welsh; W. B. Wilmot, M.D.; J. B. Were, J.P.; D. Patrick, M.D.; D. H. Wilsone, M.D.; J. Meyer, M.D.; A. C. Thomson; James Forbes.

This meeting was held accordingly on the 1st March, 1841, with Mr. Latrobe, Superintendent of the Province, in the Chair, and the undermentioned resolutions were agreed to :—

Moved by Mr. Thomas Wills, J.P., seconded by the Rev. A. C. Thomson—

Resolved :—"That it appears to this meeting that the rapid increase of population in Melbourne and the surrounding country, naturally involving a proportionate increase of cases of sickness, accidents, and distress, renders necessary the immediate establishment of a Public Hospital, for the purpose of affording to patients clean and comfortable accommodation, regular medical attendance, and the means of attention to diet and regimen."

Moved by Dr. M'Crae, seconded by Dr. Wilsone—

Resolved :—"That steps be forthwith taken to establish a Public Hospital in Melbourne, to be called The Melbourne Hospital, the design of which shall be to admit both contributing and non-contributing patients."

Moved by Mr. G. Arden, seconded by Dr. Greeves :—

Resolved :—"That when the subscriptions for the erection of an Hospital shall amount to £800 a general meeting of the subscribers shall be convened, who shall be empowered to frame rules and regulations for the government of the Institution, in accordance with the regulations passed, and that, in the mean time, the proposed principles upon which they shall be founded, as read, be published for general information, and that a Provisional Committee and Treasurer be now named to collect donations, and carry out the objects of the present meeting."

Moved by the Rev. P. B. Geoghegan, seconded by Mr. R. Burke :—

Resolved :—"That subscriptions be immediately opened at the banks to raise funds for the erection of an Hospital, and that the following gentlemen be appointed as a Provisional Committee, with power to add to their number, and that five form a quorum, to continue in office till the sum of £800 has been

contributed for the building, with instructions to apply to the Government for a site for the Hospital, for aid in erecting the building, in terms of the Government regulation of the 1st March, 1839, and to take all other steps necessary to the establishment of an Hospital :—E. J. Brewster, Esq , J.P. ; J. D. L. Campbell, Esq., J.P. ; Robert Deane, Esq. ; Rev. P. B. Geoghegan ; J. W. Howey, Esq. ; Arthur Kemmis, Esq., J.P. ; W. Lonsdale, Esq., J.P. ; F. Manton, Esq. ; A. M. M'Crae, Esq. ; A. M'Killop, Esq. ; D. C. M'Arthur, Esq. ; Rev. J. Orton ; D. Patrick, Esq., M.D. ; J. H. Patterson, Esq. ; J. Simpson, Esq., J.P. ; Rev. W. Waterfield ; J. B. Were, Esq., J.P. ; P. W. Welsh, Esq. ; T. Wills, Esq., J.P. Secretaries :—Rev. A. C. Thomson, Rev. James Forbes."

As a historical curiosity, is appended the code of "Proposed Principles," which it was intended by the founders should form the basis of the constitution of the Charity. This was afterwards considerably modified at various times by altering the cash qualifications, abolishing cumulative voting, and in many other particulars :—

1. The government of the Institution shall be vested in a President, two Vice-Presidents, a Treasurer, fifteen Directors, and two Secretaries, elected by and from among the donors and Annual Subscribers. The Treasurer and Secretaries shall be Directors *ex officio*.

2. The Directors shall have power to appoint the medical and other officers, fix their salaries from time to time, keep up the requisite establishment of house servants, regulate the amount to be paid by contributing patients, and generally transact all the ordinary business of the Institution.

3. The Directors shall have power to admit poor persons gratuitously to the benefits of the Institution, on being satisfied of their inability to contribute to their maintenance.

4. The President, Vice-Presidents, Treasurer, and Secretaries shall be elected triennially, to be eligible for re-election.

5. One-third of the Directors shall retire annually by rotation, but shall be re-eligible. (Those retiring at the end of the first year shall be the Directors who have attended least regularly during the year ; those retiring at the end of the second year, the original Directors, who in like manner have given least attention to the business, and in subsequent years by rotation.)

6. Vacancies in any of the offices shall be filled up at the next general meeting after such vacancy has occurred.

7. A general meeting of the subscribers shall be held in the month of January in each year, for the election of Directors and other officers (if need be), to which meeting shall be reported the proceedings of the past year, the condition of the Institution, and the state of the funds.

8. Donors to the amount of £50 shall be considered Life Subscribers, and as such shall be entitled to vote, and have four votes, in the election of Directors, and at all general meetings of the subscribers.

9. Donors of twenty guineas shall be considered Five Years' Subscribers, and be entitled to vote, and have three votes for such period, in the election of Directors, and at all general meetings of the subscribers.

10. Donors of ten guineas towards the erection of the building shall be considered as Two Years' Subscribers, and be entitled to vote, and have three votes for such period, in the election of Directors, and at all general meetings of the subscribers. Donors of less amount shall have the same privileges for one year as Annual Subscribers of the same amount.

11. Annual Subscribers of one guinea shall possess one vote—ditto of two guineas, two votes—ditto of five guineas, three votes—ditto of ten guineas, four votes in the election of Directors, and at all general meetings of the subscribers.

12. Ministers in charge of congregations in the province, making annual collections for the Institution, shall have the same privileges as if they were donors to the amount of their collection.

13. No one person shall ever have more than six votes.

14. Annual Subscribers, whose subscriptions are in arrear, shall not be entitled to vote in the election of Directors.

15. At general meetings and elections of Directors it shall be competent to vote by proxy.

16. Any five of the Directors, or twenty Annual Subscribers, may call a general meeting of subscribers at any time, on a public notice of ten days, specifying the object for which such meeting is called.

17. No alteration in or addition to the above fundamental laws shall be made, unless with the consent of two-thirds of the donors and subscribers, assembled after ten days' notice, at a general meeting called for the express purpose of considering such proposed alterations or additions.

Preliminary Difficulties.

The projectors had entered upon a work the difficulties and delays of which they had not pre-calculated, for the necessary funds could not be procured without the exercise of extreme perseverance. It was a long, plodding, hilly journey, with discouragements cropping up at every advance; but there was no looking backward. When the good work was initiated no one dreamed that more than four years would pass away before the first stone of the building could be put down; yet so it happened. However, they plunged into the enterprise bravely, and by continuous efforts secured some funds. Every device known to modern ingenuity for "raising the wind," (except a bazaar, in some unaccountable manner overlooked) was resorted to, such as donations, subscriptions, collections, concerts, amateur theatricals *et hoc genus omne*; and to provide for the more pressing cases of misfortune, a small brick cottage in Little Collins Street West, was rented as a temporary hospital. In April, 1842, a sum of £300 was available, and as this sum was sufficient to claim a Government subsidy, it was resolved to commence the erection of portion of a permanent building. At a meeting of subscribers this intention was affirmed, the *interim* committee resigned, and another was appointed. When applied to for the grant of a site some time after, Sir George Gipps, the Governor of New South Wales, refused, an act which occasioned much surprise and indignant dissatisfaction. Though the temporary hospital was removed to more spacious and two-storied premises in Bourke Street, nearly opposite the now Saint Patrick's Hall, its accommodation was most inadequate and inconvenient, but it had to be endured as best it could. In July 1843, another application was made for a Government site, but nothing came of it. It was now ascertained that the Executive was not disposed in any case to contribute more than £500 towards the Building Fund, and in this shilly-shally, unprofitable manner, time flew by, and the end of 1844 was approaching without any perceptible progress being made, except the collection of a few hundred pounds. It was impossible that such a state of things could be suffered to continue, and so a most influential, though private, meeting was held at the residence of Dr. Palmer, of Richmond, from which emanated a remonstrance to the Governor, urging the prompt granting of a site, and demonstrating the absolute inutility of so small a sum as £500 for hospital building purposes. A Committee was appointed to make the necessary representations to the Government; and it soon became known that the Governor had agreed not only to grant a site, but also to increase the £500 to £2000. In consequence of this, an important meeting of subscribers was held at the *Royal Hotel*, on the 7th February, 1845, presided over by the Mayor (Mr. H. Moor), and attended by the Superintendent (Latrobe), and the Resident Judge (Jeffcott). A report was submitted from the Provisional Committee, of an encouraging nature. The Commission recommended two blocks, viz., (1) what was then known as "The Hay and Corn Market Reserve," where St. Paul's Cathedral is being erected (1888), and (2) where the Hospital was subsequently built on. Amended Rules were also presented, in which alterations to the following effect were, amongst others, suggested:—"Every benefactor of £20 and upwards to be a Life Governor, and a yearly subscriber of £2, an Annual Governor, with a right of voting at all quarterly or special meetings, and having one patient always on the books. £10 or upwards constituted a Life Subscriber, or a yearly subscription of £1 an Annual Subscriber, privileged to recommend six Out-patients every year. Honorary Life Governorships were conferrable upon the first-named executor of a will containing a £50 bequest to the Institution; a minister of religion collecting £30; or for special services on recommendation of the committee and election by a general meeting. The report was received and adopted. It was stated that the Government was ready to advance £1000 towards the building, conditional on a like amount being raised by private contribution. A subscription list was forthwith opened and a strong desire manifested for the making of a great effort to acquire the necessary funds. A sum of £265 was subscribed in the room, £166 of which was to pass into the Building Fund. The meeting concluded with the nomination of a *pro tem.* executive, consisting of Superintendent Latrobe as President; the Resident Judge and the Mayor, Vice-Presidents; Captain Lonsdale and Mr. E. E. Williams, Trustees; Messrs. D. C. M'Arthur and William

Fletcher (Managers of the Bank of Australasia and the Union Bank, respectively), Treasurers; and Mr. James Montgomery, Honorary Secretary.

The embryonic Charity was now beginning to make good headway. Sir George Gipps, to atone in some measure for the past, sent a cheque for £50. Mr. Latrobe in transmitting it, backed it with another "fifty-pounder," from himself, and promised an annual refresher of £20. Judge Jeffcott subscribed £10, and Mr. J. P. Robinson, a Sydney merchant, who represented Melbourne in the New South Wales Legislature, £10 10s., whilst by way of a dead-weight, Dr. Wilmot (the coroner) presented £4 4s. deodands he had in hand. What was known as "The Old Hospital Fund" amounting to £215, was transferred to the new one. On the 5th March, 1845, a meeting of the benefactors and subscribers was held under the presidency of the Mayor. Mr. Edmund Westby and the Rev. A. C. Thomson were appointed Joint Treasurers *vice* the gentlemen selected at a prior meeting, whose official positions in the banks rendered it inconvenient for them to continue in office; and the following Committee were elected:—The Rev. A. C. Thomson; Drs. Greeves, Palmer, and Playne, Messrs. Edward Curr, J. R. Murphy, James Simpson, G. S. Brodie, W. Lonsdale, A. Cunninghame, John Duerdin, E. Westby, G. A. Gilbert, R. W. Pohlman, and J. W. Howey—Five to form a quorum.

There was a Gentlemen's Amateur Philharmonic Society at this time in Melbourne, and the members resolved in getting up a grand concert in aid of the Hospital Fund. Mr. J. C. Smith, proprietor of the Queen's Theatre, supplied the building and light without charge, whilst Mr. George Coppin supplied gratuitous music, and the free services of himself and the musical portion of his *corps dramatique*. The entertainment was under the direction of Mr. William Clark, a well-known professor of music, and it was a great success. The following notice of the event is transcribed from a newspaper of the time:—

"Hospital Concert.—The concert for the benefit of the Melbourne Hospital, given by the gentlemen amateurs of the Philharmonic Association, strengthened by the very liberal assistance of the musical portion of Mr. Coppin's Company, took place on Friday evening under the direction of Mr. Clark. The lovers of music, we presume, anticipated a treat, for, notwithstanding the very unfavourable state of the weather, not only the boxes but the approaches were, before the hour announced for the commencement, filled by the most distinguished portion of our community, including His Honor the Superintendent, His Honor the Judge, lady and family, His Worship the Mayor and lady, etc., etc.; the pit and gallery were less numerously but very respectably peopled. The selection contained several novelties, and, particularly among the vocal pieces, consisted of music of a higher class than has hitherto been adventured on in Melbourne. The manner in which it was received shews that the good taste of the public had not been miscalculated. The overtures were performed with a brilliancy and taste that proved the performers felt and understood their parts, and with a precision and unity greatly to the credit of the director; a remark which will equally apply to the glees and concerted pieces. The gratification of the audience was unequivocally expressed by repeated encores of the songs, and by the general wish at the close of the performance that it had lasted "half-an-hour longer." Mr. Clark played Kalkbrenner's celebrated variation of "Rule Britannia" with great effect, and Mr. Coppin, with Mrs. Rogers, convulsed the house with laughter in the comic duet "When a Little Farm we Keep;" in alluding to which we must not omit Mrs. Rogers' "Wanted a Governess." The Institution on behalf of which this very praiseworthy exertion has been made, will, we are happy to learn, benefit to the extent of fifty or sixty pounds after all expenses are paid."

There was much diversity of opinion as to where the Hospital should be built, and the Building Committee was so divided that the subject was referred to the general body of contributors, and a special meeting of Governors was held at the *Royal Hotel* on the 30th July, "to finally determine upon the selection of a site." It was in the first instance decided that the most eligible spot was the "Haymarket Reserve" (St. Paul's), and an application had been made to the Government for its reservation. After a time other localities found favour, some wishing it placed off the north-east intersection of Queen and Lonsdale Streets, others at the opposite corner, more in the now Carlton Gardens (then away in the wilderness), and the present site found many adherents. Finally, on the motion of Mr. Edward Curr, seconded by Mr. J. P. Fawkner, it was resolved that the Hospital should be erected where it now stands.

Dr. Palmer went in very strongly for the "Haymarket," whilst the Rev. James Forbes was as energetic in seeking to have it built on the Western Hill. In January 1846, tenders were invited, according to an estimate of £1300, but they considerably exceeded this amount, the highest being £2021, and the lowest (Mr. Daniel Rooney's) £1797, which was accepted after reducing it by alterations. According to the original plan the building was to be put up in the cheapest possible style, plain brick walls, hardwood flooring, and a roof of same material. This scheme subsequently underwent considerable alteration. Great efforts were now made to commence the undertaking; and as the foundation of Princes Bridge was to be laid with all the honours of a grand spectacular display on the 20th March, the Hospital Committee thought it a good stroke of policy to avail themselves of the Bridge Procession; and as it was known that the Masonic and other Associated Brotherhoods had determined upon celebrating the commencement of the Bridge, they consented to co-operate at the Hospital ceremonial.

The Bridge and the Hospital were, therefore, to be founded on the same day—a day to be for ever red-lettered in the early history of Melbourne. The founding of two such structures, *pro bono publico*, at the same time, seemed to make a deep impression upon the community; one, the establishment of an Asylum, in which, every person needing it, would have succour in the hour of illness; the other, the first Government bridge that ever spanned the "flowing flowing" waters of the Yarra. The demonstrations fully satisfied the anticipations of all. It was a splendid public ceremonial, in which everybody appeared to vie in procuring its success. So large was the procession that it extended, almost from end to end of Collins Street, and a person viewing it from the Eastern Hill, could have the widest stretch of his imagination amply realised. The music of the Teetotal and Town Bands, the emerald banners of "Old Ireland," the snowy streamers, emblematic of the then great Apostle of Temperance, Father Matthew, the splendid costumes of the Masons and Oddfellows, with all their gorgeous paraphernalia, and the green and gold decorations of the St. Patrick's Society, all had a most impressive effect. The following order of procession was observed :—

The Chief Constable on horseback, Mounted and Border Police, Constabulary;
The Pupils of the various Melbourne Schools, six abreast, with appropriate banners;
The Brass Band of the Father Matthew Total Abstinence Society;
Father Matthew's Society in the following order :—
Members of Committee with White Wands, Members two abreast—all wearing White Sashes and White Rosettes;
Melbourne Temperance Society—Members two abreast, Collingwood Temperance Society;
Junior Members with White Wands, Members two abreast.
Several tasteful banners were displayed in this part of the procession, especially one painted with a life-like size of Father Matthew administering the Pledge to his Countrymen.
The St. Patrick's Society of Australia Felix in the following order :—
Union Jack, Junior Members, The Harp of Erin, Members of the Society, two deep, Original Banner of St. Patrick;
Members two deep, Banner of St. Patrick and the Provincial Monarchs of Hibernia,
Borne on a platform, and supported by two Members of the Society with Green Wands;
Members of Committee bearing Wands, painted green, with gilt tops, the Auditors of the Society;
The Secretary and Treasurer with Wands, the President with Wand;
The Officers of the Corporation, the Members of the Town Council, in official costume, two abreast, His Worship the Mayor;
The following Clergymen :—The Rev. Mr. Thomson, the Rev. Mr. Forbes, the Rev. Mr. Ham, and the Rev. Mr. Sweetman;
The Crown Prosecutor, supported by the Deputy Sheriff and Mr. Shadforth, Judge's Secretary;
His Honor the Superintendent, on horseback, in vice-regal costume, adorned with a splendid flowing White Plume with Sword, the Military Officers;
The Ancient and Honourable Order of Oddfellows, M.U., the Conductors with Swords;
The Banner of the Order, the Wardens with their Axes, the J.G. with the Dispensations, Brothers two and two;
V.G.'s and Supporters with Wands, P.V.G.'s two and two, N.G.'s and Supporters with Wands;
P.G.'s two and two; the Grand Master of the District supported by the D.G.M. and C.S., the Inner Guardian.
The Ancient and Honourable Fraternity of Free and Accepted Masons marshalled in the following order :—
Tyler, Banner of Faith, Entered Apprentices, Fellow Crafts, Six Junior Masters;
Deacons with Wands, Secretaries with Rolls, Treasurers with Bags, Deacons, Corinthian Light;
Junior Wardens, Master, Doric Light, Senior Warden, Banner of Hope;
The Lodge, borne by four Masters, Cornucopia, Pitcher with Wine, Pitcher with Oil, Stewards;
Ionic Light, Book of Constitutions, Architect and Builder, Bible, Square, and Compasses, Banner of Charity
Chaplain, Brother Stephen, Director-General of Ceremonies, Royal Arch-Masons;
W. Masters, Principals of the Royal Arch Chapter, Janitor.

The military detachment stationed at Melbourne marched in Indian file at each side of the procession.

About eleven o'clock the various public bodies started from their respective assembly rooms, meeting opposite the *Royal Hotel*, Collins Street, whence they proceeded down Collins Street, through Swanston Street, to the site of the Bridge, when the business of the day commenced by the Masonic body advancing, accompanied by His Honor the Superintendent, and the Bridge was inaugurated as described in another chapter. After this first ceremony was completed the procession re-formed, and moved to the site of the Hospital, the line of route being along Swanston and *viâ* Lonsdale Streets. The proceedings were commenced by the Rev. A. C. Thomson, as Masonic Chaplain, reciting a prayer, which thus concluded :— "May all engaged in its erection be defended from accident and harm; and may it remain to be a blessing to the latest posterity. May all in any way connected with it, or receiving benefits therefrom, live to praise and magnify Thee, who, for the Redeemer's sake, forgivest our sins and healest our diseases, and crownest us with loving kindness and tender mercies, and givest life everlasting."

Masonic response :—"So Mote it be."

The stone was then partly lowered, and a bottle covered with leather deposited in the cavity prepared for its reception.

This bottle contained various coins of the realm, and a vellum scroll thus inscribed :—

Valetudinarii Melbournensis, donis et Oblationibus Civium plerumque,
Struendi atque Sustiniendi Fundamenta posuit,
Sodalitate Architectonicâ Antiquissimâ Adjuvante,
JACOBUS FREDERICUS PALMER, ARMIGER, Civitatis Melbournensis, Prætor.
A.D. XIII. Kalendas Aprilis, Anno Salutis Humanæ, MDCCCXLVI.
Regni VICTORIÆ Britanniarum et Hiberniæ, Reginæ, Nono :—
Novæ Cambriæ Australis Præfecto,
GEORGIO GIPPS, EQUITE, Australiæ Felicis Procuratore,
CAROLO JOSEPHO LATROBE, Armigero.
Architecto, SAMUELO JACKSON; Fabricatore, GEORGIO BEAVER.

For the benefit of the uninitiated the following translation is appended :—

THE FOUNDATION OF THE MELBOURNE HOSPITAL,
To be Raised and Maintained chiefly by the Donations and Offerings of the Public,
Was laid by
JAMES FREDERICK PALMER, ESQUIRE,
Mayor of the Town of Melbourne,
With the assistance of the Ancient Fraternity of Free and Accepted Masons,
On the 20th of March, in the year of our Lord, 1846,
In the Ninth year of the Reign of VICTORIA, Queen of Great Britain and Ireland;
SIR GEORGE GIPPS, KNIGHT, being Governor of New South Wales;
CHARLES JOSEPH LATROBE, ESQUIRE, Superintendent of Australia Felix;
SAMUEL JACKSON, Architect; GEORGE BEAVER, Builder.

The aperture in the stone was then covered with an iron plate secured with molten lead, and the Rev. Mr. Thomson made the following invocation :—

"May the Great Architect of the Universe bring this work to a successful completion, and prosper the design for which it is founded, that the sick may here find health, and that kindness and compassion may here do the work which He teacheth us to perform one towards another, to the glory of His name."

Masonic response :—"So Mote it be."

Corn, wine and oil were laid on the lower stone by Brother A. H. Hart, and another invocation from the Chaplain followed :—

"May the bountiful Hand of Heaven ever supply this Province with abundance of corn, wine and oil, and all the necessaries of life. And may the sick poor, here partaking of the gifts which Thy Providence enables the charitable to dispense, be restored to health and strength, and rejoice in the goodness, and the effects of brotherly love. And may the Hand of Omnipotence long preserve this Hospital from peril and decay."

Masonic response :—"So Mote it be."

A hymn was next chanted, after which the Mayor laid the stone in the customary manner.

THE MASONIC ORATION.

Brother William Hull, J.P., at the request of the Worshipful Master, pronounced the following Oration. As an exposition of the higher principles of Masonry, it is given uncurtailed :—

Mr. Hull said, "Worshipful Sir, your command shall be obeyed;" (and then apologising for remaining covered owing to the great heat of the sun, thus continued :—"From the building of that Temple in which dwelt the Shekinah of the Great Architect to the laying the foundation-stone of this intended building, Hospitals and Asylums for sick, wounded, aged and decayed persons have in an especial manner been connected with speculative and practical Masonry. It is now 3000 years since the erection of that building in which

'No workman's steel, no ponderous axes rung,
Like some tall palm the noiseless fabric sprung,'

"under the auspices of that Grand Master,

'Who, inspired by power divine,
Made wisdom, strength and beauty all combine
To frame, confirm, and deck the vast design.'

"From this period, Post-diluvian Masonry takes its most prominent standing, although 'it is an institution which is coeval with the Creation,' for ever since symmetry began, or harmony displayed its charms, the Order has had a being. It may be a matter of speculative inquiry with geologists whether the ground on which we now stand ever existed at that period; certain it is that not two lustrums have passed since this spot, upon which the first stone of a Temple dedicated to Charity is now laid, was occupied by beasts without a name, by evil-omened birds, by serpents horrible and deadly beyond their common species, and by beings (lowest of the human family) from whom the Great Architect has hitherto (as far as we can judge) withheld even a glimmer of the Divine Law, and upon whose understandings darkness still hangs as a thick mantle. Under the direction of a skilful architect, this Hospital will soon be completed, and we trust it will combine wisdom, strength and beauty in its erection; and that its management will devolve upon men who may be eminent for scientific and professional attainments, combined with the Masonic principle—love of fellow creatures. But, say the uninitiated, what connection has Masonry with this, or what necessity for Masonic processions? We reply, judge not by externals. There is in Masonry 'a light shining in darkness,' and its secrets may be known by the good and worthy of every class of mankind, if the legitimate process be adopted. Masonic processions may be deduced from the highest antiquity, and they are the very essence of every ancient institution in any way connected with virtue or religion. Masonry has included amongst its Fraternity—Patriarchs—Prophets—Evangelists—Apostles—Priests—Philosophers—and as there ever have been, so there still are—Kings—Princes—and Great and Good Men of every degree and profession. Freemasonry is that Philosophy which, blended with the great principle of the Order—Brotherly Love—constitutes that active Benevolence and Universal Charity, which fill the heart of man with disinterested love of his species—which promote in the mind pure religious feelings by tracing the works of nature until they lead us to humble and correct reflections upon the Immensity of Power—the Triumph of Wisdom—and the Goodness of Him who constructed the universe for the advantage and happiness of His creatures. We have seen the Corn, and Oil, and Wine poured out. How truly applicable are these Masonic emblems to this intended Institution! Here the hungry and weary will find bread, the staff of life, prepared for them. Here the wounded will have the healing balm poured into their wounds. Here those whose hearts are lacerated by human woes, will have the cup that cheereth the heart, presented to their lips; and here, we trust and hope (whether they who may exercise their skill on suffering humanity be of the Mystic-tie or otherwise) that Charity and Brotherly Love to their patients may be the foundation and cope-stones of their practice. May they be of that mind to say

'The widow's tears—the orphan's cry,
All wants our ready hands supply
As far as power is given.'

"'The cloud capp'd towers, the gorgeous palaces, the solemn temples' erected by the ancient Brethren have passed away, but it is in such dedications as have been this day made, that the triumph and permanency of our Order are exhibited and confirmed—

'Here 'midst the ruins of three thousand years,
Unhurt—unchanged—Freemasonry appears,'

"And Ever so Mote it be. God save the Queen!" The stone was then lowered to its proper resting place, with three loud cheers.

The Mayoral Speech.

The Mayor (Dr. Palmer) delivered the following Address:—"After the observations which you have heard from the accomplished orator who has just preceded me, I find that little is left to say, except to express my thanks to the ancient and honourable fraternity of Freemasons and other distinguished and alike honourable Public Bodies who have assisted on the present occasion, and to acknowledge the gratification with which such an event as the present is calculated to inspire every philanthropic breast. This event, besides being interesting in itself, is interesting in its causes. It is a trophy and genuine effect of Christianity. Among the accomplished nations of antiquity, we read of the achievements of art in the erection of temples and other buildings dedicated to gladiatorial displays, but no traces are discovered of Hospitals or any other Public Institutions devoted to the relief of the destitute—nothing, in short, which could evince the existence of the blessed spirit of Charity; but on the contrary, a spirit of selfishness, displaying itself in a lavish expenditure on whatever could contribute to swell the pageantry of life, and a total disregard to the poor and despised destitute. Even Christianity itself as it has become more and more enlightened has been productive of greater and more suitable effects. All-perfect in itself on its original promulgation, it has not been adverse to the cultivation of Science, but proceeding hand in hand, they have together ameliorated the condition of the world, and given birth to an enlarged philanthropy. There is no profaneness in the thought that the torch of Science, in its onward progress, has served to illumine and disclose the beauties of Christianity, and hence have arisen those numerous Institutions in every part of Christendom designed for the relief of human suffering, in which we see these powerful influences happily combined in accomplishing the designs of Charity. We have reason to be thankful to Providence, which, to the other advantages with which this land has been blessed, has added that of a comparative exemption from fatal epidemics. We have neither the plague nor the cholera. We have neither the yellow nor the jungle fever. We are comparatively free from that fatal and most insidious of diseases—Consumption, which so often selects as its choicest victims the fairest and most endowed of our species, and whose insatiability is such that it is computed that not less than one-fifth of the population of Europe annually sink under its blight. Happily too, we live free, at least by comparison, of those endless and slow-wasting distempers which devastate the Mother-country, and whose origin is attributable to the joint influences of mental anxiety, and the pinching deprivations of poverty. But, blessed as we undoubtedly are, with a fruitful country and a salubrious climate, we are doomed, nevertheless, to submit to our common destiny. Disease, under the most favorable circumstances, will assail us sooner or later; accidents will overtake the most healthy persons; and now it is that the healthy and strong should come forward to the assistance of the weak. Those only who have witnessed it can conceive the extent and degree of suffering which, after the consequence of illness, afflicts the poor who have to sustain their families by their exertions, and who by sickness are thus deprived of the only means of earning a subsistence. Those only, I say, who have visited the abodes of poverty under such circumstances, can imagine how severe are sometimes the inflictions of Providence, and how sweet and beneficial must be an asylum such as that the foundation stone of which we have just laid. Here they are provided with medicine, medical attendance, repose, and nursing, and the other auxiliaries of the healing art, such as they could not procure, even by payment, at their own homes, and which under any circumstances they could not pay for. Here they find an asylum where they procure health for their bodies, and have leisure for attendance to the higher concerns of their souls, removed alike from the distractions of poverty, and from family inquietude. But there is another view of the case, which I am certain you will not disregard, namely, the advantages to Science

which accrue from such Institutions—advantages which are reaped by the rich equally with the poor, and which recompenses them, in a threefold degree, for any liberality they may have shown. On this account, I call on every man present to contribute this day his donation,—on the settler, the land-owner, the merchant, the tradesman—in short, on every class and description of men, for, as you will all equally benefit by the work in which we have now engaged, we should all with one consent combine in offering a tribute worthy of so noble a virtue as that of Charity."

At the conclusion of the Mayor's speech, Mr. Asher H. Hart reminded His Worship that the Jews had in the earliest days a Hospital of their own. The Mayor explained, and trusted that his observations might not be supposed to reflect any imputation upon the Jewish denomination, for he was not aware of the fact of which he had been reminded.

Three cheers for the Mayor terminated the proceedings.

A collection in aid of the funds of the Hospital was then made, and a considerable sum subscribed, the Superintendent and the Mayor contributing each £5 5s.

The procession, in returning, reversed its order, the Masonic body and St. Patrick's Society leading, the various public bodies filing off as they reached their Lodge-rooms. The Oddfellows accordingly were the first to leave, on arriving at the *Crown Hotel*; the Masons next, at the *Royal Exchange Hotel*, and upon arriving at the intersection of Collins and Elizabeth Streets, the Society of St. Patrick extended its ranks, allowing the respective Temperance Societies to proceed between them greeted by many a spontaneous burst of acclamation. About two o'clock all the bustle had passed away. Nothing could exceed the manner in which the day's proceedings went off, and they embodied the most brilliant spectacle ever witnessed in the province. In the evening the Masons gave a grand banquet at the *Royal*.

The building gradually went ahead until the 16th June, 1847, when a meeting of Governors was held at the *Royal Hotel*, presided over by the Mayor (Mr. Moor), and from a report prepared by the Building Committee, the following facts were elicited :—

In January, 1846, a contract was entered into for the erection of a main building at a cost of £1470, and on the 23rd December a further expenditure of £617 was authorised for certain necessary additions and offices. On May 3rd, 1847, a further outlay (£98 12s. 4d.) was incurred for plastering the ceilings throughout, making a total of £2485 12s. 4d. To meet this there had been paid by private contribution (including £215 17s. 1d. handed over from the fund raised in 1841 for the erection of a General Hospital) £1256 6s. 1d. £1000 had been voted on the Estimates for 1846, and £250 for 1847, conditional upon an equal amount being raised by private subscription, making a total of £2506 6s. 1d. available. There had already been paid to the contractor £1636 6s. 8d., one moiety of which had been received from the Colonial Treasury, leaving a balance of £549 5s. 4d., payable on the completion of the works in progress. Towards the finishing of the building, and enclosure of the grounds, there remained something more than £150. For the Maintenance Fund £178 13s. had been raised. £350 had been unconditionally voted by the Legislature for furniture and outfit, and an application had been made to the Governor to put on the Estimates £350 for maintenance, conditional on a like sum being received in private contributions. It was also asked that the Government would cause an Act of Incorporation to be passed, and an appropriation to be sanctioned of certain unclaimed impounding fees, and drunkards' fines, to both of which requests His Honor the Superintendent was favourable. It was likewise stated that Mr. William Hart, lately deceased, had willed a bequest of £150 to the Charity. The report was received and adopted.

On the motion of Dr. Palmer, the following persons constituted the first Committee of Management, viz., Messrs. Edward Curr, Edward Eyre Williams, Robert Williams Pohlman, James Frederick Palmer, George Annand, George Sinclair Brodie, John Duerdin, John Robert Murphy, Charles Williamson, James Simpson, William Werge Howey, and George Ward Cole. The *ex officio* members were His Honor the Superintendent (Charles Joseph Latrobe), President, His Honor the Resident Judge (William A'Beckett), and His Worship the Mayor (Henry Moor), Vice Presidents; Mr. James Montgomery, Honorary Secretary; Captain William Lonsdale and Mr. E. E. Williams, Trustees; and the Rev. Adam Compton Thomson and Mr. Edmund Westby, Treasurers.

It was further agreed that the Honorary Medical Staff consist of two Physicians and two Surgeons, to be elected by ballot at a special meeting for that purpose to be held on the 15th July.

A special convocation of Governors was held on the 30th June, when it was finally decided to have six Medical Officers, *i.e.*, three Physicians and three Surgeons; and "all gentlemen declared to be legally qualified medical practitioners by the Port Phillip or Sydney Medical Boards, were to be deemed eligible as candidates." This first Medical Election, as many have since, occasioned a flutter of excitement, and the newspapers considered the event to be one of sufficient importance to justify the publication of a list of the qualified voters, *i.e.*, Life and Annual Governors who had paid £2 at one time. Some of the £1 subscribers wished to make up the difference and so qualify, but this would not be permitted. It was agreed that all persons paying in £2 before the opening of the Hospital, should rank as Governors for the current year, and anyone who had contributed £2 to the "Old Fund" was declared an Annual Governor for the same time. Medical candidates' addresses poured into the morning papers, but one gentleman (Dr. Wilkie), retired from the field in high dudgeon, in consequence of the low standard of the qualification. The Institution, nevertheless, survived his desertion of it, and it was fortunate, moreover, in obtaining amongst the six members of its staff, five gentlemen of the highest professional repute in the Province.

The First Medical Staff.

The election of Medical Officers was accordingly held on the 15th July, 1847, presided over by the Mayor (Mr. Moor), and notwithstanding all the money spent in advertising and other ways, it was a walk-over. The following were the candidates:—

Honorary Physicians:

Dr. E. C. Hobson, proposed by Captain Cole, seconded by Mr. E. Westby.
Dr. Arthur O'Mullane, proposed by Captain Howey, seconded by Mr. W. Kerr.
Dr. Godfrey Howitt, proposed by Mr. G. A. Gilbert, seconded by Major Davidson.

Honorary Surgeons:

Mr. A. F. A. Greeves, proposed by Mr. Robert Langlands, seconded by Mr. J. S. Johnston.
Mr. David J. Thomas, proposed by Mr. R. W. Pohlman, seconded by Mr. J. Croke.
Mr. W. H. Campbell, proposed by Mr. G. A. Gilbert, seconded by Mr. R. A. Balbirnie.

They were all declared duly elected. Dr. Hobson died before entering on his duties, and Dr. W. B. Wilmot (the Coroner) was elected his successor without opposition.

The rule settling the qualifications of the Honorary Medical Officers, was not satisfactory to the profession, and at a special meeting of Governors, in September, it was altered so as to read—"That all persons shall be eligible for the offices of Physician or Surgeon respectively, to this Hospital, who shall hold a Physician's or Surgeon's diploma from some university or college of the United Kingdom of Great Britain and Ireland, or from any foreign university or academical body empowered to grant medical degrees." A Mr. George Wilson was appointed Dispenser, and Mrs. Jones (the widow of a Clerk of Petty Sessions at Mount Macedon, since accidentally drowned while crossing a flooded creek), received the office of Matron. Sufficient funds were still not to be easily procured, and in February, 1848, Messrs. James Ballingall and William O'Farrell, two well-known and popular Corporation rate-collectors, made a begging raid on the town, and netted £225, a welcome acquisition to the Hospital Fund.

The Hospital Opened.

At length the long-looked-for Charity was pronounced to be in working order in March, 1848, and for the following memorandum of the first recipients of public relief there, I am indebted to the courtesy of Mr. James Williams, the indefatigable Secretary of the Institution in 1882:—

Patients first admitted on the opening of the Hospital, March 15, 1848 :—

IN-PATIENTS.—(1.) Brown, Charles, recommended by Major Davidson; (2.) Jones, William, recommended by the Rev. A. C. Thomson.

OUT-PATIENTS.—(1.) Johnson, Henry, recommended by Dr. O'Mullane; (2.) Thetford, Henry, recommended by Mr. A. F Greeves; (3.) Jones, Michael, recommended by Mr. R. W. Pohlman; (4.) Coward, John, recommended by Mr. Edmund Westby. On March 22, 1848, the first women were admitted, viz. :—(1.) Codie, Bridget; (2.) Price, Eliza.

In June the Hospital authorities commenced the publication in the newspapers of the periodical state of the Charity, and annexed is a copy of the first Bulletin :—Weekly report, Wednesday, June 21, 1848.

IN-PATIENTS.—Admitted, 2; discharged, 1.

OUT-PATIENTS.—Admitted, 2; discharged, 2.

MEDICAL OFFICERS FOR THE WEEK.—Physician, Dr. Wilmot; Surgeon, W. H. Campbell, Esq.; Resident Apothecary, Mr. G. Wilson.

The second weekly report announces the In-patients as having increased to 18, and the Out-patients to 30.

For the week ending July 12th, there were 22 In and 33 Out-patients, and it was announced "that the whole of the beds are now occupied."

THE FIRST HOSPITAL SCANDAL.

The troubles for which the Melbourne Hospital has since been proverbial, soon set in, and a spicy morsel of scandal was forthcoming to whet the appetite of the censorious. A Mr. W. L. Quinan, had in his domestic service a Mrs. Ryan, whom one day he gave in custody to the police, but the case was dismissed by the magistrates. Mrs. Ryan was advised to bring an action at law against her late employer for wrongful imprisonment on a frivolous charge, and she retained Mr. James Montgomery, a solicitor, to conduct the suit. Overtures were made towards a settlement, and Quinan offered to pay £20 to the Hospital, which was agreed to. He was dilatory in fulfilling the undertaking, and Montgomery without further delay issued a writ, which brought Quinan to the point, and he gave Montgomery a cheque for the amount. With the consent of Mrs. Ryan and her husband, the attorney deducted £10 as his costs, and paid the balance to the Charity. Montgomery was the Honorary Secretary to the Hospital, and Quinan contended that none of the money ought to be kept back, that in the settlement he intended and understood that the whole £20 was to go to the Hospital, and he complained to the Committee accordingly. The matter was investigated, and Montgomery exonerated from any blame. An application of Quinan for the names of the Committeemen who conducted the inquiry, and how they voted, was refused, whereupon the complainant waxing exceedingly irate, rushed into print, was followed by Montgomery and one or two others, and a voluminous journalistic warfare ensued. Any person wading through the columns of verbiage, and dispassionately weighing the facts, cannot well resist the conclusion that the Committee was right in its decision.

Fault-finding out of doors soon grew into vogue, and the eyes of the Committee slowly opened upon the fact that they enjoyed no bed of roses. The "rose-leaves" turned to thorns, and complaints in the newspapers were not infrequent. Much umbrage was taken because no contributor, except an annual one of £2 2s., could recommend an In-patient, and furthermore, that any person so recommending should guarantee either to remove a patient dying, or in default to defray the expense of burial in a sum not exceeding 40s.—and should also certify that the invalid on entering was possessed of "three shirts and three pairs of stockings." An Act having been passed by the Legislature "For the better regulation of Colonial Hospitals," a meeting of contributors was held on the 21st August, with Mr. E. Curr as Chairman. Mr. E. Westby was appointed Treasurer, and Messrs. William Lonsdale, Edward Eyre Williams, and James Hunter Ross, Trustees. By this Act the Treasurer was constituted the proper party to sue and be sued, and the Trustees were rendered capable of taking and holding all lands, tenements, and hereditaments belonging to the Institution. Later in the year Mr. G. Wilson, the Resident Apothecary,

resigned, and was succeeded by Mr. J. H. Umpleby, who, after a few weeks, went mad from over-reading, and was transferred to the Lunatic Asylum, leaving his berth to be filled by Mr. Joseph Clowes.

At a general meeting held on the 8th January, 1849, the first Annual Report was brought up, from which several interesting facts are culled, viz.:—When opened on the 15th March, the Institution was limited to the reception of ten In-patients, but soon extended to twenty, which so far fell short of the public requirements that the Committee intended to make provision for forty beds. The completion of a wing to the building was essential, and a further outfit grant additional to the £350 already expended on furniture, etc. The number of Admissions for 1848 were:—Men, 76; Women, 11; Children, 2; Total, 89. From which were to be deducted 14 remaining in the house, which gave 75 as the total treated. Of these there were Cured 32; Relieved, 12; Died, 22; Left of own accord, 4; Died before duly admitted, 2; Made Out-patients 3; Total, 75.

The number of Out-patients who had received medical and surgical aid, was 98, *i.e.*, 87 men, 8 women, and 3 children.

There was a large extent of suffering existing, for which an Hospital was less adapted than a Benevolent Asylum. Individuals disabled by age, disease, and various causes had to be refused admittance, and these unfortunates were incapable of doing any work for a maintenance. They were incurable, and if received would simply have a refuge for life. The proposed building additions would entail an expenditure of £600, one-half to be obtained by private benevolence, and the residue would be supplied by the Government. The only increase made to the staff was the providing of four nurses, and by reasonable economy it was hoped that the cost per patient would not exceed £25 or £30 per bed per annum. The expenditure for 1848 amounted to £576 9s. 11d.; the receipts, inclusive of aid from Government, £1016 7s. 9d., leaving £439 17s. 10d. to the credit of the Treasurer. Amongst the maintenance items were salaries and wages, £167 7s. 1d.; wine and porter, £14 11s.; and meat £20 5s. 4d. This report was adopted, after which the Committee of Management for the year was elected, and some fresh blood infused, including the name of Mr. (afterwards Sir John) O'Shanassy. An Amended Act of the Legislature was passed, empowering annual contributors of £1 to vote at the election of officers, instead of Governors as before. The Managing Committee was henceforth to consist of a President, Vice-President, Honorary Treasurer, Secretary, Medical Officers, and twelve Governors, to be elected annually, and "the officiating resident clergymen connected with the different religious persuasions," were to be *ex officio* members. It was also decided that as vacancies occurred in the number of Physicians and Surgeons, they were to be reduced to two of each branch. The Committee was also empowered to make arrangements for the reception of "paying patients," and to defray out of the hospital funds the funeral expenses of destitute persons.

The first two paid collectors appointed were Messrs. R. Heales and T. Watson, and in February, Mrs. Jones resigning the Matroncy was replaced by Mrs. Allingham.

Sir Charles Fitzroy, who had succeeded Sir George Gipps in the Governorship of New South Wales, visited Port Phillip in March, 1849, and His Excellency was, as a matter of course, fêted and feasted in Melbourne. A grand ball was given to him, which was worked more profitably than was usual with public entertainments at the time. A profit of £24 accrued after the balancing of accounts, and this was a god-send to the Hospital, enhanced by a cheque for £15, the private donation of the Governor.

The Hospital Robbed.

Churches have been robbed in Melbourne from the earliest times, and banks "stuck up" when a fair chance of success was apparent; but one would think that an hospital should be exempt from the plundering propensities of the night-hawk, or the burglar. Some ruffians took it into their heads to perpetrate not only a larceny but a full-blown felony at the Melbourne Hospital, on the night of the 18th July, 1849. The Resident Apothecary, like other boy-medicos since, was spending an evening in some social relaxation, and during his absence, a house-breaking brigade turned its attention to his quarters at the Hospital. Effecting an *entrée* through the kitchen window, the robbers proceeded stealthily to the private apartment of the prescriptioner, which they ruthlessly ransacked. Forcing the lock on a chiffoniere, they

found £8, which was forthwith confiscated. Two writing desks belonging to the Dispenser and the Matron were removed to the yard, where they were pick-locked and emptied of their contents. Some process of sorting was gone through, for the boxes with most of what they contained were thrown aside, and a selection of scraps and memos of no value was carried off. Noises had been heard during the night by the Matron and some of the inmates, but they did not disturb themselves, under the impression that the Apothecary was taking some pedestrian exercise in his room, either somnambulistically or otherwise. No clue was ever obtained to the pilferers, or the abducted bank notes.

Up to September there was no fencing put round the building; it looked like a red-rookery perched in the centre of a waste of bush, with large, half-charred tree-trunks here and there. The Court-house and gaol were the only indications of civilization beyond, and on the other sides whatever few tenements were to be seen, were nothing more than clumps of wooden and brick-made cabins, with a twopenny-halfpenny huxter's shop at every dozen yards, and three or four fourth-rate "groggeries" in the vista. So unprotected was the situation, and so strong were the temptation and facilities afforded, that such of the inmates as could move about, frequently moved too far away, were picked up by friends who stood treat, and the hospitallers sometimes came home very drunk of an evening. Impositions though not so many proportionately then as now, were not unknown, and any knaves detected in this shameful sort of fraud were sent adrift with scant ceremony. The Hospital site at first was about one-fourth its present dimensions, and the east and west portions, with the grounds of the Public Library, were intended as a place for public recreation. The Committee, however, thought proper to make application for the extension of the Hospital allotment to Russell Street, to which the Superintendent saw no objection, leaving the City Council, as the supposed custodian of the public interests, to give or keep it *ad libitum*. The Corporation authorities were privately sounded on the subject, and as the claim was likely to provoke hostility if brought up at the Council table, it was withdrawn for the time. In future years the Charity obtained it.

The original building is almost lost amidst the mass of additions. It faced Swanston Street, and now forms the east wing of the new main building which was the first addition on the central block. Next was attached the west wing, and subsequently two pavilions on the east side of the reserve. The old structure was capped with a curious sort of cupola formed of lead-covered wood, a style of finishing head-gear to which Mr. Samuel Jackson, the architect of several of the old buildings in town, was partial. The first site granted for the purpose of an Hospital was the centre of the present large enclosure, and there was an oblique short cut from the Swanston and Lonsdale Streets corner, close past the old door of the Hospital.

The Annual Meeting in January 1850 came round when only the following citizen subscribers were present, viz. :—The Revs. Dean Coffey, A. M. Ramsay and Downing; Messrs. E. B. Greene, M. Lynch, T. Lane, J. F. Palmer, J. O'Shanassy and E. E. Williams. Though nine tailors are said to make a man, nine men could not make a legal quorum, and as the tenth unit was nowhere, the event had to be adjourned for a week. From the Annual Report submitted, it appeared that on the 1st January, 1849, there were 14 In-patients, and 183 had been admitted during the year following. Of this 197, 33 were women, 3 children, 46 died, 73 were cured, 32 relieved, 33 remained, 2 were incurable, 2 discharged, and 9 left of their own accord. On the roll of Out-patients, there were at date 123, viz., 95 men, 21 women, and 7 children. The subscriptions for the year amounted to £385 1s. 4d., obtained from Melbourne and its vicinity, whilst the country co-operation yielded only £37 15s. 9d., although it was well-known that the preponderance of cases came from that quarter. Mr. E. Westby having resigned office as Treasurer in February, a special meeting was held to appoint a successor, when two very unquestionable candidates were nominated, and a contested election ensued. The gentlemen proposed were both well-known, and held in high esteem, viz., Messrs. C. H. Ebden, and Frederick Cooper. Though the former polled two to one, the victory was not much to be proud of, for the voting was —Ebden six, and Cooper three. It was agreed to wrap a Secretary, Collector, and Accountant into one and the same human form, which was to be unmarried, and its remuneration to be £40 a year, with board and lodging. Out of thirty-three applicants only thirteen were considered to be in any way eligible for the billet, and on the 27th March, it was given to a Mr. Edward J. Abraham, a recent comer from Sydney. After he had been inducted a couple of weeks, it was discovered he was a Benedict, and had to resign, when the appointment was conferred upon a Mr, or rather, Rev.

John Allen, who did not retain it long, and who is best known in our early history as an active originator of the first Gas Company.

A provision for "paying patients" was one of the articles of the programme approved by the original meeting when the Hospital was first mooted, in March, 1841, and some such project was always favourably regarded by the public. The subject had been often revived, but the more pressing difficulties surrounding the inception of the Hospital kept it in abeyance. It was now renewed with so much force in the newspapers, and otherwise, that the Committee of Management was forced to consider it, which was done at a special meeting, held for the purpose on the 14th June, 1850. A proposition was made to set apart a ward sufficient to accommodate ten "paying patients," but the unanimous opinion was that it was undesirable to make any change, considering the limited dimensions of the building; but in order to meet the wishes of such persons as desired to try the experiment, it was resolved to open a subscription to provide funds for the erection of a separate wing or ward in furtherance of such an object.

The following month the posts of Resident Apothecary and Matron becoming vacant, from among thirty applicants, a Mr. and Mrs. Stone, newly landed from England, were chosen at salaries of £60 and £35 per annum, with board and quarters. In January, 1851, the usual Annual Meeting was held, and from the Committee's report of the *res gestæ* of 1850, it would appear that there had been 189 admissions during the year, consisting of 148 males and 41 females, 84 having come from the country and 105 being residents of and about Melbourne. The cures effected were 67, relieved 38, died 36, discharged or left of own accord 10, and remaining 38. In March the Committee had on hand £300 which they temporarily invested for the benefit of the Institution. One-half of this was no doubt the bequest of the Mr. Hart, before noted. In May there was another change in the management of the dispensary by the appointment of Mr. Joseph Lewis; Mr. E. B. Greene became Honorary Secretary, and a Mr. William Love, Secretary and Clerk. The Committee appeared to have worked zealously and with much success throughout this year, as will be gathered from the periodical report brought up by Mr. (afterwards Sir R.) Barry, at the Annual Meeting in January, 1852. Additions and alterations to the building had been effected, but through certain deviations from the plans, the estimate of £460 had been much exceeded, as the works cost £680 14s. Room for 26 more patients had been provided, and an improved system of ventilation and drainage secured. £162 5s. 6d. had gone in the necessary outfit, and the Hospital was now in a state to receive and relieve 66 male and 14 female inmates. In May, 1851, the Committee remitted to England £140, for the purchase of drugs, surgical instruments, and apparatus. The grounds attached had been enclosed, trenched, and laid out, the unsightly irregularities of the surface levelled, trees planted, seeds of ornamental shrubs sown, walks formed, and "the means of healthful exercise and recreation afforded to the convalescent patients." The In-patients for 1851, in addition to 29 males and 9 females, *i.e.*, 38, remaining in the house on the first January were—males, 183; females, 37; total, 258; whilst the Out-patients numbered 118 males, and 41 females. All claims had been liquidated, except £8 8s. 6d., not presented in time, and the balance of ordinary revenue at close of the year was £324 9s. 8d., besides £300, decided to be invested permanently at interest on real property security. The amount applicable to maintenance for 1852, was £324 9s. 3d.

The total number of patients treated at the Hospital for four years after its opening was :—

Year.	In-patients.	Out-patients.
1848	89	93
1849	197	123
1850	222	134
1851	258	159

The marvellous changes during thirty years in the Melbourne Hospital may be imagined after a perusal of the report of the Charity for the year 1881 :—

The amount received from subscriptions and sundry sources, and inclusive of £2315 13s. 7d. from the Committee of the Hospital Sunday Fund, was £7178 16s, 2d., to which must be added the Parliamentary grant of £14,500, making a total income of £21,678 16s. 2d. for the purpose of maintenance.

The expenditure amounted to £22,278 9s. 9d., which, with the balance of £5980 6s. 10d., left an indebtedness of £6580 0s. 5d.

The Endowment Fund had been augmented by benefactions to the extent of £1088 12s.; the balance to credit was £12,185 9s. 2d.

The total number of cases treated was 22,900, of which 18,877 had received medical and surgical aid, either as Out-patients or Casualties, and 4023 were treated in the wards of the Hospital. The general result of treatment is reported as:—cured and relieved, 2874; discharged as incurable and from sundry causes, 183; died, 634; remaining in the Hospital on 31st December, 332. Of incurable cases received, into the wards, 108 died within twenty-four hours of admittance, and a large proportion of these were moribund when brought to the Institution.

The Fortieth Annual Report furnishes the following additional particulars for the year 1887, which will be read with interest:—

The receipts, including £14,000 from the Parliamentary Grant, and £2325 11s. 10d. from the Committee of the Hospital Sunday Fund, have amounted to £24,105 3s. 4d.; for the same period the expenditure has been £23,558 10s. 9d., to which must be added the indebtedness from the previous year of £7708 8s. 3d., leaving a debit balance of £7330 11s. 2d.

Apartments for the accommodation of the Pathologist and the Students attending his demonstrations, with the addition of a Jury Room for use at inquests, are completed. The imperative necessity for proper provision for the comfort of the Nursing Staff received the early attention of the Committee; as further delay could not be justified it was decided to remodel the old buildings and make such additions as would furnish space, with other necessary offices as the circumstances required. The new buildings have been occupied for some months, and the Nurses' House is now an important feature in the establishment. Improved accommodation was also required for the male staff of the Hospital; to meet this want a range of buildings extending along the Russell Street boundary have been constructed, which provide dormitories, workshops, etc. These works, together with those previously described, have involved an expenditure of £4823 14s. 8d. A sum of £700 has been allocated from the Parliamentary vote in aid of the expenditure for the Nurses' House, but the Committee trust that a future representation of the claims of the Hospital for increased assistance on account of expenditure for buildings will be deemed worthy of recognition.

During the year the Endowment Fund has increased by sundry bequests to the extent of £4539 2s. 8d., bringing the total of the Fund up to £29,924 19s. 9d., of which sum £29,897 16s. 10d. is deposited at interest.

During the past year the Hospital has afforded medical and surgical assistance to 19,519 persons; of these 15,926 have been treated as Out-patients, and 3593 have been admitted to the wards; of this number 2628 have been discharged, cured or relieved, 123 have left as incurable or for various reasons, 574 have died, and 268 remained in the Institution at the close of the year. Of the fatal cases 179 died within 72 hours of admission.

Of typhoid fever patients there were 430 treated throughout the year, the mortality being 13.95 per cent.

The aggregate of patients treated in the Institution since its foundation in and including the years 1848 and 1887, are as follow:—In-patients 106,227, Out-patients 523,751; grand total 629,978.

The totals of Receipts and Expenditure during the last eleven years (1877-1887 inclusive) are thus stated:—Receipts—Government Grants, £159,500; Private Subscriptions, £87,781 7s. 5d.; Other sources, £9542 5s. 2d.; Grand Total, £256,823 12s. 7d. Expenditure under all heads, £269,785 14s. 7d.

The "Sunday Hospital Fund" has, since its inception fifteen years ago, contributed the handsome sum of £35,672 9s. 1d. to the revenue of the Melbourne Hospital.

Mr. James Williams, a popular and most courteous official, performs the Secretarial duties of the establishment.

The original building is almost lost amidst the mass of additions. It faced Swanston Street, and now forms the east wing of the new main building which was the first addition on the central block. Next was attached the west wing, and subsequently two pavilions on the east side of the reserve. The first site granted for the purpose of an Hospital was the centre of the present enclosure.

CHAPTER XIX.

OLD MELBOURNE CHARITIES.—*(CONTINUED.)*

SYNOPSIS :—Cognate Societies.—Selection of Site.—First Public Meeting.—Government Grant of £1000.—The Objects of the Institution Defined.—Qualifications of Members.—Conjunction of Two Ecclesiastical Planets.—The Transit of Two Celestial Bodies.—Tender for Building Accepted.—Brown and Ramsden, Contractors.—Foundation Ceremony Fixed for 24th June, 1851.—Roman Catholic Bishop Refuses to Attend Ceremony.—Occultation of the Ecclesiastical Planets.—Religious Dissensions.—Roman Catholic Protest.—Withdrawal of Public Bodies from Procession.—Laying the Foundation Stone.—The Procession Described.—Masonic Invocations.—The Inscription.—The Rev. Moses Rintel Makes Oration.—Masonic and Other Dinners.—First Annual Meeting.—Acceptance of Plans and Tender.—Completion of Contract.—The Opening Ball.—System of Management.—The "Literary Blacksmith" First Inmate.—First Board of Management.—Reports for 1851 and 1887.—The "St. James'" "Visiting" and Kindred Societies.

THE BENEVOLENT ASYLUM.

THOUGH loaferism, as it is termed, existed from the earliest times, the professional mendicant was almost a nonentity until the gold discoveries, so that beggars and nuggets may be said to have appeared simultaneously. There, however, prevailed a certain amount of distress amongst individuals too honest to steal, but too proud to ask openly for alms; and much misery would have been privately endured but for the praiseworthy and humane efforts of three small Societies, known as The St. James', The Friendly Brothers, and The Stranger's Friend. Their members solicited the offerings of the charitable, and were instrumental in doing "good by stealth," when their recompense was not "fame," but trouble, cheered by the consciousness of performing a duty which would sooner or later bring its own reward. Destitution increased to such an extent as to indicate that the establishment of an Institution for the succour of the aged and infirm, crushed down by the cold hand of poverty, was an inevitable necessity. On the 1st June, 1848, Mr. John Thos. Smith, a member of the Corporation, carried in the City Council a motion for an Address to the Governor, praying His Excellency to propose to the Legislative Council of New South Wales the appropriation of a sum of money towards the erection of a Benevolent Asylum in Melbourne, and to sanction the grant of a suitable site for the Institution. His Honor the Superintendent of the Province was asked to recommend the same. Mr. Smith exerted himself to promote this object, and was fortunate in securing the co-operation of several influential ministers of religion. The Superintendent, a kind-hearted man, cordially complied with the request of the Council, and on the 6th September, His Honor received a communication from the Colonial Secretary, expressing a willingness of the Government to grant an Asylum site, and suggesting "that the selection be made in an unobjectionable locality." Nothing further was done for nearly a year, though the want of the Institution grew more pressing. The City Council nominated a Committee to select a locality whereon to have the building erected; and in August, 1849, they recommended the spot where the Institution now stands. The three Societies referred to were put to great straits to provide shelter for the increasing pauperism, and the old building at the corner of the Western Market Reserve, which had been used as a police-office, was applied for to the Corporation to have it converted into a temporary Asylum, pending the erection of the contemplated establishment. The City Council ascertained that the shanty was Government property, fixed on a reserve appropriated to market purposes, so that neither the valueless chattel nor the freehold could be alienated; and so the intention of the Good Samaritans was frustrated. The Corporation might have given it, for neither the Government nor anybody else would have objected, but with a strange inconsistency the shed was soon after rented to Mr. Graves, a sail-maker, who used it as a workshop and warehouse for years.

The First Public Meeting.

The Legislative Council having voted £1000 to aid the erection of an Asylum on condition of a like sum being forthcoming from private contributions, a public meeting was held at the Mechanics' Institute on the 16th October, 1848, to consider the most desirable mode of raising sufficient money to render the grant available. The Mayor (Mr. W. M. Bell) presided, but for some unaccountable reason not more than a dozen persons attended, and amongst them only one clergyman (the Rev. A. Morrison). The meeting, notwithstanding this discouragement *in limine*, nominated a Committee, consisting of Messrs. John Lush, Robert Kerr, J. A. Marsden, Timothy Lane, Michael Lynch, John Hood, John O'Shanassy, J. P. Fawkner, R. A. Balbirnie, William O'Farrell, James Ballingall and Henry Langlands. In the room promises amounting to £200 were made, including £75 as the individual donation of the Mayor, £10 10s. from his firm (W. and H. Bell), and £20 from Mr. William Stawell.

Between the origin of the Hospital movement and the laying of the foundation stone, more than five years had intervened, and seven years ere the building was opened, whereas the Asylum inauguration ceremony was performed in less than eight months, and it was ready for the reception of inmates in sixteen months after. The Contribution Committee enlarged its *personnel* by declaring the general body of the Clergy of all denominations *ex officio* members, and adding other influential names; Mr. Richard Grice acted as Hon. Treasurer; Mr. Marsden, Secretary; and Messrs. Kerr, O'Shanassy, and Fawkner were nominated to interview the Superintendent and obtain definite information about the site, the appointment of Trustees and the £1000 vote. The Anglican and Roman Catholic Bishops (Drs. Perry and Goold) for the first and last time in Port Phillip history worked hand in hand, and Bishop Perry presided as Chairman at the next meeting of Committee.

The deputation asked for ten acres of land, but though His Honor was disposed to think five enough, he should not object if there was so much in the reserve. On the 2nd November, 1848, there was an important meeting of the Committee, with Mr. O'Shanassy in the Chair: and a meeting of subscribers was held on the 8th, at the Mechanics' Institute, including Bishops Perry and Goold. The Committee's more important recommendation was "That the Institution be called 'The Victoria Benevolent Society,' and the Building 'The Benevolent Asylum.' The objects to be the relief of the aged, infirm, disabled, or destitute poor of all creeds and nations, and to minister to them the comforts of religion: (1.) By receiving and maintaining in a suitable building such as will be most benefited by being inmates of the Asylum.—(2.) By giving out-door relief in kind, and in money in special cases, to families in temporary distress.—(3.) By giving medical assistance, and medicine through the establishment of a dispensary or otherwise; and (4.) By affording facilities for religious instruction and consolation to the inmates of the Asylum."

On the motion of Mr. Ebden, proposition 2, relating to Out-door relief, was omitted. On the motion of Bishop Perry, it was agreed that the annual meetings be held in January of each year after 1850. The qualification of a Life Membership was fixed at £10 donation to the maintenance fund, or collecting £20 in any one year from unclaiming persons. Subscribers of £1 per annum in cash or kind were to be considered members of the Society, with power to vote at elections and recommend relief cases.

This meeting is memorable as the only occasion upon which a fraternal conjunction of the two great ecclesiastical planets occurred, for it was the solitary instance in the transit of these celestial bodies, where the "Right Reverend Fathers in God," Charles and James, foregathered either in public or in private.

Meanwhile the collecting campaign was being actively and successfully carried on; Mr. Samuel Goode, a printer, supplied circulars gratuitously. The clergy threw themselves energetically into the work, and such progress was made that £670 had been subscribed. The plan Sub-Committee's scheme provided for an edifice capable of accommodating 250 inmates, but it was proposed to proceed only with a portion sufficient for the reception of 100, and the total expense was not to exceed £2500. On the 12th December, 1848, at a meeting of subscribers, Messrs. C. H. Ebden, W. M. Bell, and E. Westby were elected Trustees, and Messrs. H. Ginn, D. Lennox, J. Blackburn, A. F. Greeves, C. H. Ebden, A. Thorpe, W. Hull, M. Lynch, R. A. Balbirnie and W. M. Bell were chosen a Committee to report upon the designs. Much interest now turned upon the bazaar announced as under the patronage of the wives of the Superintendent, the Resident Judge,

and the Bishop (Mesdames Latrobe, A'Beckett, and Perry). The St. Patrick's Society gratuitously offered the use of their hall, and the bazaar was held there on the 22nd and 24th March, 1850. The speculation turned out a lucky hit, for it increased the funds by £621 3s. 5d.

The Design Inspection Committee were now at work, and several plans having been sent in, prizes were awarded, *i.e.*, the 1st to Mr. C. Laing, 2nd Mr. John Gill, and 3rd Messrs. Newson and Blackburn. The estimated cost was £2800. The funds were stated at the beginning of June, 1850, to have reached £1750 6s. 11d. Tenders were called for, and that of Brown and Ramsden was accepted for £2850, the building to be finished in the first half of 1851. The laying of the foundation was intended to be made a very big event, and the celebration was to be framed on the precessional lines which rendered the Hospital inauguration such a success. Invitations were sent to the Masons, Oddfellows, St. Patrick's Society, and other associated fraternities, soliciting their co-operation. The anniversary of the Accession of Her Majesty (20th June, 1850) was the period first fixed, but it was suggested that a larger attendance would result from a postponement to the Festival of St. John the Baptist, and the 24th was agreed to.

A Split in Council.

And so matters went "merrie as a marriage bell," when it transpired that the Roman Catholic Bishop had, on behalf of himself and his clergy, declined the invitation of the Committee to be present, because it was intended that Ministers of other religious persuasions should offer up prayers on the ground. This referred to the Masonic ceremony wherein the Chaplain of the Order recites prayers and invocations. This *contretemps* produced much disappointment, and threatened to impair the effect of the display. The Building Committee tried to secure harmony, but no amicable adjustment could be accomplished. The Masons were asked to omit what was conscientiously objected to, but they held as inflexibly by their *formula* as if they were Medes and Persians, and their laws immutable. Bishop Perry suggested a rational and unobjectionable compromise, viz, that Divine Service should be performed in the various Churches on the opening morning, and prayers dispensed with at the ceremony; but the Masons persisted, and there could be no Masonic participation without the customary precation. The Committee meeting, at which a final decision was arrived at, was attended by Messrs. John Hodgson (in the Chair), G. A. Robinson, W. Hull, J. O'Shanassy, M. Lynch, A. Thorpe, C. H. Ebden, R. A. Balbirnie, H. Langlands, and Dr. Greeves. Mr. O'Shanassy moved a resolution declaring "it to be impolitic and unjust to adopt any ceremonial in laying the foundation stone of the Benevolent Asylum, which is considered by the Catholic portion of the community opposed to their religious principles, and a violation of the fundamental constitution under which they aided its progress." This was seconded by Mr. Lynch, whereupon Dr. Greeves moved and Mr. Hull seconded an amendment, "That they could not with consistency and honour, annul the procession and proceedings already entered into, especially considering that numerous public authorities and Associations have accepted the invitation of the Building Committee, and are known to have made arrangements for attendance." On the question being put, Messrs. Hodgson and Ebden did not vote; only the mover and seconder of the motion voted against the amendment, which was declared to be carried, whereupon Messrs. O'Shanassy and Lynch quitted the meeting.

The Roman Catholic Protest.

The ceremony was to take place on a Monday, and on the Friday evening previous, a meeting of Roman Catholics was convened in St. Francis' School-room to protest against the action of the Building Committee. There was a crowded attendance. The Right Rev. Dr. Goold presided, and declared that his sole objection was the fact of the Masonic body intending to have prayers offered by a Protestant clergyman at the laying of the foundation-stone. This he considered to be a most uncalled for and improper proceeding, and the Building Committee should not have offered such an insult to the religious feelings of the Catholic community of Melbourne. He further declared that hearing prayers pronounced by a clergyman of any other persuasion was quite incompatible with the doctrines of the Catholic Church; and the Catholics might with as much justice claim the privilege of having prayers read by a Catholic

clergyman, which they did not attempt to do. Addresses were delivered by Dean Coffey, Dr. Dease, Messrs. J. O'Shanassy, W. J. Dunbar, N. O'Connor, M. Lynch and others, and the following resolutions were agreed to :—

1. "That the Catholic Bishop, Clergy and Laity of the City of Melbourne, in public meeting assembled, do solemnly protest against any ceremonial partaking of the character of prayer on the occasion of laying the foundation stone of the Benevolent Asylum, conceiving such to be a departure from the liberal principle put forth in the prospectus of the Victoria Benevolent Society, and adopted by all denominations prior to any subscriptions being obtained."

2. "That in consequence of the violation of the rights of conscience involved in the proceedings adopted by the Building Committee of the Benevolent Asylum, the Catholics of Melbourne, Bishop, Clergy, and Laity, with deep regret deem themselves bound to withdraw their support from the Victoria Benevolent Society."

3. "That owing to the invidious transactions detailed to this meeting in which more consideration is paid to the forms of a private Society than to the religious principles of the Catholic community, it is expedient to convene another meeting, for the purposes of considering the propriety of establishing a Catholic Benevolent Asylum, and to seek the aid of Government for that purpose."

4. "That the Catholic clergymen in the interior be informed of the proceedings of this meeting, and be requested to co-operate in carrying out its views."

5. "That copies of the foregoing resolutions be forwarded to His Excellency Sir Charles Augustus Fitzroy, Governor, His Honor the Superintendent, and the Committee of the Benevolent Society."

The Catholic Benevolent Asylum fore-shadowed above, never emerged from the region of shadows; and in due time, Dr. Goold, his Clergy and co-religionists learned "to forget their own wrongs," and gave a generous and liberal support to an Institution which bore refuge and solace to many worthy persons, whose sunset of life was darkened by clouds which they had no power to avert.

The St. Patrick's Society also withdrew from the procession, and the following semi-official announcement printed in one of the Monday newspapers thus justified their action :—"St. Patrick's Society. —The members of this body will not join the procession to lay the foundation-stone of the Benevolent Asylum to-day as intended. The reason for adopting such a course is that there is a difference of opinion amongst the members as to whether the Masonic ceremonial is one of such a religious character as to preclude the Society, in terms of one of its principal rules, from joining in it. A large proportion of the members think it is *not*, whilst another proportion think it *is*, and as it would be highly desirable that in the event of the Society co-operating in the day's proceedings, the utmost harmony and unanimity should prevail, those who believe that the Society ought to take part in the procession have not pressed the matter to a division; the more especially as, if they think proper, they will have an opportunity of lending their aid in the capacity of 'citizens,' for which class a distinguished position is assigned in the programme of the proceedings."

The Father Matthew Total Abstinence Society also refused.

Laying the Foundation Stone.

The Anniversary of St. John was a fine bracing winter day, and though the Queen was too far away to influence the Clerk of the weather, the Saint must have contrived to put in a good word with him. It was a general holiday and bands of music played through the streets. As noon approached, the Associated Bodies converged to the open space at the intersection of Swanston and Flinders Streets (the present St. Paul's), and thence in something like martial array set forth to their destination in the following order :—

City Chief Constable (on horseback).
Native Police (mounted).
The Various Schools.
The Melbourne Total Abstinence Society.
The Tents of Rechabites.
Salford Unity of Independent Rechabites. "Apollo" and "Hercules" Lodges of Oddfellows.

The Grand United Order of Oddfellows. Band. Lodge Banner.
Ordinary Members of the "Victoria" Lodge and "Prince of Wales" Lodge.
Warden and Conductor of "Prince of Wales" Lodge. Secretaries carrying Scrolls.
Vice-Grand and his Supporters with Wands. Dispensation carried by Inner and Outer Guards.
Noble Grand and Supporters with Wands. Noble Father and Supporters. Union Jack.
Ordinary Members of the "Felix" Lodge. Warden and Conductor of "Felix" Lodge. Secretaries carrying Scrolls.
Vice-Grand and Supporters with Wands of Office. Dispensation borne by Guardians.
Noble Grand and Supporters with Wands. Noble Father and Supporters. Union Jack. District Delegates.
District Treasurer and Secretary.

Police. Cushion and Bible and District Guardians with swords. Police.

District Master with the Deputy. All Past District Masters. The Australian Independent Order of Oddfellows.
The Melbourne "Duke of York" and "Loyal Fitzroy" Lodges. O.G. with sword. The Banner.
Junior Members, two and two. Secretary of "Fitzroy" Lodge with Dispensation.
Secretary of "Duke of York" Lodge with the picture of Justice.
Secretaries, supported by Junior and Senior Wardens, with sword and battle-axe.
Members of the White Degree, two and two.
W.G. with cushion and Bible, supported by a W.G. and P.N.G. Members of the Blue degree two and two.
V.G. "Fitzroy" Lodge, with supporters and wands. V.G. "Duke of York" Lodge, with supporters and wands.
Members of the Scarlet Degree, two and two. N.G. "Fitzroy" Lodge, with supporters and wands.
N.G. "Duke of York" Lodge, with supporters and wands. Past Officers.

Members of the Manchester Unity Independent Order of Oddfellows, with white gloves, sashes and aprons, Outside Guardians with swords.
Wardens. Secretary with scroll. Past Vice Grands. A Vice-Grand, with Bible and time-glass.
Vice-Grands and supporters. Grand Masters, with wands. Past-Grands. Noble Grands.
Secretary. Past Corresponding Secretary, with Scroll. Past Provincial Deputy Grand Masters.
Provincial Deputy Grand Masters. Past Provincial Grand Masters. Provincial Grand Master.
Two Inside Guardians, with swords.

The Fraternity of Free and Accepted Masons in the following order :—

Military and Police at intervals.

Four Tylers. Banner of Faith. Masters of Ceremonies. Terrestrial and Celestial Globes.
Entered Apprentices. Fellow Crafts. Deacons with wands. Secretary with Roll.
Treasurer with Bag. Six Masters. Corinthian Light. Junior Wardens.
Six Masters. Doric Light. Senior Wardens. Banner of Hope. Cornucopia.
Pitcher with Wine. Pitcher with Oil.

The Choir. Stewards. Architect and Builder. Bible, Square, and Compasses.
Banner of Charity. Chaplain. Installed Masters. Ionic Light. Book of Constitutions.
Royal Arch Masons. Past Masters. Masters. Inner Guardians. Band.
Clergy of all Denominations. Retired Naval and Military Officers.
The Secretary of Benevolent Asylum. The Committee with White Favours.
Civil Officers of Government. Heads of Departments. Magistrates of the City.
Magistrates of the Territory. The Mayor and Corporation. Members of the Legislative Council.

Military and Police at intervals.

His Honor the Resident Judge. Aides-de-Camp. { His Honor the Superintendent. } Aides-de-Camp. Military.

It was a splendid sight, and to a person viewing it from an elevation near the Western Market the *coup d'œil* was very imposing. The Oddfellows unfurled a large flag on a blue ground, which was much admired. Some of the "Teetotal" streamers were very good, but there was one blank, the absence of the banners of the St. Patrick's Society, emblems of the "Emerald Isle," a chief attraction at the Hospital demonstration. The procession was more than a mile long, and was a most successful spectacular exhibition.

On arriving at the destination the school children occupied the area of the intended building; the Masonic body the east side; the Manchester Unity the north; the Oddfellows the west; the Total Abstainers, the Salford Unity, and other Rechabites the south side of the space. The authorities were placed in front of the platform.

On the west side a platform was erected for the ladies, but through a queer arrangement, the reporters were cooped up along with the "fairer portion of creation," so that between the chattering of the

daughters of Eve, and the distance of this "ladies' gallery" from the main pivot of operations, the "Recording Angels" could hardly hear a word to note down. Still, as if by an instinct peculiar to the professional pen-drivers, a creditably accurate account was chronicled in the journals next morning. There was some difficulty in providing for the ladies, but the politeness and patience of the untiring secretary (Mr. Marsden) would have tided him over even greater troubles. The Masonic body encircled the stone, and the ceremony commenced. The Rev. A. Strong, Masonic chaplain, offered the following invocation :—

"May the Supreme Governor of the Universe bless this undertaking, and enable those who are more immediately employed in the good work to carry it on to its completion.

"May He support all those who, from disease and infirmity, become the inmates of this Institution. May He bless them and keep them in the right way, that will ensure their everlasting happiness in that Grand Asylum above, where peace, harmony, and happiness for ever dwell.

"For all this we implore the blessing of that Almighty Being at whose creative fiat first all things were made."

Masonic response : "So Mote it be."

The Masonic adjustment of the stone was preceded by Brother John Stephen, P.M., reading aloud the following inscription engraved on a plate to be placed in a cavity :—

THE FOUNDATION STONE
Of the
VICTORIA BENEVOLENT ASYLUM,
For the Aged, Infirm, Disabled, and Destitute of all Creeds and Nations,
Was laid this twenty-fourth day of June, A.D., 1850, in the fourteenth year of the Reign of Her Majesty,
QUEEN VICTORIA,
By His Honor Charles Joseph Latrobe, Esq.,
Superintendent of Port Phillip,
Assisted by the Ancient and Honourable Fraternity of Freemasons.
His Excellency Sir Charles Augustus Fitzroy, Knt.,
Governor of New South Wales.
His Honor Charles Joseph Latrobe, Esq.,
Superintendent of Port Phillip.
Augustus Frederick Adolphus Greeves, Esq.,
Mayor of the City of Melbourne.
Charles Laing,
Architect.
Charles Brown, Henry Brown, Samuel Ramsden,
Builders.

A glass bottle, the gift of Mr. John Hood, chemist, was encased in leather by Mr. Pascoe, saddler, and in it was a scroll lettered "J. R. Pascoe, Melbourne, June, 1850." Melbourne newspapers and the brass plate, were put in the bottle, which was deposited in its resting-place. The stone was next lowered amid strains of solemn music played by Hores' Saxe-horn Band. After this, the Masonic ceremony of adjusting the foundation stone, took place ; upon which His Honor Charles Joseph Latrobe, Esq., went through the ceremony of making a curve or two with a trowel, after which, corn, wine, and oil were strewed over the stone, and the Chaplain offered invocation No. 2.—

"May the bountiful hand of Heaven ever supply this Province with abundance of corn, wine and oil, and all the necessaries of life : May He whose mighty hand encompasses eternity be the guard and protector over this infant city, and may He long preserve this building from peril and decay."

Response : "So Mote it be."

The Masonic Oration was delivered by the Rev. Moses Rintel (the Rabbin). He was followed by the Mayor, and the ceremony was over. A collection was made, and realised £70, to which the Manchester Unity gave £25, the Freemasons £21, and the public £24. There were about 12,000 persons present.

That night high revel was kept, for some 150 members of the Kilwinning, Hiram and Australian Masonic Orders dined at the Protestant Hall, presided over by Brother Richard Ocock, supported right

and left by Brothers A. H. Hart, and R. Campbell. The Oddfellows and some of the other Societies had special festivities of their own. The expense of the foundation ceremonial was £39, and receipts £92, which included £20 16s. 7d. collected at St. James' Church.

Mr. J. T. Smith gave the proceeds of a benefit at the Queen's Theatre in aid of the Funds. A special meeting of contributors ruled that subscribers to the Building Fund should be entitled to privileges similar to those to be enjoyed by maintainence givers, though the Life Membership qualification was raised from £10 to £20.

The First Annual Meeting,

Held on the 17th January, 1851—in pursuance of Bishop Perry's motion, passed at a Committee Meeting on the 8th November, 1848—was a *pro forma* gathering merely.

Mr. Charles Laing's plan of the proposed building was accepted; Mr. John Gill's obtained a £15 premium; and Messrs. Newsome and Blackburn's was awarded £10. Messrs. Brown and Ramsden's tender for the erection of the building was accepted for £2850, but was afterwards increased by £220. The Fancy Fair held at St. Patrick's Hall realised £621 3s. 5d. The building was in the Tudor style. The extent of the portion erected was:—On ground floor, 111 feet by 52 feet. Accommodation was provided for forty-two males and as many females, and the attics were so contrived that twenty-nine more of each sex could be crammed into them. The cost would be about £3730, and the ground had been enclosed with a substantial three-rail fence.

A grant of £500 from the Government towards furnishing had enabled the Committee to provide, amongst other items, for about fifty inmates. The Legislative Council appropriated a further sum of £200 towards the enlargement of the building, and £800 for the Maintenance Fund, contingent upon a like amount accruing from voluntary subscriptions. The Committee received from the Government a £230 dividend of unclaimed poundage fees and fines; the Melbourne Bible Society made a donation of twelve bibles; the Rev. Mr. Clowes, of St. Mark's, a presentation of books, and a Mr. Sanger collected £100 from the diggers at Mount Alexander. A bonus of £25 was given to the Secretary in addition to his £2 per week salary, and an augumentation of his stipend to £150 per annum was recommended. Arrangements were made to have Divine service conducted regularly in the Asylum, by ministers of the various persuasions.

Pecuniary assistance now flowed in from several stations where the squatters had started subscription lists. The townspeople and the Government had materially helped the laudable enterprise. The total amount expended on the building up to the 13th June, 1851, was £3272 19s. 6d., several important extra works having been authorised since the acceptance of the original contract. The edifice was now completed, and insured for £3000, in the Victoria Fire Insurance Company. A respectable person had been engaged to take charge of it, at a salary of 3s. per week (*sic.*), and the Committee resigned its trust, "expressing gratitude to Divine Providence that so great and so useful an Institution had been brought to its completion without any accident occurring to any of the numerous persons engaged on the works."

The Opening Ball.

There was one peculiarity in many of the public undertakings in Old Melbourne, bearing a resemblance to the Irish character, and it happened in some of the most serious of them, a humorous interlude popped up, a flash of light to cheer the surrounding sombreness—a something to provoke laughter in the midst of the solemnity, and so it was with the Asylum. To the mind of an ordinary person, it would occur that if it was necessary to open an eleemosynary establishment with any special celebration, a religious service, a prayer meeting, or a sacred concert, would be the most *apropos* mode of doing so. But to inaugurate a Poor-house by holding a grand public ball there, seems incongruously amusing. Yet the Benevolent Asylum was actually opened by what was universally admitted to be the most hilarious Terpsichorean demonstration ever witnessed in Port Phillip. And it happened in this wise:—The building was turned out of the contractor's hands in June, 1851, and the recently constituted colony of Victoria was

to begin its career on the 1st July. On the 15th the first Lieutenant-Governor was to publicly assume the reins of Government, and it was determined that the auspicious event should be signalized by a public ball, to be honoured by the presence of the newly-blown Vice-Regent. Large rooms were not then so plentiful in Melbourne as they are now, and the stewards of the entertainment hit upon the Asylum, and the notion was accordingly acted on.

The two large rooms were put into proper trim; banners were borrowed, green boughs were obtained, and the place was decorated in picturesque style. Two bands, (Megson's Orchestral and Hores' Saxe-horn) were engaged. More than 250 persons attended, and Lieutenant-Governor Latrobe, accompanied by his wife, and attended by his suite, was welcomed by "the rank, beauty, and fashion" of the city. At supper His Excellency proposed the Queen's health, which was greeted with "nine times nine," and his own toast followed. The night's jollification was varied by the exhibition of dissolving views by Mr. W. S. Gibbons. The caterer was Mr. Ewers, a well-known confectioner, and his performance was described as "the best supper ever given in Victoria, and at a moderate price." The break-up of the assembly was brightened by a discharge of sky rockets; and a surplus of £25 was estimated as probable to find its way into the funds of the Charity. A serious drawback to the convenience and comfort of those who patronised the occasion was that the Asylum was considerably "out of town," far away "in the bush," and there was not only no macadamized road, but no firm thoroughfare of any kind leading to it. It was midwinter, and to save the visitors from bogging or drowning, an avenue was buoyed at intervals on each side with rude torches, fastened to poles secured in the ground, and soldiers, and every policeman that could be spared patrolled the bush track from the junction of Queen and Latrobe Streets, between Flagstaff Hill and the Cemetery, to act as pilots. A newspaper of the time prints the following invoice of liquors consumed on the interesting occasion, viz:—"Champagne eight dozen, Sherry three dozen, Brandy two dozen, Rum one dozen, Port one and a-half dozen, Ale and Porter five dozen." Possibly the Rum was rationed out to the military guard and others on duty.

About this time there was an unexpended balance from what was known as "the Black Thursday Relief Fund," and £250 was the Benevolent Asylum's share of it. The Committee's action was challenged by subscribers to the Relief Fund, and at a meeting held to condemn what was termed a "gross mis-appropriation," a resolution was carried requesting the various Institutions to refund the contributions wrongfully made; but this the Asylum authorities refused to do.

System of Management.

As the period for the opening of the Asylum was at hand, the Government advanced £350, and the work was rapidly proceeded with. It was agreed to have a Resident Medical Officer at £100 a year, a Superintendent at £60, and a Matron at £40, with board and residence. The resolution providing for the first official gave much dissatisfaction, and was afterwards rescinded. A special meeting of subscribers was held on the 8th November, 1851, to consider and determine upon the rules for the government of the Institution. Mr. J. P. Fawkner was appointed Chairman, and it was agreed that Life Governorships should be conferred upon individuals contributing £20, or collecting a like sum in one year from donors not claiming membership, or any person for whom a Society might pay £20, or the first-named Executor of a Will bequeathing £50 to the Charity. Every subscriber of £1 yearly was to be an Annual Governor. The Management was to be vested in a President, two Vice-Presidents, Treasurer, Secretary, and a Committee not exceeding twenty-four Governors, to be elected annually. The *ex officio* members were to consist of the Lieutenant-Governor, Speaker of the Legislative Council, Colonial Secretary, Mayor of Melbourne, the resident principal Ministers of each Religious Congregation within the City of Melbourne, being qualified as Governors, and the Medical Officers. The Medical Staff was to consist of two Physicians and two Surgeons, the qualification of the former to be the degree of M.D. at some University of Great Britain or Ireland, and of the latter, a diploma at some University or College of Surgeons in Great Britain or Ireland, to be chosen for four years, one of each to retire every two years, but to be eligible for re-election. No convict was to be admissible as an inmate until he or she should have resided in the Colony for three years after the expiration of sentence. At a subsequent meeting the Honorary Staff was reduced to one Physician and one Surgeon.

On the 14th November the Committee appointed a Mr. and Mrs. Kirby as Superintendent and Matron, but the Asylum was not formally opened until the 27th November, 1851.

The First Inmate

Was a Mr. William Cooper, known for several years about town as the "Literary Blacksmith." He was an old fellow with a grog-blossomed face. "Old Cooper" was, up to 1842, an industrious sober man, but the drinking immorality introduced by the Corporation and Legislative elections, divorced him from his anvil, and turned him into a low public-house cadger. With a foresight for which few would credit him, he helped in his own small way, to aid in the erection of the Asylum. Possibly he was stimulated by the selfishness of wishing for a peaceful haven in which to ride at anchor during the last few years of his life; and if so, who could blame him? The Asylum was to him as it was to others—once in affluent positions, but reduced to penury in after years—a veritable harbour of refuge. "Old Cooper" contrived to have a very good innings, for he lived and fattened there for nearly twenty years, until his death. In a day or two the Institution was thus peopled, viz:—William Cooper, John Fitch, Peter Kennedy, Charles Thompson, Jeremiah Bethell, Andrew Fleurin, Michael Fogarty, J. F. Arnold, William Farmer, Patrick Burns, William Baker, Henry M'Ardle, James Harvey, James Bryant, Charles Duff, Robert Wakefield, and William Nicholson. The last-named, an old bloated-faced pedagogue who once kept a school in Little Collins Street, was remarkable for the large size of his foot, and the quantity of half-and-half he could imbibe. He was partial to "long drinks." He used to thrash his scholars severely, by whom he acquired the sobriquet of "Old Bumble-foot." In addition to the male inhabitants of the Asylum, were three children named Emma Carr, Jane Walker, and Mary Swords, whose mothers were in gaol. Before a week elapsed, three old ladies, named Mary Smith, Jane Roach, and Hannah Johnston, were received and rated on the books.

First Board of Management.

At a meeting held on the 23rd January, 1852, Mr. C. H. Ebden (then Auditor-General), in the Chair, the following were elected as the first Board of Management:—President, Lieutenant-Governor Latrobe; Vice-Presidents, Chief Justice A'Beckett and Mr. Ebden; Treasurer, Mr. Richard Grice; Committee, the Rev. S. E. Bloomfield, Messrs. John Lush, Germain Nicholson, J. M. Smith, J. A. Markert, David Benjamin, Timothy Lane, John Duerdin, A. H. Hart, Michael Lynch, John O'Shanassy, David Ogilvie, R. A. Balbirnie, A. F. Greeves, Robert Cadden, J. P. Fawkner, W. R. Belcher, John Hodgson, J. S. Griffin, Henry Langlands, Michael O'Shea, Abel Thorpe, W. H. Taylor, and D. Young—a body representing every section of the community. Its only fault was being numerically too strong, and overstrength in such cases often weakens that feeling of responsibility, which would be more active if more concentrated. Dr. W. M. Turnbull was appointed Hon. Physician, and Mr. Edward Barker, Hon. Surgeon. Mr. J. A. Marsden was elected Secretary, at a salary of £150 per annum.

The original building forms the central portion of the present pile, and faced the south. It now resembles a huge brick and mortar bird, winged all round, and all its ancient individuality smothered by the extensive additions since made.

As an instance of the great changes wrought here, as in all the other establishments and departments, it may be mentioned, that for the year ended, 30th June, 1881, the average daily inmates numbered 623, and the year's income was £8345 15s. 2d., made up as follow:—£2819 4s. 2d. received from local sources, £126 11s. Municipal grants, and £5400 Government subsidy. For the year ended 31st December, 1881, the total revenue was £10,995 13s. 4d., and the expenditure £9941 14s. 8d., but there had been £768 os. 3d. received from inmates' labour and other sources, and the net expenditure amounted to £9173 14s. 5d. The average number of inmates was 621, and the cost per head £13 19s. 4d.

The Thirty-eighth Annual Report of this Institution for the year 1887 contains, besides the usual items of information, the following appropriate remarks:—

"So far as the mere figures are concerned, there may not be much to attract the casual reader; but they clearly show that there is a large sum of money annually contributed, partly and principally by the Government, and partly by the public, for the maintenance of a large Institution, which shelters and provides for no small number of the entire population of the colony, whose title to gratuitous support rests exclusively upon the claims of poverty and destitution.

"The Melbourne Benevolent Asylum has been so long before the public that it ought to be thoroughly well known by this time. Like every other public Institution, it may have its faults; but, whatever they may be, it is so accessible to its patrons and the public generally that they could not well be hidden. So far as your Committee are aware, the feeling of the inmates partakes more of the *entente cordiale* than the reverse; and your Committee must do them the justice of saying that their conduct is equally creditable to the Institution and to the colony. There are 656 inmates, male and female, exclusive of *employés*. That such a large number of men and women of divers nationalities, creeds, and idiosyncrasies should be massed together within so narrow a compass, without quarrelling and wrangling to a marked degree, is worthy of notice, inasmuch as it is at least presumptive proof of the satisfactory nature of the discipline which presumably leads up to such a result.

"In the second quarter of the year there was a large number of male applicants seeking admission, nearly all of whom were in a most pitiable state of destitution, and, in view of fresh applications at any moment, and the fact that the aged and enfeebled are rapidly on the increase, a large male ward to hold 30 additional beds is just about completed, which will swell the aggregate number of inmates from 627, in June last, to 686, being an increase of very nearly 10 per cent. Of course, the increase of accommodation means an increase of expense, and were it not that the interest accruing from the Endowment Fund is now utilised for maintenance, your Committee would not have ventured to have acted as they have done in increasing the number of inmates.

"In the Annual Report for last year allusion was made to the contemplated removal of the Asylum Cheltenham. That the time will come when it will be advisable to build a new Asylum is more than probable, but the question of removal is one which involves a great deal more than might be supposed at a first glance. The present Asylum may not altogether be what your Committee might desire, but for all that they see no reason for its being condemned as it has been. On the contrary, they think it is a landmark which will be very much missed if removed, both on account of the historic associations connected with it and its conspicuous and familiar appearance as a shelter for the homeless.

"In any event, it would be premature at present to vacate the present buildings, even at the risk of to losing the promised site at Cheltenham. By doing so there would be a sacrifice of £57,205 15s. 4d. already expended upon them, whilst a further sum, roughly estimated from £35,000 to £40,000, would have to be expended in erecting new premises upon the land at Cheltenham. It might be argued that the Institution would still be a gainer to the extent of the difference between the cost of the new premises to be erected and the sum to be realised for the present site, and that the amount would largely augment the Endowment Fund; and, further, that in arriving at this calculation too high a value is placed upon the present buildings, assuming that they had to be re-erected, and that the excess in their present value, which would be more than realised for the site, ought properly to be added to the amount to be credited to the Endowment Fund. This line of argument might have some force in it were it not that the probability is that before long the present site, if sold, would be likely to fetch a much higher price than it would bring if sold forthwith, in which case the Institution would be the loser of that difference, whatever it might amount to.

"The Endowment Fund is making steady progress. During the past year various bequests, amounting to £4609 2s. 11d., have been added to it, amongst which are the following, viz.:—The late Mr. Charles Rupprecht, £1969 5s. 1d.; the late Mr. Richard Goldsbrough, £1000; the late Mr. J. E. Wright, £480; and the late Rev. Maurice Stack, £750.

"Within the last few years the amounts bequeathed to this Asylum have been much larger in proportion to what they were during the first thirty years of its existence. This looks well for its future prospects, and goes a long way to prove that its usefulness as a factor for good is being more and more recognised. It shows also that society is becoming more and more leavened with a spirit of humanity, and

that the duties and responsibilities of position and wealth engross more attention than they did in the earlier days of the colony.

"The subscriptions for the past year have been £1567 3s. The receipts from the Government, including a balance of £1775 due on account of the previous year, £8525. The Committee of the Hospital Sunday Fund voted £868 16s. 1d., making, with £1855 18s. 10d. as proceeds of inmates' labour and from other sources, £12,816 17s. 11d. From this amount has to be deducted the expenditure for the past year, amounting to £10,613 3s., which, with a debit balance of £1200 16s. brought forward from the previous year, leaves a credit balance of £1002 18s. 11d. for the current year, which includes a sum of £5 to the credit of the Building Fund.

"The accommodation of the House at present is equal to 656 inmates of both sexes, and the average for the past year has been 635½. The average is larger than it was last year, owing to the increase of accommodation. The number of both sexes relieved during the year was 857, being an excess of 71 over that of the previous year, which may be accounted for by the increase of inmates and a much larger death rate.

"The expenditure per head per annum amounts to £14 12s. 7d., or 5s. 7d. per week.

"The total amount received by this Institution from the "Sunday Hospital Fund" during the last fifteen years is £11,222 19s. 6d."

Mr. D. G. Stobie fills the joint offices of Superintendent and Secretary in the Asylum.

From the earliest times the people were very charitable, and though publicans may be ranked amongst the sinners, some of the ancient Licensed Victuallers were liberal and benevolent in the relief of cases of distress. Before there was such an adjunct of civilization as a public Hospital or an Asylum, the sufferer used to be carried to the nearest hotel, and, as a rule, taken in and kindly treated, without the expectation or prospect of a farthing's recompense. In a few years some kind-hearted individuals established small charities, and worked them with a holy zeal unknown in modern days. The principal one of these was the

St. James' Visiting Society,

Established by half-a-dozen Episcopalians, who, relying mainly upon private contributions, rented a cottage in (the now) Chancery Lane for a Hospital and Asylum, managed it economically, and out of the pittance of support received, accomplished much good. The building contained seven beds, and was assiduously attended by Dr. Arthur O'Mullane. Much of its success was owing to the untiring exertions of the Rev. A. C. Thomson and Mr. Joseph Greening. For the year ended 31st March, 1846 (the first of its existence), its total receipts were £169 3s. 4d., all of which, except 3s. 6d., was expended. During its second year (1846-7) the income went up to £271 15s. 4d., and the expenditure left a credit balance of £21 10s. 6d. During the third year the income fell to £225 18s. 4½d., all of which was disbursed less £10 13s. 7½d. Shortly after its usefulness came to be recognised, jurors and special constables used to give it their fees, to which was added a small proportion of drunkards' fines. During 1848 there were three deaths, and the patients numbered forty men, ten women, and twenty children. Nine funerals cost £15 7s. 6d.

The "Friendly Brothers" was a Roman Catholic out-growth of a kindred kind, and was mainly started and kept afloat by the exertions of the Rev. P. B. Geoghegan, Messrs. J. O'Shanassy, and Michael Lynch. It drew its support from sources similar to the other, and accomplished a proportionately large amount of good.

A "Strangers' Friend Society" was also established early, and though not brought much before the public, was persistently active for several years. Messrs. John Lush and R. Kerr were unceasing in their exertions on its behalf. There was likewise a "St. James' Dorcas Society," which owed much of its success to the good-natured labours of a Mrs. Dutton, a Church of England schoolmistress, and Messrs. W. H. Campbell, C. J. Sanford, and A. F. Greeves (well-known surgeons), cheerfully rendered gratuitous professional assistance when required. In 1848 the "St. Peters' Visiting Society" was founded, and, like its predecessors, solaced many a troubled home by its works of mercy.

CHAPTER XX.

TWO DEFUNCT PUBLIC BODIES.

SYNOPSIS:—Précis of the Markets Act (N.S.W.).—The Initiatory Meeting.—How Market Street was created.—First Market Election and its result.—First Meeting of the Commission.—Opening of the Markets.—Officers of the Commission.—Mr. James Dobson, ex-Commissioner.—Market Regulations.—District Council of Bourke.—Powers of Councils described.—Members of the first Nominee Council.—Unpopularity of the Council.—The Council's Finality.

THE MARKET COMMISSION.

THOUGH Melbourne had been created and gazetted a town in April, 1837, it possessed no properly established market until the close of 1841. At the commencement of this year the inhabitants resolved to bring their township under the operation of the Markets Act of New South Wales, and took measures accordingly. As the Market Commission was the first legally constituted electoral body in Port Phillip it is to be hoped that a brief *précis* of some of the provisions of the Legislative talisman by which it was called into existence, may not be uninteresting. It is a relic of the old Nominee Legislative Council of New South Wales, has long since become obsolete, and a copy of it is not now easily to be found in Victoria. The 3rd Vict. No. 19 (22nd October, 1839), is intituled "An Act to Authorise the Establishment of Markets in certain towns in New South Wales, and for the Appointment of Commissioners to manage same." By it twenty-five free householders could meet and adopt a resolution for the establishment of a Market. This was then communicated by the Police Magistrate to the Colonial Secretary, and if it obtained the approval of the Executive Council, a notification would appear in the New South Wales *Government Gazette*. The Governor was to fix the number of Commissioners, and where there were four thousand inhabitants, the town should be divided into not less than three Wards, with not less than two Commissioners for each. The Governor was to appoint a Returning Officer and three Scrutineers for each election, whether of Town or Ward. All Elections were confined to one day between the hours of 9 a.m. and 3 p.m. Voters were to be householders or occupiers of houses of the annual value of £20, and proprietors, resident or non-resident, of land or buildings of the value of £200. The registration of electors was to be effected by every person desiring a vote, making and subscribing a declaration at the Court of Petty Sessions, twenty-one days before an election, that he was free, an inhabitant of the town, and a qualified occupier or proprietor; if the latter, he was to add —"That the property was *bona fide*, and not conveyed to him fraudulently, or with any secret understanding for the purpose of voting." He was entitled to a certificate of registration on paying one shilling to the Clerk of the Bench as Registering Officer. There did not appear to be any qualification for candidates. The voting was to be by ticket, having written on it the names of the persons to be voted for, and signed by the person presenting it. No person arriving in the Colony under sentence of transportation, unless free by servitude for at least three years, or the recipient of a free pardon, was entitled to vote, and a person might vote in as many Wards as he had qualified for.

On the close of the polling, the scrutineers were to have custody of the ticket-box, and to certify the Returns in writing within forty-eight hours to the Returning Officer, who was to make declaration of the poll by posting the result "upon the Police Office," but whether on door, floor, ceiling or chimney is not specified. The persons declared to be so elected were to form the Commission, with the Police Magistrate as an *ex officio*, and the tenure of seats was triennial. Periodical elections were to be held on the first Tuesday in July, without further notice than the publication of same (this time) "on the door of the Police Office," and advertising in a newspaper, if any should be printed in the town. Occasional vacancies were

to be filled up by the Commissioners within fourteen days of their occurrence. The Commission was invested with the supreme control of the town markets, and could purchase, accept, take, receive, and hold any lands, messuages, tenements, hereditaments, &c., for the purposes of the Act. It could elect its Chairman, make bye-laws, and appoint and remove its Treasurer, Secretary, Clerk of Markets, Inspectors or any inferior officers, and pay them reasonable salaries. It could also fix the places for holding markets, and erect market-houses, shambles, stalls, and arrange the scale of charges for using same, &c., &c.; and persons selling in other places than their own shops or dwellings, marketable commodities, except in markets, were liable to a £5 penalty. The Commission could also borrow on security of the market revenues a sum not exceeding £2000, and whenever it numbered more than seven members, a sub-committee of not less than three could be appointed, with power to exercise the functions of the whole, subject, however, to the approval of the general body, which was required to hold meetings at least once in every three months.

The requisite initiatory meeting was held at the Melbourne Police Office on the 21st January, 1841, Mr. James Simpson presiding; and there was no difference of opinion as to the pressing want of market accommodation. The resolution affirming the propriety of making the necessary application to the Governor was agreed to, and it was also resolved to bring under His Excellency's notice an omission in the laying out of the town, viz., the non-existence of any street, from Collins to Flinders Streets, at the eastern side of the square space intended to form one of the market sites, and requesting the formation of a street. [This, as previously stated, was primarily suggested by Mr. Russell, when Clerk of Works, and being now renewed was endorsed by the Government, and Market Street was duly proclaimed as such.] The application was forwarded in due course to Sydney, but the Executive did not seem to be in a hurry in dealing with it, for the year was well advanced before the *Gazette* notice appeared. The Vice-regal approval was at length promulgated, the town was subdivided into four Districts or Wards, the 12th October, 1841, appointed for the electoral registration before the Petty Sessions Court, and the 2nd November as election day. Major St. John as Police Magistrate was to act as Returning Officer and Messrs. Thomas Wills, Skene Craig, and J. B. Were were nominated Scrutineers. There was very little excitement at the election, unless amongst the free and independent supporters of Mr. John Pascoe Fawkner, one of the candidates, who kept open house for his retainers at an old one-storied tavern known by the patriotic designation of the *William Tell*, situated on "The Block" in Collins Street, close by the corner of Queen Street.

The Fawknerites entered into the business with spirit, and, as their leader believed in producing a dramatic effect, he hoisted the blue colour as his cognisance, and his myrmidons, decked out in enormous blue rosettes, were to be seen shouting and jumping everywhere. As for the irrepressible candidate himself, he was almost entirely encased in blue, and absolutely ubiquitous in his endeavours to rally those upon whose votes he calculated. At this time he was a light-heeled, wiry, mercurial little man, and though Lonsdale Ward was in many places cut up by rut or ravine, Fawkner kept hopping about all day, clearing every obstacle with the agility of a wallaby. Public curiosity was compelled to remain unsatisfied until the next day, when the names of the winners (without the numbers polled) were read by the Returning Officer, at the Police Court, as follows:—

The north-west (now Bourke) Ward, Dr. F. M'Crae and Mr. John Stephen; the south-west (now Lonsdale) Ward, Messrs. George Arden and J. P. Fawkner; the north-east (now Gipps) Ward, Messrs. James Simpson and James Dobson; the south-east (now Latrobe) Ward, Messrs. George Porter and John J. Peers. One Candidate was defeated in each of the Wards, *i.e.*, Mr. William Kerr (a journalist), for Bourke; Mr. Francis Nodin (a merchant), for Lonsdale; Mr. Redmond Barry (barrister), for Gipps; and Mr. Wm. Locke (merchant), for Latrobe. It was said that Mr. Barry had been nominated without his consent or knowledge, and took no interest in the proceedings. On the whole, a very good selection was made, and one of a tolerably representative character.

The Commissioners held their first meeting at the Police Office on the 8th November, 1841, when Mr. Simpson was appointed Chairman, to the infinite dissatisfaction of Major St. John, who, as Police Magistrate, was an *ex officio* member, and in those days of official arrogance, he regarded the post as his almost by right; but he only scowled and sulked, and said nothing. The Commission proceeded to a consideration of the number of markets necessary, and decided on three, *i.e.*, (1), A principal market for the sale of fruit, vegetables, fish, butchers' meat, and poultry (2), a cattle-market, and (3), a market for the

disposal of hay and corn. For market No. 1 two sites were approved, *i.e.* (*a*), what was then commonly called the Market Square (now Western Market), and (*b*), a portion of the vacant land between Swanston Street and Newtown (the now Eastern Market)—the first (or Western), to be immediately established, and the other (Eastern), to remain in abeyance.

The second meeting was held on the 11th November, at which was read a communication from the Superintendent, expressive of his willingness to recommend the reservation of the "Market Square," the Hay and Corn Market to be held on what was known as the Court-house reserve (now the site of St. Paul's Cathedral), and the Cattle Market in the northern part of the town, near the Sydney Road. At a subsequent meeting the following official staff was appointed :—

Counsel, the Hon. J. Erskine Murray ; Solicitors, Messrs. Carrington and Clay ; Inspector of General Market, Mr. Charles Vaughan ; Inspector of Hay and Corn Market, Mr. J. Hawkey ; Inspector of Cattle Market, Mr. Robert Ainslie ; Market Keepers, Daniel Cummings and Thomas Manchester. Preparations were next made to put the Markets into something like working order. Three rude wooden sheds were hurriedly patched up in the (Western) Market Square, and on the 15th December, 1841, the General Market was opened there. Towards the end of February, 1842, the Cattle Market was commenced in a roughly enclosed yard at the top of Elizabeth Street, where it is now intersected by Victoria Street. This place was then quite away in the wild bush. The Market reserve blocked up the street, and in after years the Corporation exchanged it for another site, when the Government had in contemplation the extension of the town northwards. About the same time the Hay and Corn Market started business in the north-east angle of the now Eastern Market (the junction of Bourke and Stephen Streets). This was only a temporary arrangement, and it was removed to the originally intended Market reserve at the north-east corner of Flinders and Swanston Streets. The proceedings of the Commission did not trouble the people much, but the Commissioners tried to do their duty conscientiously, and, if their reign was not merry, it was a short one, for, on the incorporation of Melbourne, they were officially devoured by the Town Council, and there was an end of them. Two of them (Fawkner and Stephen) afterwards made their mark in the corporate history of Melbourne. Arden had great opportunities, but either abused or misused them. McCrae was the first of the party to die, and Simpson subsequently held the offices of Warden of the County of Bourke, Commissioner of Crown Lands, and Sheriff. St. John's career and fate are narrated in other chapters ; and Porter was a gentleman of much repute and wealth. Though last, and certainly not the least useful, there was Dobson, the publican. After his election he became the victim of a harmless vanity, the source of much amusement at his expense. No Mus. Doc., M.P., B.A., or LL.D. was ever half so proud of the abbreviated honours he was entitled to wear as Dobson was of his "M.C.," which he tacked on to his autograph whether publicly or privately used; and as the mystic symbols might mean "Member of Council," "Member of Congress," "Market Constable," "Market Caretaker," "Master of Ceremonies," or "Market Commissioner," much chaff was showered upon him. Yet he took it all in good part. He either could not, or would not, see the point of the joke so often turned against him, and clung affectionately to his "M.C." affix. He was, nevertheless, an enterprising, well-meaning man, one of the earliest landlords of the now extensive *Albion Hotel* in Bourke Street, and in his hands it was a spruce-looking, natty, little two-storied tavern, where good grog was served with a cleanliness and civility not too common in the Melbourne "pubs" of the present day. He was also the projector of a wharf known by his name, and afterwards as "Raleigh's," which was a great convenience in the days of our early commerce.

The Original Code of Market Regulations

Is a document, not only out of memory, but almost out of print, and an abstract of it as showing how the first Markets in Melbourne were managed may not be uninteresting.

The General Market was to commence by ring of bell at 6 a.m., from 1st September to last day of February, and at 8 a.m. from 1st March to 31st August. The selling or offering for sale in the Market of any article before the bell-ringing, entailed a ten-shilling fine. The Market was to be closed at sunset throughout the year. The Market-Inspector and his assistants were sworn constables. They were required to preserve order and regularity, and to apprehend and "carry" before the Sitting Magistrate any person making

disturbance therein, or swearing or cursing, or using gross or indecent language, All scales, weights, and measures were to be examined by the Inspector, and fraudulent or defective ones seized. A fee of 3d. was payable for every weight and measure comparison, and 2d. per cwt. for any saleable article weighed by the Inspector. All articles sold by hundredweight should be computed by the standard of 112 lbs., and persons selling articles deficient in weight by such standard incurred a forfeiture of from 10s. to 20s. for every offence. Potatoes had to be disposed of by weight only, an infringement of which was followed by a fine of from 10s. to 20s. Persons exposing articles for sale in other than the appointed places, or in the open spaces between the separate divisions, were liable to a similar fine. Stalls were rented for 5s. per week, and a "Stand" 2s. 6d. per day. A fine of £5 was incurred for exposing for sale other than in a house, shop, or other permanent building, articles chargeable with Market dues, and the damagers of posts and rails might be fined 20s.

THE HAY AND CORN MARKET was open on Wednesday and Thursday in each week from 6 a.m. to 3 p.m. Every load of articles intended for sale and brought within the boundaries of the town, had to be taken to the Market, except any conveyed direct to private stores; and street-hawkers of such produce incurred a £5 fine. For every sack or dray-load of such articles so brought, one shilling was to be paid by the driver upon entry of same. The Inspector could order the placing of drays and carts; and the bullocks or horses attached to them had to be immediately taken outside the Market, if the Inspector so ordered. Disobedience of orders, or abusive or improper language, was fineable in not more than £1; and produce, if not disposed of on the Market day, might remain on payment of one shilling per diem until removed.

THE CATTLE MARKET was open in winter at daylight, in summer at 5 o'clock, and closed at 4 p.m. throughout the year. No cattle intended for sale to be allowed to enter the limits of the town south of the Market, on a line drawn east and west, under a penalty of 40s. per head. Arrangements were made for the occupation of the Cattle Yards at a charge of 3d. per night for each head of cattle and horses, 6d. for each score of sheep for the first four nights of occupation, but no tax could be demanded for the three succeeding nights. Posts and rails were protected from injury by possible fines of 20s., exclusive of any damages recoverable in a civil suit.

DISTRICT COUNCIL OF BOURKE.

By the 46th section of the Constitution Act, 5 and 6 Vict., c. 76, power was given to the Governor of New South Wales to incorporate the inhabitants of every county, or part of a county, in the colony under the designation of a District Council. The members of such bodies were nominated by the Governor, and afterwards elected in the following proportions:—Populations of less than 7000, members not to exceed 9; 7000 to less than 10,000, 12; from 10,000 to less than 20,000, 15; and 20,000 and upwards, not more than 21. The qualification for members and electors was the same as for the Legislative Council; the tenure of office was for three years, and the President or Warden, as he was styled, was to be appointed by the Governor. The powers of Councils were very extensive. They were charged with the making, maintaining or improving of any new or existing road, street, bridge, or other convenient communication throughout the district; or stop up, alter, or divert any road, street, or communication; could build, repair, and furnish public buildings; purchase any real or personal public property requisite for the use of the inhabitants; sell such part of the real or personal public property of the district as might have ceased to be useful to the inhabitants; manage all property belonging to the district; provide means for defraying the expenses of the administration of justice and police, and, for the establishment and support of schools. For these purposes they could raise all necessary funds by the levy of tolls on public works, and rates and assessments on real and personal property, or in respect of such property, upon the owners and occupiers thereof by virtue of bye-laws, approved of by the Governor-in-Council. The only District Councils created in Port Phillip were those of the counties of Bourke, Grant, and Normanby. The first nominated Council in Bourke was in 1843, and its members were—Mr. James Simpson (Warden), Majors F. B. St. John and W. Firebrace, Drs. P. M'Arthur and F. M'Crae, Messrs. Thomas Wills, J. L. Foster, Joseph Hawdon, J. D. L. Campbell, Henry Dendy, and George S. Airey. Mr. Henry Moor was appointed Solicitor, and Mr. James Smith, Treasurer. This Council seemed to be afraid of its responsibilities,

and proceeded very slowly and hesitatingly. Though it nominally existed for years, it really never made any advance. It was unpopular, both in town and country; the Press were almost unanimous in protesting against its existence, and when its extraordinary powers were subjected to the analysis of calm and careful consideration, the wonder was how the Imperial Parliament could have enacted a measure so brimful of the impracticable. An extremely objectionable, not to say unconstitutional, feature of the system was, that the initiation of taxation rested with a batch of irresponsible nominees. The legal status of the Council was, besides, impugned by the Press; and there were not wanting members of the Bar to declare that the acts of the Council, if it did act, could, in many respects, be successfully resisted in the Supreme Court. However, the Councillors occupied a position of masterly inactivity, and seemed reluctant to provoke hostility. So they held their presumed powers in abeyance, and never gave any actual effect to their functions beyond holding an occasional meeting. As vacancies occurred they were filled by going through the farce of an election, always uncontested, and sometimes attended by half-a-dozen persons, never more, but often less. And so our District Councils lived—or, rather, slept—on in a state of partial coma, now and then broken by a growl, as if to show they were still alive, until the hour arrived for their *coup de grace*, administered by the same agency that generated them.

CHAPTER XXI.

THE MELBOURNE CORPORATION.

SYNOPSIS:—Ante Corporation Meetings.—Petition to Legislative Council.—Act of Incorporation Assented to.—Qualification of Burgesses.—First Burgess Roll.—Division of Town into Wards.—Preliminary Appointments.—First Municipal Elections.—First Aldermanic Election.—Alderman Condell First Mayor of Melbourne.—The Mayor's State Procession.—Swearing in of the Mayor.—Judge Willis' Address.—A Sumptuous Repast.—Interview with Mr. Superintendent Latrobe.—First Meeting of the Council.—Address to the Queen on Her Escape from Assassination.—Francis, who Fired at the Queen, a Corporator.—The Mayor's Salary fixed at £350.—Mr. J. C. King First Town Clerk.—Mr. Gilbert Beith First Civic Treasurer.—Mr. A. W. Howe First Town Surveyor.—The Corporation Seal.—Origin of the Civic Motto.—The First Resignation.—Charges of Immorality against a Candidate.—Councillor Stephen in Civic Regimentals.—First Town Valuators.—Embezzlement of Town Funds.—Newspaper Triumvirate Quarrels.—Fawkner, a Civic Firebrand.—Council versus Bear-garden.—Cliques and Cliquism.—Dr. Greeves a "Trimmer."—Council Snubbed by the Superintendent.—Impecuniosity of the Council.—Proposal to Subscribe for Payment of Salaries.—Judge Willis impugns the Validity of the Corporation Act.—Councillors Imperfectly Qualified.—Financial Crisis.—General Insolvency.—Mr. William Barrett First Town Auctioneer.—Discussions on Town Hall Site.—The First Mayoral Dinner.—Portion of the Clergy Uninvited.—Death of ex-Alderman Mortimer.—Town Surveyor's First Report.—Renewed "Rowing" in the Town Council.—Smith's Casus Belli.—Newspaper "Ding-donging."—Abolition of Police Magistrate Major St. John.—The First Annual Election.—Loss of Revenue First Year.—Reduction of Civic Salaries.—Inefficiency of Town Clerk.—Continued Depression.—Reduction of Civic Rates.—Distress Warrants issued against Officials.—Mr. Moor elected Mayor—He declines Salary.—Further Reduction of Civic Salaries.—Abolition of Minor Offices.—A "Protection" Movement.—"Johnny" Fawkner in the Insolvent Court.—Petitions against Importations of Convicts.—Unsuccessful Attempts at Civic Finance.—Death of Councillor Pullar.—A "Tailor" in the Council.

EARLY in 1842, on its becoming known in Melbourne, that there was an intention on the part of the Government of New South Wales to introduce into the Legislature a Bill to make provision for the establishment of a Corporation in Melbourne, and in other parts of Port Phillip, a strong desire was manifested that Melbourne should urge the absolute necessity for some such measure, and a requisition was presented to the Deputy-Sheriff to convene a meeting for the expression of public opinion on the subject. This was held on the 29th April, at the *Exchange Hotel*, in Collins Street, near the (now) auction-mart of Messrs. Gemmell and Tuckett. The Deputy-Sheriff presided, and addresses were delivered by Messrs. J. H. Patterson, George Arden, George Were, A. Andrew, O. Gourlay, William Kerr, A. Cunninghame, T. H. Osborne, the Hon. J. A. Murray, Dr. Greeves and Dr. Kilgour. There was no diversity of opinion as to the issue, and a Petition was adopted praying the Legislative Council of New South Wales to sanction the early extension of Corporate privileges to Melbourne.

On the 12th August, 1842, the 6th Vict., No. 7, "An Act to Incorporate the Inhabitants of the Town of Melbourne," was assented to. At this distance of time it may not be amiss to recapitulate the substance of some of the leading provisions of our original Municipal Statute. The Qualification of Burgesses was—Every male person, twenty-one years of age, the occupier of houses, warehouses, counting-houses, or shops (if resident within seven miles) of the annual value of £25, clear of all charges, for one whole year: Persons receiving eleemosynary relief in or from any Benevolent Asylum, or other Charitable Institution, within a year, or who may have any child admitted to any school or other establishment for orphan or destitute children within the preceding three years, to be incapable of enrolment: Councillors to be elected for three years; the Councillor of the lowest number of votes to retire the next year. Voting at elections to commence at 9 a.m, and close at 4 p.m. of same day, by means of papers setting forth the names of candidates and voters. The names of the persons elected were to be published not later than 2 p.m. of the day next but one following the election day. On the 9th November following their election, the Council had to elect, "with doors closed against all other persons," out of their own body, or from persons

qualified to be Councillors, four Aldermen, two to remain in office for six years, and two for three years. No Councillor could vote for himself. Every Councillor, elected as Alderman, continued a Councillor until the 1st of November next after he ceased to be an Alderman. The Mayoral election was fixed for the same day, and in the same manner, but to take place after the Aldermanic one; no candidate's vote for himself to be allowed; the Mayor to be chosen from amongst the Council, his tenure of office to be for one year, and to remain a Councillor till the 1st of November next after ceasing to be Mayor. The qualification for Councillors, Aldermen, Auditors, and Assessors excluded "Holy Orders" and ministers of religion. If a Councillor or an Alderman should be possessed of real or personal estate, or both, amounting to £1000, either in his own or his wife's right, or be rated on the annual value of not less than £50. No person in the Council, or an Auditor, or Assessor, could be, by himself or partner, directly or indirectly interested in Corporation contracts or employment (except as a shareholder in a company), contracting for lighting, the supply of water, or insurance, nor hold any office of profit under the Council, except as Mayor; and neither Auditor nor Assessor could be elected to the Council, nor any Judge, Chairman, Officer or Clerk of any Court of Justice, or Ministerial Law Officer of the Crown. The offices of Town Clerk and Treasurer could not be held by the same person, and "no mace-bearers or other officers, merely for parade or show, could be appointed." It was optional to vote as salary or allowance to the Mayor, such sum "as shall seem reasonable and proper;" but it should be fixed (if any) within ten days after acceptance of office. The town rate was not to exceed 1s. in the £ per year. The Council was empowered to make a rate for police purposes half-yearly, not exceeding 6d. in the £ for a whole year; both funds to be kept separate and distinct. A lighting rate was also leviable, but not to exceed 4d. in the £ per annum; property situated in any unlit part of the town to be exempt. At the first election three Councillors were chosen for each of the four Wards, one of which retired annually by rotation. Sewerage, water-works, and various sanitary and municipal powers were conferred, and insolvency was specified as disqualifying a member of the Council.

Between the passing of the Act and its coming into operation, there was much agitation over the selection of candidates; turbulent Ward meetings were held, frothy, insincere speeches made, and much bad blood stirred up. The newspapers rushed like furies into the fray, with an indiscriminate zeal, and one of them (the *Gazette*) was brought over the coals by a libel action and an adverse judgment.

Until the machinery provided by the Act could be regularly set going, the Executive was authorised to appoint an interim Mayor, Aldermen, Assessors, and Collectors to compile and revise the first Burgess Roll, and hold the maiden election under it. The town was subdivided into Wards, of the same number and dimensions as those under the Markets Act, and the following appointments were made :—

MAYOR.—Captain William Lonsdale (Sub-Treasurer).
TOWN CLERK.—Mr. H. F. Gurner (Crown Solicitor).

LONSDALE WARD.

ALDERMAN.—Major F. B. St. John.
ASSESSORS.—Messrs. A. Cunninghame, and J. S. Griffin.
ROLL COLLECTOR.—Mr. W. R. Belcher.

LATROBE WARD.

ALDERMAN.—Mr. J. D. Pinnock.
ASSESSORS.—Messrs. G. S. Airey, and W. B. Wilmot.
ROLL COLLECTOR.—Mr. D. F. Lang.

GIPPS WARD.

ALDERMAN.—Mr. Samuel Raymond.
ASSESSORS.—Dr. P. Cussen, and Mr. R. S. Webb.
ROLL COLLECTOR.—Mr. J. J. Mouritz.

BOURKE WARD.

ALDERMAN.—Mr Robert Hoddle.

ASSESSORS.—Mr. R. Barry, and Captain R. H. Bunbury.

ROLL COLLECTOR.—Mr. H. Richardson.

With the exception of the Roll Collectors all the above were gentlemen filling Government offices, and they gave effect to the initiatory provisions of the Act with much expedition.

The inhabited portion of Melbourne was then very limited; there being hardly a house beyond Lonsdale Street to the North, and Eastward of Russell Street was only built on in an irregularly scattered way. As for "Newtown" it was the oddest combination of cribs and cabins imaginable, and East Melbourne was quietly reposing in the womb of futurity. The Burgess List Collectors, therefore were able to make light work of what they had to do, so the compilation, publication, and revision of the names were effected in sufficient time to render the Burgess Roll available for

THE FIRST MUNICIPAL ELECTIONS

Which took place on the 1st December, 1842. It was a great day in Melbourne, the precursor of many an election Saturnalia which infused life into the town, and by the simultaneous opening of purses and public-houses, sent the tap-room eloquence and the tap-room beer (one as frothy as the other) flying about in a manner that amused, if it did not edify. There used to be great fun in those days, especially when spirit merchants, well-to-do publicans, or brewers, showed their noses amongst the candidates, for they were obliged to "bleed" if not to their hearts' content, unmistakably to the contentment of their supporters, voters, and non-voters, who attended the Ward meetings in shoals, always taking care to score large "innings" wherever they were. As to open and direct bribery such a thing was rarely heard of. Such an interference with the freedom of election would have a grossness and materiality in it, from which the moral sense of a contingent of electioneering supporters would possibly recoil; but apply the consideration in a *spiritual* prescription, and it (the spirit) was swallowed in a manner which proved that it was not unacceptable. "Refreshments" were therefore the standing, or rather the staggering order, for days and nights before a nomination, the liquoring-up "refreshers" were in continual requisition. It is not to be understood that everyone used to get "tight" on such occasions. As has happened at many modern elections the really useful men, the soldiers who actually win the battle, are the sober, steady, persevering workers—the canvassers and voters who would scorn to take meat or drink from a candidate, and it was so then. But there was then a host of cadgers, idle, dissolute, drunken fellows, camp-followers of an election campaign, who did more injury than service, by shouting, quarrelling and drinking; and even in our present supposed Puritanical times, seldom does an election contest come off without a repetition of history in this respect. It was a peculiarity with the old Melbourne elections, especially the Civic ones, that the community was wont to divide itself into two queer combinations—for the North of Ireland and the Scotch would coalesce against the English and the South Irish—and so it would happen that the Cockney and the Corkonian would be arrayed against the Derry-boy and the Auld Reekiean. This was brought about by the introduction of a degraded and sordid species of partyism, engendered by selfishness, and fomented by newspapers that had personal and pecuniary purposes to serve. This discreditable cliquism was originated by two or three individuals, who had their own especial interests in view, and cleverly contrived, by an adroit mixing up of national and religious prejudices, to so operate upon the fatuity of others, as to use them as instruments in a warfare from which much good was expected, but never came. The consequence was (as will be shown in the course of this narrative) that the City Council became an arena of the most contemptible scenes, personal squabbling, and ludicrous bickerings. The insane factionism spread from the Council Chamber to the elections, where often through a rabid zealotism, the best candidates were defeated by comparative nonentities, and the commonwealth was the sufferer. To me the conclusion was irresistible that the *personnel* of the Newspaper Press was a fruitful cause of such a state of things. Some half-dozen proprietors, editors and assistants took an active part in public affairs. Cavenagh owned the *Herald*, and Fawkner the *Patriot*, whilst George Arden was a partner in the *Gazette*,

and T. H. Osborne conducted the *Times*. Thomas M'Combie subsequently got hold of the *Gazette* and William Kerr was editor and afterwards lessee of the Fawknerian organ, which, passing into the hands of G. D. Boursiquot, had its name changed to the *Daily News*. Kerr next started and killed two papers—the *Melbourne Courier* and *Melbourne Argus*, whilst Doctor Greeves, and Mr. John Stephen, were literary free-lances, writing for any of the papers that would pay them in cash or in kind, by subserving their views in any wished-for way. Fawkner, Kerr, Stephen, Greeves and M'Combie "ambitioned" seats in the Council, the others begrudged their doing so; and the result was a low, internecine, journalistic warfare, not only unworthy of a respectable Press, but utterly discreditable to the malcontents. Then there were outside influences warring on both sides, which intensified the strife, and unprincipled coteries were not wanting, whose guiding spirits had their own little games to play, some dirty work to do, and in the doing of which they employed other hands that did not scruple much over the soiling. And so it continued during the early years of the Corporation, when Mayor, Aldermen, and Councillors danced, whilst Melbourne paid the piper.

But to return to the first elections. Considering the quantity of tall talk previously indulged in, and the number of would-be seekers of Civic honours, who talked and blustered and "shouted" in more ways than one, there were few actual nominations; but this did not abate the excitement of the polling-day, nor the delirium in which otherwise cool-headed men spun round to work up the very circumscribed Ward-motes on behalf of their favourites.

LONSDALE WARD.

The election was held at the *Royal Hotel*, in Collins Street, where the Union Bank now stands, the Acting-Alderman being Major St. John (Police Magistrate), and the Assessors, A. Cunninghame and J. S. Griffin (the former an Official Assignee in Insolvency, and the other the Registrar of the Court of Requests). The candidates were John Pascoe Fawkner (the well-known "Johnny"), John Orr, a merchant of the first respectability, Henry William Mortimer, the owner of a large butchering establishment at the north-east corner of William and Collins Streets, and Thomas Clarke, an enthusiastic, good-humoured, full-faced Irishman, who kept an hotel in Little Flinders Street. Though the Act made no provision for it, the Alderman's Court was opened at 8 a.m., for the nomination of candidates, which was by *vivâ voce* proposers, and seconders; and in the event of a contest the polling began at 9 a.m. and closed at 4 p.m. This custom prevailed at every Ward-election, until the passing of the 11th Vic., No. 17, by a section of which one day was fixed for the polling and another for the nomination. The voting was by the presentation of a paper inscribed with the names of the candidates voted for, and the name and qualification of the Burgess, when the Returning Officer read aloud how the vote was given, and after being verified by the Burgess Roll, if found correct, it was dropped into what was called "the ballot box." It was "open voting" of the most pronounced kind, for it was customary at all the early elections (Municipal and Legislative) up to the introduction of the close ballot, for the Assessors to unlock the ballot-box, count the votes recorded every hour, and issue slips noted with the result, which used to be posted at the door of the polling-room. By such means the excitement prevailing, instead of being abated, would be intermittently stimulated, and coercion and illtreatment of voters coming to poll as the afternoon advanced resorted to. A crowd of half-drunken loafers hung about the door, cheering and hissing, applauding and abusing, the favourable or unfavourable Burgess as his name and how he voted were sang out by the Alderman; and the rudeness often passed beyond the bounds of a fair or foul speech, for hugging, shoving, a covert kick in the shins, or punch on the head were not unfrequently the physical accompaniments. The candidates behaved remarkably well to the "free and independent" electors, and also to non-electors disposed to a skinful of eating and drinking. Clarke spent most money, for he held open house at the *Exchange Hotel*, on the opposite side of the street; and Fawkner and Mortimer adopted the co-operative system by securing, a little further east, a slop-store recently vacated by a Mr. Lazarus, which was filled with "slops" of a more appetising kind than "old clos." Orr, who was something of a swell, had a sort of select *restaurant* on duty at "The Royal."

At the close of the poll, the first three of the following were elected :—Orr, 136; Mortimer, 96; Fawkner, 95; Clarke, 34.

The result was received with expressions of mingled applause and disappointment, for Clarke was much liked and would have polled better but that he was late in the field. Orr was forcibly thrust into a chair, hoisted on relays of unsteady shoulders, and at imminent risk carried in triumph up Collins Street to his home.

Latrobe Ward.

Where the "*Bull*" with a "*Mouth*" now bellows a cordial welcome to its numerous customers, there stood in the olden times a smart-looking, cottage-like, tavern known as *The Eagle Inn*, and here Alderman J. D. Pinnock, assisted by Assessors W. B. Wilmot, and G. S. Airey, invited the burgesses of this sub-division of the town, to exercise their newly-acquired privilege. Pinnock was the Deputy-Registrar of the Supreme Court, Wilmot, the Coroner, and Airey, a Commissioner of Crown Lands. The candidates were Andrew Russell, George James, D. S. Campbell, and Benjamin Heape (all merchants), J. Cumming (brewer), and J. J. Peers (master-builder). Here also there was a universal upturning of glasses and quart-pots, for the candidates opened their pockets freely. Russell, James, and Campbell "clubbed," and to an untenanted house, next door to the *Albion* opposite, large supplies of grog were sent from their own stores. Heape and Peers entertained their supporters in a house adjoining *The Eagle*, and Cumming was in no way behindhand in one of the *Eagle's* wings. Campbell, James, and Russell, were the favourites, and it was generally believed Heape was out of the running, as he entered too late for training at the Ward-meetings, otherwise, as he was a partner in the then well-established and trusted firm of Heape and Grice, he would have fared much better than he did. The result of the voting was :—Elected, Messrs. Russell, 99, Campbell, 87, and James, 76; Rejected :—Messrs. Cumming, 71; Peers, 47; Heape, 40. Russell obtained a higher place than was expected. He was a plausible mediocrity, neither over nor under-liked; he benefited by splitting and cross-voting, and so jumped to the head of the poll. When the return was declared the winners retired with their friends to another Collins Street hostelry—the *Commercial Inn.*

Gipps Ward.

The election was held at the *Caledonian Hotel*, on the South side of Lonsdale (a few yards from its intersection with Swanston) Street. The Alderman was Samuel Raymond (the Deputy-Sheriff), with R. S. Webb (Collector of Customs), and Dr. Cussen (Assistant Colonial Surgeon) as Assessors. The candidates were Henry Condell (brewer), John Dickson (doctor of medicine), George Beaver (building contractor), and James Dobson (licensed victualler). In front of the polling place was a space of tolerably timbered bush; and the four candidates held a sort of picnic off the road in front, where a large tent was pitched. This was well stocked with creature-comforts, solid and liquid, which were attacked as unstintingly as would have become any conclave of champion-eaters and drinkers in the Southern Hemisphere. This was a "Liberty-Hall" and no mistake, for what with "free grub and free grog, free fist and free gab," this popular idea of a "Paradise for the working man," was several times on the verge of being transformed into a "Pandemonium of devils." Condell was the proprietor of a brewery in Little Bourke Street, and the beer must have been turned on with high pressure from his vats (only 200 yards off) for a newspaper of the following morning declared that "About noon Condell's ale grew too strong, and caused much confusion at the polling; but the confusion was caused principally by those who were not voters, as all were invited to partake and make welcome." About three o'clock the place was in a state of general row, and the poll closed "amidst riot and confusion." The result of the proceedings was :—Elected, Messrs. Condell 69, Dickson 65, Beaver 64; Rejected, Dobson 39.

The defeated candidate was terribly wrath at his discomfiture, and issued the following indignant address :—

"The Worthy Burgesses of Gipps Ward :—

"To those voters who were enabled by personal strength to proceed to the table, and record their votes in my favour, I return my most sincere thanks.

"To those who were prevented and brutally kept back by a faction, the existence of which I was as ignorant of as I now despise it, I offer my deepest regret that they should have suffered injury or inconvenience on my behalf."

This Mr. Dobson is the individual referred to as a Market Commissioner in the previous chapter.

BOURKE WARD.

Though there was an absolute "walk-over" here, considerable interest prevailed. There were four candidates, and, although one of them withdrew on the morning of the election, the others, having prepared for a contest, were determined for fun's sake "to fight it out." The proceedings were held at the *Crown Hotel*, still "nobblerizing" at the south-east corner of Queen and Lonsdale Streets, and the only scene of all those early contests which still remains. The Alderman was Robert Hoddle (the Chief of the Survey Department), and the Assessors, Redmond Barry (Court of Requests Commissioner), and Captain R. H. Bunbury (Harbor Master). The candidates were—William Kerr (editor of the *Patriot*), J. T. Smith (licensed victualler), H. N. Carrington (solicitor), and Dr. John Patterson (Immigration agent). The Scotch influence was very strong in this quarter, and up to the polling-day great efforts were made to defeat Kerr, its champion, and even after it was known there would be no contest, his opponents tried every means to keep him low on the poll. Just as the Alderman was about to open the ball, Carrington appeared and announced his withdrawal, "as he had just received notice of the dishonour of bills amounting to £10,000; and such unexpected reverses would necessarily deprive him of the opportunity of performing his duty to his constituents." There could be no doubt of this, as such a handicap was quite sufficient "to scratch" a gamer animal than Carrington. As Carrington's resignation was not in time, he having been duly nominated, the polling went on, and one of the candidates, who had made most elaborate preparations for carrying on the war, was resolved to see it out "regardless of expense." This generous individual was Mr. Smith, who, owning the *St. John's Tavern* at the corner of Queen and Little Bourke Streets, threw it open for gratuitous potations during the day, and the consumption of fluids there was "a caution." In front of the hotel was erected a tent, occupied by a band, in whose music noise preponderated over harmony; yet, according to a chronicler, "it played heart-stirring and enlivening tunes to the assembled multitude." Smith was a good judge of human nature, and a clever electioneerer; and his tactical skill had the effect upon this occasion of giving him the highest score, for the four o'clock returns notified the order of precedence thus:—Smith, 97; Patterson, 63; Kerr, 56.

After much "cheering," a "chairing" of the elected favourite was proposed, but as procuring a vehicle for the purpose would incur too much delay, Mr. Smith was seized, and half-carried and half-tugged along (under fear of grievous bodily harm, lest any of the beasts of burden should give a lurch or a stagger) from the *Crown Hotel* to his residence. During portions of his short but perilous journey, Mr. Smith was so distended by the fellows dragging at his arms and feet, as to resemble a spread-eagle, or a man undergoing torture of the wheel. The bumping and pulling and mauling he suffered on this memorative occasion, had a corner in his remembrance during his many election struggles of after years; and he always took care to avoid the second infliction of a good-natured compliment being converted by intoxicated bungling into a ridiculous martyrdom. The "Gentlemen of the Press" on duty are alleged to have entered pretty freely into the "spirit" of the time, for there was a wildly ungrammatical and inconsequential inspiration in their florid reports of the day's doings. They were especially complimentary to Smith's grand "trump-card," and the effects of its mellifluous influence is thus depicted:—"Bourke Ward was the scene of the greatest attention through Smith's most excellent band, which played lively and 'appropriate' airs during the day, and thus kept the crowd in cheerfulness and good humour." Again:—"The whole business passed off in such *a cool and rational manner*, as reflected great credit on the burgesses of Melbourne, and inhabitants generally, scenes of riot and disorder being less frequent than we have witnessed in a town at home whose constituency was numerically greater"!!!

The original twelve *Patres Conscripti* of the Corporation were, taken collectively, a fair average representation of the then commercial, professional and industrial interests of the community, as will be seen by the annexed classification viz.:—Doctors, 2; general merchants, 2; wine and spirit merchants, 2; newspaper proprietor, 1; editor, 1; brewer, 1; master-builder, 1; butcher, 1; hotel-keeper, 1. Of this

dozen five were Scotch, four English, two North Irish, one New South Welsh; and their religious professions might be specified as five Presbyterians to five Episcopalians and two Independents. Of them, three (*i.e.*, Condell, Russell, and Smith) became Mayors of Melbourne, and six (viz., Condell, Dickson, Russell, Smith, Fawkner, and Campbell) obtained seats in the Colonial Legislature. Kerr was the only one of the group that changed an elective seat for that of a salaried subordinate—the Town Clerkship. Campbell had the shortest connection with the Council, as he resigned soon after his election, and Patterson quickly followed through disqualification as a Burgess; whilst Smith, with the exception of his name being once off the Burgess roll, continued a member to the time of his death in 1879. Of this primary dozen not one is now alive (1888.)

The members of the Town Council assembled for the first time at the *Royal Hotel* on the 3rd December, took the oath of allegiance, and subscribed the usual declaration.

The First Aldermanic Election.

This took place at a meeting of the Council, held at the *Royal Hotel* on the 9th December; and, as required by the Act, with closed doors. The following members were present, viz., Crs. Condell, Kerr, Mortimer, Patterson, Russell, Beaver, Dickson, Fawkner, James, Orr, and Smith. Absent—Cr. Campbell. The mode of election was, viz.: The Councillors present appointed a Chairman and two Scrutineers, and the Chairman, first of all deposited in a box or urn, a card inscribed with the names of the Councillors for whom he voted, and then received the voting-cards from the other Councillors, and either "boxed" or "urned" them. If a member did not wish to give effect to his vote, he wrote upon the voting-paper the name of a non-candidate, and this was termed "throwing away his vote." No candidate could vote in his own favour. The Aldermanic selection having been made, Cr. Patterson was appointed Chairman, and Crs. Mortimer and Russell Scrutineers.

The voting was then proceeded with, but as there was not a full Council the scrutiny was delayed for an hour, and eventuated in the choice of Condell, Russell, Kerr, and Mortimer.

The Council decided that Alderman Condell be assigned to Gipps Ward, and Alderman Russell to Latrobe Ward, with a tenure of office for six years each; Alderman Mortimer to Lonsdale Ward, and Alderman Kerr to Bourke Ward, each for three years.

The election of Mayor was next accomplished by the same process, the same Chairman and Scrutineers. Aldermen Condell and Patterson were the only declared candidates, and as there was a tie in the voting, the final decision rested with the Chairman and Scrutineers, and, after a brief consultation the Chairman declared the majority to be in favour of Alderman Condell, who thus became

The First Mayor of Melbourne.

No list of the voting has ever been published, no doubt through a desire to preserve the secrecy indirectly suggested by the Act; and the voting cards employed on this remarkable occasion have been either lost or mislaid, or gone astray, or accidentally perished. From my personal knowledge of the petty partyism of the period, and the likes and dislikes of the eleven gentlemen named as present, I append a list compiled after exit of forty years, which, if verification were possible, would, I have no doubt, be found to be absolutely correct:—For Condell.—Alderman Kerr, Alderman Mortimer, Councillor Fawkner, Councillor Beaver. For Patterson.—Alderman Orr, Alderman Russell, Councillor James, Councillor Dickson.

Non-voter—Councillor Smith. Absent—Councillor Campbell.

Neither Condell nor Patterson could vote for himself. The casting vote, vested in the presidential triumvirate, was disposed of by Patterson remaining neutral, and the Scrutineers turning the scale for Condell.

When the result of the election of Mayor was known, public opinion was much exercised as to its wisdom, for Condell's unfitness was not even questioned, and a very general impression prevailed that Patterson had been "sold." Though not the Mayor-elect, he was certainly the Mayor-designate for the week before, and it was only at the last moment that a successful opposition was forthcoming, Condell's eligibility for the office was not maintained even by his friends, and, excepting the advantage which a

superior education conferred on Patterson, there was much of "six of one and half-dozen of the other" between them. They were a "Hobson's choice," and though Patterson, as a Government officer, could not have acted with the independence of Condell, he was by degrees the more courteous and intelligent of the two. Dickson was the ablest man of the whole lot at the time, and he or Russell or Orr would have done much better than Condell. Smith was then unknown as a public man, but his time was to come, as it did, though after a weary waiting, with a vengeance.

Immediately that the election of Mayor terminated, Councillor Fawkner moved, and Councillor Beaver seconded, "That the doors of the Council Chamber be henceforward open for the admittance of the public." This motion was made an order of the day for next meeting, and it was then resolved "That the doors of the Council Chamber be henceforth open for the admittance of the public, and that such be No. 1 of the Standing Orders of the Council."

Councillor Fawkner, therefore, it was who took the initiative in having the future business of the Council transacted *coram populo.*

The Mayor's State Procession and Swearing In.

The returned Twelve were almost beside themselves with the new-blown honours showered on them by public suffrage, and lost no time in making the most of their novel situation. In private conclave they decided upon organising an imposing "turn-out" in the shape of a public procession through the town, on the occasion of the swearing-in of the Mayor before the Resident Judge. Mr. Justice Willis was consulted, and was only too glad of an opportunity of airing his "little brief authority" before the *oi polloi.* Had he descended to modern times he would have vegetated into the most inflated "Plebiskiter" known to Victorian history. The preparatory arrangements were put *en train,* and included the adoption of a particular uniform or livery, in which the "Corporators" were to make "Dons" of themselves, and this was of very easy adjustment. According to a sumptuary regulation, each Alderman and Councillor was to be decked in a "belltopper," white shirt, and "choker" to match, blue cloth coat with wide swallow-tail, the breasts and tail lined with white satin, and the coat-front to be starred with the blaze of large V.R. gold-gilt buttons, black doeskin trousers, white Marseilles vest, snow-kid gloves, and high-heeled Wellington-boots polished to a shine in which a monkey might shave himself. As an English Monarch once granted to a Baron of Kinsale the privilege of standing covered in his presence, so, by special favour, the Mayor, was permitted to be "unbelltoppered" on this august occasion, and under circumstances yet to be described.

The costumiering capacity of Melbourne was, in 1842, on a limited scale, and it taxed severely the manufacturing and manipulatory powers of the establishments employed to complete so many *récherché* outfits in two or three days; but the tailors and bootmakers, the milliners and the shoeblacks rose to the occasion, and the wearables were delivered in due time. But though one portion of the compact was faithfully observed, the other was, in part, not so, for two of the biggest figures in the ceremonial were either so impecunious or so utterly mean-spirited as to forget to pay for their "splendid toggery," and subsequent appeals for reimbursement to the Council, and to the Requests Court, were alike unavailing. Similar allegations were made in the case of two or three future Councillors, as the Civic Livery remained in fashion for some years, and used to be worn at the Council meetings, and on other State and even un-State occasions.

The 13th December was appointed for the demonstration, and there was a very general turn-out of the inhabitants to behold the exhibition. An invitation to the Masonic body was accepted, and as the Mayor had no official gown to put on, he borrowed a Masonic robe of crimson silk, arrayed in which he appeared as if clad in the morning dress of some obese dowager. A town band rattled away during the forenoon, and the "stormy music of the drum" beat up all the washed and unwashed urchins in Melbourne to head-quarters. The Chief-Constable, and such rank and file of the constabulary as could be spared, were drawn up as a guard of honour outside the door of the *Royal Hotel,* and an old half-cranky customer, named Hooson, afterwards appointed "Street-keeper," was acting as unattached marshall or conductor, waving a short staff, to which he fastened a square of red calico. As noon approached, the Mayor, Aldermen and Councillors appeared at the rendezvous, and in the phraseology of one of the newspapers, "they looked quite gorgeous." They paraded in the long-room of the hotel, and when the Mayor had indued "purple

and fine linen," he re-appeared in the hall, marched to the front door, and looked around him with all the turgent vanity of a pompous turkey-cock. He even commenced to hum a monologue, and if he had had any familiar knowledge of the Lay literature of Ancient Rome, he might have been accused of trying to traverse Macaulay, for the jingle, if not the words, of his tune seemed tc run in something of the following strain :—

Chief Constable, give warning ;
Policemen clear the way ;
The Mayor will stride, in all his pride,
Through Collins Street to-day.

But though he had never heard of such a place in all the world as Lake Regillus, or the gallant Knights returning therefrom, he was prouder and more "bumptiously" exalted at this momentous instant of his life than any Knight or Cavalier that ever rode to or from a battle-field. The procession was at length formed in the following order :—

Hooson, as pioneer, armed with his banneret.
The Town Band.
Thirty Freemason Burgesses (two deep).
Three Masonic Banners of the Lodge of "Australia Felix."
Masonic Members in regalia of the Craft.
Town Councillors, two and two, with right and left arms interlocked.
Aldermen, ditto, ditto.
The Mayor.
The Chief-Constable and Police.
Men, Women, Children, and dogs promiscuously.

The most amusing feature of this burlesque was that the Mayor appeared in his place bare-headed —why, I could never understand, unless that he was resolved that nothing should come between the "wind and his nobility," and, consequently, as the converse of John De Courcy and King John, marched "unhatted" to the Supreme Court, the band hammering away with "See the Conquering Hero comes." The movement progressed without interruption until near William Street, when the ensign-bearer, who was some yards in advance, made his appearance. A man was driving a bullock past St. James' Church, on his way to the slaughter-houses, and the animal's eye caught the mad fluttering of Hooson's ruddy streamer. Hooson looked round, became alarmed, and executed a figure of serpentine posturing which would have done credit to a bandelero in a Spanish bull-fight. Now, a man waving a red flag as a danger-signal on a railway line may, perchance, succeed in stopping a coming train, but to shunt a half-wild bull by whirling a red rag in the air, is about the very last thing likely to succeed. The bullock at length made a plunge towards the standard-bearer, who ran for his life, followed by his pursuer. The runaway howled nearly as loud as the quadruped bellowed, and an only, though not a pleasant, chance of safety offered for Hooson. There was then at the junction of William and Little Flinders Streets, near the Custom House Reserve, a chasm nearly brimful of thick slush, and into this the future "Street-keeper" plunged head foremost, carrying his banner with him, and burying himself all but his head in the muck, came to grief in a slimy, instead of a gory, bed, with the red drapery as a martial cloak around him. The bullock did not follow him, but with a parting snort of contempt at the almost invisible signifer, started away in the direction of the Yarra Falls. Hooson was speedily extricated from his unenviable condition, and at the neighbouring tavern, it did not take long to make "Richard himself again." After all, the Hooson episode was only an unwitting revival of the most comical incident of the old Lord Mayor's Show in London, for at the banquet that followed, the "Lord Mayor's fool" annually leaped into a large custard (certainly a more palatable batter than the one into which Hooson compulsorily dived), for the delectation of all present ; but then the times and circumstances were different, and the Hooson feat was performed at the Antipodes.

Meanwhile the Civic display had gone its way as if nothing had happened, and in due course arrived at the Court-house, corner of King and Bourke Streets, when further progress was impeded by the immense miscellaneous crowd. Mr. Deputy-Sheriff M'Kenzie, a diminutive Scotchman, with a shrill, squeaky voice, appeared in the doorway and commanded a track to be cleared ; but as he had no javelin-men at his elbow, and the few police were wedged away at the back, his ordering was as a puff of wind.

The crier, a squat Londoner, roared lustily from his side-perch in the Court for room to be made for the "Worshipful the Mayor and the Corporation;" but his mouthing was unattended to. Judge Willis was fidgetting impatiently on the Bench, commanding the crier to keep order, and the Court, now thronged, to be cleared, commands impossible to be enforced, for the crier was irrepressible with excitement, the spectators were in no humour to be trifled with, and this was one of those occasions on which Willis condescendingly left his bouncing unnoticed. The Judge as he appeared robed on the Judgment-seat cut a rather grotesque figure. His coiffure was constructed upon an admixture of two or three orders of hat-architecture, a tripartition of the billy-cock, the shovel, and cocked-hat. It was not unlike the "black cap" in which Judges pass capital sentences, but it was winged, padded, enlarged, and ornamented in such a manner as to be unrecognizable. After some delay and difficulty the Mayor marched in with head erect, his hair stiffened as if with starch, and likened to a crown of long bristles. Condell followed by his colleagues, strutted forward in his trailing red vestment looking like an ancient flamingo. The honour of a formal introduction was accomplished through the medium of Councillor Patterson, as a Government official, after which the Mayor was vouchsafed the privilege claimed by misdemeanants presented for trial and allowed to stand "on the floor of the Court," close to the Bench, whilst Aldermen and Councillors received the greater compliment of being pushed into the jury-box, like a lot of calves in a butcher's pen. Mr. J. D. Pinnock, the Deputy-Registrar administered the necessary oath to the Mayor, who kissed the greasy, insanitary looking Bible with a solemn face and loud smack, after which Judge Willis delivered the following address:—

"WORSHIPFUL MAYOR, WORTHY ALDERMEN, AND GENTLEMEN COUNCILLORS,"

"Elected as you have been under an Act of the Legislative Council to the offices you now claim by virtue of that Act, to fill, I cannot but feel gratified at your presence in the Queen's Supreme Court of Judicature on the present occasion.

"The prerogative of erecting Corporations is justly esteemed one of the most important pertaining to the Crown, because it denudes the Sovereign of so much of the right of Government as may thereby be conferred on others. This prerogative, therefore, has ever been held sacred by the laws of England; were it not so, the evils would be obvious.

"All Government is a trust for the benefit of the people; and when that trust is legally created, duly undertaken, and honestly fulfilled, it never fails to promote the general happiness—that happiness which exists not with dissension, but only dwells with unanimity and peace.

"If I might presume to offer a few words of advice, I would say to each of you in the language of Shakspeare,

> 'Love thyself last—cherish those hearts that hate thee,
> Corruption wins not more than honesty:
> Still in thy right hand carry gentle peace
> To silence envious tongues,—BE JUST AND FEAR NOT.'

"The Crown of Civic glory—of that glory which will result from the prosperity of your Borough—the goodwill of your fellow-burgesses—not of the knavish, the profligate, the timid, and inactive, but of the virtuous, and the industrious, and the approbation of your own consciences—awaits your efforts for the general good. I know those efforts will be strenuously made; and, so far as may be consonant to law, my best wishes attend you for their success."

This was the shortest and best oration ever delivered by Judge Willis, and well would it have been both for himself and the Council if its precepts had been adhered to. It was a *multum in parvo* dissertation on the ethics of good government; and its condensed wisdom is as applicable to the present generation, as to that to whom it was addressed.

After His Honor had concluded, the Mayor made a profound obeisance, which was reciprocated from the Bench, and the Judge courteously invited the "Worshipful Mayor, worthy Aldermen, and gentlemen Councillors" to partake of the hospitality provided "in his Chambers," that is, in an adjoining room where was served a sumptuous repast, consisting of a dish of corned-beef sandwiches, and a modicum

of sherry and water! After doing only moderate justice (all that was in their power) to the fare set before them, the company retired, and the procession, considerably shorn of its attractive accessories, re-formed and proceeded to interview

Mr. Superintendent Latrobe

At his office on Batman's Hill, where the magnates were received by the Sub-treasurer (Captain Lonsdale) and by him ushered into the august presence of the Superintendent, who sat in state, arrayed in the uniform of a Lieutenant-Governor, and wearing the "hat and feathers," which in after years were so ridiculed by the *Argus* newspaper. Captain Lonsdale announced them *seriatim* by name and official designation, and the Superintendent met them with a cordial courtesy. A lengthy and interesting conversation ensued, confined mainly to topics Municipal, and one or two of the introductory sentences are worth transcribing, for pacific relations did not long exist between the parties, and irritants and counter-irritants soon constituted the stock compliments bandied between the Superintendent and the Council.

Mr. Latrobe.—"I have much pleasure in welcoming the first Municipal Corporation of Melbourne. You have a great deal of hard work before you, Mr. Mayor. I do not think you will find it a bed of roses."

The Mayor.—"I am aware of the onerous duties before us; but we must set our faces steadily against the storm, and endeavour to go through it."

The conversation took a practical turn, in the course of which the Superintendent promised every co-operation. It transpired that the Government would be willing to give the Council £2000 to start business with, conditional on a like sum being collected or contributed. The propriety of calling in some of the convicts, who were out on "assignment" in the district, with the view of employing them in street labour was mooted, but such a project was disapproved of by the Superintendent and Councillor Fawkner.

After the interview the remains of the procession with the Mayor leading, commenced its return-trip along Spencer Street to Lonsdale Street *viâ* Elizabeth Street, back to the *Royal Hotel*, where the Mayor was given three cheers, and the fag-end of the day's pageantry quickly disbanded.

The First Meeting of the Council

For general business was held on the 15th December, 1842, when an Address to the Queen was adopted, congratulating Her Majesty on her Providential escape from assassination on the 30th May, 1842, when a youth named Francis discharged a pistol as Her Majesty and Prince Albert were returning in an open barouche down Constitution Hill to Buckingham Palace. Francis was convicted of high treason and sentenced to death on the 17th June, but was subsequently transported for life. On a further commutation of punishment, he passed over from Tasmania to Victoria, and it is singular that this should have been the first act of a Corporation of which this same Francis was destined to be a future member, by virtue of his enrolment, for several years as a citizen of Melbourne—a man too of industrious habits, exemplary conduct, and held in esteem. Francis died in 1883.

The Council next considered the allowance to the Mayor, and after some discussion it was fixed at £350 for the Civic year. The stipends of the Town Clerk and the Town Surveyor were £250 each per annum.

For the appointment of Town Clerk there had been great intriguing, lobbying, and dodging for several weeks, and the following ten individuals (the four last named being Attornies), were publicly announced as candidates, viz., Messrs. J. M. Smith, W. C. Hendley, John Stephen, R. H. Budd, J. C. King, Alex. M'Killop, Henry Moor, Richard Ocock, Edward Sewell and George Barber. The list was reduced to eight, and the result of the voting was, for King eight, for Stephen three. Mr. King, who had both plotted and plodded in every conceivable manner for the berth, obtained it, but he never had a day's peace for the few years he kept it. This, in a great measure, he brought upon himself, for having secured what he so much coveted, he ought to have devoted himself to the business of his office, be Town Clerk and nothing else, but he did exactly the reverse. The manner in which the Council conducted this first meeting made such a favourable impression that a newspaper, more unfriendly than otherwise, was

constrained to remark that "the whole day's proceedings were highly creditable, and the speeches of the members were very neatly put together. The Worshipful the Mayor looked remarkably well, and conducted himself with dignity and affability."

On the following Sunday (the 18th December), Mayor Condell and his Corporate "clutch" attended the Episcopalian Church service at St. James. The Mayor on this occasion left the borrowed Masonic over-all behind, and stepped out in the van of his brother Aldermen and Councillors, in the blue and white swallow-tail, black trowsers, white vest, white choker, and bell:topper, the authorised wearables of his associates. This puny attempt to establish a spurious religious ascendancy brought so much ridicule on its promoter that he never repeated it, and the wonder was how the sturdy Presbyterian element in the Council could have sanctioned such folly.

As it was essential under the Act that there should be a Treasurer, Mr. James Simpson consented (pending a regular paid appointee) to perform the (little more than nominal) duties gratuitously, on condition that the Civic account was kept at the Bank of Australasia, of which he was a Director, and he was accordingly appointed. The following were candidates for the office of Treasurer :—Messrs. Gilbert Beith, A. M'Lachlan, James Smith, R. J. Bertlesen, J. D. Pinnock, and George Arden. The smallness of the salary (£150), however, drove several of these out of the field, and the first permanent occupant of the office was Mr. Beith.

For the Town Surveyorship there were twelve aspirants, viz. :—Messrs. G. M'Lagan, C. Laing, W. W. Howe, J. N. Craig, A. Sim, T. Burn, J. T. Everist, R. Russell, A. Thomson, W. Wright, C. Lundie, and J. W. Hooson. A whole heap of testimonials was sent in, but Howe made a great point of his having "instruments to carry on the work, and he had been connected with an extensive over-ground colliery in England." The billet was given to him.

One of the most pressing questions was the erection of a Town Hall, for which £500 would be sufficient, and the site suggested was portion of the St. James' Reserve, between Bourke and Little Collins Streets. As to temporary premises, the only places in town sufficiently commodious were the *Lamb Inn* and the Mechanics' Institute. Portion of the latter building was subsequently rented, into which the Corporation moved, and remained there for several years. Thomas Davis was appointed Messenger at £65 a year, out of twenty-two applicants. Old Hooson was sometime after berthed as "Street-keeper" at £1 a week—just 20s. more than he was worth.

"Looking after the Funds" (a sinecure as yet) was entrusted to the Mayor, Aldermen Russell, Mortimer, and Councillor Smith as a Finance Committee, whilst Alderman Kerr, and Councillors Dickson, James and Patterson were to try their hands at the compilation of a code of Standing Orders. Subsequently the Public Works, Finance, Market, and Legislative Permanent Committees were elected, and continued to be so annually.

The Corporation Seal.

By the Act of Incorporation there was to be a Common Seal, and there was much curiosity as to what device should be represented on it. By a motion of Alderman Kerr, a Committee, consisting of the Mayor, Alderman Russell and himself, was commissioned to suggest a design. The Seal-Committee, on the 9th January, reported in favour of a design, which was approved. It was on a field argent, surrounded with wreaths of acacia or wattle, a St. George's cross gules, bearing the Imperial Crown proper. In the first quarter was a golden fleece, second a whale, third a bull, and fourth a ship, all proper —as representing wool, oil, and tallow, the chief exports of the time, and their means of transmission from the colony; the crest of a kangaroo *demi coupée*—the whole within a circular inscription, "Seal of the Corporation of Melbourne, 1842." This was adopted with an alteration of the inscription to "Town of Melbourne, Incorporated, A.D., 1842," and the subsequent addition of the now well-known motto, "*Vires acquirit eundo.*" It has often been asked how the Town Council hit upon such a happy epigraph; and it certainly is not generally known that it was the result of a whim of the first Judge (Willis) to whom it occurred that they were just the three words that would suit the baby Town Council.

And here is the pleasant way in which the Council found its Civic motto. Judge Willis, who resided at Heidelberg, was one day shortly after the election of the Mayor, returning home, and, meeting the Mayor's son, thus addressed him: "Look here, young Condell, do you forget your Virgil? Do you remember this passage in the fourth book of the *Æneid*:—

'*Fama, malum quo non aliud velocius ullum,*
Mobilitate viget, viresque acquirit eundo.'

"Come take this, and tell your father it will make a good motto for the Corporation Seal." Drawing from his pocket a slip of paper on which was written the phrase "*Vires acquirit eundo*," he handed it to the lad, who took it to his father. On consultation it was adopted, and so became immortally inwoven with the armorial bearings of that city, whose legend it will remain as long as the city itself.

There was then in Melbourne a Mr. Thomas Ham (brother of the Mayor in 1881-2), an engraver of much ability, and to him the design was handed over, with an order for its engraving. Ham executed the work in a very creditable manner, though when he made a demand for £20 for the job, it was demurred to as extortionate, some of the Councillors declaring £5 to be sufficient. There was a deal of haggling over the affair, but a compromise was effected. The Town Seal remained as such, even longer than Melbourne was a town, for though it was made a City by the Queen's Patent in 1847, and by an Act of the Legislature in August 1849, the old Seal survived until 1852, when it was necessary to obtain a legal permit to kill it and accordingly the Legislative Council of Victoria passed an Act empowering the Corporation to destroy the old Common Seal and procure a new one. This was done, and the only difference in design between old and new, is the substitution of "City" for "Town" in the marginal scroll.

The first resignation of a member was that of Mr. D. S. Campbell, a Councillor for Latrobe Ward, for which vacancy two candidates immediately offered, viz., John Porter and John Stephen. Porter was a merchant, and Stephen a newspaper-writer, Police-office Advocate, and Secretary of the Mechanics' Institute. Gross charges of immorality were alleged against Stephen in the *Patriot*, of which Kerr was the conductor; both the individuals held high position in the Masonic Fraternity, but the altercation was fought out with merciless animosity nevertheless. The election contest was also the witness of much contemptible personal jarring. It took place on the 3rd January, 1843, when Stephen polled 106 to Porter's 59 votes. This verdict was regarded by Stephen of so much importance as to determine him to ride in state to the next meeting of the Council. On the 9th January he accordingly chartered the Town band, and headed by it, wearing white and green breast favours, new Civic regimentals, and mounted on a charger hired from a Bourke Street livery stable, the new Councillor proceeded to the Mechanics' Institute, where he dropped into his Civic place.

On the revision of the Burgess list, Mr. Patterson's name had been omitted, and this led to his resignation on the 26th January, 1843. It was said that the Superintendent did not approve of a paid Government official being connected with the Corporation, and insisted on his withdrawal. For the vacancy so happening in Bourke Ward, Mr. Patrick Reid, an industrious colonist, but a cipher as a public man, was returned.

The first officials appointed for a valuation of the town were Messrs. Joseph Anderson and Thomas Burn.

The valuation for the first year (1842-3) was £60,847, upon which a rate of 1s. in the £ was made; and four Collectors (one for each Ward) were nominated in the persons of Messrs. James Ballingall, Wm. Willoughby, Joseph Byrne, and T. M'Donald. Some time after, Byrne made himself scarce with a slice of the Town Fund unaccounted for. Messrs. William Cogan and Thomas Halfpenny were his securities, and Halfpenny being the better off, had to pay nearly all, if not the whole of the defalcation. He is still alive, and retains a lively recollection of the "smart young man" who did him so nicely. Mr. J. J. Mouritz was afterwards appointed a Collector.

By the Corporation Act it was necessary to elect the first two Auditors and eight Assessors on the 1st March, 1843, and so on every year. As the elections of such officers were little more than formal, in consequence of the absence of any public interest in the selections made, I shall make no further reference

to them in this notice beyond giving the names of the individuals holding those offices. The First Auditors were the well-known Captain George Ward Cole, and Mr. William Locke, a merchant. The Assessors were :—

LONSDALE WARD.—Captain James Cain, and Mr. David Young.
LATROBE WARD.—Messrs. James Graham, and Samuel Raymond.
GIPPS WARD.—Messrs. David Lyons, and James Montgomery.
BOURKE WARD.—Mr. William Mortimer, and Captain B. Baxter.

Of these ten persons only two—Messrs. Graham, and Baxter—survive.

The good behaviour hitherto shown by the newly-fledged Town Representatives, was only skin-deep. Municipal weather, hot and boisterous, set in, and these atmospherical conditions rarely, except at few and short intervals, changed. As Mr. Latrobe had truly remarked, the Council had no "bed of roses." The members had to do work of much difficulty, requiring patience, patriotism, energy, and disinterestedness; but the difficulties were manifoldly increased by the bickerings, brawlings, and squabbling imported to the Council table. Messrs. Kerr, Fawkner, and Stephen having newspaper and pesonal out-of-door quarrels, turned the Council Chamber at times into a disreputable bear-garden, of which the more reflective portion of the public grew thoroughly ashamed. To the turmoil within the Council two of the newspapers were potent contributories from without. Two cliques were formed, of one of which Kerr was the acknowledged leader, secretly and astutely helped by the Town Clerk ; and there was what might be termed the Opposition clique, of which Stephen was the *archon*, assisted occasionally by Smith, Russell, James, and Dickson, but the last-named soon left them. As for Fawkner he was a regular firebrand, often absolutely unmanageable, grossly offensive in tongue, minatory in gesture, uniting the characters of bully and clown in such a manner as to render it difficult to say whether his conduct partook more of the one than the other. Fawkner and Kerr had the *Patriot* newspaper under their control, and Cavenagh of the *Herald* ground his organ in direct antagonism to them. Whatever course the Kerr clique took, it was cracked up by the *Patriot*, and roared down by the *Herald*, and *vice versa*. Dr. Greeves, not yet in the Council, the ablest man of the time, was editor of the *Gazette*, which had passed out of Arden's hands; but this much must be written of him that he was a veritable "trimmer," and did not do much harm, for if a trenchant article from his pen appeared one day, the next publication of the paper contained, if not a direct recantation, a re-hash so toned down as to make it the most innocuous namby-pambyism.

The Council primarily was the only local representative body in the district, but it sometimes diverged from its legitimate functions. The consequence was that in occasionally attempting to dictate to the Executive, the Council came into collision with the Superintendent, by whom the latter body was snubbed.

There were also other embarrassments, not the least being the want of money, and the Corporation coffers were in a sad condition of impecuniosity. Indeed, in the first half of 1843, the Council was in such straits in this respect, that it had not the funds necessary to pay current expenses ; and at one of the meetings it was seriously proposed to discharge the overdue salaries by a subscription amongst the members. The significance of a proposal of this kind, may be guessed when it was well-known that some of the members' outfitters' bills were unliquidated for their official raiment. Grave doubts were also expressed as to the validity of the Corporation Act, by the very Judge Willis who gave such good advice on the "cold-beef sandwich day ;" and it was even boldly stated at the Council table that several of the members who had sworn to the contrary, had never possessed the necessary property qualification, as to the truth of which, many who had good reason for knowing, never entertained the slightest doubt. The Council meetings, agitated by all those disquieting agencies, drifted into a chaos of abusive recrimination and utter disorder. It is only common justice to record that, in the midst of all this misrule, the Mayor, a well-meaning man in his way, performed his difficult and irksome duty, if not with dignity, with impartiality, and an independence for which even his most ardent admirers had not previously given him credit. The times in Melbourne were also very bad, for it was the middle of the financial crisis which raged in 1842 and 1843, when every branch of trade and commerce was at its lowest ebb, insolvency general, employment scarce, and money, like the fairy gifts of Irish fable, seemed to have almost totally

"faded away." A large proportion of the humbler class found it therefore difficult, and many of them impossible, to pay the town rate, and in this deadlock, the Council notified that all defaulters would be levied upon, and sold off. The *Herald* and *Gazette* newspapers boldly advised the people not to pay; and their proprietary endorsed the advice so given by not paying the amount due upon their own offices. Thereupon distress-warrants were at once issued against them, and types and presses distrained upon, but no one would buy.

The very unpopular officer, a Town Auctioneer, was necessitated, and the first "knocker down" of the kind was a Mr. William Barrett, a short-tempered, loud-tongued, blustering, fluffy old fellow, well-known in Melbourne and Richmond, where he lived to an advanced age. "Old Billy's" remuneration was two and a-half per cent. for a levy, and the like commission on a sale, but he did not make much out of it, and soon gave the office up in disgust, when a Mr. Henry Frencham succeeded to a berth as uncomfortable as it was unremunerative.

The site for a Town Hall was often on the *tapis*, and a fruitful source of contention in consequence of the urging of various localities, mostly prompted by personal predilections or vindictive feelings. The two-acre subdivision of the St. James' Church site, had a special attraction for the Kerr clique, not so much because of its suitability, as that it afforded an ever ready weapon with which to worry, if not to wound, the Church of Englanders. It was dubbed "Parson Thomson's Cabbage Garden." To this plot it was reasonably enough contended that the church had no right, and that it had been seized on by a "fluke," to which Sir Richard Bourke was privy. Several sites were talked over, and amongst them the spots where the Mint and the New Law Courts are erected. The Council also claimed a moiety of certain fees and fines, and the control of fees from the punts plying on the Yarra; but their demands were ignored, always with a quiet contempt, and sometimes with but scant courtesy.

But a momentary outburst of sunshine broke from the dark and troubled sky, by

The First Mayoral Dinner,

Which was given on the evening of the 18th May, 1843, at the *Royal Hotel.* It was not only a Corporation spread, but also intended as a commemorative compliment to the introduction of a partially self-governing institution, conferred on the colony by a recently passed New South Wales Constitution Act, by which a Legislative Council was provided, and to which Port Phillip was privileged to contribute half-a-dozen members. The banquet was a god-send, though the limited number of invitations issued was the reverse of satisfactory. Still it presented a fair admixture of the official and social classes of the community, for there were gathered round the festive board, heads of departments, merchants, squatters, doctors, lawyers, and ministers of religion. But an unaccountable line was drawn around the clerical invitations, for the senior representatives of three only of the religious denominations were included, viz., those of the Church of England, Roman Catholic and Presbyterian bodies. There were certainly no Wesleyans in the Council, and neither was there a Roman Catholic; but there were two Independents, and the first minister of religion that unfurled the banner of Christianity in the province, was the Rev. Mr. Orton, a Wesleyan. However, the prohibitive circle was drawn in a manner which provoked some well-founded jealousy, not amongst the excluded clerics, but their followers. Still the "feed" went on, and in its way, was an enjoyable one. There were about seventy persons present, plenty of good cheer, a long list of toasts, and no lack of talk. The Mayor, though Chairman, was not much of a speaker, yet he got up a tolerable Address in reply to the Corporation toast, in proposing which, Mr. Edward Curr expressed it as his opinion that it had come too soon, for its birth ought to have been postponed for a couple of years, and even if that auspicious event had been put back until 1845, it would then have had some chance of becoming a success. Poverty was the great sin he had to lay to its charge, and he thought the Legislature ought to do something for it in the way of a presentation of £20,000 or £30,000 to start with, instead of the paltry £2000 or £3000 voted. There was one noticeable feature in the olden dinner demonstrations, which in modern times seems to be altogether ignored (and the omission savours of an irreverence which the ancients could not think of), *i.e.* the inclusion of "The Clergy" in the toast list. On this occasion it was given in a very effusive style by Alderman Mortimer, who declared that the Clergy of Melbourne were

"not only the glory of the land, but they were an honour to the British name"—an encomium which all who knew them would admit was not an exaggeration. In response, the best speeches were delivered by the clerical visitors, three pious, charitable and patriotic citizens. Parson Thomson declared that if Corporations were necessary to advance the temporal interests of men, the Clergy were not the less necessary to advance their spiritual interests. Father Geoghegan protested that he could not improve upon Parson Thomson, yet he expressed a fervent hope that the Clergy would always prove most efficient members of every society; and Minister Forbes wound up by trusting that the Corporation was the germ of a still more liberal extension of the Institutions of the Mother Country. The Alderman Mortimer referred to was present at the Mayor's dinner in the Melbourne Town Hall on the 9th November, 1881, and I saw the "old soldier" there, hale and hearty, though suffering an irreparable loss of sight, in his 90th year. If he could only have seen the spectacle around him on that occasion, he would have been more surprised than Rip Van Winkle on awaking out of his score years' nap in the Kaatskill Mountains. The difference in the surroundings of 1843 and 1881 was such as to precisely indicate the Melbourne of then and now. An immense advance had taken place in everything except the speaking, which certainly was inferior to the post-prandial orating at the first Mayor's dinner. In the old party conflicts and election struggles, Mr. Mortimer and myself invariably fought under opposing banners; and it gave me sincere pleasure, after the vanishment of so many years, to find that we were able to bury the old feuds and cordially shake hands. There was still the firm, emphatic, deliberate ring in his well-remembered voice, and now that he is dead (1888) it is a pleasure to remember him kindly.

The harmony generated by the Mayoral dinner was of short duration. The truce was eagerly terminated by mutual consent, and the Corporation barneying was soon renewed, with, if possible, increased virulence.

The Town Surveyor's First Report

Submitted to the Council was a document which, read in the light of the present day in Melbourne, would be immeasurably amusing, and suited only for the humourous columns of *Punch*. Yet at that time it was conned with solemn seriousness and without a smile, a feat which it is doubtful if a peruser of the following abstract can imitate.

The Town Surveyor said he was instructed on the 13th January, 1843, to report "On the best method of making the streets passable for loaded carts and foot-passengers." His first great difficulty *was* the holes and ruts, and their relative state in summer and winter. Their depth was less in summer, "owing to the bottoms of them becoming solid; whereas in the winter season the ground was softened by the rain, and the holes made considerably deeper." He suggested an elaborate plan for taking off the crowns of the streets, and sloping the stuff towards both sides, trending to the *curbs*, there cutting efficient drains, well sloped with stones. A peg was to be driven every chain on the line of *curb* or edge of the footpath, the tops of the pegs to represent a gradient, as a guide to the house or property-owners to form and fill up; and an adherence to this plan would produce an uniformity of surface, and prevent an overflow from the higher level of a neighbour. The levelling up and the levelling down of the street-crowns, ruts and holes, curves and slopings, went on without any perceptible improvement, and assuredly in several places producing the state of things known as "from bad to worse."

On the death of the Treasurer (Mr. Beith) the occurrence was made an opportunity for docking the salary of the office one-third, *i.e.*, £100 for £150. There were ten candidates for the appointment, and in July, Mr. J. S. Patterson (son of the ex-Councillor) was declared the successful one, out of which event such a difficulty sprung that he was obliged to relinquish the position. The security fixed was a bond for £1,000, but Patterson being a minor, it was objected that he could not legally bind himself. The question was re-submitted to the Council, and by the Mayor's casting-vote the appointment was cancelled, and Mr. John Richardson succeeded to the berth.

The Mayor, who had been elected a member of the Legislative Council of New South Wales, proceeded to Sydney to attend to his Parliamentary duties, and Alderman Russell was elected *locum tenens*. After Condell left, the "rowing" at the Town Council was resumed with unedifying spite; personal

vituperation indulged in passed almost all bounds, and the proverbial fish-fags of Billingsgate would have hidden their diminished heads had they been listeners. Kerr, Fawkner, and Mortimer talked away at one side, whilst Stephen, a man of imperturbable good temper, with an unscrupulously bitter though polished tongue, was a host in himself; and for unmeasured and unchoice volubility, Kerr and Fawkner had no equals. Orr, James, and Russell would in a quasi-gentlemanly way occasionally back up Stephen, while Town Clerk King, quietly and cunningly did all in his power to foment mischief in the sly, underhand manner of which he was master. Smith usually talked against the Kerr side, but some Masonic grudges between him and Stephen made him at times an unreliable ally. As for a *casus belli*, the assessment, the salaries, the shortness of the funds, the bye-laws, some apparent act of neglect on the part of the Superintendent or the Executive, and the supposed inaccuracy of the minutes of the previous meeting, offered ready pegs on which to hang the grossest abuse and malignity. And then there were the newspapers "ding-donging" every morning, ringing the changes in every description of typographical tirade, from the scurrilous leader to the suggestive paragraph; from the highly-spiced letter to the dirty doggerel.

A fertile source of dispute with the Government was the refusal of the Council to contribute towards the maintenance of the police, by levying a special rate for the purpose as enjoined by the Corporation Act. The police cost was to be met by Police Court fees as far as they went, and the Council was to make up the deficit by a property rate; but it refused to do so unless the entire management of the police was transferred to the Civic body, and to this the Executive could not accede. Unquestionably public opinion was loth to an increase of Corporate power or patronage in a general way, and, so far, the Superintendent was amply justified in the stand he took against intended Corporation innovations. The letter of the law, however, had to be complied with, and to do so the Council made a police rate of one halfpenny in the £, whereat the Government flared up, and threatened all sorts of pains and penalties, but all it did was to abolish Major St. John's office of Police Magistrate at Melbourne, the duties of which were henceforth, for several years, effectively performed by the respective Mayors.

The First Annual Election

Came round in November, 1843, and the Council was purged of some of its bad blood by the retirement of "Johnny" Fawkner, who was succeeded by Mr. J. R. Murphy, the proprietor of a brewery in Flinders Street, and one of the most upright and best-esteemed men in Melbourne. There was also a much needed acquisition of new blood by the election of Dr. Greeves for Latrobe. Mr. E. Westby (the first Roman Catholic Councilman) for Gipps, and Mr. Henry Moor for Bourke Wards. Up to this period the Scotch or Kerr clique had everything its own way, but now the Anglo-Saxon contingent was recruited by Greeves, Westby, and Moor, whilst Murphy was as "out-and-out a Dubliner" as could be netted all the world over. Kerr's burning ambition in the early days was to be Mayor of Melbourne. Let him once be installed as such, and he would die happy. Indeed it was declared of him that he once said "he'd burn Melbourne to the ground to be Mayor of its ashes;" but he never had the chance. Great efforts were consequently made, not only now, but at other times, on his behalf, but they were always frustrated. As the day for the election of Mayor approached, the coming choice was the absorbing topic of discussion, and at the Council meeting of the 9th, Messrs. Fawkner and Reid, who were supposed to have retired by rotation for Lonsdale and Bourke Wards, had the hardihood to appear at the Council table, but being "strangers," they were warned not to vote. If the Mayoralty had been contested, no doubt they would have tried it on, and tendered their support to Kerr, but at the eleventh hour it was decided to re-elect Alderman Condell, who consequently enjoyed the honour of a Civic "walk-over."

The balance-sheet for the first Civic year showed:—Receipts, £2388 2s. 9d.; Disbursements, £2422 10s. 8d. The balance being on the wrong side of the ledger, and a portion of the Mayor's stipend with a few small accounts unpaid, the screw had to be put on, and all the paid offices (except the Mayor, of course) were declared vacant. The salaries were then thus reduced, viz., Mayor at £200, Town Clerk £175, Surveyor £150, and Treasurer £100. In the re-appointment of the officers there was much debate, especially as regarded the Town Clerk, for Mr. King had rendered himself very obnoxious to a portion of

the Council, as well as to many of the Burgesses. It was also openly alleged against him that his duties were inefficiently performed, and a Committee of Inquiry was appointed, but it ended in smoke.

The financial perplexities not only continued but increased, and the revenue of the General Market fell off so much that there was some notion of removing the latter to the corner of Collins and Swanston Streets (the now Police Court and Town Hall).

The continued depression, and general poverty of a majority of the townspeople, also added to the difficulty; and so loud was the outcry against the payment of rates, that the Council was obliged to reduce the rate by 25 per cent., or 9d. in lieu of 1s. in the £. Even this concession did not stay the public clamourings, inasmuch as it was declared that house and land property had fallen not only 25, but as much as 50, and in some cases 75 per cent. in value. Even the reduced rate could not be got in, and though the Council avowed that the people should pay up, the people would not, or could not, do so. In one day 400 distress warrants were ordered to issue, and amongst the victims were three corporation officials, viz., Mr. Henry Frencham (Town Auctioneer), Mr. Mouritz (one of the Rate Collectors), and Hoosen (the "Street keeper"), the reasons given for their default being the non-payment of their salaries.

The efforts of Cr. Greeves were directed towards rendering the Council of some use by devoting a portion of its wasted energies to purposes of public importance. The all-absorbing question of Separation was ably taken up by him, and he was instrumental in getting the Council to petition the Queen and Imperial Parliament on the subject. At his instance also a Conference was held with the District Council of Bourke, to consider the necessity for the erection of a bridge over the Yarra, and these bodies conjointly offered premiums for alternative plans for an elliptical arched stone, and a wooden bridge. An application was made to the Government for a grant of £10,000 towards street improvements, but was refused.

In the course of the year an opinion gained strength that it would be better to have no Corporation than the caricature one in existence, and a couple of Ward-meetings were held in favour of abolition. Cr. Moor brought the question before the Council by tabling a motion approving of the project, but he received little support. The old-standing squabbling about the police rate was arranged towards the close of the year (October), and the Corporation had the best of the bargain. The original demand of the Government was £500, and the claim was wiped out for £100.

The Corporation Act, as originally drafted, was a sad bungle, for it was as full of doubts as an egg is full of meat. Frequent patching up was necessary, and some doubts were removed by an Amendment Act in February, 1843, and in December 1844, more of the doubts were set at rest, the Council's powers were enlarged, and the Civic limits of the Town extended, so that parts of South Yarra, St. Kilda, Emerald Hill, and Sandridge became "annexed" though no new Wards were created. The Burgess Qualification was also reduced from a £25 to a £20 annual rating, and certain complications about the Aldermanic elections so re-solved, that the number of the Council became sixteen instead of twelve, by the election of four Councillors to replace the four Aldermen.

At the Rotation Elections

In 1844, Mr. J. S. Johnston was returned unopposed for Bourke Ward, Mr. Stephen was re-elected for Latrobe, and Mr. Fawkner got back through the vacancy for Lonsdale Ward. For the Mayoral election it was to be either Moor or Kerr, but the former had the odds vastly in his favour, and received all but an unanimous support, for the only vote recorded against him was that of his would-be rival! He was an immense improvement upon Condell, for he had education, tact, and (being a solicitor) legal knowledge as well.

On the day of the next meeting of the Council all the members, preceded by the Town Band, accompanied the Mayor to the Supreme Court in Latrobe Street, where His Worship was sworn in.

The ceremony was very tame as compared with the grotesque mummery of Condell's first year, and was matched by the light collation of sherry and biscuit, which the ex-Mayor "shouted" for his colleagues in the afternoon at the *Prince of Wales Hotel* in Little Flinders Street East, but this was more than compensated for by a respectable spread given by the new Mayor to a select gathering of "Corporators" and others, on the 14th, at the *Royal Hotel*.

One of the first subjects demanding the newly elected Mayor's attention, was the state of the public account, now virtually stranded. A Select Committee was appointed to consider the whole financial prospect, and the outlook was very disheartening. The times in Melbourne, though slowly mending, were still in a bad state, for every description of property was down to the lowest, trade was dull, employment scarce, and cash was almost as scarce as ever. The Council might levy a rate, and issue distress warrants, but there was little to levy on or to sell; moreover, sales were impossible without buyers, and the latter were regarded as animals, nearly as rare as the Apocryphal bunyip of Aboriginal tradition. The Committee, therefore, submitted a report, recommending that the levy of a rate was not advisable under existing circumstances, nor until the passing of an Amendment Act; that the legal machinery of the Corporation be kept in motion, and that in the meantime all salaries be reduced. After an acrimonious discussion the report was adopted, and the Council proceeded to give it effect. The new Mayor (Mr. Moor) had previous to election declared that he should not accept any allowance, and this is the only instance on record of a Mayor of Melbourne having held office gratuitously. The other salaries for the Municipal year (1844-5) were thus reduced: Town Clerk, £150; Treasurer, £75; Town Surveyor, £50; and all the smaller fry, except the Messenger, were done away with. By this sweeping retrenchment £600 would be saved. As it was subsequently found that the Surveyor had some works to superintend, his salary was restored to its former rate for two months.

A "Protection" Movement

Was originated in the Council on the 4th December, by Councillor Fawkner moving the adoption of a petition to the Legislative Council, praying that body to frame a measure prohibiting the use of sugar in breweries. He did so, he said, in order to encourage the growth of grain. In the course of the debate that followed, Councillor Greeves strongly opposed the proposition as an interference with the principles of Free Trade, "and introducing an incipient system of Corn Laws." Its effect would be to increase the price of agricultural produce, and make the poor man's glass of ale or beer more expensive. Councillor Johnston contended that in dealing with this question the Council was acting *ultra vires*, whilst Councillor Murphy (a brewer) strongly supported it. On a division it was carried by the casting-vote of the Mayor. Some months prior to this the Legislature of Van Diemen's Land had passed an Act for the same purpose, which was disallowed by the Home Government.

The Council also discussed the subject of what was known as "Pentonvillainism," a modified form of transportation, by which British convicts, after serving a term of their sentences in the model prisons at Parkhurst or Pentonville, were shipped to the Australian Colonies, with conditional pardons setting them free on arrival, and a strong memorial was transmitted from the Council against this very pernicious system.

At one of the last meetings of the year, a proposal emanated from Alderman Kerr to the effect that the past and present Mayors be invited to present their portraits, to be hung in the Town Hall (that was at some time or other to exist), and that a like compliment be made to all future Mayors. This was negatived, Alderman Russell opposing it on the ground "that some person with a bloated carcass, and not given to tell the truth, might, in the chapter of events, get his portrait added to the series, in which case the viewing of it would reflect anything but feelings of pleasure or satisfaction."

Early in the year 1845 the Council directed its attention to securing places of public recreation, and made application to the Government for the reservation of 500 acres of land for parks, and also a suitable area for a Botanic Garden.

One of the so-called public improvements, effected at an outlay of £600, was a floating-drain, constructed of wood, whereby it was thought that the water lodged at the southern part of Elizabeth and Flinders Streets would be discharged into the Yarra, but it proved an absolute failure. It was the cause of much contention in the Council, and bitingly sarcastic comments in the Press. One of the future floods paid it off in its own coin by floating a portion of it away, and some relics of this once great public work were, up to a recent date, visible in Flinders Street.

But most clouds have a silver lining. No doubt the Council had acted without sufficient consideration in suspending the assessment, and if the members had not been blinded and cowed by public clamour, they would have known that during 1844 the district was gradually recovering from the effects of

the blighting pressure of the crisis of preceding years. The change was not perhaps very apparent amongst the working classes, yet Port Phillip had righted itself, and was once more like a ship in a calm sea, the breakers subsided and the angry waters stilled. A month of the new year had not glided by when everyone saw what the Council could not or would not see, and at length it dawned upon the Mayor, Aldermen and Councillors, and in February they resumed the assessment; the reduced salaries were again raised, giving the Town Clerk £200, the Treasurer £150, and the Surveyor £125.

The clashing of bells and other noises in the streets, opposite auction marts—a great nuisance much complained of—was suppressed by a bye-law, which rendered the ringing of bells and sounding of gongs, or the display of flags in the streets, punishable by a fine graduating from 10s. to £5, whereat the "knights of the hammer" waxed wroth, but rapidly recovered from their indignation.

At a Council Meeting in March, one of the Councillors appeared in a state which occasioned much amusement, not untinged with annoyance, to those who belonged to his side of the table. There was not much of the "Celestial" about the member, yet he (or, rather, his big head) was hedged by a heathenish divinity, for, like Minerva, he was azure-eyed, at least as regarded one of his optics, which had a bluish circle drawn round it, the luminary itself being more than half-closed, and seemingly in a state of total eclipse. Whilst the laugh at his condition flew about, the Corporator himself "eyed" the laughers with astonishment, and calmly assured them that if their rudeness were directed towards himself, he could not see what they were sniggering at. Next morning one of the newspapers elucidated the mystery. A couple of evenings before, the member alluded to had been participating in a public entertainment, and, as was his wont, imbibed too much, and grew quarrelsome over his potations. A scrimmage ensued, ending in the Bacchanalian getting the "turn-out," and a "blinker" at parting—as a reminder to behave himself better the next time.

Three vacancies occurring in Lonsdale, Gipps, and Latrobe Wards, three well-known surgeons were returned, thus strengthening the intellectual and gentlemanly section of the Council, as well as improving the tone of the proceedings. They were Messrs. J. F. Palmer, W. H. Campbell, and C. J. Sanford.

The Mayor (Councillor Moor) having refused to nominate some members of an Orange Lodge who applied to him for appointment in connection with the preparation of the Electoral Roll, was roughly handled in the *Patriot* newspaper, and he took occasion to defend himself at the next meeting of the Council. He declared that during his Mayoralty he should not appoint any member of a Secret Society, either "Orange" or "Green," to any office in his gift. This was a notion he had imbibed in Britain, and one he should never forget. It had been alleged that whilst he discarded the "Orange" he recognised the "Green," but this he most positively denied.

In March, 1845, "Johnny" Fawkner, after tiding through the terrible crisis referred to, was, whilst others were settling down at safe anchorage, compelled by stress of weather to run for shelter to that harbour of refuge—the Insolvent Court; and his seat being thereby vacated, Mr. Adam Pullar, a merchant, was elected thereto as Councillor for Lonsdale Ward.

The "Pentonvillians" still arriving in drafts from England, the Council was again up in arms, and transmitted another Petition against such demoralising importations. The want of a powder-magazine was much felt, and the expediency of purchasing the "Samuel Cunard," a vessel then for sale, as a powder-storage hulk was brought under the notice of the Government, but unavailingly.

Melbourne in the olden time was a veritable paradise of "stumperdom," for every few yards, even in the principal streets, trunks and stumps of trees remained, to the imminent danger of life and limb, and the greatest inconvenience to traffic. Even three years after the incorporation of the town, the nuisance was of such an obstructive character, that the Public Works Committee was specially charged to take some effective steps for its abatement. Since 1843, the Council had been endeavouring to negotiate a loan with the banks, but without success, in consequence of the doubts at times expressed as to the validity of the Corporation Act, even by some of the Council members. The question was now revived, and the Finance Committee was authorised to effect a cash credit with the Union Bank. The attempt was for a time unsuccessful, as was also an endeavour to issue ten £50 debentures.

The consideration of a site for the Town Hall was also resuscitated, and there appeared a desire to have portion of the Western Market Reserve for the purpose. The erection of a Town Hall was looked

upon as premature, unless £1000 could be obtained from the Government, of which there appeared but a poor chance. Addresses were sent to the Executive upon the subject, and also as to placing a sum upon the Estimates towards town and wharf improvements. A reply was received refusing aid to the town, but consenting as regarded the wharf. The lighting of the streets was mooted in April, and a resolution passed authorising the erection of posts, and lighting of lamps at all the main street-intersections; the "Street-keeper's" office was restored, and Daniel Egan was appointed thereto at a salary of £50 per annum.

In May the Public Works Committee presented a report upon the grubbing operations entrusted to it, and from this document it appeared that 402 stumps had been eradicated at an expense of £60 6s., but the uprooting of the remainder, about 1000, would cost £111. This formidable expenditure so frightened the Council that further "stumping" operations were discontinued.

The valuation of the town amounted to £47,343 15s. 5d., upon which a rate of 6d. in the £ was made, and two Collectors were appointed, viz., Messrs. James Ballingall for Lonsdale and Bourke, and William O'Farrell, for Latrobe and Gipps Wards.

The Aborigines began to show in large numbers in and about the town, which so annoyed and alarmed Councillor Palmer, that he brought the matter before the Council. He denounced the dark vagrants as "both drunkards and pertinacious beggars," and at his instance a communication was addressed to the Superintendent, asking for their speedy removal.

In July, 1845, some law suits were commenced against the Corporation, and two members of the Bar, viz., Messrs. E. E. Williams, and A. Cunninghame were retained for the Council. The Council handed over to the recently established Fire-brigade the sum of £50 being an unexpended balance of Police Rate.

In August, Councillor Pullar died, and a vacancy occurred in Lonsdale Ward. A grocer named George Annand, kept a shop at the north-east corner of Queen and Collins Streets; he was a most unmitigated Scotchman, and unflinchingly sided, through right or wrong, with the Scotch contingent of the Council. He was put forward with the strongest hopes of success; but without achieving it. Fawkner was fortunate in getting himself expeditiously "whitewashed" by the Insolvent Court. With his "certificate" in his pocket, "Johnny" was himself again. He "ratted" from the Scotch party, and skipped into the arms of the Anglo-Hibernians, who, truth to say, did not care much for him. But they had to make a selection, and as Fawkner was the smaller man, of the two evils they chose the lesser. There was a smart spurt over the affair. It was a petty faction fight between "Orange" and "Green" and "Johnny" was returned by a majority of seven,—the polling score being 69 *v.* 62—as close a shave as he ever had.

In September, Mr. Howe the Surveyor, resigned through ill-health, and Mr. Charles Laing was elected to the post.

The following incomplete financial statement was submitted to the Council:—Receipts from Town Rate for the year ended 31st August, 1845, £1165 16s. 10½d.; Deduct cost of collection, £130 16s. 2d.; Nett proceeds of Rate, £1035 os. 8½d. Expenditure for Public Works for above period, £1417 18s. 3d.; In hands of Town Treasurer awaiting completion of works in progress and contracted for, £646 19s. 9½d. Total appropriation of Revenue to Public Works, £2064 17s. 11½d.

A "Tailor" in the Council.

One of the Councillors who had ordered an official rig-out from a Melbourne tailor, got it and showed off in it, but would not pay for it. Payment was demanded but not a cent could be drawn from the member's pocket. The tailor appealed to the Court of Requests, and a verdict was obtained, but all the bailiffs in the world could not get blood from this Corporation turnip. At length "Snip" was advised to bring his plaint before the Council, not that his little bill would be discharged from the Town-fund, but in the hope that the debtor might be awakened to some sense of shame. Accordingly amongst the correspondence produced by the Town Clerk was a letter enclosing the following:—Councillor "Blank" Dr. to "Snip," tailor. To one Corporation Uniform Coat, with white satin lining, and velvet collar, £4 4s.; To one pair black doeskin trousers, £1 15s.; To one white Marseille vest, 18s.; To one set of V.R. buttons for the coat, 4s. Total, £7 1s.

CHAPTER XXII.

THE MELBOURNE CORPORATION.—*(CONTINUED).*

SYNOPSIS:—November Elections, 1845.—Dr. Palmer elected Mayor.—His Brilliant Oration in the Council.—Succeeding Mayoral Broils.—The Election of Aldermen.—Presentation to Ex-Mayor Moor.—Financial Prospect Brightening.—Mayor Palmer's Civic Hospitality.—Civic Exclusiveness in Church.—Elections of the First Jew, and First Roman Catholic as Councillors.—The Governor Rebukes Mayor Palmer.—Election of Mr. Frank Stephen as Town Solicitor.—Union Bank Loan.—November Elections, 1846.—Ex-Mayor Moor Re-elected.—November Elections, 1847.—Alderman Russell Elected Mayor.—Visit of Speaker of the Legislative Council.—Is Entertained at Dinner by Mayor Russell.—The Mayor's Guests Decline to Meet Mr. William Kerr at Dinner.—Melbourne Streets in 1848.—Melbourne erected to the Status of a City.—Title of "Right Worshipful" refused to the Mayor.—Address to the Queen re the Removal of Superintendent Latrobe.—Governor Declines to Recommend Prayer of Memorial.—Councillor Kerr again in Financial Difficulties.—Annual Elections, 1848.—Alderman Bell Elected Mayor.—Increase of Civic Salaries.—"Boundary Beating."—Parliament House Site.—"Tam Kissock."—Ratable Property in 1849.—A Runaway Member.—Contempt of Court.—"Jack" Curtis's Practical Jokes.—"Dumb Ass Maa Comb Be Ass Queer."—Projected Gas Company.—Landing of Convicts Prevented.—"Parson Thomson's Cabbage Garden."—A Temporary Benevolent Asylum.—Fitzroy Crescent-cum-Gardens.—Superintendent Latrobe under a Cloud.—November Elections, 1849.—Alderman Greeves Elected Mayor.—Augmentation of the Town Clerk's Salary.—Petition in Favor of Separation.—Irish Orphan Girls.—Alderman Kerr, and Irish Orphan Immigration.—Alderman Kerr's Resignation.—John Hodgson's First Election. Creation of Fitzroy Ward.—November Elections, 1850.—Alderman Nicholson Elected Mayor.—First Election in Fitzroy Ward.—Mr. William Kerr Re-elected.—The Streets of Fitzroy.—The "Maze" of Collingwood.—Vote by Ballot Vetoed by the Council.—Mayor Nicholson, the "Father of the Ballot."—Municipal Statistics, 1850-51.—The "Maze" of Fitzroy.—"The Lost Square" of Fitzroy.—Mr. Fitzgibbon's Official Explanation of it.—Councillor Kerr Appointed Town Clerk.—Proposed Extension of the Franchise.—Bonus to Council Officers.—November Elections, 1851.—Alderman Smith, the Last of the Old Mayors.—Final Resignation of Councillor M'Combie.—Augmentation of Mayor's Allowance.

THE NOVEMBER ELECTIONS—1845,

EXCITED much interest, though, whilst two of them were warmly contested, in the others there was finally no opposition. The term for which Councillor Palmer had been returned for Lonsdale Ward having expired, he re-offered himself, and was nearly defeated by Mr. A. H. Hart, a very popular Jew. Palmer would have been beaten had his opponent been a week earlier in the field, and, as it was, he got a majority of eight votes only, the number polled being eighty-eight for Palmer, against eighty for Hart. In Latrobe Ward the run was closer. Councillor Sanford was opposed by Mr. James Murray, host of the *Prince of Wales Hotel*, the result being Sanford seventy-nine, Murray seventy-five. In Gipps and Bourke Wards, the outgoing Councillors, Campbell and Smith, were re-elected unopposed.

THE NEW MAYOR.

The 9th of November was anxiously expected, owing to the election of a Mayor, and two Aldermen, *vice* two of the four elected in 1842, retiring at the end of three years. The Mayor (Moor) would have been readily re-elected, but he declined. Efforts were made on behalf of the irrepressible Mr. Kerr, but to no effect; and in a full Council, Palmer was chosen without opposition. Though crotchety, obstinate, often wrong-headed, and never a public favourite, Councillor Palmer proved an able and accomplished Mayor. His Inauguration Speech on taking the Chair, was alike scholarly and eloquent. Referring to his predecessor, Mr. Henry Moor (the best liked Mayor, in his first Mayoralty, that Melbourne ever had), he offered him this graceful tribute :—

"I have succeeded a gentleman, who has long possessed your confidence in a degree attainable by few, and has discharged the various functions appertaining to his office in a manner which has been impeached by none. That gentleman will pardon me, though I make the observation in his presence, that his qualifications eminently fitted him for the high office of Mayor. To mature habits of business, and a quick insight into the characters of men, he unites an extensive knowledge of the wants and wishes of the town, an untiring zeal for the public welfare, and an amenity of manners, which, by conciliating differences at the Council table, have smoothed the ruggedness of debate. Nor is it by the possession of these qualities alone that he merits the vote of thanks which I shall have the honour to propose to him in this place; and (as I confidently hope) some more substantial token of public esteem, elsewhere. Disinterestedly, in the very crisis and exigency of the Corporationship, and when the helm was well nigh abandoned by others, Councillor Moor came forward to assume command of it, and I have good reason for believing that in his private bounties also no one is more liberal, or more open-handed and free in the encouragement of every philanthropical undertaking and project for the public good. Nor must I omit to glance at certain lighter traits of his character, though pregnant with important results, I mean a warmth and 'raciness' so to speak, of manner which have uniformly succeeded in keeping the attention awake, have animated the debate when it flagged, and redeemed from the charge of insipidity, the details of Macadamization and wooden gullets. Can it be doubted, then, that I shall be deemed presumptuous, and that it will be said and reiterated of me—what has been so often said, and with so much reason of others—that

'Fools rush in where angels fear to tread.'"

The Municipal programme for the coming year was thus sketched by the new Mayor:—

"Among the important subjects which will come under your consideration during the ensuing year, will be the revision of the Corporation Acts, and consequent upon that, the expediency of revising and consolidating our bye-laws. These will demand your careful attention; and in order that you may not be hurried in your deliberations, and that your acts may receive the sanction of the Legislature as soon after their assembling as possible, I shall deem it my duty, unless I am anticipated by others, to bring them under your notice at an early period. The Market and the Building Acts are measures of scarcely inferior consequence, and for similar reasons—that no delay may occur in their transit through the Legislative Assembly—it will be proper that you should not procrastinate their consideration. The selection of a site for the Botanic Gardens, and the disposal of the town-drain question, are measures which also await your decision, as preliminaries which must be settled before we can avail ourselves of the grants made for the former of these objects, and for improving the approaches to the wharf. The improvement and reparation of our streets, are measures of obvious and paramount utility, and will claim for the future, as they have had in time past, your unremitting attention."

Not unforgetful of the past, and sanguine of the future, His Worship expressed a hope that, if not unanimity, at least concord and friendliness, might accompany their future proceedings, and continued:—"An advocate in the fullest sense of the words for freedom of debate; and believing that strength of expression and warmth of advocacy are in no degree inconsistent with this freedom, I deprecate as the greatest of calamities which could befall the honour of this Council, the indulgence of personal discourtesies. No man is more ready to admit, no man will more strenuously join in the sentiment, that neither fear nor favour, nor any less worthy feeling should have place among public men, but that in the discussion of public questions, the judgment should be unbiassed, and the liberty of speech unfettered, except by such restraints as are imposed by good sense, good taste, and good feelings. As a sharer of our common nature, endued with the same feelings, with sensibilities as warm, as just and as true as our own, every man is entitled to our regard; and as the depository of power, by an agreement which has been tacitly assented to by all, the Government is entitled to our respect. To violate the courtesies of life is to defraud our neighbour of his due. To assail with vituperation and undistinguishing obloquy the measures and motives of Government, is to subvert order, to invite retaliation, and to create a spirit of discontent. From what has passed at this Council, under my own observation, I draw a bright augury of the future, and I believe that any indiscretions of the kind to which I have adverted, will be as infrequent as they are certainly undesirable."

The Mayor repelled the insinuation as to the incapacity of the Province for self-government; and repudiated the suspicion that there exists a natural incongruity, an inherent repugnancy, and an indefinable antagonism between Municipal Institutions and the Crown, and burst forth into the following glowing eulogium of the British Constitution :—"When we reflect on the height of glory to which our native land has attained, or under what Constitution this has occurred, we shall not I am certain fail in veneration for her Institutions, or in loyalty for our gracious Sovereign. In riches unsurpassed—her dominions stretching from sea to sea—her commerce co-extensive with the world, her navy has been the mistress of the ocean, and her military glory has not been eclipsed by the brightest periods of history. By her, Liberty has been nursed to be the example and model of all countries. By her, Civilization and the Arts have subjugated the refractoriness of Nature. By her, the torch of Science has been kindled and borne into the most distant corners of the earth. By her, from all appearances, is likely to be accomplished the prediction of the prophet, the consummation of our most devout wishes, that 'the knowledge of the Lord shall cover the earth as the waters cover the sea.' Our Constitution under which these blessings have arisen, is no mean or inartificial contrivance adapted only for vulgar uses, or the common necessities of mankind. It is a contrivance of consummate wisdom, receiving fresh increments from every fresh necessity, which has been consolidated by time, and cemented by our best feelings; and while it is admirably adapted to our common wants, it is no less perfectly suited to develop those higher efforts of genius which elevate and dignify our nature. Like some fair and stately edifice, it unites durability and convenience with symmetry of proportions, and the exterior enrichments of style. If such then be the parent, such also should be the offspring. Our ancestry should stimulate us to noble deeds. We should love and venerate the parent institution. A sapling of the tree of Liberty which has been planted among us, comes of so noble a stock that there is no other colony in the world which can boast so unblemished a lineage. May its fair and goodly branches overshadow the length and breadth of the land, and may we, while reposing under its shade, and conscious of the blessings which we enjoy, remit no effort, spare no exertions, think no labour misemployed, to perpetuate the inheritance undiminished to our children."

The political neglect and contumely with which Port Phillip had been systematically treated, was thus powerfully pourtrayed by His Worship :—

"Our representation is a gross and palpable mockery; our revenues are seized and transported as tribute-money to Sydney, and our expostulations are not merely disregarded, but treated with undisguised derision. Were beacons to mark the selfishness of mankind necessary, the Sydney Legislature would afford them. Its conduct, in relation to Port Phillip, has presented an instance of undissembled injustice, and of un-ambiguous selfishness. Set as the guardian of popular rights, it has itself become the perpetrator of the grossest spoliation. Like wreckers, gathering *membra disjecta* of the battered vessel, this cormorant body —this loquacious blustering assembly—has permitted itself to profit by our misfortunes, and has put forth its rapacious hand on our Poor Box. It is scarcely credible, but the small sum which had accumulated from the sale of unclaimed pounded cattle (which I, with others, had looked forward to as the means of furnishing an outfit for the Hospital, and which was applied for by His Honor the Superintendent for that purpose), has been withdrawn with the rest of the spoils, by order of the Legislative body. And, yet who can withhold regret, or witness without grief, the apathy, inexertion, and want of union visible among all classes, among the settlers more especially, which paralyse every effort for redress, and render a combined demonstration of our grievances almost impracticable? If men are sometimes roused to an exercise of their political rights, the effort is only partial, it is an incohate and feeble struggle, or it is disgraced by some ignominious act of trickery. Under these circumstances (and this is the point of my observations) a duty, as it appears to me has devolved on the Corporation, which does not naturally pertain to it—a duty, under considerable limitations, of expressing political opinions, and of striving for political objects. Under a more auspicious order of things this duty would devolve on the Supreme Legislature of the Colony; but, betraying its trust, as it has lately done, and converting what was intended for our benefit into our harm, there appears no other recognized public body, besides the Corporation, by which these objects can be attempted."

But this brilliant oration was little more than a rhetorical rocket, for there never was a Mayor more remarkable as a failure, than Dr. Palmer. Low, personal, contentions at the Council meetings, fell away considerably; but this was due rather to the improved class of men returned, than to the example of the

Mayor, who, during his year of office, contrived to embroil himself in more bitter and serious differences, both in and out of the Council, than any Chief Magistrate preceding or succeeding him.

The Election of Aldermen.

Councillor Moor succeeded Alderman Kerr, who retired by rotation, and Alderman Orr was re-elected. Towards the end of 1843 Alderman Mortimer retired from the Council, when Councillor Orr was elected an Alderman, and now a renewal of the trust was conferred upon him. A well-deserved compliment was paid to the ex-Mayor by the unanimous adoption of this resolution—"That the Town Council of Melbourne, deeply sensible of the disinterested zeal, conspicuous abilities, and indefatigable exertions of Henry Moor, Esq., during the period of his Mayoralty, do tender him their warmest thanks, together with the assurance of their high esteem for his character."

Alderman Moor's efficient unremunerated services were so highly appreciated outside the Council, that a public meeting was held at the *Royal Hotel*, on the 17th November, to consider the propriety of presenting him with some substantial token of public favour. The Mayor presided, and resolutions were passed tendering the grateful acknowledgments of the burgesses and the inhabitants, and initiating a subscription for the purchase of a service of plate for presentation to him, contributions to be limited to five shillings from each donor. A handsome sum was realized, and it was given to Mr. Moor, with a request to have it invested in the manner indicated.

The first meeting of the Civic New Year, was held on the 15th November, at which it was intimated that the Legislative Council had voted £1000 towards the erection of a Lunatic Asylum. The question of reviving an allowance for the Mayor was discussed, and as the financial prospect was brightening, it was considered desirable to do so. There was some chaffering over the amount, whether it should be £300 or £200, and on a division the larger sum was carried by the casting vote of the Chairman (ex-Mayor Moor).

The salaries of the Town Clerk, Treasurer, Surveyor and Messenger were increased twenty per cent.

A return of the probable receipts and expenditure for the current year (1845-6) was presented, and showed the estimated total revenue at £4689 8s. 3d.; salaries including Mayor, £850; balance for town improvements, £3839 8s. 3d.

The vacancy occasioned in Bourke Ward by the elevation of Councillor Moor to an Aldermanship was filled by the unopposed election of Mr. W. M. Bell (member of the firm of Bell and Buchanan) and the Council was soon engaged in an animated remonstrance against a proposal of the Government to raise a loan of half-a-million, on the security of the land revenue of the whole Colony, and against such a precipitate pledging of Port Phillip territory. A strongly worded memorial on the subject was transmitted to the Superintendent.

The present site was recommended by a Committee of the Council, and strongly supported by Councillor Greeves, but vehemently opposed by Councillor Fawkner, who preferred Batman's Hill, and declared that the selection of a place so far out of town was simply to have a garden for the future Government-house, the land for which had been long set apart, Alderman Orr and Councillor Stephen also voting against it; but the site was ultimately decided on, and the Mayor was directed to announce the decision of the Council to the Government. The Government, however, would not allow the Corporation to have anything to do with the garden trusteeship or the management.

Mayor Palmer was not profuse in his hospitality, though he now and then gave a pleasant little dinner to a few picked guests at Burwood (St. James' Park) where he resided; but for once he took it into his head to do something uncommon in the way of a public breakfast, at the *Royal Hotel*, on the 4th February, 1846—the event of the first triennial "Beating of the Town Boundaries" as prescribed by law. He could sometimes work himself into an excessive degree of inflated pomp over a small thing, and he was determined to produce some kind of sensation on this occasion. A public holiday was proclaimed, and all the school children were turned out in a grand juvenile review over the river near the bridge, where, at 10.30 a.m., 1500 urchins—viz., 1200 attending schools receiving Government aid, and 300 private pupils—

put in an appearance, without as much as a bun or a lolly, a bottle of ginger-beer or pannikin of tea amongst them. The Mayor held his breakfast *levée*, where there was enough to eat and drink in a genteel way, and the entertainer had all the speechifying to himself; but here, to use an Irishism, in opening his mouth he "put his foot in it," by some very injudicious remarks as to his preferring "the approbation of the educated to the applause of the uneducated." This he ineffectually endeavoured to tone down afterwards, when rated about it by the newspapers. After the breakfast an attempt was made to form a procession, but the youngsters were not in the best humour or condition to fall into rank, and though some hundreds started on the boundary excursion, only the Mayor, Town Clerk, Chief Constable, and a couple of the Council members saw the end of it.

Civic Exclusiveness in Church.

A few days after the children's "treat," the Mayor revived the folly of Mayor Condell, by an attempt to secure for the Corporation a *locus* (not *standi*, but) *sedendi*, at St. James' Church, and in a more puerile manner than his predecessor. He actually applied for "special seats" for himself and four Aldermen, altogether oblivious of the Sunday spiritual condition of the Councillors, and with much *gusto*, announced what he had done at the Council meeting of the 14th February. To his extreme disgust, instead of a patting on the back for his unsolicited consideration, he got rapped over the knuckles, and took his "gruel" with a humbleness not unmixed with chagrin. He was roundly and truly told that he had committed a gross impropriety, because as Mayor he was not a member of any particular church, and consequently should not in that capacity specially recognise any religious denomination. The Mayor disavowed a preference for any church, but admitted that he had not applied for Sabbath privileges for any other religious persuasion. Councillors Kerr and Johnston animadverted with much severity upon the action of the Mayor in his attempted recognition of Episcopalianism as a dominant church, and the subject was allowed to drop.

A question of a general lighting of the town was initiated and ventilated by Councillor Greeves. The Council had power to levy a 4d. lighting rate, and it was calculated that 128 lamps would answer every reasonable purpose, which at £3 each would be £384. A 4d. rate on the assessment would yield £435 19s., leaving £51 19s. towards the erection of lamp posts. The subject flickered for the moment, and died out.

During the months of March and April, 1846, vacancies occurred in the Council through the insolvency of Mr. Kerr, and the resignations of Messrs. Moor, Orr, and Sandford. Councillors Greeves and Bell were elected Aldermen, Mr. Michael Cashmore (the first Jew so honoured) was returned Councillor for Latrobe Ward in Sandford's place, and on the 20th April, Mr. John O'Shanassy (the first Irish Roman Catholic, similarly complimented) was elected by the same Ward for the seat voided by Councillor Greeves' promotion. Mr. Thomas M'Combie was a few days after returned *vice* Councillor Bell, for Bourke Ward, beating Mr. Charles Callow by 31 votes to 23.

The General Market was placed under the management of one officer instead of two, and Mr. Michael Gallagher (afterwards an Alderman), was appointed Inspector at £78 per annum.

In May, 1846, the state of Collins from Elizabeth to Swanston Streets was such, that the shopkeepers offered to pay half the cost of kerbing the footways, but were only treated to a shrug of cold shoulder.

The Separation queries brought the Mayor into a serious collision with the Governor, Sir George Gipps. His Worship was at times rather given to much speaking and writing, and some of his published epistles are masterpieces of argument that would have been irresistible if more moderately put, but they were marred by dogmatism, and bitter, though polished, invective. One of his communications to the Government was returned with a memorandum, intimating that as it was "couched in language studiously offensive, and abounding in misrepresentations, His Excellency refused to submit it to his Executive Council." This placed the Mayor on his mettle, and on the 9th of May he submitted the correspondence to the Town Council, when a resolution was passed approving the action of His Worship, and a copy of the condemned manifesto was ordered to be forwarded to Mr. A. Cunninghame, then a Port Phillip delegate in London, to be by him presented to the Secretary of State for the Colonies.

An interesting correspondence on this subject passed between the Mayor, as Acting Police Magistrate, and the Superintendent, in which the former forcibly urged an increased protection for lives and property. He pointed out that in October, 1842, the month preceding the establishment of the Corporation, the police force of Melbourne consisted of twenty-nine petty constables under one chief, the population of the town then numbering between 5000 and 6000. In April, 1846, the force comprised ten petty constables, four sergeants, one chief constable, and two watch-house keepers, whilst the population had increased to 10,600. Therefore, whilst the population had doubled, the police force had diminished to one-half.

The Town of Melbourne, including 13¾ miles of streets (independent of those in Collingwood and South Melbourne, and private rights-of-way) was not lighted, though crowded with immigrants from Van Diemen's Land. At Collingwood, with a population of 1671 souls, a nefarious gang had lately taken refuge, and committed nightly depredations, whilst there was only one constable stationed there.

Several large consumers of water obtained the permission of the Council to lay on pipes from the Yarra to their respective premises; but a strong objection was made to the project of a Mr. Burchett to open a tannery at Richmond. He promised that the drainage should be from instead of into the river. Subsequently the Provincial Law Adviser (Mr. Croke) pronounced against the power of the Corporation to lay water-pipes, which riled the Council considerably; but the Law Officers in Sydney upheld Mr. Croke's legal dictum. The principal expenditure was £849 6s. for metalling, kerbing, and pitching Elizabeth, from Collins Street to Lonsdale Street; and £64 9s. 6d. for metalling Collins Street, between Swanston and Russell Streets. The chief crossings in Collins, Elizabeth, and Swanston Streets, were to be metalled and gravelled at a cost not to exceed £31 10s.

Much complaint was made at the delay in the erection of the following public buildings, for which sums had been voted by the Legislature:—New police office, £824; powder magazines, £2000; lunatic asylum, £1000; and the Council added a share to the grumbling by a petition to the proper quarter.

On Monday the 13th July, 1846, an attempted Orange celebration led to an outburst of inebriated fanaticism, which, but for the interposition of Providence, would have resulted in murder in the street. It is described in another chapter, and is only referred to here to state that the tergiversation of the Mayor as Chief Magistrate, in dealing with the riot, and writing about it afterwards, produced a very mixed feeling towards him in the Council, where a discussion of his action was self-invited, and though entailing no actual censure upon him, most certainly did not result in approval.

As the Council had already nominated two learned gentlemen from the higher branch of the legal profession as standing Counsel, a Solicitor was an indispensable adjunct. There was no specific salary attached to the office, and the remuneration had to be eked out of the scraps worked into the bills of costs, which at the time were next door to nothing. Still ten "limbs" of what by dubious compliment is termed "Old Nick's Brigade," entered for the empty honour. Five started, four were placed, and one was distanced. The election was held on the 17th September, 1846, with the following result:—Mr. Frank Stephen, 3 votes; Mr. Richard Ocock, 2 votes; Mr. F. L. Clay, 2 votes; Mr. Jas. Montgomery, 1 vote; Mr. G. W. S. Horne, no vote.

The victory was not much to crow over, and was little thought of at the time; but "Frank," by the unexpected turn of affairs, has had good pickings out of it since, for after forty years he is still "Town" Solicitor for the prosperous Queen City of the South.

The finances were now once more down to zero, and a second rate of 6d. in the £ was made. A loan was negotiated with the Union Bank for £600, to be expended on the Cattle Market, a site for which had been granted some time before.

The November Elections (1846)

Created a sensation, some of the Wards being contested with much bad feeling. Councillor O'Shanassy who, during his term of office, had done good service, was one of the retiring Councillors for Latrobe Ward and an ungrateful and a purely factious opposition (intensified by the "Orange" riot of the 13th July) was got up against him. There was much difficulty in hunting up a candidate to face a man with

such undoubted claims to a renewal of confidence, but the needful article was at length discovered in Mr. William Clarke, professor of music, and a very worthy burgess, but an unknown quantity as a public man. Latrobe Ward was then a hot-bed of faction and bigoted exclusiveness; the consequence was that Clarke won the seat by polling 80 votes to his opponent's 30. For Bourke Ward the retiring Councillor (McCombie) was challenged by Mr. Patrick Main, a contractor, and it was a dead heat—33 votes each; but the Acting-Alderman (Smith) managed the casting-vote for the old member, who was accordingly returned. Mr. John Bullen (a new man) succeeded the outgoing member (Westby) in Gipps Ward, without opposition; and Henry Moor went back to the Council for Lonsdale Ward, *vice* J. R. Murphy, who had retired.

On the 9th November, Councillor Moor was elected Mayor (for the second time). Councillor Greeves was a candidate, but, uncertain of success, warily withdrew in time to save a beating. An effort was made to trot out Mr. Alderman Bell, but he, too, cannily opined that his hour had not arrived, and bided his time. "Johnny" Fawkner retired in a few days and shook the Corporation dust from his feet for evermore. He was succeeded in Lonsdale Ward by Mr. Thomas Armitstead, a builder, after little more than a nominal opposition from Mr. M'Culla, a blacksmith of slightly eccentric proclivities.

At the second Council meeting, for the year 1846-7, the following salaries were voted: The Mayor, £300; Town Clerk, £240; Treasurer and Surveyor, £150 each; Copying Clerk, £100. A new office of Surveyor of Sewers was made at £60 a year.

A further Amendment Act was passed by the Legislature, removing more doubts, defining and enlarging the powers of the Corporation, establishing a Cattle Market, and enabling the Council to borrow money on security of the Municipal revenue.

In the Anti-transportation agitation which raged for years, the Council and the public were always in accord, and more than one emphatic remonstrance against the long impending evil emanated jointly from them. In this matter Councillor M'Combie took a prominent part.

St. Francis' Church in Lonsdale Street was for some time in considerable danger of being undermined From the earliest period, a deep ravine ran along the now channel-way of Elizabeth Street (East side), by the boundary of the church ground. There was no footpath, and the Council diverted the water-course from the other side of the street, which so increased the torrent flowing by the church fence, that every day the chasm grew both deeper and wider, and serious apprehensions were entertained that the building foundation would be endangered. Representations were made to the Council, and legal proceedings threatened, yet it took a year to move a body, at other times over-full of vitality, to do an ordinary act of justice and avert the danger.

In May, 1847, the Mayor (Moor) made a strenuous effort to procure an addition of twenty men to the police force, and succeeded in getting half what he asked for. In the following month the ex-Mayor (Councillor Palmer) resigned his seat for Lonsdale Ward, and was succeeded by Mr. George Annand, who had been previously defeated by Mr. Fawkner.

A Building Act was now a necessity, and a draft bill was promulgated, which led to discussions both in the Council, and by the Press, the proposed enactment being regarded as much more stringent and arbitrary than the circumstances of the town required. It was also thought that an Amended Corporation Bill would be shortly submitted to the Legislature, and to watch that measure on behalf of the Council, the Town Clerk was despatched to Sydney.

It was also found necessary to revive the office of Street-keeper, under the more imposing title of Inspector, at a salary of £75 per annum, and a moiety of fines. Jeffreys, the successful candidate, proved to be an excellent officer, and was afterwards Chief Clerk in the Town Clerk's department. He died suddenly, having filled the latter position for several years.

As the time for

The November Elections (1847)

approached, the nationality of the members of the Corporation was much canvassed. In the Council there were nine Englishmen, five Scotchmen, one Australian, and not one Irishman, though a third of

the ratepayers hailed from the land of the Shamrock. "Justice to Ireland" was therefore the *shibboleth* under which the Civic battle of November was to be fought, and after the struggle ended, Ireland was no better off than when it began. In Gipps and Latrobe Wards, the retiring Councillors did not re-offer themselves, and in both Wards there were contests, the winners having easy conquests. Messrs. J. O'Shanassy and J. Bowler (a tried and an untried man) were nominated for Gipps Ward, when Bowler polled 62 against his antagonist's 45. He was a quiet-going Attorney, and voted for himself, the only other case of such a questionable display of personal interest on record, being that of Councillor Reid at a prior election in Bourke Ward. In Latrobe Ward, Mr. Kerr, who had now been "certificated" and was longing to get back to the arena in which he had before been the instrument of so much dissension, opposed Stephen, the retiring Councillor, and beat him by 100 to 69. Councillors Johnston and Armitstead, the retiring members for Bourke and Lonsdale Wards, went back without opposition.

The Next Mayor.

Mr. Kerr's return to the Council, afforded him an opportunity of making another dash for the Mayoralty, and there was much excitement in consequence. But he met with his match in Alderman Russell, who was elected Mayor on the 9th November. It was a close run, for against Russell's six votes, Kerr obtained five, M'Combie (not a candidate) 2, and Moor 1; Russell voted for Moor, and Kerr for M'Combie, which practically neutralized their votes.

At the ensuing Council meeting there was much talk over the Mayor's allowance, and £300 was voted. The following scale of salaries was also fixed:—Town Clerk, £240; Treasurer, £200; Surveyor, £175; Town Clerk's clerk, £100; Market Inspectors (two), £78 each; Cattle Market Inspector, £120; Cattle Market Keeper, £48; Town Inspector, £85; Inspector of Slaughter-houses, £60; Messenger, £52; two Rate-collectors, £120 each. Early the next year Mr. J. Sprent was appointed Cattle Market Inspector.

On the 26th November, 1847, the new cattle yards were opened, when Messrs. Bear and Son, cattle auctioneers, held a maiden sale there.

On the 31st December, 1847, the Corporation statistics disclosed the following facts which evidenced a great disparity between the tax-paying tenements and those enjoying the civic franchise:—

Ratable houses in					Burgesses.
Gipps Ward	814	...	...	...	160
Latrobe Ward	688	...	...	...	276
Bourke Ward	443	...	...	...	130
Lonsdale Ward	593	...	...	...	290
Total houses	2538		Total burgesses		856

Several matters of general utility had been from time to time decided upon, such as the passing of bye-laws for the regulation of the markets, street-crossings, &c. The inconvenience of narrow streets (Sir R. Bourke's mischievous hobby), was forcibly represented to the Government, so that in any future town extension, no street should be under one chain in width. A loan for £1500 was negotiated with the Union Bank, and the expediency of obtaining a considerably larger sum from the Sydney Savings Bank was more than once considered.

In January, 1848, Councillor Cashmore resigned his seat for Latrobe Ward, to which Mr. James Murray (a formerly defeated candidate), was elected unopposed. In February the Speaker of the Legislative Council in Sydney was on a visit to Melbourne, and entertained by the Mayor at a dinner, to which the usual select coterie were invited. The acceptances were general, but Mr. E. J. Brewster, the member for Melbourne in the Legislative Council, sent the following remarkable apology, and his reason for declining:—

"Mr. Brewster presents his respects, and regrets that he feels obliged to decline availing himself of the invitation for dinner with which he has been honoured by the Mayor of Melbourne, as he understands he would have to associate with Mr. William Kerr.—Club, Melbourne, 1st February, 1848."

Mr. E. E. Williams (one of the Standing Counsel to the Corporation) and Councillor Moor (ex-Mayor), declined the honour upon similar grounds.

The first step taken towards the establishment of a Benevolent Asylum was due to Councillor Smith, by whom a notice of motion on the subject was given on the 25th May, and agreed to 1st June.

Melbourne was now making considerable progress in the erection of new buildings, so much so that in March their valuation was estimated at £8000, from which there would be a welcome increase to the Civic income.

Melbourne Streets in 1848.

When Mr. Edward Curr, at the Mayor's dinner, expressed an opinion that the Corporation had been prematurely born by a couple of years, people attributed such croaking to private resentment against some persons thrown up like bubbles on the surface of the Civic waters. But he was not far wrong if we are to judge by the best of all *criteria*—results.

After the Corporation had been six years in existence, the Public Works Committee submitted the following recommendations to the Council :—

1. Bourke Street to be formed, footways gravelled, and a twenty-five feet wide roadway, in the centre to be metalled from Spring to Swanston Streets, and Elizabeth to King Streets, the water-channel on South side to be kerbed and pitched between Swanston and Stephen Streets.

2. Elizabeth Street to be rendered passable between Lonsdale and Latrobe Streets, by the formation and metalling of a roadway twenty-five feet wide in the centre.

3. Queen Street to be formed, footways gravelled, and a centre roadway twenty-five feet wide to be metalled between Lonsdale and Flinders Streets, and the water channel on the West side to be kerbed and pitched for the like distance.

4. Collins Street.—The footways to be formed and gravelled, and the kerbing and pitching thereof completed between Queen and Swanston Streets ; the same street to be formed, footways gravelled, and a roadway of twenty-five feet in the centre metalled between Swanston and Spring Streets.

5. Little Flinders Street to be formed, roadway metalled, and footways gravelled between Swanston and Spring Streets.

6. Lonsdale Street to be formed, the footways gravelled, and a roadway of twenty-five feet metalled in centre between Spring and King Streets.

7. Brunswick Street to be repaired at an estimated cost of £50.

For general repairs and improvements to footways throughout the city £100 was to be applied. The surplus cuttings from Bourke and Queen Streets were to be used in filling up and forming King Street, South of Collins Street, preparatory to the street being rendered passable.

The City of Melbourne

Was ecclesiastically created by the arrival of Bishop Perry in January, 1848 ; but to legally manufacture a city, needs more than Royal Letters Patent. An Act of the Colonial Legislature was therefore thought to be necessary, and accordingly Alderman Greeves tabled a motion to alter the style and title of Melbourne from a Town to that of a City. The draft Bill was approved, and transmitted to the Government for introduction to the Legislature, but it did not find a place on the Statute Book until the 3rd August 1849, when the 13th Vict., No. 14, was assented to as "An Act to effect the change in the Style and Title of the Corporation of Melbourne rendered necessary by the erection of the Town of Melbourne to a City."

The Council also applied to the Government for permission for the Mayor to assume the title of "Right Worshipful," a privilege accorded to the Mayor of Sydney. More than a year elapsed before a reply was received, as the matter required a reference to the Secretary of State. In May, 1849, a despatch was received from Downing Street, refusing the request until the erection of Port Phillip into a separate colony. On Mr. Latrobe assuming office as Lieutenant-Governor of Victoria in 1851, one of his first acts was to comply with the demand.

Councillor M'Combie was in his way an awkward, blundering, well-intentioned man, who, once having conceived a notion stuck to it with much pertinacity. Possibly because he was not appointed to the Commission of the Peace, or for some other unknown reason, he got what is colonially termed a "down" on Mr. Latrobe, and indulged it in every way he could, by means of the *Gazette* newspaper now in his hands, and as Town Councillor. There was a strong anti-Latrobe party in the Council, and on the 15th June, 1848, Mr. M'Combie submitted a motion for an Address to the Queen, praying Her Majesty to direct the removal of Mr. C. J. Latrobe from the Superintendency of Port Phillip. There was a fierce, acrimonous, and grossly personal debate over it, and on a division the numbers were:—For—Aldermen Condell, Greeves, Bell, Councillors M'Combie, Murray, Clarke, Johnston, Kerr, and Annand. Total 9. Against —The Mayor (Alderman Russell), Councillors Moor, Armitstead, Smith, and Campbell. Total 5.

This act of the Corporation was endorsed by a public meeting, which was notable for the Fawknerian revelations that led to the remarkable action of *St. John v. Fawkner*, for libel. On the 9th August a despatch was received from Sir Charles Fitzroy, declining to recommend the prayer of the memorial to Her Majesty.

In September, 1848, Councillor Kerr was again in financial difficulties, which forced him into an assignment for the benefit of his creditors; and though *ipso facto* disqualified, he contended he was not, stuck to his seat, defied the law, and by the help of his Scotch following so "stonewalled" as to prevent the Council obtaining Counsel's opinion on the subject.

The Annual Elections (1848)

Again whirled round with this result:—For Latrobe Ward, Murray was re-elected without opposition; Annand in Lonsdale Ward, beat Meek, an Attorney; and Rankin, a builder, conquered George Playne, a fashionable club J.P. and M.D.; whilst Michael McNamara, a mercurial and enthusiastic tailor, was returned for Gipps Ward, against George Swanston, a publican. Smith the ex-member for Bourke Ward, having become ineligible for re-election through the omission of his name from the Citizen Roll, rolled himself up in lavender for a time. Bullen got into the same predicament and lost his seat for Gipps Ward. Here there was a dead heat between ex-Councillor John Stephen, and Richard Dowling, an hotel-keeper; but Stephen was returned by the casting vote of the Alderman (Condell).

The Mayoral election was contested by Aldermen Greeves and Bell, when the latter was returned by nine votes to five. Russell and Condell retired as Aldermen and there was a rush for the vacant seats, the result of the voting being:— Kerr seven, Johnston six, M'Combie five, Armitstead three, Russell two.

The most amusing incident of the election was that McNamara voted for Kerr, between whom and him there had been war for years; and once when Kerr wrote in his newspaper of McNamara as a "half-hanged ruffian," the latter knocked his libeller down in the street. These *arcades ambo* had become reconciled to each other, and were now, apparently, fast friends. Kerr and Johnston were returned, after which, all, with the exception of McNamara, adjourned to the *Prince of Wales Hotel* for refreshments, supplied by the new Mayor (Bell), who committed the unpardonable blunder of omitting one brother-member from his circle of invitations—though all were supposed to be officially equal.

The salary of the Mayor was fixed at £300, the Town Clerk's increased from £240 to £300, Treasurer £200, Surveyor £175. Mr. O'Farrell was appointed City Auctioneer.

The vacancies created by the Aldermanic elevations, were filled by Mr. Dalmahoy Campbell, a cattle salesman, beating Mr. Robert Robinson, a saddler, in Bourke, and the unopposed return of Mr. William Nicholson for Latrobe Ward.

Various small, but "stirring" questions occupied the Council, and some lively debates ensued. In a matter when Judge A'Beckett had given judgment on a *mandamus*, sued out of the Supreme Court *in re* Smith's disfranchisement, Alderman Johnston abused the Judge in such unmeasured terms, that an attachment was issued against the *Argus* for the publication of his speech, but it, and other proceedings initiated were stayed in consequence of the difficulties of a Judge acting judicially where he was himself one of the parties to the suit.

The " Boundaries were beaten " for the second time on the 6th February, 1848. These Boundaries now encircled the trans-Yarra country, and it was a two-day job. The start was made at 10 a.m. from the Mechanics' Institute, across the bridge to the Punt Road, and thence onward to the Red Bluff below St. Kilda. Returning, the " beaters " halted at the *Royal Hotel*, kept by a Mr. Howard, at the now *Esplanade*, for refreshments. The Northern Boundaries were examined the next day, and the "feeding" ceremonial gone through at Flemington, where there was quite a jolly gathering. The City Surveyor's horse bolted with its rider into a swamp, and both were with difficulty extricated. Chief-Constable Bloomfield and his nag took to the bush where they dissolved partnership; the rider fixed his quarters on the bough of a large gum tree, and the animal sped away on a spree to Moonee Ponds. Aldermen and Councillors, newspaper-men, and the citizens fraternized and nobblerized rather extensively; but the newspapers were silent as to the accidents arising from the celebration. It is, therefore, to be presumed that, as the " beating " ended without thrilling disaster, those most interested were thoroughly satisfied.

There was a dense growth of ti-tree and brushwood, between the beach at St. Kilda, and what was modernly called Fisherman's Bend. The Council accordingly begged of the Superintendent to give permission to abate the grievance by cutting it away; but Mr. Latrobe, beyond a vague promise, did nothing. The axe of time, however, gradually commenced chopping, and a few years beheld the Southern obstruction cleared off. Much more offensive was a range of disgusting sheds for the killing of butcher's meat, on the river bank, near the now gas works, and the Corporation applied for a site whereon proper Abattoirs could be erected. The localities suggested were contiguous to Sandridge, and on a portion of the Western Swamp; but Alderman Kerr made bad worse by carrying an Address from the Council to the Superintendent, asking for a space between Batman's Hill and the Yarra, and so bringing the abomination nearer home.

The Parliament Houses were nearly deprived of the present site through pre-occupation by the Town Hall. In 1849 the Public Works Committee strongly advised an application to the Government to reserve fifteen acres of the open verdant waste land east of Spring Street, between Melbourne and Collingwood, running parallel to the ends of Bourke and Lonsdale Streets, to be devoted to ornamental purposes of a public nature, and the Town Hall to be erected within that area. Mr. Latrobe had no objection, but it was strongly opposed by Alderman Greeves, in favour of the corner of Swanston and Collins Street, because of its central and convenient position. The report was adopted, but subsequently rescinded on a call of the Council being made for its re-consideration.

Melbourne was locally unrepresented in the Sydney Legislature through the election of Earl Grey as member for the city; and the interests of the Corporation were consequently unattended to. Hence eventuated this " rebuff." Alderman Kerr led the Council to believe that Mr. Robert Lowe, a Sydney member, would take charge of any business the Melbourne Council might require to be looked after. The reason why none of the district members were asked, was, that as squatters, their interests were not identical with those of the town. Consequently they were passed over, and a motion passed requesting Mr. Lowe to do the needful. It seemed that Alderman Kerr had not a *scintilla* of authority to make any promise on behalf of Mr. Lowe, and that honourable gentlemen, on being advised of what had been done, refused in terms verging on impertinence, and had the bad taste to forward his reply in an unfranked envelope, upon which the Council had to pay double postage. Mr. Lowe's reason for declining to act, was his disapproval of the election of Lord Grey which he regarded as a voluntary disfranchisement, though others looked upon it as an extremely clever *coup*, which so far from retarding, materially hastened the Colonial Independence of the Province. Alderman Kerr, when brought to book for misleading the Council explained the possibility of his having mistaken what had transpired between himself and Mr. Lowe. Some were uncharitable enough to believe that Alderman Kerr had deliberately and maliciously misled the Council.

The present Old Cemetery which was reserved as a burial ground in 1837, and where Batman's remains were laid in 1839, was now considered too near the town, though originally it was deemed inconveniently far away. Accordingly Alderman Kerr brought the question before the Council in the form of a motion: " That the Melbourne burying ground from its dangerous proximity to the inhabited portions of the City, and from the inconvenience of its position, ought not to be longer used as a place of sepulture, and that the Government be asked to appropriate a sufficient portion of land in a suitable locality to form

the future Cemetery of the City." This was agreed to, and a communication embodying it transmitted to the proper quarter.

On the 23rd May, 1850, an answer was received from the Superintendent announcing that the Government had reserved forty acres of lane for a New Cemetery, distant about one mile from town on the left side of the Pentridge road. This is portion of the present Metropolitan burial ground.

About the same time advices were received that Asiatic cholera was raging in England, and the Council resolved to urge upon the Government the appointment of a Health Officer for Hobson's Bay, and the adoption of precautionary measures on the arrival of ships from infected ports. In the course of the discussion that arose, Alderman Greeves announced "as the unanimous opinion of the 'Faculty' that cholera was not a contagious disease."

"Tam" Kissock.

The honorary posts of the Auditor and Assessors of the Council were continued annually by election on each 1st March, but were not objects of ambition. Occasionally, citizens who detested the Corporation were subjected to the practical joke of being elected without their knowledge or consent, and if they refused to serve they were liable to a smart penalty. There was a Mr. Thomas (or rather "Tam") Kissock, a choleric Scotch cattle-seller, always wishing the Corporation anywhere, cold or hot did not matter, so long as it cleared out of this blessed world. There was also a vacancy in the Assessorship of Gipps Ward, and "Tam" had unconsciously the greatness thrust upon him of being returned, not only at the head of the poll, but without any poll at all, for he had a "walk over." When "Tam" Kissock heard of this, he purchased a ponderous riding whip, and then started off in search of Alderman Johnston (who, some one told him, had been instrumental in making him an Assessor), swearing he would certainly half-murder him. Johnston, whether by accident or design, remained invisible to "Tam" until his wrath had cooled down. "Tam" vowed he would have nothing to do under any circumstances with "such a blackguard crew" as the Civic worthies, and sent in his resignation couched in curt and somewhat offensive terms. In accepting it the Council were small-minded and spiteful enough to fine the honest, outspoken, sturdy Caledonian £25, which, well for himself, he was able to pay. The riding-whip was not called into active service, but was reserved for the hides of tougher animals at the cattle yards. There was no other evidence than Kissock's supposition that Johnston was the instigator of the harmless joke, and the matter was undeserving the storm which it brewed in Kissock's mental tea-cup.

In April, 1849, there were 3248 ratable tenements in the City of Melbourne, and the assessment amounted to £96,378, being an increase of 322 houses, and £22,750 value over the corresponding period of 1848. There was a slight decrease in Latrobe Ward, in consequence of the removal of a small colony of brickmakers from a corner of that district.

The question of water supply had more than once been taken up by the Council, and the City Surveyor proposed a scheme for works at the Yarra. A gratuity of thirty guineas was now voted to that officer for a survey and report upon the same. In May a rate of one shilling in the £ was made, payable in two half-yearly instalments.

Two very laudable motions were carried in the Council, viz., one by Alderman Kerr, asking the Government to place on the Estimates a sum for the establishment of telegraphic communication between Melbourne and Shortland's Bluff, for the convenience of the port; the other, requesting His Excellency to set aside reserves for public recreation in any intended extension of the city Northwards (Carlton.)

It was a long-standing grievance with the Council that the Superintendent steadfastly declined to recommend many of its members for the Commission of the Peace. The affix of J.P. had the same magical influence then as it has now; but in modern times it is more easily obtained. The Council frequently and loudly remonstrated, but it was to closed ears, for the Superintendent was upon that point deaf as a door-post. Though others were gazetted City Magistrates, Russell was the only Mayor who, as such, was placed in the Territorial Commission. It was now determined to carry the grievance to the foot of the Throne, and an Address to the Queen was adopted and transmitted.

In June the long hung-up question where the Town Hall should be built was definitely settled by the issue of a Crown grant for 1 rood 36 perches of (then) North Melbourne, at the corner of Swanston and Collins Streets, to the Corporation of Melbourne, as a site for a Town Hall.

In one respect it must be admitted that, amidst their other little extravagancies, the City Council were economical in their expenditure upon the luxury of law. By a return it appeared that since the foundation of the Corporation in 1842, to the 9th May, 1849, the amount was only £179 os. 6d.

A legal *crux* arose at this time which caused some uneasiness. A judgment had been given by the Supreme Court, *Queen v. Laing*, which tended towards a notion that the streets of Melbourne were not legally dedicated to the public; and on the motion of Alderman Kerr the attention of the Executive was called to the subject.

A Runaway Member.

In June, Councillor McNamara, one of the members for Gipps Ward, suddenly disappeared from the city, leaving his wife and a host of creditors to hold him in remembrance. It was believed he had taken wing to San Francisco, and it was unknown for some days whether he had left his resignation behind. At the Council meeting of the 11th July, the Town Clerk read a letter purporting to be the document so much talked of. It bore date Williamstown, 25th June, 1849, was subscribed "Michl. McNamara," and intimated that as the writer was about to visit Van Diemen's Land for a few months, he tendered his resignation as a City Councillor. The Mayor expressed his belief that the document was a forgery, and suggested its reference to a committee of enquiry. Alderman Kerr thought the signature was not genuine, though a good imitation; the question to his mind was a serious one, for if the resignation were accepted, and not genuine, if McNamara returned to the colony, he could not take his seat without a *quo warranto* to eject the interloper elected in his stead. The subject was remitted to a Committee (appointed by ballot, and consisting of Aldermen Kerr and Johnston, and Councillors Stephen, Annand, and Murray), who reported that the signature of McNamara was not genuine, and that the forger, if discovered ought to be prosecuted. The borrower of McNamara's name never turned up, nor did "Mac." himself. Some years after it was rumoured that he had taken a religious turn, after arriving in the new country whither he went, and closed his life in penitence and prayer; whilst on the other hand, it was averred that his end had come in a less peaceful manner, but nothing authentic of his Californian whereabouts ever publicly transpired. His seat, as required by law, remained unfilled for six months, when a vacancy was declared, and a successor elected.

Pending the expected separation of the Province from New South Wales, the Sydney Government declined to proceed with any new public works in Port Phillip, in which was included help towards procuring a much needed water supply.

The question of the establishment of a Benevolent Asylum was urged upon the Government, which was asked to place a sum on the Estimates as an aid towards its erection; and on the 25th July, Aldermen Kerr and Greeves, with Councillors Clarke, Murray, and Campbell, were appointed a Committee to choose a fitting locality for the building. The present site in West Melbourne was recommended, and in December the Government sanctioned a grant of ten acres of land for the purpose.

The Government had some time before this promised a grant of the present site of St. Patrick's Cathedral (Eastern Hill) to the Roman Catholic denomination, and this was most unjustifiably opposed by the Council, on the plea that such a blocking up of the East end of the city would cause confusion in the boundaries of Latrobe and Gipps Wards. They readily forgot that St. Peter's was already in the way, and that they had themselves once by a majority agreed to a complete block-up by asking the Government to enclose the area as a Town Hall reserve and pleasure ground. Their objections were futile, for Mr. Latrobe adhered to his promise, and the Corporation was frustrated in its ungenerous opposition.

The *Port Phillip Gazette* had passed through two or three stages, as far as one of the partners was concerned, and it was now worked by a firm known as M'Combie and Strode. Mr. M'Combie was a member of the City Council, and Corporation advertisements appeared in the paper, and were paid for; when it suddenly broke upon M'Combie (or rather he was told) that such a commercial connection with the Council not only rendered him liable to pecuniary consequences, but legally vacated his seat. It took some

time to convince him upon the point, but at length he considered it prudent to resign his office, and did so. Resolving on more caution in the future, he re-offered himself as a Councillor for Bourke Ward, and was returned without opposition.

The absurd proposition to establish the Slaughter-houses near Batman's Hill, was affirmed by the grant of a place for the purpose in August; but the Superintendent, gifted with a stronger prevision than the Council, and apprehensive that a great nuisance would be caused thereby, decided to issue a lease for ten years only, at which the Council was by no means well pleased, Councillor Annand and others holding out (though vainly) for a tenure of twenty-one years. Time has proved Mr. Latrobe to be in the right.

The Mayor was afterwards instructed to apply for a fourteen years' lease, which was granted; and in March, 1850, the Council adopted a plan for an Abattoir at a cost of £1500. In 1851 the building was completed, and when opened was found to be altogether inadequate for the accommodation required. So the eighty-five butchers were up in arms (or rather cleavers) against the bungling of the Corporation, and clamoured lustily for a bigger slaughtering shop. This Abattoir stood a few yards northward from the now Australian Wharf. It was in every sense a failure; so in a few years the Corporation were obliged to move the public meat factory to the bank of the Saltwater River. The vacated building passed to the possession of the Government, and was used as a lumber depository until it was completely wiped away.

Contempt of Court.

Councillor M'Combie had not very long been seated for Bourke Ward, when at a Council meeting he was the innocent cause of much merriment, by suddenly jumping from his seat and claiming protection for a gross breach of privilege committed on his person by one of the reporters sending him a grossly insulting letter. There was then employed on the *Patriot* (*alias Daily News*), as a "gentleman of the Press," Mr. John Curtis, a clever, light-hearted, inconsiderate fellow, who recked little the consequences, provided he could improvise a piece of fun. "Jack" was so chronically disposed to convivialism, as to be hardly ever in a state of sober seriousness, either on or off duty, and whenever his colleagues (there used to be three reporters everywhere) found him in an advanced state of "freshness," one or other was sure to fix him in the perpetration of some practical joke, in which there would be little harm and no malice. This day it was suggested that Curtis should get a blank sheet of note-paper, enclose it in an envelope, and address it to M'Combie in some manner unlike other superscriptions. A hint to Curtis was no sooner given than acted on, so with a rapidity peculiar to his fingers, Curtis had the missive ready in about ten seconds, and thus directed in his undisguised hand-writing :—

"Dumb Ass Maa Comb Be Ass Queer."

The Council Messenger was signalled, and told by Curtis to be quick and hand the epistle to Councillor M'Combie. The recipient was considerably surprised, and for a time he thought Curtis (with whose caligraphy he was well acquainted) was only indulging in some Gipsy cant, or "back slang;" but gradually he succeeded in translating it, and was immediately on his feet, in a state of trembling excitement appealing to the Mayor for protection against so gross an indignity. He denounced Curtis as the offender, and declared that if he did not obtain satisfaction for such an outrageous insult, he could not answer for the consequences. The envelope was then submitted to the Council, and the Mayor had some difficulty in deciphering the scroll. Councillor Kerr, however, solved the perplexity by declaring that it meant nothing more nor less than

"Thomas M'Combie, Esquire,"

and he could not see what there was to complain of in that. The penmanship was handed round for general inspection, so that its points might be comprehended, and the Mayor, Aldermen, and Councillors tried to put on long faces, but, with the exception of M'Combie, were unable to restrain their mirth. Seriousness was not restored when Curtis stood up at the reporters' table, and, making a most profound salaam to M'Combie, placed his hand upon his heart, and assured the worthy Councillor that he indignantly repelled the insinuation that any insult or even discourtesy, had been intended by the peculiarly addressed

letter. Of all men, there was not one for whom he entertained a deeper respect than for his esteemed friend (Councillor M'Combie), and so far from any offence being meditated, the matter complained of was really and truly intended as a compliment—phonetically expressed. The speaker's voice was here drowned in a loud torrent of laughter that could not be longer suppressed, and so soon as anything like order was restored, "strangers" were commanded to withdraw. The "strangers," consisted simply of the three scribes already mentioned, and, Curtis included, they retired while M'Combie's wounded dignity was consoled and prescribed for. On the re-admission of "strangers," the Mayor delivered the judgment of the Court of Honor, viz., that the offending Curtis should be banished from the rest of that day's deliberations, and any repetition of the transgression would exclude him *ad infinitum*. Curtis took up his hat, and with a very polite inclination wished His Worship and Councillors a very good evening. He adjourned to a neighbouring tavern, and was soon the centre of a circle of admiring sympathisers. Many a laugh was afterwards indulged in at the expense of "Thomas M'Combie, Esquire."

On another occasion during the Mayoralty of Dr. Palmer, a still more extraordinary interlude occurred, which may be narrated conveniently as a companion to the foregoing. The Council used to meet as previously observed, in the large upper room of the Mechanics' Institute. The members sat at one table and the reporting trinity at another. The meeting hour was 3 p.m., a time of the day when Curtis as a rule was mostly "well on." I happened to be one of the trinity on this occasion, and, during some very boring discussion about street-levelling or scavengering, Curtis, turning round suddenly, said: "Look here you fellows, I can't stand this humdrum work any longer, listening to those fools. Come out and let's have nobblers; or if you won't, let us get up a shindy, so tell me what I am to do?" I replied, "There is 'Johnny Fawkner' opposite you; he seems out of sorts, send him something in the picture line to stir him up." "All right," replied Curtis, "Here goes;" and being a splendid pen-and-ink sketcher, he had Fawkner soon etched off to the life. The design of the drawing was not only objectionable but so grossly indelicate that I attempted to snatch and destroy it; but he was too quick for me, and half-a-minute did not elapse before it was enveloped and addressed to "Councillor Fawkner, with Mr. Curtis' compliments."

The artist was so bent on mischief that he would not entrust it to the messenger, but walking rapidly from the press-table presented it to Fawkner, who was deeply absorbed as if note-taking. Like a shot from a gun there was a speedy explosion, a sort of wild Indian whoop from Fawkner, and before the deliberative Fathers could recover from the sudden surprise, Fawkner leaped from his chair and pirouetted like a dancing master in front of the reporters' table, brandishing the obnoxious paper in his hand and convulsively shrieking, "Ha, ha, ho, ho! you villain Curtis, ho, ho, you scoundrel. I'll sweat you for this. Ha, ha, you blackguard, I'll make you sup sorrow for this day's work. Ho, ho, the rascal that I've often done a kindness to."

The Mayor commanded "Order, Order," and hastily enquired what was the matter. Fawkner turned towards the head of the table, and holding the paper towards the astonished Palmer, screamed out, "You ask what is the matter? Look there, that villain Curtis has scandalously cartooned me; but I'll be even with him yet."

The Mayor extended his hand for the paper, wondering what could be inscribed on it; but Fawkner drew back and hesitated to give it. Curtis, smilingly enjoyed the exhibition, saw Fawkner's irresolution and was quick to profit by it. He was a very gentlemanly fellow—when he liked—of striking figure, and eyes and face beaming with intellect. He could be so solemnly polite and consummately suave in his manner and address, as to turn hostility into admiration of his thorough acting. So he rose, and, with the most astounding effrontery, bowed to the Mayor, entreating his Worship to interpose his authority, or otherwise "though he entertained most unmeasured regard for his old friend and esteemed fellow-colonist, Councillor Fawkner, (to whom the community was so much indebted), if his mad tantrums were continued, he should be obliged, as a gentleman, to disregard the privilege of the place, and corporally punish a person who had so outrageously affronted him."

Councillor Fawkner vociferated: "Why, you scoundrel, how dare you cartoon me as you have done, and in such a way that I am ashamed to show it to anyone."

Curtis addressing the Mayor said:—"Your Worship, Councillor Fawkner has accused me of (as he terms it) cartooning him. The cartoon of which he complains is a sketch of a landscape near his residence

at Pascoe Vale. There is some glamour over his eyes if he views it in any other light. Now, to bring this unpleasant and unbecoming interruption to a termination, let him submit it to you, and to the other gentlemen present, and it will be soon seen who is right."

Councillor Fawkner: "You infernal scamp, you know well it is not fit to be shown to any decent person. No matter, let it be all over for the present; but I'll have it out with you yet." And so saying, he tore the disturbing foolscap into fragments, which he scattered about the floor, and skipped back to his seat at the table. The business of the meeting was resumed, but anxious was the curiosity, both in and out of the Council that afternoon, to learn fuller particulars of the annihilated drawing which had been seen by only four individuals, viz. :—Curtis, his two colleagues, and Fawkner. Such are a couple of the numerous extraordinary bits of bye-play which rendered the City Council Chamber anything but a monotonous region of dullness.*

The Gas Company.

A petition was entrusted to Councillor Nicholson for presentation, asking the Council to sanction the project, and to afford any facilities in its power. The Council showed every favourable disposition towards the undertaking, and the petition was referred to the consideration of a Committee consisting of Aldermen Greeves and Kerr, Councillors Annand and Nicholson.

In 1850, a further Committee consisting of the Mayor, Councillors Annand, M'Combie and Stephen, was appointed to report on the conditions which, for the safety and convenience of the public, should be imposed on the Company. On the 24th November, 1851, the Gas Company Bill as introduced into the Legislative Council, was referred for the consideration of a further Committee consisting of Aldermen Stephen and Greeves, Councillors Annand and Guthridge.

Convicts Turned Away.

The resistance offered by the colonists to the reception of convicts in any shape, always evoked the sympathy of the Superintendent; and once when the "Randolph," transport ship, entered the Bay with a full cargo of expatriated crime, that functionary assumed the grave responsibility of ordering the captain out of port, and the prisoners were carried on to Sydney. It was even stated as a fact that in so doing he incurred a personal liability of £500 in the event of the New South Wales authorities disapproving of his action. No doubt in such a not altogether impossible contingency, the people would have cheerfully re-imbursed any pecuniary loss which Mr. Latrobe might have sustained; but his conduct was in no way less creditable, and a profound sentiment of gratitude for the signal service rendered pervaded the community. The City Council always at variance with him, was even moved to an act of justice, and at one of their meetings, on the proposition of no less an individual than Alderman Kerr, Mr. Latrobe's bitterest foe, a resolution was passed with acclamation—"That the grateful thanks of the Council be presented to His Honor the Superintendent, for his noble conduct in saving this City and Province from the degradation, and conversion into a Penal Settlement, which would have been the inevitable consequence of the landing of the convicted felons by the ship 'Randolph.'"

The Parson's Cabbage Garden.

This little bone of contention which the Council had been picking for years was at length amicably adjusted. Originally there was a block of five acres of land bounded on three sides by Bourke, William, and Collins Streets. Little Collins Street bisected it, leaving two acres on the North side and three on the South. On the latter, St. James' church was built and a school-house on the former. It was said that Sir R. Bourke had intended the whole area as an Episcopalian grant, and this view was endorsed by Sir George Gipps. On an old chart of the town a street (now Church Street) was marked, extending along the western boundary of the two acres. This was opposed by Sir G. Gipps and the Executive of New South

*Truly if the author has not overdrawn the picture, the above are two of the most "extraordinary" incidents that ever occurred in any Deliberative Assembly.—Ed.

Wales, but inadvertently gazetted as a public street. Parson Thomson had a house erected there, and after a time when the mistake, or whatever it was, was discovered, the Government notified its intention of closing the street, and including it in the land from which it had been excised. The Corporation objected on the ground that the street was legally dedicated to the public, and as such should remain; for without special legislation the Government had no power to alienate it from the public purpose to which it had been duly appropriated. The Church authorities of course went in for the full "pound of flesh," but the Corporation would not give it. The Government threatened to shut up the street, and prosecute as trespassers any persons, Corporate or other, who dared to re-open it, whereat the Council uttered a shout of defiance, and dared the Government to attempt anything of the kind. At length after a protracted contest, Bishop Perry offered to refer the *vexata questio* to arbitration, to which the Council agreed, and nominated a Committee to treat with Messrs. James Graham, Germain Nicholson, and George Haskell, on the part of the Bishop. In a friendly conference on the 7th September 1849, an arrangement was agreed to by which the "difference was split," the "Cabbage Garden" or school ground was to have added to it one-half the street's width, the other moiety to remain a street; and so Church Street was saved, Parson Thomson's house was soon joined by others, and the "Cabbage Garden" question amicably disposed of as far as the Council was concerned. But an unexpected development awaited the money value of the "Cabbage Garden." Owing to the speculative enterprise of the past few years, its eastern portion has been (1888) transmuted from the vegetable to the mineral grade, whose value is not approached by many so called auriferous quartz reefs, whose yield of golden ore (in the semblance of a circulating medium) will probably continue so long as Melbourne lasts. The land has been secured on lease for a term of fifty years, by one of the leading financial institutions in the city, and already capacious buildings have been erected thereon at an expenditure of about £100,000. It is estimated that on the expiry of the lease, the Church of England will be the recipient, in "unearned increment," of something like £20,000 a year.

Telegraphic Communication.

It has been already stated that the Council had moved the Government for the establishment of telegraphic communication between Melbourne and Shortland's Bluff (Queenscliff). The subject was referred to Captain Bunbury the Harbour Master, whose report was received by the Council on the 29th August. It was in effect that the game was not worth the candle, as the cost of stations would be £2500, and the annual expenditure £1000. Besides he did not apprehend that the proposed scheme could be of much advantage to the shipping. Four wrecks had happened at the Heads since the settlement of the province; one ship was ashore and in danger during the same time, twenty miles outside, and no telegraph at the Heads would be of use to her. In his opinion in the then state of the province, no good would result equivalent to even one-tenth of the expenditure on the proposed works.

A Temporary Benevolent Asylum.

There was no refuge for the destitute where the old and infirm poor could be provided with shelter; though three laudable Charitable Societies did all in their power to alleviate the cases of misery now unfortunately beginning to present themselves. An old wooden building, for years utilised as a Police Court in the Western Market Reserve, was vacated through the erection of a suitable building as a Court, and a few kind-hearted persons, who devoted much time to the good offices of charity, applied for the permissive occupancy of the abandoned shed. Though a Government building it was on Corporation property, and accordingly, on the 29th August, a memorial was received by the Council, signed by the Rev. A. C. Thomson, Messrs. John O'Shanassy, Michael Lynch, and John Lush—representing respectively the Societies known as the St. James' Visiting, the Friendly Brothers, and the Strangers' Friend—soliciting the use of the place for a temporary Benevolent Asylum. The matter was referred to the Market Committee; and though there was every disposition to grant the request, it was found that it could not be legally done, as the land, though vested in the Corporation was for Market purposes, and if not so used for three years

the Government possessed the power of resumption. The deed of grant was dated 4th November, 1846. This was technical straw-splitting of a superfluous kind, because the Council, though objecting to lend the place for a charitable purpose, afterwards rented it to a sailmaker named Graves, who held it for years without hindrance from the Government.

The residents south of the Yarra, laboured under many inconveniences, and the cattle breeders for miles complained much of having to pay bridge toll for crossing their stock on the way to the North side Markets. For this reason the Council applied to the Government for ten acres of land as a site for a Southern Cattle Market, but met with no favourable response.

An effort to borrow £4000 from the newly-established Insurance Company was made, and some progress towards completion effected, but it fell through in consequence of the Council having no other security to offer than debentures; and the Company required that the Corporate Revenues should be pledged by bond, which there was no legal power to do.

East Melbourne, Fitzroy Crescent,

Gave an opportunity for a flare-up in Council. The City Surveyor had prepared a plan of certain proposed streets, and this had been for some time under consideration by the Public Works Committee. An improved scheme of a very pretentious character was submitted to the Council on the 12th September. Where the Fitzroy Gardens are now, there was to be a grand Crescent, approached by an extension of Bourke Street; but this was strongly opposed by Alderman Greeves, who insisted that the area north of Spring Street should be kept open as a site for a Hall of Legislation, which, built there, would present a magnificent appearance—at the extremity of such a street as Bourke, and with two churches (St. Peter's and St. Patrick's) in its rear, whilst the angles at the ends of Collins and Lonsdale Streets should be reserved as sites for public buildings. He moved, as an amendment, the alteration of the report so as to embody his view, and after a lengthened debate it was carried. And so ended Fitzroy Crescent, and began Fitzroy Gardens.

Latrobe Under a Cloud.

The popularity of His Honor the Superintendent with the Council was of brief continuance, and their gushing over the Transportation question, was speedily transformed into complaint about the publication of a dispatch written by the Superintendent and transmitted to the Secretary of State. In this His Honor ventured an opinion that Port Phillip was not yet sufficiently ripe to be intrusted with the privilege of self-governing institutions; and seemed to favour the introduction of, for some time, a Nominee Legislature, similar to what prevailed in New South Wales up to 1843. For his temerity in so doing, he was severely brought to book by the Press of the day; and had a hauling over the coals in the City Council where even bitterer things than ever were spoken of him, and a remonstrance against his unpardonable presumption placed on record. There was an overwhelming majority of the public against him on this point; and yet there were a few cool heads and active minds, disposed to believe that the unpopular opinion so expressed was not, by any means, so unjustified as the masses were disposed to think.

The Water Question often welled up without any tangible conclusion being arrived at, and a small private company having started to supply the needful article, a row commenced through a jealousy between it and the water-carters, who vended water from pumps on the river's bank. The latter petitioned the Council, and an objection was made to the company charging 1½d. a load for the fluid, 1d. being, in their opinion, sufficient. A conference was afterwards held with the company, which offered to keep six pumps constantly at work at 1d. per load, conditional upon the Council prohibiting the erection of fresh pumps. This was refused.

The City Surveyor,

Mr. C. Laing, was in good private practice as an architect, and this had been several times objected to by members of the Council. Mr. Laing at length, preferring his private to his public employers, resigned his office, and there was a professional flutter as to who should have the billet. The Council, now that the

Corporation business was increasing, thought proper to increase the pay to £300 a year; but required the new holder to enter bonds, himself in £300 and two sureties of £150 each. The election was fixed for the 23rd October, when applications were read from Messrs. N. L Kentish, Joseph Burns, J. A. Manton, James Blackburn, William Stewart, Alex. Cheyne (Hobartown), J. H. Robbins, J. Standon, F. Thompson, Morix Hathem, and James T. Everist. There were 15 members of the Council present, and the voting was thus:—For Blackburn, 10; Burns, 3; Cheyne, 2; all the rest, 0. Mr. Blackburn was a Civil Engineer of much ability, and though in "hot water" occasionally with the Council, he remained in office until his death.

At a subsequent meeting, on the 9th November, a motion was proposed tendering the thanks of the Council to the late Surveyor (Mr. Laing); but it was opposed by Alderman Kerr, because it had been alleged that Laing had not given satisfaction as to the street levels, that he had had his own carts employed at 10s. per day on Corporation work, and had some unrequired billets of wood appropriated to his own use! The "previous question" was moved, and on a division the voting was:—Ayes: Alderman Kerr, Councillors Annand, Murray, Armitstead, Nicholson. Noes: The Mayor (Greeves), Councillors Rankin, Smith, M'Combie, Stephen. The question was shelved by the casting-vote of the Mayor.

The *Daily News* had applied itself to bastinadoing the Council for reasons real and imaginary, and one morning came out with a "brimstone" leader denouncing that body as the incarnation of everything diabolical, and accusing it of corruption and venality. This stung through the thick skin of Alderman Kerr, who, on the 18th October, proposed that a prosecution of the libeller be forthwith commenced, but on a vote he was beaten by 10 to 6.

The November Elections (1849)

Were all contested. In Bourke Ward, Mr. J. T. Smith, for some time out of the Council, offered, and though opposed by Mr. C. Laing (ex-City Surveyor), was elected. In Lonsdale Ward, Mr. R. A. Balbirnie started against Mr. M'Combie, the retired member, and was beaten; whilst in Gipps Ward, Mr. John Stephen was re-elected in preference to Mr. John Bear, who had been persuaded into a contest. Russell opposed Clarke, the retiring member for Latrobe Ward, who defeated O'Shanassy at a previous election, and he was now beaten in his turn. A vacancy also occurred in Gipps Ward by the effluxion of six months from the period of M'Namara's absconding. It was disputed by two new men, Messrs. H. J. Chambers, and Lawrence Rostron, and the first-named was elected.

The Election of Mayor

Was held on the 9th, when there were two candidates, viz., Aldermen Greeves and Bell. Eight voted for the former, and six for the latter, and in the evening Greeves gave a dinner at the *Royal Hotel*. An allowance of £300 was voted to the Mayor, and the Town Clerk's salary was raised to £300.

An Act "For regulating buildings and party walls, and for preventing mischiefs by fire in the City of Melbourne," had been a topic of much acrimonious discussion both inside and outside the Council, and at length became law on the 12th October, 1849. It came into operation on the 1st January, 1850. The first and most important step was to secure the services of an efficient Surveyor. Alderman Kerr accordingly moved that applications be invited for the office of Building Surveyor "From discreet persons of the full age of 25 years, properly educated and skilled in the art and practice of building." This officer was also to act as an Assistant to the City Surveyor, and, for £150 a year, to give all his time to his new duties. The tenure was, in the first instance, to be from the 1st January to the 30th October, 1850, and thence annual. The candidates were Messrs. Joseph Anderson, Thomas J. Everist, Samuel Dyeball, and William Stanley. The election was held on the 28th November, when Everist obtained 12 votes and all the others *nil.* Mr. Everist continued in the office until he resigned through advancing age a few years ago; and there could not be found a more zealous, considerate and incorruptible public officer, through trying times and many temptations. Mr. Henry Ginn (Clerk of Works) and Mr. Hugh Laing (builder) were appointed Building Referees.

A variety of useful and important matters were dealt with by the Council towards the close of 1850. Bills were drafted for the Establishment of Abattoirs, the Formation of Private Lanes, and the Regulation of Hackney Carriages.

An emphatic petition was sent home in favour of the long protracted Separation. Mr. William Westgarth was thanked for his efforts in promoting German emigration, and for the continued zeal with which he advanced the interests of Port Phillip. The Government was urgently solicited to place a sum on the Estimates for a bridge over the Merri Creek, and it was alleged that many deaths by drowning had occurred at the crossing-place there. In consequence of the extension of the city northerly, the cattle-yards at the junction of Victoria and Elizabeth Streets, shut up the thoroughfare, and, on the motion of Councillor Nicholson an application was made for another market-site further inland. A couple of vacancies were filled, viz. :—Mr. J. C. Brodie was selected from seventeen candidates as Copying Clerk, *vice* Mr. C. C. Dunn, resigned, and D. Elliot, Inspector of the Western Market, in lieu of M. Gallagher, who had given up the surveillance of fruit and vegetables to start a public house. In March 1850, a rate of 1s. in the £ was made, estimated to yield about £6000, whilst the other revenues of the Corporation amounted to £2000. On the 27th March 1851, directions were given for lettering the streets and numbering the houses in the city. The Council also agreed with the Government to employ prison labour in stone-breaking, at the rate of 1s. 3d. per cubic yard of cracked metal, and to expend £90 in the erection of a wooden stockade at the west end of the gaol; likewise to supply all necessary tools, etc. The sanitary condition of the city had given rise to much uneasiness in the public mind; and the Council urged it upon the attention of the Government.

Irish Orphan Girls.

Amongst the various processes adopted in England for peopling Port Phillip, was that of despatching hither an occasional shipment of orphan girls from Ireland. Female servants were always a scarce commodity, and these consignments were a great convenience to the public generally, and especially to residents in the country. The girls were not the handiest of their kind in household work, but they were teachable, and soon acquired habits of usefulness. But with all their alleged deficiencies, they were, as a rule, honest, virtuous, and faithful to their employers. Many of them soon passed into the matrimonial state, and proved to be good wives and mothers. An outcry was however, soon raised against them by the *Argus* newspaper, which was echoed in the City Council by Alderman Kerr, who, on the 10th April, moved a resolution instructing the Legislative Committee to prepare a Memorial to the Queen, remonstrating against the system of Irish Orphan Immigration; and praying that in the future appropriation of the funds of the colony to immigration purposes, regard might be had to the supply of suitable labour. He also declared that a more useless or depraved lot of colonists could not be found. The proposition was seconded by Councillor Smith, and the Mayor, whilst supporting it, refused to affirm the charge of immorality. The resolution was carried, all the members present (viz., the Mayor, Aldermen Kerr, and Johnston, Councillors M'Combie, Smith, Campbell, Russell, Murray, Armitstead, Annand, and Nicholson), voting for it. The action of the Council provoked much agitation outside, and an indignation meeting was held at St. Francis' school-room, presided over by the Roman Catholic Bishop, where resolutions were passed contradicting point blank the allegations made by the *Argus* and Alderman Kerr, and challenging them to adduce proof to sustain what were denounced as gross calumnies. This was followed by a special meeting of St. Patrick's Society at the St. Patrick's Hall, which was crowded to excess; and police statistics were there produced which showed indisputably, that so far from being immoral or dishonest, the Irish Orphan Girls were singularly the reverse. When the draft Address to the Queen was submitted to the Council, and its adoption moved by Alderman Kerr, he could not obtain a seconder, which so disgusted him that he sat down almost bursting with rage, wrote out his resignation as Alderman, and handed it to the Mayor, declaring "That the Council was so constituted that it would be impossible for him to be of any further service to the city." But the most extraordinary part of the business was that (the Council being in a state of vacillation) a week afterwards Alderman Bell revived the question, and at the conclusion of a bitter debate, the Memorial was adopted, and in due course, transmitted to the Secretary

of State; but the same mail took remonstrances from the other two meetings, and the Corporation thunderbolt, though hurled, evaporated in a *brutum fulmen.*

In May, circumstances rendered it necessary for Councillor Armitstead to resign his seat for Lonsdale Ward, and the vacancy was contested by two new men, viz., Messrs. John Hodgson, and John Dinwoodie (saddler). The election was held on the 27th, when Hodgson polled 127, and Dinwoodie 82. Though one of the very early colonists, this was Hodgson's first entrance into public life. He sat for several years in the Council, and passed through the grades of Alderman and Mayor.

THE WARD OF FITZROY.

At the Council meeting of the 29th May, Councillor Bowler presented a petition from 392 residents of Collingwood (a portion of Gipps Ward) praying that, for various reasons set forth, Collingwood might be erected into a separate and independent Ward of the City, under the name of Fitzroy, after the Governor of New South Wales. The petition was favourably considered at the next meeting, when the Council agreed to a Memorial to the Governor, advising the formation and proclamation of Collingwood as a separate Ward, but leaving the name blank. On the 26th September, it was officially made known that Collingwood was to be a separate Ward, under the designation of "Fitzroy."

The vacancy created by the resignation of Alderman Kerr, was contested by Councillors Nicholson and Stephen, when the former was elected on the 5th June by eight votes to four. Nicholson's emptied seat in Latrobe Ward was also fought for by Messrs. D. S. Campbell (the resigned member of the original Councillors), and G. B. Hailes, a timber-dealer. Hailes was believed to be an unwilling tool, and took no trouble to be returned. The whole thing was a farce, and the voting was—Campbell, 137; Hailes, 12.

Sanitary, sewerage, and water became the orders of the day for some time, and on the 26th June a Committee formed of the Mayor, Alderman Nicholson, and Councillors Chambers, Annand and Smith, was appointed to co-operate with the City Surveyor in procuring a comprehensive survey of the several modes suggested for supplying the City with pure water, and a sum of £300 was appropriated for the purpose.

The City Surveyor set to work with a will, and on the 9th August, 1851, placed before the Council the result of his labours, which led to the construction of the now so universally known Yan Yean reservoir. His report was distinguished by much professional ability, and a fuller notice of it appears in another place in these CHRONICLES.

The Council (in August) were so considerate as to make the City Surveyor an annual allowance of £30 for horse-forage, but equally inconsiderate in refusing the same favour to the Building Surveyor.

In September the Council adopted plans for the erection of the long-talked-of Town Hall and the Public Works Committee were empowered to spend £2600 on the building. Councillors also bestirred themselves, on the motion of Councillor Hodgson, in pressing upon the Government the permanent reservation of "From Princes Bridge to the Eastern boundary of Richmond police paddock, as a place of public recreation." In 1845 the Superintendent had been asked for a similar reservation of Batman's Hill, and through the action of Councillor Smith, the application was now repeated. To the lasting credit of this gentleman it must be recorded that he exerted himself much on behalf of the early Charities; and it was owing to him also that on the 12th September, the Council memoralized the Governor for a grant of land whereon to erect an Orphan Institution, and a sum of money towards its erection. It was even contended to be the duty of the Government, not only to subsidize, but to wholly maintain such an Institution.

The Corporation Balance Sheet for the year ended 31st August, 1850, showed the annual receipts from all sources to be £9583 9s 10½d., and the expenditure £9599 1s. 7d., or a debit of £15 11s. 8½d. In October it was intimated that the Government had acceded to the reservation of Batman's Hill and Richmond Park as places for public recreation, and also that a total area of 2560 acres would be reserved to the Northward of the city. These would include Carlton Gardens, the Royal Park, and other places, afterwards, as land increased in value, considerably reduced.

The November Elections (1850)

Caused much interest to be shown in some of the Wards. In Lonsdale Ward, Hodgson, the retiring Councillor, was re-elected unopposed. Bourke Ward was contested by Messrs. Dalmahoy Campbell (cattle salesman), and Robert Robinson (saddler), when the latter polled 125, to the former's 70. Bowler retiring from Gipps Ward, and not re-offering himself, Mr. Richard Heales entered the lists; but Mr. O'Shanassy (who was not present) was nominated, and the polling ended in 204 votes for Heales, and 137 for O'Shanassy. Latrobe Ward was fought for by the retired member (D. S. Campbell), and N. Guthridge, when Campbell polled 179, and the other 142. Rankin being disqualified for Bourke Ward, the nomination for his vacancy was held on the polling day of the other election for the same Ward, when there were nominated Messrs. Frank Stephen (city solicitor), J. O'Shanassy, C. W. Rowling, R. Robinson, and Dal. Campbell (the two last being candidates at the previous election). O'Shanassy had the show of hands, and when the Returning Officer (Alderman Bell) asked if a poll was demanded, no one answered in the affirmative. Bell, prompted by some dislike to O'Shanassy, then did what no Returning Officer ever did before, and for which there could be no possible justification, he allowed half-an-hour in which to consider whether a poll was wanted, instead of declaring O'Shanassy elected. The consequence was that six of Stephen's electoral friends mustered courage to ask for a poll, which was fixed for the 4th November. Notwithstanding this, Stephen and Rowling retired and only Campbell and O'Shanassy saw the fight out, when 123 votes were recorded for Campbell and 121 for O'Shanassy. On a scrutiny, one vote was knocked off the winner, whose majority was reduced to one. The gross favouritism of the Returning Officer evoked a loud expression of dissatisfaction, and the *Daily News* gave Alderman Bell such a merciless castigation, that an action for libel was instituted. Mr. G. D. Boursiquot, the editor, conducted his own case with rare ability, and made such a trenchant defence that he obtained a verdict.

At the Mayoral election, Alderman Nicholson was chosen without opposition, and the ex-Mayor, on the evening of the 9th November, gave a valedictory entertainment at the *Royal Hotel* to forty-two persons.

Fitzroy's First Election.

The creation of Collingwood into a separate Ward, under the style and title of "Fitzroy," sent the "Collingwoodians" half delirious with excitement, and there was great work in the locality over the maiden election for Councillors. Mr. Alastair M'Kenzie, the Deputy-Sheriff, was appointed by the Government *ex officio* Alderman, to conduct the proceedings, and the nomination was set down for the 2nd December, 1850. It was held accordingly on a common opposite the *Rose and Crown Hotel* (now a blacking manufactory in Charles Street) when the following candidates were proposed and seconded:—Messrs. David Young, John Watson, Francis Reilly, Francis Bryant, William Kerr and Francis Clarke. The assemblage was as motley a one, and the proceedings as uproarious, as any similar demonstrations occurring in the same region since. The show of hands was in favour of Young, Reilly, and Kerr. A poll was demanded and fixed for the 4th, a day unequalled in suburban history for drinking, rowing, and boo-hooing. Every dodge, creditable and otherwise, was resorted to, to make the voters roll up, dead or alive, and it was stated as a fact that one of the candidates (whose name I omit) had had the votes of ten names, belonging to as many mouldering corpses, recorded in his behalf. The poll closed at 4 p.m., and shortly after, amidst a deafening din of confusion, the little-bodied, shrill-tongued Returning-Officer screamed out at the highest pitch of voice he could command, the following result:—For Kerr, 69; Reilly, 68; Young, 62; Watson, 58; Bryant, 50; Clarke, 48.

The three first-named were returned, and most certainly they included two of the worst, whilst amongst the defeated were two of the best in the whole squad. The constituency of the new Ward was very anxious that its first Alderman should be appointed from amongst the first Councillors. This was a *ruse* got up in the Kerr interest, and a petition was presented with a good array of signatures to support it. But the wish was not respected by the Council, for on the 10th December, when the Aldermanic

election was held, the only candidates were Councillors Smith and Annand from two of the old Wards, and the former won by nine votes to seven.

The first elected Assessors for Fitzroy Ward on the 2nd April, 1851, were Henry Groom of Little Brunswick Street, stone merchant, and Edwin Leadbeatter, Merri Creek, gentleman.

The city was now in such a state of progression that the Building Surveyor required an assistant. There were 160 new buildings going up in Melbourne, viz. :—65 in Fitzroy, 25 in Latrobe, 17 in Lonsdale, 19 in Bourke, and 34 in Gipps Wards.

The Mayor, Alderman Greeves, and Councillors Russell, Hodgson, and D. Campbell were appointed a committee to co-operate with the Government (whose assent had been obtained) in selecting a site for an Orphan Asylum. A portion of Emerald Hill was chosen, and an application was subsequently made for the reservation of twenty acres of land there for the purpose. This was subsequently granted.

The impropriety of holding Municipal elections in public-houses, was pressed on the Council with such success by Councillor Heales, that he carried a motion disapproving of the practice.

The vacancy occasioned in Bourke Ward by the elevation of Councillor Smith as Alderman, was contested by two licensed victuallers, Messrs. John Cosgrave, and William Blannin. Cosgrave got in by polling 89 votes against 47.

The Streets of Fitzroy,

Were a tangled skein of topography which taxed the power of the Public Works Committee to unravel. They set to work, however, and submitted a comprehensive report, declaring that "scarcely any one of the streets is continuous; nearly every one is a mere *cul de sac*, and the whole arrangement proves a very intricate labyrinth." It recommended that "Brunswick Street be opened out and extended to the proposed bifurcation of Heidelberg and Upper Plenty Roads; that Fitzroy Street be widened and proclaimed; that Gertrude Street and Webb Street be respectively opened from the Eastern to the Western Road; and that the Victoria Parade, or Boulevard, be proclaimed." The report was adopted. Writing on this subject, a newspaper of the day thus describes what it terms,

The "Maze" of Collingwood.

"The plan of this suburb, which has been prepared by the City Surveyor, exhibits some very strange features in the topography of the place. Few of the streets are continuous, and many of them are but *culs de sac*, and others form elbows, which only lead the bewildered traveller back to his starting post. In one or two instances which we noticed in the map, the streets are so arranged that when the blocks are built up, a man will be half-a-mile from his next door neighbour, having to travel all round a rectangular block. The denizens of that favoured spot will have abundant opportunity of studying practically the relative properties of salient, external, and internal angles, and the pedometer and perambulator will be superseded by the goniometer, and we shall hear people estimating the distance from place to place in degrees. Perhaps by degrees this may be remedied."

Vote by Ballot.

Hitherto the voting at Municipal and Legislative elections, though nominally by ballot, was not so in fact. Cards or papers inscribed with the names of the voter and candidates were certainly deposited in a box, but there was no seal of secrecy, and the newspapers had no difficulty in procuring lists of the votes recorded, and published them in the news of the day. The first time the question of secret voting was brought before the Council was on the 10th February, 1851, by Councillor Annand who proposed "That a petition be presented to the Legislative Council, praying that in any Electoral Bill that might be necessitated by the "Australian Colonies Act," provision should be made for real voting by ballot." The proposal was seconded by Councillor Kerr, and Councillor Heales (afterwards one of the staunchest advocates of the system) declared that, not so much in opposition to the principle involved, as through ignorance of the mode of voting to be adopted, he moved as an amendment "That it is not expedient to entertain the question of voting by ballot at the present time." On a division there was a tie, and the

Mayor (Nicholson) gave his casting vote for the amendment. He said he did not think the Council was the proper body to take action in the matter. But the Council had often with his (Nicholson's) concurrence, travelled into more foreign regions. Even at the very same meeting they adopted an address to the Rev. John West, and Mr. W. P. Weston, two anti-Transportation delegates from Van Diemen's Land, and the Mayor acquiesced. Singular that years after, this same William Nicholson introduced a ballot clause in the electoral law of the colony, which has never been altered, and upon the strength of this he received the designation of the "Father of the Ballot," a distinction which was scarcely deserved.

Councillor Annand, tenacious of any purpose he took in hand, tested the Council again on the ballot question (4th April), and was beaten by a majority of 1; and in a week after, Councillor Heales introduced a motion approving of a close ballot in Municipal elections, which shared exactly the same fate.

City Municipal Statistics.

The following comparative return was prepared by order of the Council:

Value of House Property	1850	1851	No. of Houses	1850	1851
	£	£			
Gipps Ward	25,239	33,962	Gipps Ward	1211	1332
Latrobe Ward	32,033	40,084	Latrobe Ward	862	929
Bourke Ward	19,150	25,630	Bourke Ward	717	803
Lonsdale Ward	33,984	37,940	Lonsdale Ward	754	737
Fitzroy Ward	7,757	16,447	Fitzroy Ward	508	768
Totals	£118,163	£154,063	Totals	4052	4569
Increase in Value		£35,900	Increase in number		517

The Lonsdale Ward decrease was attributed to the removal of several petty houses to make room for a better class of buildings.

The "Maze" of Fitzroy.

On the 23rd May the Council had a tough job over the proclamation of the streets of Fitzroy. Streets had to be proclaimed; and the difficulty was where to begin and where to end. Every street proclaimed involved liabilities which, in the indescribable condition of such tracks, the Council were loath to assume. Alderman Greeves declared that the suburb covered 316 acres, and it would take 25 years to have its main thoroughfares metalled or finished. After much discussion it was decided that Brunswick Street should be opened, and proclaimed from Victoria Parade to Darebin Street, or the North Government Road; Fitzroy Street proclaimed, but not widened, from Victoria Parade to William (since Moor) Street; Napier Street opened northward; George Street proclaimed as far as Webb Street, and the latter from the Eastern road (Smith Street) to Brunswick Street; Charles Street to the boundary line of sec. 69; William (Moor) Street to be opened and proclaimed from Eastern to Western roads (Smith and Nicholson Streets); nothing to be done *in re* Marion (*alias* Bellevue) Street, St. David or Gore Streets There were three "William" Streets originally in Collingwood, and one was altered to "Condell" and one to "Moor," after the first and second Mayors of Melbourne, whilst the third was royalized by having "King" as a prefix. The first Marion Street was altered to "Palmer," after another Mayor, and the now Marion Street jumped up as an afterthought. At this time it was an impassable right-of-way. The present Bell Street, named after another of the Mayors, was first known as Hamburg Street. The Western road owes its present name of Nicholson Street to another Mayor, and the Eastern road was styled Smith Street after the first Alderman of Fitzroy. The North Government Road received the name of Reilly Street after one of the first Councillors; and what was known as Charlotte Street, running from Victoria Parade to Moor Street, was dubbed Young Street, also after a Councillor of that name; whilst a bush-way, known as Argyle Street, was called after the well-known Alderman Kerr, and a narrow Argyle Street started as a

next door neighbour. A Government road from east to west obtained the name of Johnston Street, after a well-known Alderman; whilst the patriotic and persistent William Westgarth was nominally honoured by having his cognomen wedded to a street marked on the City Surveyor's plan as New Street.

The "Lost Square" of Fitzroy.

In the plan submitted, a portion of the (then) large tract of unoccupied country, desolate and swampish, between (now) Moor and Johnston Streets, was marked out for a public square. By what right or in what manner this was done has ever been an unelucidated mystery. No one then appeared to own it, so the Corporation thought the public might as well have a slice of this "No Man's Land," and it was, accordingly, handed over to the inhabitants of the new Ward. It was primarily intended to call it "Latrobe," in honour of the Superintendent; but Alderman Greeves proposed that it be styled "Queen Square," in honour of Her Majesty. This was agreed to, and Queen Square became a legally dedicated thoroughfare, though through some clerical error, or otherwise, in the official minutes of the Council, it was entered as "Latrobe" Square. Whether "Queen" or "Latrobe" is now a matter of little consequence; but the most unaccountable feature of the business was that, though the Corporation duly took possession, and exercised all the rights of ownership for years, the Square was suffered to pass as completely out of the Corporate mind as though it never had an existence. No one gave it a thought for more than a quarter of a century, until some few years ago an industrious fossicker in the abandoned diggings of antiquity, discovered the old Square and disinterred it. Such a singular disappearance of the only Square in Melbourne, in 1851, naturally excited public curiosity, and various were the questions asked concerning it—What became of it? Where was it? And how did the Melbourne Corporation, usually watchful after the City Parks and places of public recreation, let it slip through their fingers?

Mr. John M'Mahon, Mayor of Fitzroy for 1880-81, took the matter in hand to ascertain what had really become of the Square; and at his request Mr. E. G. Fitzgibbon (Town Clerk of Melbourne) furnished an explanatory statement on the subject. Like all the "Fitzgibbon" despatches, the document was both exhaustive and interesting. "Boiled down" is in effect thus :—

"In the City Council on the 23rd May, 1851, it was moved by Alderman Greeves, seconded by Councillor Robinson, and carried: 'That the ground between the line of Napier Street and Brunswick Street, and the line of Hanover Street and St. David Street, be proclaimed an open Square for the use and recreation of the inhabitants of Collingwood;' and on the motion of Councillor Kerr, seconded by Councillor Hodgson, 'That the proposed Square be proclaimed as Latrobe Square.' This, as well as a number of the streets opened on the same day which the Council resolved should be 'opened and proclaimed,' was private property. To enable the Corporation to give effect to its desire for such openings, what was called the 'Fitzroy Ward Improvement Act' was passed in April, 1854, by which the Council was empowered to purchase lands necessary for the opening of certain streets; and named and in the schedule (No. 2) is 'Latrobe Square, extending from Brunswick Street to Napier Street, and from St. David Street to Greeves Street.' The Legislature voted £50,000 in aid of the purchase, and authorised the levying of a special rate upon Fitzroy Ward, which in the aggregate should not exceed a like sum. The powers of this Act were administered by a committee composed of the Alderman, and the three Councillors representing the Ward; and they so arranged that the whole expenditure was made out of the Parliamentary grant, and no rate was levied on the Ward.

"On the 21st August, 1854, the committee approved of a plan of the streets to be opened, and amongst them Latrobe Square. This was officially signed by the Mayor and Town Clerk (30th August, 1854.) On the same day the Town Clerk reported to the committee that Latrobe Square had been enclosed, and was used as a brickfield; and instructions were given to warn parties that the ground was then a portion of a public street; and that unless they desisted, proceedings should be taken against them under the Towns Police Act.

"On the 27th September, 1854, a letter was read from Looker and Vaughan, brick-makers, requesting to be allowed to dig clay on a portion of land in Latrobe Square, recently purchased by them from Mr. David Young. The request was not complied with.

"On the 10th August, 1855, the Ward Surveyor lodged with the committee a tracing of Latrobe Square, with a schedule of same, and of the properties therein required for the purposes of the Act, and instructions were issued that notice be given by advertisement to the owners of such properties to lodge claims for compensation.

"On the 24th August, 1855, the claim of Mr. Thomas Mahoney for compensation for land in line of Latrobe Square £10,000, was referred to the Ward Surveyor for report; and on the 7th September the committee resolved, with reference to spaces intended for Latrobe Square and Market Square, that the latter should have the prior claim, and directed the Ward Surveyor to defer proceeding with Latrobe Square until further orders. On the 15th February, 1856, a letter received from Mr. Thomas Walker, of Sydney, stating that the land required for the line of Fitzroy Street and Latrobe Square, claimed by Mahoney, was actually his (Walker's) property, was considered. Mahoney was in attendance, and informed of Walker's claim, and also that a clear title must be given by him to the property before any payment was made for it. No further action was taken with regard to the Square by the Committee of the City Council. In 1858 Fitzroy was separated from Melbourne, and became a separate Municipality. In 1860 (September) the 'Fitzroy Ward Improvement Act Amendment Act' was passed, and transferred the powers, duties, etc., of the City Council to the Municipal Council. It gave the latter an extension of five years to take up any of the lands mentioned in the Original Act, which the City Council had not taken up, and gave power to levy a rate of 3d. in the £ for purchase money. Nothing was done until the time expired, when the powers of purchase ceased. The Square was *lost*, because the money to buy it was not *found*."

Such is the official version of one of the queerest transactions to be met with in the Municipal annals of any country. But the sequel is equally queer. This legally opened and proclaimed "Square" is now said to be the property of a citizen of Fitzroy, that he holds an indefeasible title to it, and the Fitzroy Council have for years been receiving town or city rates for the land. How, if all the facts detailed in Mr. Fitzgibbon's communication were disclosed, the title could have been passed, seems unaccountable. Certainly I am not learned in the law, but with all due deference to the dicta of the Town Clerk of Melbourne, I incline to the belief that, when once a public place is legally dedicated to the public, nothing short of an Act of Parliament can remove the effect of the dedication; and that so long as the dedication of this land remains, and until the portions of the "Fitzroy Ward Improvement Acts" referring to it are repealed, it continues to all intents and purposes vested in the public. The payment of a fair price for it, *i.e.*, the value of the land in 1851, with interest, is another matter. If anyone legally owned it when it was taken up by the Corporation, either he or his representatives should be paid for it without doubt; but that is beside the main question at issue. It is also strange that though much of the land about, said to belong to the reputed owner of the Square, has been sold and built on, not an inch of the Square has been alienated; and there it is to be seen to-day as open and unoccupied, but in a much more passable condition than it was thirty years ago—when, as the only Square in Melbourne City, it was named after our Gracious Queen.

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Time has wrought some marvellous changes in the future of the Square, for I am now (1888) credibly informed that, notwithstanding legal obstacles, the Titles Office has issued a "clean bill of health" as to tenure, and as a consequence the face of things "on the Square" is undergoing quite a transformitory change. The *locus* of the old brickfield has been "jumped" by an extensive skating rink; spacious buildings are springing up all round, and the Brunswick Street frontage, not worth eighteenpence per foot when annexed by the Corporation, is now eagerly sought after at £100 per twelve lineal inches!

A Change in the Town Clerkship.

In the beginning of 1851, a vacancy occurred in this office consequent upon the acceptance by Mr. King of the appointment of delegate to the Anti-transportation League, and there was a good deal of speculation as to his successor. Some of the wise people who professed to know everything before it happened, declared that Councillor Kerr had been for some time looking after the billet. The world never went over smoothly with him. He was free-handed but unsuccessful in almost everything he touched.

He had had good chances, but could not do much good for himself; and, though fertile in starting newspapers, he generally stranded them in the Insolvent Court. When Mr. Kerr heard the rumour he gave it an indignant denial, protesting "that he would sooner 'knap stanes on the roadside, than serve such masters, even though the salary was a £1000 a year;" but, nevertheless, he had a wistful eye on the flesh-pot, and quietly bided his time. When King resigned, he had as his clerical "staff" a copying clerk (Mr. J. C. Brodie), who acted as *pro tem.* Town Clerk, until the election of a permanent officer on the 15th May, when the following candidates were entered for the stake, viz.:—Messrs. C. C. Dunn (an ex-Council *employé*), J. C. Brodie, N. L. Kentish,—Andrews and R. Ocock. The last named, a well-known Attorney had some chance but spoiled it, by first applying, then withdrawing, and again re-offering himself. Dunn had only that morning, at the persuasion of friends, entered the field. The result of the voting was—for Dunn, twelve, Brodie, seven, and the others nowhere. This so disgusted Brodie that he severed his connection with the Corporation. Dunn was a plodding, easy-going sort of man, who well and conscientiously waded through whatever he had to do; but he had no special qualifications for a Town Clerkship. He had declared himself a candidate more through the friendly pressure brought to bear on him, than from any real desire for promotion; and now that the plum had unexpectedly dropped into his hand, he was even more reluctant to taste of it, than Adam was of the forbidden fruit; and so, after a miserable twenty-four hours' half-regretful exultation over his victory, he trailed his new-born laurels in the dust by resigning them. His friends were chagrined, and outsiders were surprised, but Kerr whispered to himself, "the hour and the man have come." When Dunn was chided for his supreme act of folly, he replied that he was not fitted for the Town Clerkship, nor it for him, and he had no notion of suffering martyrdom for the Corporation. In his letter of resignation he stated that he acted "for reasons over which he had no control," and of this there could not be a shadow of doubt. Mr. Kerr had thus another opportunity of moving to the front, and of letting it be understood in Corporation circles, that there was no indisposition on his part to take the Town Clerkship if assured to him. Of the two sections into which the Council were split, one half were friendly to, if not enamoured of, their troublesome *confrère*, whilst the other half cordially hated him. There suddenly sprung up a concensus of opinion in favour of giving him the appointment, and so to serve him and be rid of him; and when the 10th of June arrived, and the new selection was to be made, though three other candidates had offered, of the seventeen members present in Council, fourteen voted for Kerr and three votes were "thrown away"—so eager were both sides to be relieved of what was now admitted to be an exceedingly inconvenient incubus.

The Pollution of the Yarra

Is no grievance of yesterday, for many a long day ago it was a source of anxiety to the City Council. Mr. John Hodgson one of the early colonists, resided at Studley Park for many years, and took kindly to the river by whose waters he dwelt so long. After his election to the City Council, he constituted himself a kind of river-god, whose function it was to try and save the Yarra from the contaminating influences of civilisation then threatening it on both sides from the Studley Falls to the City. Even as far back as the 24th February, 1851, Councillor Hodgson moved for a committee to inquire into and report upon the impurities affecting the waters of the river Yarra. This body submitted a report on the 11th June which stated that the causes of the impurity were the presence of four fellmongering establishments, two tanneries immediately adjoining the eastern city boundary, and one starch, one glue, and one large boiling-down establishment, with fellmongering operations in connection therewith. There were several other fellmongers places on the Yarra as high up as the Falls; the only drainage these places had was the Yarra, and some of them even carried on their operations on the river. Numerous carcasses, mineral salts, and decaying vegetable matter, were also deposited in the river.

Under existing laws there was a remedy for the removal of nuisances which were indictable; but this would only be a partial and temporary remedy, not preventing other establishments from being formed. The Committee therefore recommended that application be made to the Executive to introduce a Bill to abolish those nuisances.

The report was adopted by the Council on the 17th July, but like many another equally valuable document of a like kind since, its suggestions were never dealt with in the thorough manner, by which only a great public evil can be effectively stamped out.

The acceptance of an office of profit by Councillor Kerr, caused a vacancy in Fitzroy Ward, and it filled by the unopposed return of Mr. John Fogarty.

The gold discoveries in New South Wales in July, 1851, stirred up the community to the necessity of finding some auriferous counter attraction in this colony. Therefore, on the 3rd July Alderman Johnston moved in the Council that an Address to the Lieutenant-Governor be voted, requesting the Government "To explore the resources of the colony, so as to ascertain the possible existence of gold mines or deposits."

The cleansing of the city now cost £97 10s. per month, and W. M. Harper was the accepted scavenger. The sum of £5 was voted for the formation of a footpath from George Street, Fitzroy, to St. Peter's Church; and some time after, a similar amount for a "shoot" at the intersection of Bourke and Spring Streets. On the 21st August the question of continuing Victoria Street from Elizabeth Street to the Benevolent Asylum was considered. It would cut through the Cattle Market at the Elizabeth Street junction; but as the Government was willing to give an equivalent of land somewhere else, the abolition of the first Market was agreed to. On the 4th September a communication was read from a Mr. Rosson, C.E., proposing to supply Melbourne with water from the Yarra above the Studley Park Falls, and it was referred to the Waterworks Committee.

The City Council agreed to appoint an Assistant Surveyor at £150 per annum. For this office there were, as candidates, Messrs. John Reilly, Charles Mays, J. H. Stacey, Johnston Wylie, J. H. Taylor, W. Gibbons, J. A. Manton, G. R. Cox, Geo. Mitchell, Wm. Standering, and A. F. Ross. Mr. Reilly was elected, and afterwards was appointed City Surveyor, which he held for years, and ultimately received a retiring allowance. In the course of time he re-entered the service of the Corporation, and efficiently discharged the duties of Building Surveyor, to which he succeeded on the resignation of Mr J. T. Everist.

An application to the Council by Messrs. Penrose Nevins, R. Campbell, W. B. Hatch, and R. Willan, on behalf of a number of citizens for the establishment of public and private baths for both sexes, and soliciting the sanction and patronage of the Council, was granted. Some time before this a Mr. N. L. Kentish had received permission to establish baths, but before they reached the opening stage the building was accidentally burned to the water's edge.

The electoral franchise for the Legislative Council was lower than that for the Corporation, an anomaly which required to be removed, and to this the attention of the Council was directed. On the 16th October, Councillor Chambers brought forward a motion asserting the propriety of the extension of the citizen's franchise in a corresponding degree with that which prevailed for the Legislative elections Councillor Annand moved an amendment to admit every householder of six months' standing, or residents of twelve months. An amendment by Alderman Johnston was carried, against the motion and previous amendment, for the enfranchisement of all householders who had paid their rates for the prescribed period accordance with the provisions of the Act.

THE CITY SURVEYOR IN TROUBLE.

The early holders of this office were unwilling to abandon private practice, or to resist from indirectly intermeddling in the Corporation contracts, and they got into scrapes in consequence. As it was with Laing, so it was with Blackburn; and charges were now and then alleged against him. At length he asked for an investigation, which was held before a Committee of the whole Council on the 31st October, when the following decision was come to:—"That as regarded the posts removed on loan to assist in the erection of the Bishop's Palace, such conduct was condemned as not being warranted. The charge of interfering in the contract for the Town Hall subjected him also to reprehension. The other charges fell to the ground, as the Council considered the manner in which the City Surveyor mixed his name up in certain contracts for rubble, etc., was perfectly justifiable, and was in accordance with precedents."

The "Bishop's Palace" here referred to is the well-known "Bishop's Court" in East Melbourne, then in course of erection for Dr. Perry.

During the incipient rush to the goldfields the Corporation *employés* remained at their posts in an exemplary manner, under very tempting circumstances; and in recognition of such good conduct, the Council decreed a bonus of one month's salary to each officer "for his integrity and faithfulness in not absenting himself during the gold crisis."

At the November Elections (1851)

There was some degree of excitement, especially in Fitzroy Ward, where Mr. Robert Willan (Solicitor) opposed the re-election of the retiring Councillor (Young) and beat him by 85 votes to 66. In Bourke Ward, Dal. Campbell, who went out, had no desire to go back, and the vacancy was contested by Messrs. C. W. Rowling and R. Matthewson, when the former polled 97 against the other's 60. In Latrobe Ward, Mr. N. Guthridge was returned without opposition; and the same thing occurred in Gipps and Lonsdale Wards, in favour of Mr. Timothy ("Tim") Lane and Councillor Annand.

The Last of the Old Mayors.

As the eventful 9th arrived, there was much intriguing, increased by the fact that in addition to the Mayoralty, the Council had two vacant Aldermanships to give away. Alderman Smith had been for two or three years keenly on the watch for the Civic Chair, and now his time was come, for he not only got it, but without the least symptom of opposition. The Aldermanic vacancies were caused by the retirement by effluxion of time of Aldermen Greeves and Bell; and the Council knew nothing of the pernicious rule which has grown into fashion during the last twenty years, that "once an Alderman for ever an Alderman"—thus perpetuating an irresponsible appointment never contemplated by the Corporation Act. The consequence then was that the Aldermanships, like the Mayoralty, were kept rolling, and as prizes of the Council, were distributed as largely as possible. Out-going Aldermen never dreamt of re-election. On this occasion there were four candidates for the two seats, and the polling thus resulted:—Hodgson, nine votes; Stephen, nine votes; M'Combie, eight notes; Annand, five votes.

The first two were of course the elected, and Councillor M'Combie took his defeat so much to heart, that in a fit of dudgeon he resigned soon after, and the Council knew him no more.

At the meeting of the 13th November in the voting of salaries, Alderman Stephen ineffectually endeavoured to increase the Mayor's allowance from £300 to £400, and it was fixed at £350.

Several casual vacancies, created by the Aldermanic promotions and M'Combie's resignation, were filled thus:—

Lonsdale Ward.—Mr. W. B. Hatch, *vice* Hodgson, elected without opposition. The seat abandoned by M'Combie was contested by Messrs. Henry Stooke (butcher), and F. Bryant (merchant), and the latter polling 170 votes against his opponent's 101.

Gipps Ward, in *re* Stephen.—Mr. H. Crossley (butcher), beat Mr. J. W. Dunbar (solicitor), by polling 87 to 85. Councillor "Tim" Lane's name dropped off the Citizen Roll; and he, therefore, lost his seat, which was popped into by Mr. T. Drewery, a chemist, who counted 84 supporters against Mr. J. W. Dunbar's 78, the latter thus receiving two beatings in the same Ward in a couple of weeks.

On the 21st November, an extremely interesting report was presented from the City Surveyor on "Melbourne and Hobson's Bay intercommunication."

The Council wound up the year 1851, with an Address to the Queen and a Petition to the Legislative Council, on the question of Transportation; and giving a much-merited increase of £50 a year (£350) to the City Surveyor. Some of the members opposed it through personal dislike for the official, but fair play carried the day, and Blackburn only got what he well deserved.

CHAPTER XXIII.

SOME MUNICIPAL REMINISCENCES.

SYNOPSIS:—The Early Mayors.—Henry Condell, the "Father" of Civic Institutions.—His Early Life.—His Advent to Port Phillip.—"Condell's Entire."—His Legislative Defeat.—His Departure from the Colony.—Henry Moor.—Kerr's Animosity.—Moor's Waning Popularity.—Appointed Ecclesiastical Chancellor.—Elected to the Legislative Council.—Bitter Libels on His Character.—His Departure from the Colony.—Member of British House of Commons.—Dr. J. F. Palmer.—He Abandons His Profession.—Starts a Gingerbeer Factory.—Becomes Wine and Spirit Merchant.—His Accomplishments.—Non-success of His Mayoralty.—His Election to the First Victorian Legislature.—He Becomes its Speaker.—President of the Upper House.—His Knighthood, Retirement and Death.—Andrew Russell.—Results of Neglected Education.—His Advent to Port Phillip.—Becomes Wine and Spirit Merchant.—His Departure from the Colony and Death.—William M. Bell.—His Impartiality Questioned.—His Retirement from the Council.—Commercial Reverses and Death.—Augustus Frederick Adolphus Greeves.—An Early "Boniface."—His Literary and Personal Attainments.—His Success in the Mayoralty.—His Return to Victorian Parliament.—His Connection with Oddfellowship.—His Death.—William Nicholson.—His Arrival in the Colony.—His Connection with Separation.—His Premiership of Victoria.—His Death in 1870.—John Thomas Smith.—The "Whittington" of Melbourne.—His Early Ventures.—Becomes Hotelkeeper.—Was First WHITE *Schoolmaster in Melbourne.—"Father" of the Corporation.—Seven Times Mayor.—His Asinine Importation.—His Death in 1878.—Early Aldermen.—H. W. Mortimer, Ultimus Romanorum.—His Connection with the "Patriot" Newspaper.—John Orr.—His Departure from the Colony and Death.—John Stephen.—Advocate in the Police Court.—John Hodgson.—Likened to the Proverbial Cat.—His Mayoralty.—Gubernatorial Entertainment.—Member of the Legislature.—His Death in 1860.—J. S. Johnston.—His Arrival in Melbourne.—Becomes Publican.—His Aversion to Superintendent Latrobe.—His Post-prandial Convivialism.—Member of the Legislative Assembly.—Holds Ministerial Office.—Co-Proprietor of the "Argus."—Francis Reilly.—First Councillor for Fitzroy.—The "Silent Member" Par Excellence.—His Aversion to Bell-Toppers and Speechifying.—John Cosgrave.—He Becomes City Treasurer.—The Early Councillors.—Richard Heales.—His Spirituous Abstemiousness and Gastronomical Excesses.—His Employment in a Coach Factory.—His Alliance with the Temperance Cause.—His Active Political Life.—Becomes Minister of the Crown.—His Benevolence and Death.—D. S. Campbell.—Member of the Legislative Assembly.—George Annand.—His "Miscellaneous" Shop Described.—"Old George's" Signal when the Steam is Up.—His Business Integrity.—David Young.—His Death in Fitzroy.—Thomas M'Combie.—Sense and Silliness Combined.—Sometime Editor of the "Gazette."—His Lucid Intervals.—Author of "The History of Victoria."—His Aspirations to the Mayoralty.—John O'Shanassy.—Johnny Fawkner.—à la Jack-in-the-Box.—Corporation Officials.—John Charles King, First Town Clerk.—His Delegation to London by the Anti-Transportation League.—He Enters Political Life.—Is Elected to Parliament.—Holds a Portfolio.—His Position on the "Argus" Newspaper, and Death.—William Kerr.—Succeeds to the Town Clerkship.—His Civility and Submissiveness.—"Chaos had Come Again."—His Retirement.—His Appointment as Stationmaster.—His Death in 1859.—E. G. Fitzgibbon's Appointment as Town Clerk.—His Conspicuous Loyalty and Ability.—Mr. Beith, First Civic Treasurer.—Messrs. J. Richardson, Chas. Farewell, and John Cosgrave, his Successors.—W. W. Howe, First Town Surveyor.—Charles Laing and James Blackburn, his Successors.—Francis John Sidney Stephen, First City Solicitor.—The Rate Collectors.—Ballingall and O'Farrell.—Barrett, Frencham and Edgar, Town Auctioneers.*

I HAD a special knowledge of the ways of many of the ancient "Corporators." I was much amongst them, in and out of the Council Chamber, and thus various odds and ends became known to me which will find no unfitting place in these sketches. Like most other aggregations of humanity they were of a heterogeneous kind, and an average reflex of the age in which they lived, in some respects equal and in others inferior, to succeeding Civic generations. During the period of which I am treating (1842-51) the Council had ten Mayoral elections, eight individuals were raised to the Civic Thrones, and two (Messrs. Condell and Moor) were re-exalted. Taking these in succession, no eight Mayors consecutively following could, as a whole, be compared with them. And now for a cursory glance at

The Early Mayors.

Henry Condell, the "Father" of Mayors, Aldermen and Councillors, stands at the head of the muster-roll. He was born in Madeira in 1799. His father was a wine merchant, of the firm of Condell, Innes and Co., and his mother a Roman Catholic, of Irish parents. Young Condell was sent at an early age to Scotland to his grandfather, a distiller and brewer, who for several years was re-elected Chief Magistrate of Leith. At sixteen the youth was despatched to India to fill a situation in the house of Small and Co., of Calcutta, but bad health compelled his return home in 1817. He next adventured to British America, where he remained for some time; and sailed from England in 1822 for Van Diemen's Land. Arriving at Hobart Town, he obtained an appointment in the Commissariat, and was thence transferred to the Ordnance. In 1830 he started business as a brewer, which he continued until 1839, when he migrated with his family to the infant settlement of Port Phillip. Purchasing some land at the northern side of Little Bourke Street, he put up a brewery there; and though "Condell's Entire," as his beer was facetiously termed, was never the best in the market, the local industry throve, its master's bank account throve too and the master himself soon came to be in the condition now colloquially known as "well in." Condell was not ambitious for public life until he became a candidate for Gipps Ward, at the first election in 1842, when he was returned mainly through the influence of his brewage. Even for the Mayoralty he was only trotted out at the last moment, when no other person could be got to oppose the "popular candidate," Councillor Patterson, upon whom the Scotch faction had a "down," and were determined to keep him out. In 1843 Condell committed a great blunder in allowing himself to be made a catspaw of in opposing Mr. Edward Curr at the first Legislative election for Melbourne (to be hereafter described); and though he won, a defeat would have been better personally for him than a victory, because he was brought into a prominence which made his utter incapacity the more conspicuous. As a Legislative representative he was an arrant failure; and he took an early opportunity to re-seek the more congenial sphere of his malting-houses, varied by the liveliness of the Council Chamber, to the scenes in which, Condell, to do him justice, listened with a wearisom. disgust. After some years in the service of the City he retired from business, and went Home, once re-visiting the colony, and ultimately going the way of all mortality. There are two mementoes of him extant, viz.:—an oil painting in the Town Hall, and the clock in its tower, the latter being a presentation by his son (Mr. W. V. Condell); and as its hands diurnally travel through their horological routine, to how few does it occur that they perpetuate the memory of the first Mayor of Melbourne.

Henry Moor,

A Solicitor, was the second aspirant to the Mayoralty. An Englishman of very plausible manner, and fair experience in his profession, Mr. Moor arrived in Melbourne in 1842, and soon got into lucrative business. He was a popularity monger; he soon chose his side in the partyism of the time; he stood well with some of the newspapers; and took a laudable interest in every movement for the public weal. He was among the candidates for the first Town Clerkship, although making money faster than he ever expected. After his election to the Council, he was opposed to what was known as the "Kerr," or "Scotch" clique, for which he was never forgiven, and was exposed to many newspaper libellings, and Kerr's animosity to him never died whilst Kerr lived. In 1844-5 Moor was elected Mayor, and of him it can be said that he was the only man who ever held the office without some allowance or emolument! During his first Mayoralty he was the best-liked man in Melbourne. His pecuniary position was such as to enable him to be liberal and bountiful to every public or charitable project. His manner was pleasant, and there was a merry twinkle in his eye, which imparted a partial fascination. Shake hands and smile constituted a personal property with which his nature was largely stocked, and kept ready for profuse distribution. With the people in general he managed to be good friends; and if there was a National or Friendly Society of influence, Moor had the adroitness to back up its funds with a handsome donation, and for professional business he would only charge costs out of pocket. Condell, Moor, Smith, and the modern Meares, were the only Mayors ever re-elected to the Civic Chair. In the interval of his first and second Mayoralty, Moor's popularity

waned, possibly because there was much unreality in his character, and the qualities before so captivating were to a large extent only cleverly assumed. It would be incorrect to write him down an impostor, for he was not; he was rather a consummate actor, who at first played his part with a wonderful degree of cleverness, and then when he began to tire of his *rôle*, or was careless about continuing the disguise, he became so indifferent to rehearsals that his imperfections began to be seen through. With much natural *bonhomie*, he was a participator in all the public convivialities going, and liked to enjoy life in every available way. Though a professing Episcopalian, he had none of the ascetic; and when, after the arrival of Bishop Perry, he developed into a thorough church-goer, and had the appointment of Chancellor of the Diocese conferred on him, many perceived an incongruity between the real and the ecclesiastical Henry Moor. This event led to the publication of some bitter libels on his private character, for which he sought redress in the Supreme Court, and obtained more than one verdict of damages. He was elected a member of the Legislative Council, in which capacity he introduced measures affecting the polity of the Church of England, and thereby enlarging his unpopularity. When he left the colony, to pass the residue of his life in England, the number regretting his departure formed but a small proportion of those who, a few years before, would have looked upon it as little short of a public calamity. He afterwards obtained a seat in the Imperial Parliament, and whenever it was in his power to do a good turn for Victoria, it was cheerfully done. As Mayor of Melbourne he evinced much aptitude for public business, and his legal training, and bright, pleasant manner, when presiding at the Council meetings, allayed, in some degree, the angry feelings, and restrained the offensively personal character of the debates, or rather altercations of the time. He made an excellent Police Magistrate, and was, taken as a whole, an acquisition of no ordinary kind to the infant city.

J. F. Palmer

Was born in Devonshire (England) in 1814, and studied for the Medical Profession. As a surgeon he held an honorary position in St. Thomas' Hospital, London, and endeavoured to obtain a high staff appointment there, but failing in which he left Home in 1839, and cast his lot with the early fortunes of Port Phillip. If he had followed his profession, which he did not particularly like, there is reason to believe he would have attained to eminence as a surgeon, for which he revealed some special qualifications; but, throwing his "physic to the dogs," he resigned the scalpel, and embarked in more than one of the pursuits then and now open to clever and enterprising colonists. He established the first ginger-beer and soda-water manufactory, at the western side of Elizabeth Street, where he expanded into a wine and spirit merchant, and deservedly prospered. He fixed his private residence at Richmond, and was the first to lay a punt across the Yarra there, for the conjoint benefit of himself and the public. Dr. Palmer's name figures prominently in most of the public agitations of the olden time, and he rendered invaluable aid in the founding of our early Charities. He was an accomplished scholar, with a highly cultivated intellect, and in everything he undertook, though his discretion was occasionally questionable, he brought to his work varied information and a classic, florid, though often over-laboured style. Three or four of his public speeches were amongst (if they were not) *the best* displays of the kind ever delivered in the colony, and are worthy of preservation. He was never a people's idol, for he and the *oi polloi* sometimes knocked heads together. Popular applause he neither sought nor cared for, and very little of it he ever got. His Mayoralty, though marked by much energy and ability, was not a success, and as a Police Magistrate he was no better. In both offices his organ of Combativeness was occasionally developed, and if he fixed a notion in his mind, he doggedly carried it through, regardless of consequences. Sometimes, when opposed in his views, he hit out viciously, whilst at others, though he would never throw up the sponge, he would take his punishment with resignation, if not good humour. Soon after the expiration of his Mayoralty, he bade farewell to the Council and aimed at higher game. In 1851 he was elected to the first Legislature of Victoria, became its first and only Speaker, and, on the establishment of a second branch of Parliament, in 1856, he secured a seat in the Upper House, was its first President, and so continued until 1870, when impaired health compelled him to retire into private life. In 1857 Dr. Palmer received the Honor of Knighthood, and died in 1873.

Andrew Russell

Was a native of Glasgow, who, whilst young, losing his parents, was put by his guardians to learn the trade of a brassfounder. From a speech delivered by him on his election to the Mayoralty, it transpired that his education had been neglected, or rather omitted altogether, and he proclaimed himself "a tradesman—a tinsmith, a coppersmith and a brassfounder." Subsequently he proceeded to London, acquired a knowledge of the business of a furnishing ironmonger, and, returning to Glasgow, was successful in that avocation. He made a tour of Australia and Van Diemen's Land, wrote and published an account of his travels, and, after a time, made up his mind to emigrate to Port Phillip and settle there. Prior to his departure he was entertained at a public dinner in his native city, a compliment which, in his opinion, "enabled him to leave with clean hands." Arriving in Melbourne, he entered into mercantile pursuits, and was for many years in the wholesale wine and spirit business in Little Collins Street. He was not much of a "shining-light," but a commonplace, persevering piece of ordinary respectability, slightly affecting the upper crust of society, but in a manner that could scarcely be termed snobbish. He was a quiet, useful, well-to-do citizen; and if one failed to discover any special ability in him, an honesty of purpose and well-meaningness rendered him, in his way, a very desirable member of the community. As a rule, at the Council meetings he maintained a propriety of demeanour and evenness of temper, the example of which was often productive of good; but on occasions the Scotch imperturbability would vanish, when he would jump into the fighting arena and hit out like an Irishman. Fawkner used to call him "The Tinker," and generally came armed with a copy of "Russell's Travels" in his pocket. This unfortunate volume he would suddenly pull out, brandish it, tomahawk fashion, in Russell's face, as if he meant to brain him with it, and, timing the manual exercise with a loud laugh, would passionately and scornfully exclaim: "Oh, that mine enemy would write a book!"

Russell's Mayoralty was more successful than Palmer's, though the former possessed not a tithe of the Doctor's ability; but he had an even tenor in his way of doing business, which placed him as a favourite, not only at the Council Board and in the Police Court, but with the people in general. He left the colony many years ago, and died at Home.

William M. Bell.

In olden times there was a mercantile firm in Melbourne, trading under the style and title of Bells and Buchanan, or two Bells to one Buchanan. The Bells were Christian-named William Montgomerie, and Henri, and W. M. Montgomerie was the leading partner. This gentleman was the fifth Mayor of Melbourne, a blunt, brusque, frank-spoken, straightforward kind of man, but whose public conduct was often open to question, more, perhaps, from an obstinacy, largely tinctured with egotism, than any less worthy cause. No one doubted for a moment that Mr. Bell meant well in what he did, and believed he was doing right; yet, by suffering his self-sufficiency to lead him into extremes, he so set at nought that canon of impartiality, that should be the guiding-star of every person placed in a position of judicial or ministerial responsibility, that many who admired the private worth of the honest man and good citizen, declined to endorse the crotchets of the well-intentioned but erring Alderman or Mayor. Mr. Bell was a rigid Presbyterian, and one of the first and most influential of that sect to follow the Rev. James Forbes in the memorable Free Church Secession, which once happened in Melbourne. After Mr. Bell retired from the Council, he continued in business for a while, when commercial reverses beset him. He died about twenty years ago.

Augustus Frederick Adolphus Greeves

(Or, as Johnny Fawkner sneeringly nicknamed him, "A. B. C.") was an English Surgeon, who arrived early in Melbourne, and opened an hostelry, known as the *Yarra Hotel*, in Flinders Street; but he was not cut out for a "Boniface," and soon gave up superintending "nobblers" and pewter pots for more congenial

pursuits. Professionally, he was not a success, possibly because he preferred the editorial sanctum as a mental dissecting room for the cutting up of municipal or political adversaries, to the more orthodox operation on "bodies" elsewhere. Although he received a modicum of medical practice, he did not take to it as kindly as to the newspaper, the platform, or the hustings. He was a stipendiary free lance on all the old Melbourne newspapers. For a short time he edited the *Gazette*, but wrote much for the *Herald*. A man highly educated, and thoroughly posted on every subject—political, economical, physical, and scientific—with a facile pen, a tongue well attuned to all the poses of public speaking, and a taking, studied, declamatory style, Greeves was one of the ablest men of a bygone generation, and might have become the most prominent person of his time but for an instability of purpose, a shiftiness of disposition, and an overweening confidence in his own wisdom, which invariably ended in his either overdoing or undoing everything he took in hand. The weathercock that mechanically points how the winds blow, the straws whirled about on a blowy day, or the ripple on the water, was not more inconstant than he, and his thorough unreliability was soon found out. Still he was (in my opinion, not only one of, but) the best Mayor that ever filled the Civic Chair in Melbourne. The position he took in the City Council was invariably sustained by talent and intelligence; and he was ever foremost in the initiation of some project for the advancement of the City, an appeal to the Government to remove a glaring abuse, or to remedy an indefensible neglect. In all the early political movements Greeves was in the van, and he was the originator of the electioneering *coup* by which Earl Grey was returned as member for Melbourne to the New South Wales Legislature, which, though denounced at the time as not only unconstitutional, but verging on the revolutionary, was treated very differently by the Colonial Office, and expedited the Colonial Independence of Port Phillip more than years of commonplace agitation would have done. Returned to the Victorian Parliament, he once held office as Commissioner of Trade and Customs, but his career in Senate or Cabinet did not add to his reputation. He was one of the founders of our early Charities, and the principal planter in Victorian soil of that Oddfellowship which, like a Gargantuan tree, overshadows the land with its philanthropic branches, and which, whilst inculcating habits of thrift and self-reliance, scare the wolf from many an honest door in seasons of sickness and distress. Greeves, with all his peculiarities and shortcomings, should never be forgotten in the colony; for, though he might have done much more than he did for the land of his adoption (and most certainly for himself), he left good works behind him, the effects of which will be felt by future generations. He died, much regretted, 23rd May, 1874.

William Nicholson

Arrived in the colony in 1842, and carried on the business of a prosperous grocer for several years, in a small shop on the north side of Collins Street, between Swanston and Elizabeth Streets, and not many yards westward of where a half namesake of his (Germain Nicholson) till lately throve in the oldest grocery in Melbourne. He had the blunt, taking way with him of a plain, good-natured "John Bull," and was candid and free with everyone. Though, unlike Russell, he never wrote a book, still, like Russell's, his education smacked of imperfection; but, as with most men who are self-taught, Nicholson considered himself one of the cleverest fellows in the colony. He was honest-purposed, had a large fund of practical good sense, spoke neither too much nor too little, and soon came to be considered "somebody" in Latrobe Ward. Suffering from no lack of modesty, or of self-confidence, he quickly emerged from the crowd, and before his death attained to the high and honourable position of Premier of Victoria. He made a very fair Mayor, which office he held when the announcement of Separation arrived; and in the celebrations and rejoicings over that event, William Nicholson took, as became him, an active and foremost part. He passed the last few years of his life in the country of the Upper Yarra, and died in 1870.

John Thomas Smith,

The "septenary" Mayor, was inappropriately styled "the Whittington of Melbourne," for, in the facts and fictions related of both, he was very dissimilar to the munificent Sir Richard Whittington, "a citizen and

mercer of London, who served the office of Lord Mayor three times, the last time in 1419." "John Thomas" never left Melbourne to be chimed back by the church bells, promising him future greatness; and, though charitable and church-going in his way, he never founded almshouses or colleges. Born at Sydney in 1816, John Thomas Smith arrived, a youth, in Melbourne, and became assistant teacher at the Church of England Aboriginal Missionary School, established in 1837, on a portion of the now Botanical Gardens. After clerking for some time in the employment of Mr. John Hodgson he went into business, and kept a store and woodyard in Collins Street, near the centre of the present "Block." He next betook himself to the keeping of public-houses in Little Flinders and Queen Streets, known as the *Adelphi*, and *St. John's Tavern*. He built a theatre, gradually acquired much property, and was what might be termed a monied man. He was the first schoolmaster in Melbourne, and at an early period was associated with Freemasonry, and reached the highest official position in that Fraternity. With the exception of an interval of a few months, he remained connected with the City Council to the time of his death in 1878, at which period he was "Father" of the Corporation and the Legislative Assembly, as the senior member of both. For a brief term he held the portfolio of Minister of Mines. In one respect Mr. Smith out-did Sir Richard Whittington, for he was elected Mayor of Melbourne seven times; and as President of the City Council, and Police Magistrate of Melbourne, he brought to the performance of what were sometimes very onerous duties, an amount of shrewdness, energy, and strong common sense, certainly not surpassed by any man who ever held the same positions. None of the early Mayors spent so much money in charitable purposes, private and public; and there were some years when the calls on Mayor Smith's benevolence were numerous and pressing. Sir Richard Whittington's name is handed down to us with a legendary cat in his train, but Mr. John Thomas Smith has associated with his name one of the first veritable British-born asses that brayed in the colony. In 1858, as Mayor of Melbourne, he was delegated by the City Council to present an Address to the Queen on the occasion of the marriage of the Princess Royal, and, accordingly, he sped away to London, big with hope of returning with a Patent of Knighthood in his pocket. In this he was disappointed; but he was accompanied by an assinine shipmate, whose presence was so familiarized in the public mind that no play-wright would, up to Smith's death, venture to place on the Melbourne stage a Christmas pantomime without a reserved place in it for "John Thomas's donkey."

This exhausts the list of Mayors with whom I have to deal. It was said that one of them had much difficulty in mastering the orthography of "City," and that another, who had a seat in Parliament, had such a horror of trying to spell the word, that he always revenged himself by knocking an "eye out of it;" but there was a modern Mayor in the Lower House, who was so economical of his ss's, that he could never afford more than one of them when spelling "Assembly;" yet by an amusing extravagance he always gave more than one "leg" to the Upper House, which he invariably wrote "Leg 's' islative Council." A certain modern Mayor once took it into his wise head to submit it to a course of private tuition for the acquisition of French and Latin phrases. Singular to say, with the "parlez vous" he got on moderately well, but the Roman classics were to him impenetrable. In the two well-known phrases, "a priori" and "a posteriori," he found a Scylla and a Charybdis, only that instead of steering safely between two dangers, or getting swamped by one of them, he became enmeshed in both. His tongue could never grapple with the pronunciation, though so much easier than the Parisian; and causes and effect were, with him, convertible terms. Besides, he had an unalterable conviction that "a priori" meant his "ancestors"—those who went before him; and "a posteriori" his "posterity;" and his free translation of both phrases was "from father to son."

Considering the convivial usages of the era in which they reigned, the old Mayors were a comparatively steady set of men. At public entertainments there was much more "business" done in the drinking line than now, and one of them might occasionally become "slightly elevated." Once a Civic chief when the serious part of a public dinner was over, and a "free-and-easiness" set in, jumped upon the table, and treated the remnant of the company to a few turns of a Highland Fling; but it will hardly be contended that this was as excessive a post-prandial feat as travelling homeward in the "wee sma' hours," through the public streets, in the van of a saveloy engine. And now for a few remarks (*currente calamo*) anent

THE EARLY ALDERMEN.

H. W. Mortimer

Who was one of the first Aldermanic quartette, was also *ultimus Romanorum*, the last man of the original dozen, who, under manifold difficulties, lent a hand in floating the little cock-shell craft of a Corporation, which has since become a stately clipper. He was intelligent and conscientious, but had a precise and pragmatical mannerism, which prevented him from becoming popular. He did not remain long connected with the Corporation, from which he retired to take part in the management of the *Patriot* newspaper. In the course of years he filled the post of Registrar of Births, Deaths, and Marriages, in Fitzroy. For many years he resided at Geelong, but shortly after passing his four-score years and ten, he went to that "bourne from which no traveller returns."

John Orr,

One of an old mercantile firm, known as Turnbull, Orr and Co., another of the first Aldermen, was a pleasant, mild-mannered young man, too quiet for the early rowdyism of the Town Council, and always out of his element there. He sold off and left the colony many years ago, and has been dead some years.

John Stephen

Was a remarkable man in his way. He was an early settler in Melbourne, and one of the first Secretaries of the Mechanics' Institute. As fine a looking fellow as one would meet in a day's walk, with a plausible tongue, a flexible disposition, and a smattering of general information, he frequently contributed to the early newspapers. Obtaining high rank as a Freemason, he might have acquired a position of note; but though not by any means so great a "trimmer" as Greeves, there was an unsteadfastness about him which often created distrust, and people did not believe in him. He belonged to a branch of that Stephen family so well known in the Australian Colonies, and once he publicly declared "that he had been rocked in the cradle of the law." No family ever settled at the Antipodes has produced more members of the legal profession than the Stephens; and the prestige so obtained no doubt gained for Alderman John Stephen a privilege which he enjoyed until his death, viz., practising as an advocate in the Melbourne Police Court, where his coolness and good temper often made him more than a match for the regular "limbs of the law," who were anything but pleased at the *locus standi* to which he attained.

Whomsoever he fell foul of, John Stephen always took good care to keep right with the Justices, upon whom his oily, gentlemanly manner had such an effect, that no attempt to displace him would have had the slightest chance of success.

Of all the mediocrities forced by circumstances to the surface of public affairs,

John Hodgson

Attained the highest place, considering that he was very deficient in those qualities which bring men to the front. A very old colonist, he was connected with all the speculative undertakings, real or imaginary, lasting or ephemeral, for which the old times were distinguished. Financially speaking he must have had as many lives as the proverbial cat; and like that animal, whenever he did fall it was always on his feet. He was late in his appearance in the City Council, but he made his way to the top of the tree in an unusually short time. He rapidly obtained an Aldermanship, and was Mayor in 1853-54, when he had the honour of entertaining Governor Sir Charles Hotham, at a grand dinner at the old *Royal*, then changed to the *Criterion Hotel*. Politically he was eminently successful. He represented Melbourne in the first Legislative Council, and was the premier member of the Upper House (through heading the poll for the Central Province at the first election in 1856). When a second Chamber was added to the Victorian Legislature, it was said he aspired to the Presidency of that Chamber, but had to give way to an ex-Mayor (Dr. Palmer)

incomparably the better man. He was appointed Chairman of Committees, and held it and his seat up to his death in 1860. Mr. Hodgson possessed no force of character, and but little ability of any kind; yet, from an inoffensive manner, though marked by no little obtrusiveness, he not only won a certain amount of popularity, but kept it.

J. S. JOHNSTON

Studied for the Medical Profession, but did not stick to it. Arriving in Melbourne he opened the *Southern Cross Hotel*, in West Bourke Street, the temporary residence of Bishop Perry in 1848. Johnston was an active member of the City Council, and some of his speeches were amongst the best of the time. He was dashing, sarcastic, pungent and punning. He had a strong aversion to Superintendent Latrobe, to whom he gave occasionally a sound dressing. His presence at the old Scottish celebrations was quite a feature, for he possessed the essentials for "running an entertainment" pleasantly—a rousing speech and a rallying song—at both of which he had hardly an after-dinner equal. It was thought he would cut a respectable figure in political life, and at the start this was warranted. In the first Legislative Council he played a leading part, which, after years did not sustain. In the Legislative Assembly, where he sat for some time, and once held a Ministerial office, he was only the shadow of the once fiery, knock-down Johnston. He was one of the original proprietors of the *Argus*, and, after selling his interest therein, visited his native country, "Caledonia stern and wild." After his return to Melbourne, he re-joined the *Argus* as business-manager, from which he retired some years ago, bearing with him the good wishes of the whole establishment, from the editor to the "devil.'

There was another rather eccentric Councillor who secured an Aldermanship,

FRANCIS REILLY,

Who was once a wealthy publican, and one of the first Councillors for Fitzroy. It was difficult to account for his promotion on any other ground than by rotation, for he was the "silent member," *par excellence*, at the Council table. This may be a merit, though rarely acknowledged or rewarded as such. There were two things "Frank," as he was called, was never known to do, *i.e.*, wear a "bell-topper," or make a speech. If you said to him, "Frank, why don't you mount a bell-topper?" his answer would be, "Do you think I am a fool?" And if you queried, "Frank, why don't you make a speech?" the reply was an emphatic, "Do you think I am a ——— fool?" The distinction in the responses marked his sagacity, because to those who knew him "Frank" would be more of a fool any day speechifying than "bell-toppered." Yet "Frank" was by no means a bad sort of a fellow; and he was generous enough with his cash, until it took wings and flew away.

Another of the reticent Councillors and future Aldermen, was

JOHN COSGRAVE,

Who differed from, and yet resembled "Frank," for he was rather partial to a "bell-topper," but as averse to orating. He worked the Council to more advantage than "Frank," for he walked from his seat into the snug billet of City Treasurer. Few who knew him envied his good luck, for he was reputedly one of the best fellows in Melbourne. An outcry was raised when his Civic brethren provided him with the retiring snuggery, but it soon died out; and supposing the motives for his "shunting" to have been personal, the city obtained a public purse-holder of extreme efficiency and rare integrity.

There remains yet to be disposed of, the noisiest and most turbulent Alderman of all, Mr. Kerr, whose talons were extracted by his appointment to the Town Clerkship. But of him there will be a few words anon.

THE EARLY COUNCILLORS.

RICHARD HEALES

Was a remarkable man. He was something of the "Nicholson" stamp, more plausible, but less energetic, and perhaps a trifle less straightforward. He had read more than Nicholson, but, like Fawkner, imperfectly digested what he mentally swallowed. His ideas had a crudeness that required toning down. Possibly his abstemiousness in the use of stimulants would in some measure account for this, for Heales was an ardent teetotaller, but only as to the quality not the quantity of the fluids imbibed. Spirituous or fermented liquors he abhorred as emissaries of the Father of Evil; yet at a Municipal spread, or a "tea-fight" he would place himself outside such a cargo of sandwiches, buns, biscuits, bread and cheese, vegetables, tea, coffee, and ginger-beer, as to cause it a subject of speculation where he found corporeal stowage for so much assorted freightage. Mr. Heales was born in London, in 1818, and served an apprenticeship to a coachmaker. Arriving in Melbourne in 1842, he obtained employment in a factory, of which he afterwards became a partner. From the first he allied himself to the Temperance Cause, and it had no more persistent and unchanging advocate than he. After terminating his connection with the City Council, he plunged into the whirlpool of political life, and twice obtained office as Minister of the Crown, first as Chief Secretary and second as President of Lands. To the benevolent movements of the time he gave his active co-operation, and those who knew him best declare that in all his business transactions and private life, there never lived a fairer man nor a more estimable citizen. He died in 1864, universally regretted, and in connection with the so-called Liberal cause, the name of Richard Heales remains a watch-word unto this day.

D. S. CAMPBELL

Was the first to resign his seat in the Council, but in a few years he was re-elected, and was more remarkable for fits of short-lived energy than application to Civic work. He was not as steady a goer as his brother, "The Doctor," who also got elected, and until his death (1888) resided in Melbourne, plodding away in the medical profession, and amusing himself as every Christmas-tide approached, by a good-natured raid upon the pockets of the well-disposed for contributions wherewith to enable the inmates of the Immigrants' Home to indulge in a tobacco spree. D. S. Campbell's public career was not bounded by the City Council, for he represented Richmond for some time in the Legislative Assembly; but he never made much of a name in politics, for like "The Doctor" (only much more so) he was very excitable when speaking in public.

GEORGE ANNAND

Was, perhaps, as queer a customer as any in the old Council, and he also made his way to the Legislative Assembly. He kept a grocery and "miscellaneous" shop at the corner of Queen and Collins Streets. He both sold and took snuff; dealt in peppers, pickles, and mustards of every variety, and presented a curious combination of condiments in himself. An "out-and-outer" of a Scotchman, he was more short-tempered than the usual run of his countrymen, and the wearer of a scratch wig. When he scratched it, instead of his head, it (the scratching) was the signal that the steam was up with "Old George," and a warning to beware of adding to his irritability. Yet, he was a valuable member of the community. Punctual in business, and prompt in payments himself, he exacted punctuality and promptitude from his customers and tenants; and he had the latter, for he was well off. He always sided with the Kerr clique in the Council, and neither sought for nor obtained much of the public favour, unless in the way of trade. But as he retailed good wares, his counter was well patronised by those desirous of obtaining value for their money.

Further down Collins Street was another Councillor-Grocer,

DAVID YOUNG,

The antithesis of Annand in many ways, but Annand's equal in turning in the "bawbees"—though of the two, George was preferable to Davie. Mr. Young died in Fitzroy some years ago.

Of all the Corporators and public men of whom I had any knowledge, Councillor

THOMAS McCOMBIE

Puzzled me most. He was a mixture of sense and silliness. He went by the *sobriquets* of "Silly Billy" and "Tammy Ass," and it would have been no mistake to call him so, but for the shrewdness and occasional snatches of ability that leavened his dulness. In the *Gazette*, of which he was for a time Editor, at the Corporation, public meetings, or Legislative Council, it was always the same. The good things he said and did were impaired by a deep-grounded belief that he was a booby; and yet some of his public acts, his leading articles, and two or three literary publications showed that "Tammy" had many a "lucid interval," and knew at times pretty well what he was about; but how he compassed a work of fiction that found some favour in England, and wrote his "History of Victoria," are insoluble conundrums. McCombie was very anxious to be Mayor, and more than once made hard running for it, but he never had even the ghost of a chance.

JOHN O'SHANASSY

Was only a few months connected with the Corporation, and was just beginning to give some earnest of his mental calibre, when he was put aside in favour of Mr. William Clarke, familiarly known as "Old Music," full-faced, pompous and rubicund, well liked in his music shop, and tolerably admired at the public concerts, at which he occasionally appeared. But to serve the public in any representative capacity was out of his line, as he belonged to the same category as Councillors Beaver, James, Bowler, Armitstead, Reid, and a swarm of similar small fry, who usually watched the motions of the faction fugleman and obeyed accordingly.

"JOHNNY" FAWKNER

Pops up like a "Jack-in-the-box" so often in these pages that it is superfluous to refer further to his Corporate career, than to observe that he fell foul at some time or other of everyone of his contemporaries, butting and horning them whenever his capriciousness willed. The Council table was kept alive by him, and it would be difficult to pronounce whether his "riling" or his "roaring" was the more annoying or amusing. Those he attacked often winced, though they despised him, but the outsiders applauded, and the performances were never allowed to grow flat.

THE CORPORATION OFFICIALS.

THE FIRST TOWN CLERK

Was Mr. John Charles King, who, turning up in Melbourne as an advertising Commission Agent, was Government Auctioneer for a time. Coming from the North of Ireland, he brought with him more than a moderate share of the tact and shrewdness characteristic of the Scoto-Hibernians of that corner of the world. His tall, spare figure, glassed intelligent eyes, and shrillness of voice, were often joked about in the newspapers opposed to him. Mr. King, if I mistake not, had taken a University degree; he possessed much cleverness, and was so reputedly a diplomatist, that he was afterwards appointed by the Australasian Anti-transportation League to proceed to London as its Delegate. Indeed, the wonder was that he accepted the Town Clerkship with its small emoluments; and it was some years before the Council would give him even a copying clerk. He had a miserable time of it with the Council, but most of his troubles he brought on himself by mixing in the pettifogging intrigues by which the early Council used to be agitated. On his return from his English mission he entered political life, obtained a seat in Parliament, and once held office for a few weeks as Commissioner of Public Works, when circumstances compelled him to withdraw from the public arena. For years he filled a responsible position on the *Argus* newspaper, the

onerous duties of which he discharged with much efficiency almost to the hour of his death. He was succeeded by Ex-Alderman

WILLIAM KERR,

Who, after an eventful, turbulent and unsuccessful career, settled down, as the stipendiary of the body in which he had for years sustained the character of one of the chief "bosses." It was about the worst possible choice that could be made, for though he had brains, Mr. Kerr had not the slightest organising ability; and as the Corporation was becoming a really important body, with increasing powers and proportionate responsibilities, he was quite the wrong man for the place. But the Council were so sick of him that they considered it a good riddance to pack him away to any place—celestial, infernal, or terrestrial —it did not matter much where; and so he was muzzled by being thrust into the Town Clerkship, where, fortunately for himself, he was, in a few years, joined by Mr. E. G. Fitzgibbon as Clerk of Committees. By a strange perverseness of the human mind, Mr. Kerr, who was an impudent, bullying braggart towards his opponents in the Council, sank into a creature of a totally different kind as Town Clerk, where he grew as quiet and docile as a well-trained hound. Even to the public he was more than affable. Kerr would not only speak civilly, but submissively; his only replication being an upward twitch of his spectacles, and a half-scared stare of surprise, his mouth wide open and his tongue thrust out.

The affairs of the Town Clerk's office soon got into disorder, and worse followed bad, until things were in such a chaotic state that the Council was reluctantly forced to make a change, and on the 9th May, 1856, Mr. Kerr retired. He was now very little good for anything, and having a family to maintain, even his worst enemies pitied the man who had held many trump cards in his hand, but lacked the skill to play them properly. In the old Political, National and Civic contests, no man was more frequently or ruthlessly libelled than Mr. O'Shanassy was by Mr. Kerr; yet, to the eternal credit of the former, when, in 1858, the former was Chief Secretary, he was instrumental in appointing his old foe to be Railway Stationmaster at Sunbury, then the terminus of the North-Western line. Here Mr. Kerr remained for some time, and died on the 25th May, 1859.

E. G. FITZGIBBON,

Who, though virtually "walked the course" for the "Town Clerk" Stakes, had to contend against an unworthy underhand "fluke" attempted by Mr. J. T. Smith (then Mayor), who designed the place for a special *protégé* of his, Mr. John Rae, Town Clerk of Sydney. Mr. Fitzgibbon, however, by his energy and independence, foiled the shameful attempt, and, to the credit of the Council, merit for once met with its just reward, and an officer who had worthily won his spurs, received them, and wears them to this day (1888). As above all things in the world personal eulogy is distasteful to the present Town Clerk, I will only add that it would be difficult for the Corporation of Melbourne to find another "First Lieutenant" to serve it with more loyalty and ability.

THE FIRST CIVIC TREASURER

Was a Mr. Beith, an intimate friend of Mr. Kerr, who was elected by means of the old Scotch influence. He did not long survive his good luck, and was followed by Mr. J. Richardson, a precise and painstaking servant, whose death made way for Mr. Charles Farewell, more of a scholar than accountant. The fourth Treasurer was Mr. Cosgrave, to whose merits I have before borne testimony.

THE FIRST TOWN SURVEYOR,

W. W. Howe, was a quiet-going official, who, under exceptionally difficult circumstances, did as well as could be reasonally expected. He tired of the un-made streets, and, resigning, died a couple of years after, when Mr. Charles Laing succeeded him. Laing's taste was of the Architectural order, and some of the old churches and public and private buildings were planned by him. In course of time he abandoned the Council to devote himself to a large and lucrative practice, and Mr. James Blackburn was installed in the

vacated post. He continued in office for several years until his death, and since then there have been half-a-dozen City Surveyors, but amongst them all, from the beginning to the present, without individual disparagement be it said, that in civil engineering Blackburn was unquestionably not the least able of them all.

The First City Solicitor.

Melbourne has never had but one City Solicitor, Mr. Francis John Sidney (abbreviated into "Frank") Stephen, the son of a once well-known colonist, who obtained a New Zealand Judgeship. Frank was the nephew of "Alderman John," a jolly, good-hearted, careless sort of fellow. The billet was originally not worth having, but in the course of events Mr. Frank contrived to make it a very payable concern. He once made a spasmodic effort to get into the City Council, more in the way of a joke than otherwise, and during the M'Culloch political crisis in 1864, repeated the trick to get returned to the Legislative Assembly. It was in canvassing on the latter occasion that he invented the phrase "Old Hat," as applied to members of Parliament who were supposed to be nothing more than voting automata; and no future political phrase-book will be complete unless it find a place for this unpremeditated flash of originality. "Frank" still (1888) looks as well as ever he did, and that is saying much.

The Rate Collectors

Were a motley lot, and the most remarkable of them were a pair of old codgers, James Ballingall and William O'Farrell, who acted as public "dunners" for a number of years. Ballingall could boast of being townsman of the famous Adam Smith, for they were both born in Kirkcaldy, a royal ship-building burgh of Scotland, and, possibly owing to this fact, old Jamie was always holding forth on the supreme advantage of constructing ships with solid bottoms. In perambulating the streets he ventilated the topic; when collecting the rates he expatiated upon it; and he not only delivered public lectures, but organized a society to endeavour to give reality to the fad. O'Farrell was an auctioneer, and, after resigning the collecting-book, entered into business as a House and Land Agent, realizing a handsome competence. It may be worth stating that perhaps there is no public body in this colony that lost less by the defalcations of its paid *employés* than the Melbourne Corporation. I can recall but two instances of defaulting Rate Collectors, and in one of these, one of the sureties repaid every farthing of the deficit.

The Town Auctioneer.

This office in the old times was held in succession by three departed worthies, known as William Barrett, Henry Frencham, and Edward Edgar. The Council once decided upon ordering the Rate Collectors to officiate in turn as public salesmen, against which old Ballingall kicked viciously for a while, but was obliged to submit on pain of losing his situation. When it came to O'Farrell's turn he went into the distasteful job cheerily, and so much the better for himself. Ballingall and O'Farrell were both good, worthy men, much and widely respected in their day.



CHAPTER XXIV.

BANKING AND PAWNBROKING.

SYNOPSIS:—Circulating Medium.—"Paper" Money at a Discount.—Gold only Legal Tender.—Batman as a Money Lender.—Cent. per Cent.—Mr. W. F. A. Rucker's Agency.—Mr. Isaac Hind.—Mr. Skene Craig.—Bank of Australasia—Mr. D. C. McArthur, its First Manager.—Mr. McArthur's Mastiffs.—"The Dogs of War."—Mr. McArthur's Early Domestic Troubles.—The Bank's Staff in 1840.—Discount and Interest.—Mr. McArthur's Superannuation and Death.—Union Bank of Australia—Mr. William Highett, First Manager.—His Objection to McArthur's Bull-Dogs.—Attempted Burglary.—The Bank's Staff in 1840.—Mr. Highett as M.L.C.—His Retirement and Death.—Mr. T. E. Boyd, his Successor.—Mr. William Fletcher Succeeds to the Management.—The Bank's Progress in Forty Years.—The Port Phillip Bank.—Its Projectors.—The First Directory.—Mr. John Gardiner, Managing Director.—His Mission to London.—Mr. G. D. Mercer, his Successor.—The Bank's Staff in 1840.—The Bank's Collapse in 1842.—Its Final Dividend in 1851.—Mr. J. P. Fawkner's Attempt at Bank Making.—The Tradesmen's Bank a Failure.—The Bank of New South Wales.—Mr. C. S. Vallack, First Manager.—The Bank of Victoria.—Dr. Thomas Black, its Originator.—Its Early Career and Future Prosperity.—Mr. Matheson, its First and Only Manager.—The Colonial Bank.—The First Savings Bank.—Its First Trustees and Officers.—Mr. James Smith, its First Manager.—His Retirement and Death.—"Our Uncles and our Aunts."—The Origin of Pawnbroking.—The "Three Ball" Symbol.—Mrs. Anne Willis, the First Pawnbroker.—Old Melbourne Loyalty.—King William IV.—Anniversary of his Birthday.—Queen Victoria's Marriage.—Address of Congratulation.—Birth of the Prince of Wales.—Address to the Queen.—A Prayer for the Queen.—A Birth-night Ball.

THE origin of our present extensive and elaborate system of banking, reveals some curious and laughable incidents. At first there was no regular monetary system—no recognised circulating medium, unless the circulation of "orders" could be termed one. Payments were made by orders drawn upon Launceston, Hobart Town, or Sydney; and the only mode by which ready cash could be obtained, was by Van Diemen's Land and New South Wales commercial agencies in Melbourne. The cashing of settlers' paper became a source of considerable profit, as a heavy discount was charged for the pecuniary accommodation. The Government refused to accept bills, orders, or cheques in payment for land purchases—nothing but gold or other legal tender down on the nail. Batman, who, like Fawkner, could turn his hand to many things, added to his storekeeping the offshoot of "broker and money-lender;" and well he knew how to make his borrowing constituents pay through the nose, or rather the pocket, for obligations rendered. His terms were, for a £20 loan for six months, a repayment of £30, or 100 per cent. per annum—to which must be added his store profits upon one-half the loan; for the custom obtained with him that the advance made was to be "half cash and half goods." Mr. W. F. A. Rucker, much to Batman's disgust, soon underbid him, for he offered to do loans, half goods and half cash, at the rate of 30 per cent. per annum.

This mode of freetrading annoyed Batman, who vowed vengeance on Rucker, and Batman, as a first instalment of his ire, run up at the next Government land sale a certain half-acre allotment in Collins Street which Rucker wished to secure on moderate terms to £90, a figure then much above the average. During this state ofmatters the proprietary of the Derwent Bank at Hobart Town decided upon opening an agency in Melbourne, and Mr. Rucker was local agent.

On the 8th February, 1838, the agency commenced business at the corner of Queen and Collins Streets (where the Union Bank was afterwards erected), and subsequently transferred to a kind of sentry-box or stall in Little Flinders Street, near the corner of Market Street, and close to a new store put up by Rucker.

It may be worth noting that the Derwent Bank Agency cashier was the well-known octogenarian, Mr. Isaac Hind, who died about 1880, after officiating for nearly forty years as weigh-master at the

Flemington race meets, and who was well-known to every race-goer. Mr. Rucker's functions were confined to the cashing of orders, and the issue of Derwent Bank notes.

In the same way Mr. Skene Craig, another of the original merchants, acted as agent for the Commercial Bank of New South Wales; but the growing importance of the settlement, and the impediments offered to commercial and trading enterprise, to the community in general, and to the Government, through not having a local bank of issue and deposit, could not fail to impress themselves upon the administrator of the Government; and in consequence of his representations to headquarters, the Governor (Sir Richard Bourke) requested the Bank of Australasia to open a branch of that corporation in Melbourne.

The Governor's offer to convey the bank officials, and their banking paraphernalia, in a Government vessel to Melbourne, and to allow the bank a military sentry until protective arrangements could be made, was accepted, and Mr. David Charteris McArthur, manager of the new bank, and his financial belongings arrived in the revenue cutter "Ranger," after a protracted voyage of six weeks.

In those remote times anything like an eligible banking house was not to be found. Mr. McArthur accordingly was glad to take up his quarters in a brick two-roomed cottage, 24 feet by 16 feet, at the north side of Little Collins Street, where Messrs. Henty and Co.'s warehouse is now. Of the two rooms one was the "bank," whilst the other constituted the "bank parlor," or "crib." Rearward was a skillion of two compartments, and here the manager had to make his residence. The modern bank manager, who retires after the day's toil is over from the flurry of exchanges, discounts, loans or renewals, to the penetralia of his luxurious villa in one of the fashionable suburbs, has a bed of roses, indeed, compared with the laughable vicissitudes to which an unconquerable necessity subjected his predecessors. There are some reminiscences connected with Mr. McArthur's Little Collins Street sojourn which, thought over from the standpoint of to-day, appear simply incredible. Open robbery by day was not apprehended, but a night "sticking-up" was not beyond the range of probability. The cottage-bank stood several feet in from the street line, and was surrounded by a substantial paling fence, the top of which bristled with iron spikes.

Two kennels were erected in the back yard, where, housed by day, was a pair of huge mastiffs. As night approached these "dogs of war" were let loose, and had free selection over the premises. A soldier sentinel also kept watch and ward over the bank's treasures. Firearms had been brought from Sydney, but they were not wanted, for the precautions taken so impressed the thieving fraternity, that it came to pass that neither dogs, manager, nor bank, were ever poisoned, murdered or pillaged.

But though the bank was not troubled by bushrangers and burglars, its good-natured manager was not free from troubles of an irritating kind. That important and necessary domestic institution known to civilization as the general servant, was then in an undeveloped state, and no want of bashfulness prevented them from frequently insisting upon much more than their "rights." Some of the soldiers forming the military detachment stationed in Melbourne had their wives with them, and Mr. McArthur secured the services of one of the "Red Coat Sisterhood." One morning this lady "help" took "furlough;" she struck work, and declared she was "on for a holiday," or rather "a booze," with her husband, who had a week's leave of absence. The manager's remonstrances were unavailing; the fair one went on her "outing," and the manager, like Lord Ullin, was "left lamenting." The bank was unbrushed, "the skillion" unswept, the meals uncooked, the bed undressed, the yard uncleansed, and, to the mind methodical, such a state of confusion was a misery. Porters in buttons, or servants in livery, were banking accessaries then unknown. The whole managerial staff consisted of Mr. McArthur and an old accountant named Dunbar, a kind of arithmetical fossil, who had grown grey in ready-reckoning and column-totting. This veteran had no soul for anything beyond his quill-driving, and when asked by his chief to give him a "hand with the broom," he screwed up his ancient nose and declined. The manager had, therefore, to let things "slide" or help himself, which he did, until the soldier's wife worked off her spree, and returned to duty.

The bank opened for business on the 28th August, 1838, and prospered for a couple of years, when the back street make-shift was vacated for premises erected specially for the purpose, in Collins Street, next to where the present bank stands.

In 1840, the staff consisted of:—Local Directors, Messrs. D. C. McArthur, James Simpson, and W. H. Yaldwyn; Manager, Mr. D. C. McArthur; Accountant, Mr. John Dunbar; Sub-Accountant, Mr.

Hugh Walker; Teller, Mr. C. L. Hussey; Clerks, Messrs. George Porter, James Bogle, and R. S. Maitland.

The discount days were Mondays and Thursdays, and the terms of business were :—

Interest allowed.—On current accounts, at the rate of 4½ per cent. on the daily balance; on deposit receipts, subject to ten days' notice previous to withdrawal, 5 per cent. per annum; on deposit receipts, subject to three months' notice, 7 per cent. per annum.

Interest charged.—On bills not exceeding three months' currency, 10 per cent. per annum; on bills exceeding three months, 12 per cent. per annum; on past due bills and overdrawn accounts, 12 per cent. per annum.

Towards the close of 1844, the banks ceased to allow interest on deposits, and in December, 1846, they resolved to discontinue the payment of cheques payable to "order." All such documents thenceforth were made payable to "bearer." This was done as a protection against fraud.

The premises of the bank were subsequently enlarged to meet the immense rush of business brought on by the gold discoveries in 1851. In its transition stages from the cottage to the palace, the bank underwent four transmigrations, the last being the present splendid edifice at the corner of Queen and Collins Streets, whereon for many years had stood a large Wesleyan chapel.

The land on which the new bank is built was purchased for £24,000, and the building erected thereon cost £30,000.

Mr. McArthur may be justly styled the Patriarch of Victorian Banking, and of him may it in truth be written that no colonist, through a long, honourable, and oft-times unpleasant career, has more justly earned for himself the reputation of being a conscientious, considerate, and obliging public officer, and an upright citizen. He passed from the Melbourne managership to the position of general superintendent, and after several years' service in this responsible post, retired on a liberal superannuation allowance, and was one of the Managing Directors until his death on the 15th November, 1887.

The Union Bank of Australia

Took over the business of the Derwent Bank Agency, and on the 8th October 1838, opened a branch in Melbourne. It was also driven to be content with a "two-roomed cottage and a back skillion." This money-changing cottage stood at the corner of Queen and Little Flinders Streets, and the manager was Mr. William Highett. Between the two managers, though there was an honest rivalry, there was no enmity, and they got on very well together. But Highett never took kindly to McArthur's bull-dogs. The thing was all very well in theory; but practically he looked upon such a precaution as nonsense, and whenever he met McArthur, he never failed to enquire "How are the dogs?" The question or salutation "How's the poodles?" was unknown at that day. But experience soon taught Mr. Highett that live bull-dogs may at times be more useful in bank protection than the fire-arm slangily known by the same designation. Now of all the axioms in bank defensive operations, perhaps the soundest is, to place the treasury, or cash safes, in the middle of the building; but in the double-roomed cottages referred to, the want of space rendered the observance of this condition impossible. As stated, Mr. McArthur had his cottage-bank environed with a spike-studded fence or palisade, and his protectors when off the chain, were free to amuse themselves as they liked, in an enclosed circuit round the building; whereas the Union Bank cottage was so placed that its walls abutted unprotected upon two streets. The Little Flinders Street side was probably the more exposed part; yet against this side wall the bank safe was placed, with perhaps not more than a brick-and-a-half or two bricks of thickness between it, and the outer world. The sharp-eyed burglars not only noticed the strategical mistake, but very soon took advantage of it; for on the night of the 29th May, 1840, an adroit, and nearly successful attempt was made to plunder the Bank.

The part of the wall corresponding with the exact position of the safe (of course previously ascertained) was operated upon; the bricks were easily and noiselessly removed, and an aperture sufficient for the safe's exit effected; but as the thieves were adjusting a rope round their booty, an unintentional noise aroused the manager, who, jumping out of his "skillion" dormitory, raised an alarm, and, *res infecta*, the night-birds flew away, cursing their ill-luck and disappointment. A few minutes more without

interruption, would have enabled them to have got away with some £3000 or £4000, the then daily working cash of the branch.

The attempt was never repeated, and from that night Highett never more joked McArthur about his "bull-dogs."

In 1840 the Bank was thus manned:—Local Directors, Messrs. William Highett, William Lonsdale, and W. F. A. Rucker; Managing Director, Mr. W. Highett; Accountant, Mr. F. Wigan; Teller, Mr. Nigel Gresley; Sub-Accountant, Mr. Thomas Prosser; Clerks, Messrs. John Murdy, John M'Lachlan, and W. Cohen.

After some time, what was deemed to be a commodious banking-house, was erected on the same corner in the form of a plain, two-storied, brick building. People of the present Melbourne generation would probably smile if they saw a model of the new bank as then built to order. Yet the business went on in it comfortably and profitably for some years.

Mr. Highett was for many years known as a quiet, attentive, conscientious and highly Conservative Member of the Legislative Council. He was elected to the Eastern Province in 1856, and continued in that representation until 1880, when he retired from active political life, leaving behind him a mint of money, which, though unwilled to anyone, soon found plenty of legal owners. Having obtained a two years' leave of absence, Mr. Highett visited England, and never after resumed the managership, though he long continued a member of the Directory. He died soon after retiring.

Mr. Highett was succeeded by Mr. Thomas Elder Boyd, who, many years after, died in harness as Manager of the Colonial Bank. In seasons of "tightness," Mr. Boyd had the good or evil reputation of being a thorough "pincher."

The interest of his bank was Mr. Boyd's *sine qua non* of every financial consideration, and if squatter, or trader in the bank-books showed symptoms of "going," the screw was put on with the rigour of an Inquisitor. Therefore the bank passed through some severe colonial crises, with fewer losses than if there had been a softer "man at the wheel."

It was stated in a newspaper of 1844, that on Mr. Boyd's retirement from the management, to be succeeded by a Mr. William Fletcher, the salary of the office was raised from £600 to £800 per annum.

The Union Bank, after a time, went back to the spacious building at the same corner (Queen and Collins Streets), where the Derwent Agency was originally opened; and the Queen-*cum*-Little Flinders Street tenement was turned into what was for many years known as the *Woolpack Inn* which had a series of landlords, good, bad, and indifferent. The Bank has again removed into the stately structure in the heart of Collins Street, where the old *Royal Hotel*, and the mediæval *Criterion* successively flourished. The ground originally bought for £19, now cost £33,000, and £44,000 was expended on the building Perhaps there are no two facts in the whole history of Victoria, more illustrative of the wonderful progress. of its capital, than the "now" and the "then" of the Bank of Australasia and the Union Bank. To turn the mind's eye back to the two two-roomed brick cottages and their managerial "skillions," in which these banks began the world, so to speak, and then in the flesh to look, not only on the two striking edifices of these financial establishments in Collins Street, but on other kindred Institutions foremost amongst the architectural ornaments of the Metropolis of to-day, one regards with wonder its marvellous progress and development within the memory of many persons still living.

The Port Phillip Bank.

The colonists took it into their heads to set up a bank of their own; but the maiden essay at bank-making though not terminating in a smash, after a short life and a merry one, died a natural death.

A meeting of the projectors was held on the 25th June, 1839, and the following basis of operations was agreed on:—

It was to be known as "The Melbourne and Port Phillip Bank" with a capital of £60,000, in 1500 £40 shares. A Prospectus was approved, and the following Provisional Managerial Board was

elected:—Trustees: Messrs. Joseph Hawdon, A. M. Munday, and Peter Snodgrass. Directors: Messrs. D. S. Campbell, S. Craig, C. H. Ebden, Arthur Hogue, F. A. Powlett, G. B. Smythe, P. W. Welsh, C. Williams, Thomas Wills, and W. H. Yaldwyn. Mr. Samuel McDonald was Secretary *pro tem.*

Another meeting was held at Williams' Auction Room, on the 2nd December, Mr. G. D. Mercer presiding, when it was agreed to double the number of shares, *i.e.*, 3000, to increase the capital to £120,000 and change the title to "The Port Phillip Bank." The first Directory consisted of Messrs. Farquhar, M'Crae, D. S. Campbell, Charles Williams, Thomas Wills, S. Craig, P. W. Welsh, F. A. Powlett, C. Howard, Alex. Thomson, and Foster Fyans. The defeated candidates being Messrs. H. F. Gisborne, J. P. Fawkner, and Captain Smyth. The Managing Director was Mr. John Gardiner. For the Solicitorship there were two aspirants, viz., Messrs. James Montgomery and H. N. Carrington. The former was appointed, and the 2nd January, 1840, fixed for the commencement of business in a two-storied house in Collins Street, which afterwards became the habitat of the Port Phillip Club, then an hotel, and after undergoing as many alterations as the Irishman's gun, finally disappeared, to, make way for the Bank of Victoria, now built in its place. Great results were anticipated from this venture but were never realised.

Mr. Gardiner was sent to England to do a little financing in the London money market, and in 1840 the Bank was thus officered:—Managing Director: Mr. G. D. Mercer. Accountant: Mr. B. J. Bertelsen. Teller: Mr. G. B. Eagle. Clerk: Mr. John Patterson.

At a meeting of shareholders on the 30th December, 1842, it was decided "That the Bank should cease to carry on business; and that its affairs be wound up and cleared with as little delay as may be consistent with prudence." Wound up it was accordingly, and however its shareholders fared, not a shilling was lost by depositor or customer. The collapse might have been attributed to the free-and-easy manner in which some of the Directors accommodated themselves and their friends. They regarded the Bank simply as a "mutual accommodation" pie, and accordingly kept their own fingers in it.

Several years after the Bank's closing, a notification, signed by F. D. Wickham, and J. W. Howey, as Trustees, appeared in the newspapers of the 3rd May, 1851, intimating that a deed of release was ready for execution by shareholders, and that a final dividend of 9d. per £10 share would be paid to them on such execution.

The Tradesmen's Bank.

Mr. J. P. Fawkner, no doubt smarting at his rejection as a Director of the Port Phillip Bank, had his revenge by starting an institution of his own, and a number of persons agreed to co-operate in organising a "Cash-mill," out of which all were to reap a golden harvest, without money, trouble, or risk. The new venture was to take in Melbourne and Geelong, and to possess a capital of £100,000 in £10 shares. A grandiloquent prospectus was concocted, but it never passed beyond the advertisement stage, and shared the fate of many of those good intentions with which a certain nameless region is said to be paved.

The Bank of New South Wales.

On the 2nd April, 1851, a branch of the Bank of New South Wales was established at the corner of William and Collins Streets, in premises which once formed a large butchery, kept by Mr. W. H. Mortimer, one of the first Melbourne Aldermen. The Bank was under the management of Mr. C. S. Vallack, with Messrs. Archibald M'Lachlan and D. R. Furtado as Directors, the Accountant being Mr. John Badcock. On the 1st July, 1858, it transhipped its flourishing business to the solid structure in the heart of the Collins Street block, where it still continues. The land upon which the banking-house is erected, was bought for £6000 in 1852, and the building cost £38,000.

THE BANK OF VICTORIA.

But if the first attempt at local Bank-making was a decided failure, the second eventuated in a decided success, and as such merits special mention.

In the year 1852, when Melbourne was floundering in the throes of the incipient revolution, evolved by the gold discoveries, the Bank of Victoria was originated in this unpretentious manner. Dr. Thomas Black, a physician of high professional and social status, occupied, in 1852, the mansion at Richmond, well-known as Pine Grove (now, 1888, the residence of Mr. George Coppin) and here one evening he entertained at dinner Messrs. William Highett, H. J. Chambers, and R. M'Arthur of Gippsland. Inspired by the exhilarating influence of wine and walnuts, the host, in the midst of a desultory conversation, was suddenly seized with a banking mania, and suggested to his friends the feasibility of starting a local bank. As to its success he had not the slightest doubt, and he thought it not at all to the credit of Victorian enterprise that the English Banking Institutions should have everything their own way. The suggestion took, and Highett, who was not only an experienced Bank Manager, but a man of mark, expressed himself in favour of the project, and promised his hearty co-operation. The subject was pretty exhaustively talked over, and the Doctor determined that on the following morning he would set out on his mission of bank-manufacturer. He and Chambers met early in the town, and started forth to beat up recruits. The first person they visited was Captain George Ward Cole, pottering about his wharf, and on mentioning the subject to him he shook himself, after the manner of one disturbed from a deep reverie, and roared out: "I'll have nothing to do with it!" The pair returned to town and went in quest of Mr. Henry Miller. On reaching the eastern extreme of Collins Street, known as Howitt's Corner, they beheld the object of their anxiety plodding quietly up the hill with the precision of a slow going locomotive; but Miller, when informed of what was in the wind, curtly and emphatically exclaimed, "I'll have nothing whatever to do with it, Doctor Black!" Cold blanket No. 2, but Black declared he should and would have a new bank. They then called on Mr. Germain Nicholson, in his well-known shop at the corner of Collins and Swanston Streets, and he was the first they enlisted. Mr. William Nicholson also agreed to go in with them. Mr. Hugh Glass was next button-holed, and he not only promised to become a shareholder, but declared his readiness to take up any shares remaining after a public meeting, which was to be called to set the speculation afloat. Mr. William Westgarth also offered to help the project in every possible way. The stone set going kept rolling along, though unlike the generality of rolling stones it gathered a good deal of moss. The public meeting was promptly held at the *Royal Hotel*, in Collins Street.* Mr. Westgarth presided, resolutions affirming the expediency of starting the bank were passed, the amount of capital and number of shares determined, and ere the close of the proceedings all the shares except 500 were taken up. Black, seeing this result, hurried away to find Hugh Glass, but he was followed by Westgarth, who told him he need not trouble himself with Glass, because Mr. Miller, who had been in the room, had taken the remaining shares. The next question was to procure suitable bank premises. Dr. Black had three two-storied houses on the east side of Swanston Street, between Collins and Little Flinders Streets, which he knocked into one for the purpose. This was agreed to, and Dr. Black drew £1500 per annum rent for eleven years, when the bank removed into new premises. Chambers also received the solatium of appointment as the Bank Solicitor, but he did not stick to it as he ought, or he might have done well out of it.

The career of the Bank of Victoria has been one of marked prosperity. Its capital was £1,000,000, and its first Board of Management comprised Mr. Henry Miller, Chairman; Mr. William Highett, Deputy-Chairman; Directors: Messrs. W. Nicholson, W. F. Splatt, W. H. Tuckett and Alexander Wilson; Manager, Mr. John Matheson. It was opened on 3rd January, 1853, and on 30th June the same year, the first dividend was declared, at the rate of 10 per cent. per annum. The present bank in Collins Street is erected on land which cost, in 1863, £12,000, to which was subsequently added £10,000 worth more, extending to Little Flinders Street, or a total land cost of £22,000; and the present building involved an outlay of £40,000. Mr. Matheson continued its first and only Manager until the end of 1881. He died on the 10th July, 1882.

*The name of this hotel was afterwards changed to the *Criterion*, where, in 1854, three pardoned Irish State Prisoners (Smith O'Brien, Martin, and O'Dogherty) were fêted on their return *viâ* Melbourne from Van Diemen's Land to Europe.

The First Savings Bank

Was gazetted on the 17th December, 1838, its first Trustees being Captain William Lonsdale, Rev. Messrs. J. Clow and J. C. Grylls, Captain B. Baxter, and Messrs. Craig and A. J. Smith, merchants. All these gentlemen are now dead, except Baxter, who is still in the colony. It was not opened for business till the 1st January, 1842, with the following formidable list, of whom all but the Accountant were honorary:—President, His Honor C. J. Latrobe, Superintendent; Vice-President, James Simpson, Esq., J.P.; Trustees, Messrs. Thomas Wills, S. Craig, James Graham, J. A. Smith, G. W. Cole, J. D. L. Campbell, C. Hutton, R. Martin, Revs. A. C. Thomson, James Forbes, A.M., and P. B. Geoghegan; Accountant, Mr. James Smith; Office, Melbourne Chambers, Collins Street; Bank of Deposit, Bank of Australasia.

For several years the operations of this bank were rather limited, and I recollect it was kept on the first story of a smart-looking building in Collins Street, nearly opposite the Bank of Australasia—the Bank Staff consisting of the Manager and a boy; and a rather original customer the Manager was. All old colonists knew Mr. James Smith—better known as "Jemmy." He was dry, cautious, yet simple-minded, and had acquired an *alias* of an "inexpressibly" musical character. He was a pluralist in small appointments, some honorary and some stipendiary; the right-hand man of Mr. Latrobe, a Justice of the Peace, Visiting Justice at the gaol, and one of the Council of three Licensing Magistrates, who for years dispensed favours or frowns to the publicans of Melbourne. As to the bank, Mr. Smith was its Comptroller, Secretary, Actuary and Cashier; and no bank in the world ever had a more scrupulous or painstaking officer. The Savings' Bank was a sort of mania with him. It was not a hobby—for Mr. Smith was not partial to riding—it was rather his baby; and no mother ever nursed her first-born with more parental solicitude than "Jemmy" cradled the bank. He "dry-nursed" it well, and much of his existence seemed so interwoven with it, that anyone opening a half-crown account there might safely calculate upon "Jemmy's" good offices. I have known more than one designing scamp curry favour with the old man in this way; for a Savings' Bank depositor was, to his mind, a something almost incapable of wrong-doing. In 1843 the Bank took fire one night, and I met "Jemmy" next day in Collins Street. He was in great tribulation, and after my short condolence, informed me, with a laugh (something between a chuckle and a cackle), "that the cash was all safe, for he always sent it over the way to his friend, Mr. McArthur, of the Bank of Australasia, and the books and papers had been luckily saved." The bank still held on, and "Jemmy" held on to it until its increasing business, and his increasing years rendered his retirement a necessity, when he left the colony and lived many years in England, where he was gathered to his fathers not very long ago at the ripe old age of between eighty and ninety. Mr. Smith had many little oddities, but at heart he was honest and kind; and though he sat on the Police Bench at a time when a magisterial colleague took bribes right and left, no one ever suspected "Jemmy Whistle" of soiling his fingers in such a way.

The bank at first used to discount good endorsed bills, and advance on mortgages. It allowed 5 per cent. on deposits, and after the first year increased the rate to 7½. In 1844 this fixed rate was discontinued, and one substituted by which the interest allowed would depend on the amount of profits, provision being made for a security fund. An Act of Council was also passed doing away with bill-discounting, and restricting the mortgage loans to one-third of the funds—the residue to be invested in Government securities or bank shares. In the most perilous times this institution seemed to have been piloted with extreme caution, and little or no losses were made, owing mainly to the fostering care of its ever-vigilant manager.

"Our Uncles and Our Aunts."

On the *facilis decensus averni* principle, the transition from banking to the avuncular mode of "financing," popularly known as pawnbroking, is a short one. In modern times a town can hardly be said to be complete without its "three golden balls," hung out as a bait, but which convey the fact that "all that glitters is not gold," yet pawnbroking does not figure amongst the very early money-making ventures in Melbourne. It may be accepted as an indication of the then general prosperity of the community. Certain it is that in early Melbourne the publicans, butchers, and bakers, were the most prosperous of the

retail traders. Drinking and eating prevailed in abundance, and due honour was done to both animal enjoyments.

The origin of pawnbroking is very remote, and traced from Perousa, in Italy, whence it is said to have been transplanted to England by Mich. de Northburg, Bishop of London, in the reign of Edward III. Primarily, the pawnshop was the reverse of the usurious abomination it has proved in modern times. It was a Mont de Piéte, a kind of benevolent institution, designed to advance loans to necessitous persons at a moderate interest. Money was lent on a "pledge," but the benefit of the borrower was regarded equally with the profit of the lender. One of the regulations of the original pawnbroking establishment in London was, that in the event of a pledge remaining unredeemed for a year, the preacher at St. Paul's Cross announced that if not released within fourteen days, it would be sold forthwith. The "three-ball" sign is the ancient symbol of the Italian Bankers, notably the Lombards, from the most eminent of whom the princely house of the Medici of Florence sprang. In allusion to the professional origin of the name of "Medici" (that of medicine) they bore gold-gilt pills on their shield; and their agents in England and other countries hoisting their armorial bearings as business emblems, such a trade cognizance was adopted by others, and thus in course of time became general. The popular interpretation of the triple ball implies that the chances are as *two to one* that a pledger never recovers the article "popped up the spout;" and the general result of Melbourne pawning does not belie the general supposition.

The first reference to pawnbroking in this colony is the appearance of Mr. John Stephen, before the City Police Court on 7th March, 1848, to apply for the issue of a pawnbroker's license to a Mr. Samuel Whittaker, a recent arrival from Van Diemen's Land. The application was made under the 29th and 30th Geo. IV., which, it was contended, was then in force in Port Phillip. There were several pawnshops in Launceston and Hobart Town, but a special Act of Council had been passed in Van Diemen's Land for their regulation.

The Magistrates had strong doubts as to their power to grant the license; and one of them a barrister (Mr. R. W. Pohlman), advised the refusal of the application, when, if considered advisable, the Supreme Court could be appealed to. This was done, and the subject dropped for the time. The New South Wales Legislature, however, took the matter in hand, and "Whereas it was necessary and expedient to regulate the trade of pawnbrokers in the colony," the Act 13 Vic., No. 37, was passed (10th October, 1849), for that purpose, and very little time elapsed before its provisions were utilized both in Sydney and Melbourne.

In London slang, the pawnbroker is affectionately known as "My Uncle," whilst in amusing contrast, this often useful relative is termed by the French "*Ma tante*" "My Aunt;" and a more amusing paradoxical fact still is that the "Uncle" Number One of Melbourne, was actually an "Aunt," a Mrs. Anne Willis, who obtained a pawnbroker's license, on the 12th November, 1842, and instanter commenced her obliging operations in a small weatherboard "bunk" in Bourke Street, where till lately, the Omnibus office issued tickets of a very different kind, to the mysteriously hieroglyphiced duplicates known as "Willis's paper currency." Mrs. Willis had but a neck and-neck start of Old Whittaker (the previously refused applicant), for later the same day he took out his "ticket-of-leave," and displayed his trade mark of "the Medici" on a small shop at the south-west corner of Queen and Little Collins Streets, where now the *Temple Court Hotel* insinuatingly invites passers-by to enter and refresh. Whittaker was a sharp-faced. hot-tempered, shrewd customer, and just the manner of man to make the business turn in a good dividend, On the 26th of the month, a Mr. J. B. Plevins also procured a license, and opened a third "spouting" shanty, in the congenial region of Little Bourke Street, in rear of the Theatre Royal.

There was no further increase in the trade till the close of 1850, when Mr. John Browning arrived from England with the intention of engaging in agricultural pursuits; but when he saw how matters went, it occurred to him (as he had been a pawnbroker in the old country), that his former trade would be likely to turn out a surer "spec." than ploughing and pig-feeding; so he took premises at 167 Elizabeth Street, and applied for the requisite license. The "Aunt" and the two "Uncles" before-mentioned were up in arms against the intruder. They would have the gold ball vintage to themselves, and no interlopers were wanted. When the application was heard at the Police Court, a couple of lawyers were retained against the "new chum," and the license was refused, through the influence, it was believed, of an Aldermanic

Magistrate on the bench, who had some money lent out at heavy interest in the trade. Browning persevered, and succeeded, and remained in "No. 167" for many years, obliging the public and benefiting himself. Though pawnbroking is not as a rule, conducted with stringency and method, the mode of doing business in the old days was lax to a degree, as the Pawnbroking Act was very inefficiently administered. As to interest there was nothing to legally prevent the "brokers" from charging what they pleased, and was usually at the rate of one penny per week for the loan of one shilling, nearly 450 per cent. per annum! Mr. Browning served out the would-be exclusionists, by reducing the interest, a step which did not tend to mend matters. In November, 1850, a Mr. Joseph Forrester, a silversmith, obtained a license, and from 100 Bourke Street, advertised his rate of interest on loans as at one halfpenny per week for each shilling or tenpence by the £1. It was another usage of the trade in the early days that in no case more than £1 was advanced on a watch, no matter how valuable.

The Jews now crowded to the front, and, in course of time, secured more than a lion's share of the spoil. A pawnbroker has informed me that it was customary for lucky diggers to call at his place, and pledge at times several hundred pounds' worth of nuggets as security for a £1 loan; the object being that, as the "broker" was a man of acknowledged solvency, by the payment of an insignificantly small sum as interest on the loan, their gold was kept in safety. A curiously similar custom is said to obtain in China, where, at the close of winter, well-to-do people "spout" their sables, silks, and costly raiment, casting on the pawnbroker the onus of keeping them protected from the ravages of the moth by the application of camphoretted herbs, and other means; and thus, for a comparative trifling fee, they are released from limbo when required, in a condition of preservation. Pawnbroking, like many other accompaniments of civilization, is a necessary evil. More care in granting licenses, and a stricter police surveillance, would weed out the disreputable members of a business which is not so bad as it is painted. If people did not go to their "Uncles" or their "Aunts," neither of those relatives would come to them. It is the abuse and not the use of pawnbroking that constitutes the evil. In what is known as the Melbourne proper of the present day, there are now (1882), forty-seven pawnbrokers, viz.:—forty men and seven women; or in other words, forty "Uncles" and seven "Aunts," only too ready and, willing, for sufficient consideration, to minister to the small financial difficulties of a population of 65,675 persons, sub-divided into 33,289 "Nephews" and 32,386 "Nieces."

Old Melbourne Loyalty.—King William the Fourth.

In all the periodical ebullitions of fealty to the reigning Sovereign which have taken place since the settlement of Victoria, undoubtedly there is not one of such a remarkable character as the first celebration of the kind in Port Phillip, namely, a public demonstration of the Aborigines. In 1836, when the European population were few, troops of the natives prowled about everywhere, marvelling what the white fellows were doing, and only too thankful to participate in the bounty of the invaders, not particular either whether the largesses assumed the form of old blankets or petticoats, broken victuals, a drop of rum, or a fig of tobacco. There was then in the "unnamed village" a Mr. Charles J. De Villiers, afterwards an officer in one of the corps of trooper-police, and it occurred to him that it would be a very proper thing to keep up the birthday of William IV., "the Sailor King," by applying to their savage sensibilities the *argumentum ad stomachum*. He had little difficulty in obtaining plenty of "tucker," such as flour, meat, tea, and sugar, and it did not require cards of invitation to get together a numerous horde of guests—men, women, and children. The anniversary of the Regal Nativity was the 21st August, and on that day, on the green hill in Collins Street East, where the statue of Bourke and Wills stood till recently, this *al fresco* Birthday *fête* came off. For the first time the Union Jack, unfurled from the bough of a wattle tree, floated in a place fated in a few years to become the principal street of a large city; and, under its flutterings, the swarthy mob ate and drank, not caring a rush about anything save mere animal enjoyment. There were neither toasts nor speechifying; but, after dark, the Aborigines had the good manners to treat the whites to a return entertainment further away on the hill, where the Parliament Houses were opened just twenty years after. The blackfellows, having nothing to give, treated their guests—for the first time performed before white men—to their great national dance, known as the "ngargee." Semicircling a huge bonfire, they pirouetted like so many dusky demons around the flames,

which, leaping up to the sky, illumined the then houseless surrounding country. There was a "Wer-raap," or native sorcerer, amongst them, but in his soothsaying yabberings he evinced little prevision of the strange "corroborees" of supposed civilization which the same spot was destined, or doomed, to witness before the world was very much older. And thus it was that the King's Birthday was kept up.

As a rule, from 1840 to the present time, no colony in the British dominions has been more punctilious in its manifestations of loyalty; scarcely a natal anniversary has been allowed to pass without a "Birth-night Ball," and during the day some attempt at a parade, review, or other open-air celebration. Five of these demonstrations are deserving of special mention.

Queen Victoria's Marriage.

On receipt, in 1840, of the intelligence of this auspicious event the colonists hastened to give public expression to their congratulations, and a meeting was convened by the following gentlemen at the rooms of the Auction Company on the 24th July, 1840, for that purpose:—William Henry Yaldwyn, J.P.; Joseph Hawdon, A. H. W. Ranken, J.P.; Arthur Kemmis, J.P.; J. Barrow Montefiore, William Meek, D. S. Campbell, P. W. Welsh, J. O. Denny, Jonathan B. Were, James Simpson, J.P.; Robert Deane.

The Superintendent of the Province presided at the meeting, and, on the motion of Mr. Redmond Barry, the following Address prepared by Mr. Barry was adopted, and ordered to be transmitted through the proper official channel to its destination:—

"To Her Majesty, Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, etc., etc.

"We, the undersigned inhabitants of the Town of Melbourne and District of Port Phillip, beg leave, with sentiments of profound respect, to present to your Majesty our sincere and heartfelt congratulations on the event of your Majesty's marriage, intelligence of which has but lately reached these distant shores.

"Although situated at so remote an extremity of your Majesty's dominions, we beg leave to assure your Majesty that our veneration for the institutions of our parent country remains unabated, and our affectionate attachment to the Royal person and family of your Majesty glows with undiminished ardour in our breasts.

"With such feelings we beg leave to express a fervent hope that the alliance your Majesty has been pleased to form may prove auspicious, both as regards your Majesty's domestic relations, and also as regards the varied interests of the vast population of your Majesty's extensive empire."

Birth of the Prince of Wales.

The news of the birth of an Heir Apparent to the throne, was received with a thrill of pleasure in the Province, and at a public meeting held on the 23rd April, 1842, in the *Royal Exchange Hotel*, Collins Street, Mr. S. Raymond, the Deputy-Sheriff, moved that His Honor C. J. Latrobe should preside. Major St. John seconded the motion, and His Honor briefly and appropriately addressed the assemblage. Mr. William Verner moved, and Dr. Martin seconded the following resolution:—

"That the intelligence of the birth of an Heir to these Realms has been received with the greatest joy throughout the Province of Australia Felix."—Carried.

On the motion of the Hon. J. E. Murray, and seconded by Mr. F. A. Powlett, it was resolved, "That the following Address be adopted as the Address of the colonists of Australia Felix to Her Majesty on this joyful occasion":—

"To the Queen's Most Excellent Majesty.

"The humble Address of her subjects in Australia Felix:

"Most Gracious Sovereign.—We, the inhabitants of your Majesty's distant, but most loyal Province of Australia Felix, embrace the earliest opportunity in our power of congratulating your Majesty on the auspicious birth of a Prince.

"So important an event fills us with gratitude to that Providence which has thus early crowned your Majesty's domestic happiness, and opened to your people the cheering prospects of permanence and stability to the blessings they derive from the wisdom and steadiness of your Majesty's propitious reign.

"May the Almighty bless with perfect health and length of days the Royal Infant.

"Long, very long, may your Majesty live the guardian, the protector, the ornament and delight of your faithful and devoted subjects, throughout that extended Empire on which the glorious sun of Heaven never sets, and by your instruction and example form the mind of your Royal son to the government of a free, a brave, and generous people. May that son, in the fulness of time, succeed to the virtues, as well as Throne, of his Royal Parent; and preserve for a long succession of years, the glory, the happiness, and the prosperity of this our Province, and all other dominions of the British Crown."

Mr. James Croke moved, and the Rev. J. Y. Wilson seconded, the nomination of Messrs. James Simpson, James Croke, F. B. St. John, Hon. J. E. Murray, F. M'Crae, and J. W. Stevens as a Committee to obtain signatures, and take the necessary steps to forward the Address.

A Prayer for the Queen.

The following Form of Prayer and Thanksgiving to Almighty God, for His merciful preservation of the Queen from attempted assassination by John Francis, on the 30th May, 1842, was prepared by the Rev. A. C. Thomson, Episcopalian minister, and offered at morning and evening services at St. James' Church, on Sunday, the 30th of October, and for thirty days after:—"Almighty and everlasting God, Creator and Governor of the world, who by Thy Gracious Providence has oftentimes preserved Thy chosen servants, the Sovereigns whom Thou hast set over us, from the malice of wicked men: We offer unto Thee our humble and hearty thanksgivings for Thy great mercy now again vouchsafed to us, in frustrating the late traitorous attempt on the life of our Sovereign Lady Queen Victoria. Continue, we beseech Thee, O merciful Lord, Thy watchful care over her: Be Thou her shield and defence against the devices of secret treason, and the assaults of open violence: Extend Thy gracious protection to the Prince Consort, the Prince of Wales, and all the Royal Family: Direct and prosper her Counsels, and so guide and support her by Thy Holy Spirit, that evermore trusting in Thee, she may faithfully govern Thy people committed to her charge, to their good, and to the glory of Thy holy name. And to us and all her subjects, O Lord, impart such a measure of Thy grace, that under a deep and lasting sense of Thy manifold mercy, we may show forth our thankfulness unto Thee, by loyal attachment to our Sovereign, and dutiful obedience to all Thy commandments. Give ear we beseech Thee, O merciful Father, to these our supplications and prayers, which we humbly offer before Thee, in the name and through the mediation of Jesus Christ, our only Saviour and Redeemer.—Amen."

The first act of the Town Council of Melbourne, at the meeting of that body, on the 15th December 1842, was the adoption of an Address to Her Majesty, with reference to the same providential escape.

A Birth-Night Ball.

As a sample of those entertainments, I append some particulars of the last of the old series, which was held on the 23rd May, 1851, five weeks before the birthday of the colony of Victoria. This was to be a great affair in consequence of the change in the political conditions of Port Phillip, and every exertion was made to render it a grand success. From the accounts printed of the affair, it seems to have eclipsed any previous attempts of the sort in the settlement. Mr. Latrobe (now a Lieutenant-Governor), Mrs. Latrobe and suite, arrived about 9 p.m., and were received at the door by a guard of honour, the band playing the National Anthem. Two bands (Megson's and Hore's), played alternately, and there was no lack of music. The supper was laid in the billiard room, which was inconveniently small. Mr. Latrobe, after proposing the Queen's health, which was rapturously received, withdrew to the ball-room, and his place was taken by Colonel Anderson, who "toasted" the Lieutenant-Governor, and denounced "those editors who were in the habit of blackening His Honor's private and public character." Mr. William Hull, in a glowing eulogy, gave "The Army and Navy," which was gushingly responded to; and at 2 a.m., the Latrobe contingent retired, but a general clearance was not made until after four o'clock. The event gave much satisfaction. The attendance was unprecedentedly *respectable*, as the stewards "had shown much care in the issue of tickets, and refused some who had misconducted themselves on former occasions." Yet the supper was pronounced "passable," but the champagne was, "except a few bottles, execrable."

CHAPTER XXV.

ELECTIONS TO THE LEGISLATURE OF NEW SOUTH WALES.

SYNOPSIS:—Qualification of Electors.—Rev. Dr. Lang.—His Religious Fanaticism.—The First District Election.—The Candidates.—The First Melbourne Election.—Party War Cries.—"Orange" and "Green."—Condell's Beer "Boycotted."—Judge Willis a Political Canvasser.—"See the Conquering Hero Comes."—The Polling Day.—Mayor Condell First Parliamentary Member.—Curr's Defeat.—Major St. John, Suaviter in modo, et Fortiter in re.—The "Riot Act" Read.—"Light-weight Davey."—Attack on the Imperial Inn.—Greene's Auction Mart Cannonaded.—The Mob Fired On.—Greene's Apprehension.—Greene, Greenaway and Martin, Discharged from Custody.—Mr. Edward Curr's Sectarianism.—Condell's Resignation.—Mr. Joseph Phelps Robinson his Successor.—Resignation of Messrs. Ebden and Thomson.—Election of Sir Thomas Mitchell and Mr. Adolphus William Young.—Resignation of Sir Thomas Mitchell.—Mr. Benjamin Boyd his Successor.—Resignation of Messrs. Walker and Young.—Captain O'Connell and Mr. T. E. Boyd their Successors.—Mr. Benjamin Boyd Resigns his Seat.—Mr. Edward Curr's Election.—Mr. T. E. Boyd Resigns his Seat.—Mr. E. J. Brewster's Return.—Mr. Edward Curr's Resignation—Election of Mr. John Leslie Foster.—Resignation of Dr. Lang.—Mr. John Moore Airey's Election.—Mr. Brewster's Resignation.—Election of Mr. C. H. Ebden.—The General Elections of July, 1848.—A Political Coup de Maitre.—Memorial to the Secretary of State.—Election of Earl Grey as Member for Melbourne.—The Duke of Wellington, Lord Brougham, Lord John Russell, Lord Palmerston, and Sir Robert Peel, Nominated for the District.—Election of Messrs. McKinnon, Williamson, Dixon, Palmer, and Curr.—Mr. Williamson's Resignation in 1849.—Mr. William McArthur his Successor.—Nomination and Defeat of the Duke of Wellington.—Mr. Edward Curr's Resignation.—Mr. J. L. Foster his Successor.—Dr. Palmer's Resignation.—Mr. Henry Moor Succeeds to the Vacancy.—Mr. McKinnon's Resignation.—The "Iron Duke" again Defeated.—Mr. McKinnon Re-elected, 1849.—Messrs. Foster and McKinnon's Resignations in 1850.—Election of Messrs. Ebden and Mercer.—Resignation of Earl Grey.—Election of Mr. William Westgarth.

THE colony of New South Wales (including, of course, the district of Port Phillip) was governed by a Nominee Council until the enactment 5 and 6 Vict., C. 76 (30th July, 1842), when the first concession of anything approaching Representative Government was granted. By this it was ordained that a Legislative Council should be constituted, consisting of 36 members—24 to be elective, and 12 nominated by the Crown. Of the former, Port Phillip was to return a fourth, *i.e.*, one for the town of Melbourne, and five for the district. The qualification of electors was an estate of freehold in possession, of lands or tenements in own right within the district for which the vote was given, of the clear value of £200 at least, above all charges and incumbrances; or a householder occupying a dwelling of a clear annual value of £20 at least; the voter to be 21 years of age, either a natural born subject, or naturalized, or the holder of letters of denizenship according to law, and an occupier for six months prior to issue of the writ of election; but persons attainted or convicted of treason, felony or infamous offence, could not vote unless pardoned or had undergone sentence or punishment. No person was eligible to serve as a member unless a subject or naturalized, 21 years old, and possessing for his own use and benefit freehold estate in New South Wales, of lands or tenements, of the yearly value of £100, or worth £2000, above all charges and incumbrances. The Council was to continue for five years; but the Governor had power to dissolve it sooner. The Act came into operation in 1843, and the people grew excited over the novelty, and determined that the first elections, at all events, should be carried on with no lack of public spirit. As a consequence there was a great deal of preliminary agitation and canvassing. Election meetings were held, money was melted, liquor drank, and bad blood engendered. It was announced that the Reverend Dr. Lang was coming from Sydney to offer himself as a candidate; and this intensified the excitement, because of his past writing and speaking against, and his extremely intolerant views respecting, the Irish Roman Catholics. A Papist was Dr. Lang's earthly abomination, and the mere name of one of that benighted creed had much the same quieting effect upon him as the shaking of a red

blanket before a wild bull. He was a man of exceptional ability and untiring energy; but a kind of political church militant, never out of trouble with his own or some other sect. He invariably fanned the smouldering embers of religious fanaticism. For Melbourne, Mr. Edward Curr was a candidate, and his admitted talent and past public services led to a presumption that he would not be opposed; but this belief was unfounded. From the Civic Elections of the year before there survived a remnant of party feeling, which the presence of Dr. Lang (now arrived) roused to a wild frenzy; and thus the efficient representation of the town sank into a very secondary consideration, as compared with the gratification of sectarian intolerance. Much difficulty was experienced in getting a party of sufficient social standing to enter the lists against Mr. Curr, whose special fitness for the post was universally acknowledged; and but for Curr himself, the probability was that he would have had a "walk-over." Lang was at this time a declared candidate, and he, Curr and others, addressed various meetings of the constituencies. Mr. Curr was very dogmatic and overbearing, and at one of his gatherings he declared that if Dr. Lang were returned for the district, he (Curr) would not go to Sydney as member for Melbourne. This was crossing the line and no mistake. Many who appreciated Curr's ability rebelled against his bounce. Renewed efforts were made to get up an opposition, and a rival was finally found in Mr. Henry Condell, the brewer (who was also Mayor), a vain, empty-headed individual, and whose candidature, under ordinary circumstances, would have been resented as an impertinence.

There were six candidates for the five district seats, and the interest of the election was centred in the return or rejection of Dr. Lang. The candidates were:—Dr. Thomson (of Geelong), Mr. C. H. Ebden, Dr. Lang, Sir Thomas Mitchell (Surveyor-General), Dr Nicholson, and Mr. Thomas Walker, a wealthy merchant. The reasons of there being only two "Port Phillipians" were the inconvenience and expense entailed by a Parliamentary attendance in Sydney. The most virulent opposition was directed against Lang, some of whose meetings were of the rowdiest kind, and he more than once narrowly escaped personal violence.

The First District Election

Was the first to take place, and the nomination was fixed for the 13th June. The hustings was erected at the Cattle Market, now the intersection of Elizabeth and Victoria Streets, and from an early hour its vicinity was garrisoned by all the available police force (cavalry and infantry), supplemented by a number of ticket-of-leave convicts, whom Major St. John, the Returning Officer, in some perverse freak of humour, had sworn in as special constables. He also issued cards of admittance to the stage, without which no person was permitted to ascend to the reserved circle. About 11 o'clock the Committee and supporters of Sir Thomas Mitchell made their appearance, wearing scraps of ribbon and waving small flags. Dr. Nicholson's partisans were followed by those of Messrs. Ebden and Walker, who chartered the Town Band, and the musicians wore white and red rosettes, having their instruments ribanded in similar finery. They also sported half-a-dozen banners inscribed with "Separation," "Independence," "Education," etc. The last to appear was the thoroughly hated, and thorough good hater—the Reverend Doctor, encircled by a cordon of backers, in a state of ultra-excitability. Each candidate was loudly cheered, but Dr. Lang was saluted with a hurricane of groaning and cheering, the groans preponderating, and the united discord of sounds echoing through the surrounding forest. Lang boldly confronted the bellowing human herd, with a peculiar physiognomical expression of half sneer worked into a mixture of smile and frown. In response, the vocabulary of back-slum slang was put under requisition for terms sufficiently opprobrious, and the vilest threats and most foul-mouthed epithets were hurled at him. Firm as a tower, and cool as a cucumber, he never quailed for a moment as he gazed on the sea of contorted faces surging below him. The spirit of the game-cock was now in his eye, though, as a rule, he preferred the distant war-whoop to a close quarter combat. During a temporary calm the following nominations were made:—

Dr. Alexander Thomson, proposed and seconded by Messrs. James Montgomery and Skene Craig.

The Rev. John Dunmore Lang, by Dr. Peter M'Arthur and Mr. George S. Brodie.

Sir Thomas Livingstone Mitchell, by Mr. J. L. Foster and Captain M'Crae.

Mr. Charles Hotson Ebden, by Captain G. W. Cole and Mr. Alfred Langhorne.

Mr. Thomas Walker, by Messrs. Joseph Hawdon and Alexander Andrews.

Dr. Charles Nicholson, by Messrs. A. F. Mollison and Archibald Cunninghame.

It was arranged that each candidate, or representatives for the absentees, should address the assemblage in the order of nomination. They did so, and all obtained a fair hearing except Lang, who was subjected to such a storm of hooting and hissing that after several persistent ineffectual efforts to speak, he was obliged to give way, and submitted with a bad grace. A show of hands was next taken, and declared to be in favour of Ebden, Nicholson and Lang, whereupon Dr. Thomson demanded a poll, which was appointed for the 20th June.

The whole province was one electorate, with three polling places, viz., Melbourne, Geelong and Portland. On the polling day there was only one booth opened for Melbourne, viz., that at the *Lamb Inn* (now *Scott's Hotel*). The gross poll at the several localities named was:—For Ebden 228, Walker 217, Nicholson 205, Thomson 183, Lang 165, Mitchell 157. The first five were consequently elected.

The official declaration was made on the 24th June, in the same place as the nomination. Ebden had the Town band playing through the streets for some time before noon. He was the only successful candidate present, and returned thanks in a ponderous, inflated speech. Proxies appeared on behalf of Walker, Nicholson, and Mitchell. Thomson and Lang were both absent and unrepresented, the former having returned home to Geelong that morning and the latter started overland for Sydney. At the conclusion of the ceremonial, when Ebden, his brother, Edward Curr, and J. L. Foster, were about to be driven away in Ebden's carriage, their supporters unshafted the horses, relays of shouting volunteer bipeds took their places and the vehicle was hauled at a quick pace through the streets. But all the interest taken in the "chairing" was suddenly eclipsed if not extinguished by the welcome news that a mandate of the Executive suspending Judge Willis from office, had been received from Sydney.

The First Melbourne Election.

When a contest was known to be inevitable it evoked the fiercest feelings of political antagonism and religious acrimony. Every disturbing element was called into play, the *exuviæ* of the internecine feuds of the old country were re-heated, and the discordant party war-cries of "Orange" and "Green" were raised in the furore. Election meetings were held in the several Wards, where the tumultuous rows were most discreditable. House-to-house canvassing was made, and threats and intimidation of every kind freely interchanged. Exclusive dealing against the shopkeepers was vowed; the Irish publicans swore lustily they would never again buy a barrel of Condell's beer; and the Irish tipplers were as emphatic against ever drinking it. As a climax to these indecencies, the Resident Judge (Willis) dishonored the ermine of his high office by requesting the retailers, with whom he did business, to vote for Condell; and one day, whilst on a vote-touting expedition, Willis and Curr met face to face in the shop of Mr. Charles Williamson, a Collins Street draper (lately Alston and Brown's), where the Judge waxed so personally offensive that Curr's forbearance only prevented the public scandal of a pugilistic encounter between the judicial canvasser and the candidate.

The 15th June, 1843, was the period appointed for the Borough nomination, and a hustings was put up on a stretch of waste land where the Town Hall now stands. Alderman Russell was Returning Officer, in consequence of the disqualification of the Mayor, through his being a candidate. Curr was the people's favourite, and his Committee having secured the Town Band, the strains of "See the Conquering Hero Comes" were heard, accompanied by Curr and a numerous body-guard of friends. Condell arrived soon after with his principal supporters.

The writ was read by the Town Clerk, and the Returning Officer eulogised that high privilege, the pride and the boast of every loyal subject throughout the whole of Britain's Isles, namely, "The System of Representation," and concluded a brief though excellent address with a hope "that they fully appreciated the trust reposed in them—the first electors for the Borough of Melbourne—the capital of Australia Felix."

Mr. Edward Curr was proposed by Mr. George Were, and seconded by Doctor Dixon; whilst Messrs. John Porter and James Brown acted as political sponsors for Mr. Henry Condell. The speeches of Messrs. Curr and Dixon were deliverances of marked ability. The Currites obtained fair play, but the Condellites, especially the Mayor himself, were subjected to much interruption. But, though not a justification, there was this difference, that Curr was probably the ablest public man in the province, and his opponent just the reverse. The show of hands was very much in favour of Curr, and on the demand of Condell, a poll was fixed for the 17th June.

The First Election Polling Day

Was an event to be long remembered in Melbourne, for never, in the election annals of the colony was there fiercer animosity, grosser provocation, or more riotous excesses. The opposition was an intensely factious one, started not so much to oust Curr as to glut the morbid appetite of national and religious malignity. To accomplish this the fierce flame of unholy bigotry was lit up alike in the public meeting and the tap-room, on the canvassing tour, and in the ranting conventicle. The two cliques of which the Corporation was composed, were answerable in no small degree for such a deplorable state of things; and the arch-disturber Lang was on the spot striring up the fires of fanaticism in something of the manner of a stoker raking his furnace. It was providential that the day passed over without loss of life, and miraculous that Lang was able to retire that night to his peaceful pillow without sustaining grievous bodily harm.

There was one polling place in each of the four Wards, opening at 9 a.m. and closing at 4 p.m. Then, and for years after, there was no such thing as vote by ballot—nothing but straight, outspoken, open voting in much the Corporation style. It was done in this way. Each elector on presenting himself received a card on which the names of the several candidates were printed. He erased the names for which he did not vote, and after signing returned the document to the Returning Officer, who thus read aloud "John Smith votes for Tom Jones," and if Tom Jones was a popular idol, John Smith was greeted with loud cheering; but if not, the voter, after performing a duty to his country, on leaving the room was pushed and knocked about, and getting into the street was lucky if he did not meet with even rougher treatment from a half drunken crowd loafing outside; and the hugging and hustling, cheering and groaning, blessing and cursing, according to the humour of the rabble, was a source of anything but amusement to the victim of them. Furthermore, the receptacles into which the cards were dropped, were repeatedly opened, the votes counted, and the state of the poll issued on slips every hour, sometimes oftener. These bulletins would be posted outside the door, and so far from allaying, only served to increase the excitement tenfold, and heated the bubbling passions of the populace to boiling point. The friends of the candidates were to be seen from cock-crow running about, buzzing and busying like bees, their fussiness encumbering their utility, and their *verba* embarassing their *facta*. Curr's adherents worked openly; Condell's to a great extent *sub rosa*; and yet, contrary to general expectation, the Mayor led from the start, was never collared during the race, and was landed at the winning post by a majority of 34, the numbers at the close of the poll being—Condell 295, Curr 261.

In the afternoon Curr was so far behind as to render his return hopeless. He was the favourite, and his backers were in a state of desperation. Some of Condell's voters were openly threatened, and, after voting, were not only abused in unmeasured terms, but in some instances assaulted. As the time for announcing the poll approached, the excitement grew almost uncontrollable. The towns-people congregated in thousands in front of the chief polling place, the Mechanics' Institution, in Collins Street, and the approach was kept by a body of special constables. The point of endurance had been at length reached, and there was about to be an explosion, when Major St. John, the Police Magistrate, galloped up the street, waving a policeman's truncheon over his head, and followed by Captain Dana, the chief of the native police, with four white and six sable troopers. St. John had tact in dealing with a mob, for he was not devoid of presence of mind and good humour in emergencies; he had also a stock of mixed bounce and blarney, which went well together, the treacle and vinegar forming an amalgam which was taken with a degree of relish, where either dose by itself would be rejected. He said something in this strain:—"Well, now, my men, you know I am your friend, and come, like good fellows as you all are, have sense, and let there be no

rowing; for, if you get up a fight, by —— it will be worse for you! The election is now over, and what's the use of losing temper about it? The thing is settled now, and no amount of broken heads can unsettle it. I have always found the Melbourne men good-humoured, decent fellows, and I don't want them to make fools of themselves now. All of you had, therefore, better disperse peaceably, for if you don't I'll precious soon make you. Now, like good fellows, do go home quietly, and God bless you!" The Major was patiently heard to the end of his oration, when he was astounded by a stunning bombardment of yelling, groaning, and other indescribable vociferations, which infuriated him to a white heat. Soft soap was no longer at his command, and, pulling a copy of his favourite "Riot Act" from a breast pocket, he read it in loud and angry tones. The clamour continuing, on a signal from St. John, Dana and his troopers drew their swords, and fiercely brandished them, as if fighting with the air, but, beyond a little flashy pantomime, did nothing more. An attempt was made to unhorse the troopers, who showed much forbearance, and in only one instance, where a half-mad "drunk" endeavoured to pull one of them to the ground, was a slight flesh-wound inflicted. Whilst all this was going on in front, Mr. Curr, obtaining an entrance at the rear of the building, appeared at one of the windows, and earnestly besought the people to separate peacefully, as the declaration of the poll would not be made until Monday, the second day after. He was received with loud cheering, intermixed with some groaning; but no disposition was shown to comply with his entreaty. In a moment a storm of distant howling swept over the building, and it became known that some of the Condellites were undergoing corporal punishment at the rear of the Institute, in Little Collins Street. Away started the greater portion of the mob, round by Russell Street, to the back lane, and off with them also galloped the Major and his whity-black pacificators; but the actual shindy was over, and, after a hasty council of war, the leaders decided upon a plan of campaign. It was decided that the evening's amusement should take the form of guerilla scouting through various quarters of the town, the army to be told off in battalions of fifties for the expedition. A maddened mob made sectional forays through the several Wards, yelling like wild beasts, throwing stones, smashing windows, and insulting and assaulting wayfarers. The Police Magistrate sent couriers everywhere for assistance to enable him to abate or stamp out the increasing popular fury. A detachment of the military then in Melbourne were quickly turned out under the command of Captain Lewis, and every possible policeman was on the streets. From bullying and blackguarding to house-wrecking is only a step, and this small advance on the road to extreme violence was soon made.

There lived at the northern side of Collins Street West, a few yards from the Elizabeth Street corner, a Mr. David Young, the keeper of a grocer's shop. Whether from any deficiency in himself or in his scales I do not know, but he was known as "light-weight Davey." His active interference on behalf of Condell rendered him very obnoxious, and his establishment was the first to receive attention. One of the brigades already mentioned paraded in front of his place, stoned the windows (the age of plate-glass had not yet arrived), and doing much damage. Young was most pressingly invited "to come forth;" but "Davey" had not the courage to rush into the lion's mouth, and instead he was cute enough to remain as quiet as a cat-haunted mouse until the storm blew over. The angry wave rolled up Collins Street, and next vented its fury upon Williamson's drapery mart (where Curr and Willis were so near playing the game of fisticuffs), but the attack was discontinued, as it became known that Mr. Williamson had recorded his vote for Curr. The *Imperial Inn*, a little further up on the other side, was next attacked. This was a tidy, well-conducted hostelry, kept by a small barrel-bodied individual known as Henry Baker, whose peculiarities of temperament did not personally attract people towards him, but whose shilling dinners—a good square meal—were well worth the figure, and went down more pleasantly with his patrons than he did himself. His political proclivities were, however, on the wrong side, and he, or rather his "Imperial," was now in for it. The place was fusilladed, and one huge wedge of rock, propelled with catapultic force, dashed through a large window, and landed amongst a general state of smash. None of the inmates were injured. Another contingent operated in Elizabeth Street, at the auction mart of one Thomas Greene, situated about half-way on the west side between Bourke and Little Collins Streets. Greene, or someone from inside, retaliated by firing a pistol into the crowd, and, as mostly happens, hitting an innocent, or at least an unoffending, man named Patrick Murray. Wounded in the back he fell to the ground, whence he was lifted on a door unhinged in a hurry, and borne like a martyr from the field. The mart was now cannonaded with much

fury, the missiles bursting through the window-shutters and making piecemeal of the crockery, glass, and other breakables stored within. Some inmates retreating to the upper region discharged three shots in quick succession from one of the windows, without killing or dangerously wounding anyone. The only casualty happened to a Mr. R. Curle, a clerk of the Returning Officer's, who received part of one of the discharges in the foot. The mob, goaded to fury by resistance, made an ineffectual attempt to force the street door, and lynch anyone found inside. Stones and brickbats were freely resorted to, until the Police Magistrate, with some soldiers, and mounted and foot police arrived. Major St. John succeeded better on this than on the prior occasion at the Mechanics', and displayed much judgment and determination. Obtaining a parley with the ringleaders, he promised if they would disperse to force admittance to Greene's house and arrest all he found within; so the mob accepted this assurance, the siege was raised, and something like order restored. The Major kept his word, and, insisting upon an entry, was admitted, when Greene and two other persons were apprehended, marched away amidst a din of derisive shouting, locked up for the night in the watchhouse, and refused bail.

The residence of the successful candidate, in Little Bourke Street East, was also interviewed, but escaped with trifling loss. Further up the same street was a tavern known as the *Elephant and Castle*, kept by Mr. Matthew Cantlon, against whom the mob had what is colonially termed a "down," and thither they moved on from Condell's. The place was attacked, the bar windows broken, and some interior injury inflicted, when a shot was fired without taking effect. About ten o'clock the rioting had died out, and nothing of the tempest remained save occasional drunken quarrelling and the uttering of loud vows of vengeance. As precautionary measures against a possible violent reaction, all the hotels were peremptorily compelled to shut up their "drinkeries" until morning, and the police patroled the highways and byeways until far after "cock-crow."

Through all these scenes of tribulation, the Rev. Dr. Lang, mischief-maker-in-chief, and principal factor in producing this outbreak of popular incendiarism, was at the private residence of his *fidus Achates*, Mr. William Kerr, in West Lonsdale Street, convivially enjoying the company of a select coterie of "brither Scots," little recking the direful consequences, which might have sprung from the civil commotion they were instrumental in fomenting. Dr. Lang had been advertised to preach on the following evening (Sunday) at the Collins Street Independent Church; but though there was a numerous and expectant congregation, the pulpit knew him not. It was rumoured that he had received a mysterious premonition not to attend; and his friends averred that there was a banditti of three or four disguised bravoes in the gallery, with secreted weapons, in waiting to assassinate him. There is little doubt that this was a cleverly got up canard to cover the Doctor's retreat, or veil his cowardice. If met with on the polling evening he might have had a crack on the head or a knock over; but that there was any deliberate plot to shoot or stab him either in the dark or light is simply a fiction. In truth his courage failed, he showed the "white feather," and although he ostentatiously vaunted himself a missionary of "peace and goodwill amongst all men," his practice and his preaching were as disuniting as fire and water.

On the Monday morning, three individuals, viz., Thomas Greene, Christopher Greenaway, and William Martin, were charged at the Police Court with discharging firearms, intending thereby to do bodily harm. There was no evidence whatever against them—not a shred of proof as to identity; and under the circumstances, the Bench of Magistrates ordered them to be released unconditionally.

The official declaration of the poll was made at noon the same day—the ceremony was a mere formula, the monotony of which was only relieved by a protest against the return on certain technical grounds, to test which a petition would be duly transmitted to Sydney. Nothing further was ever done in the matter. The excitement would have soon blown over but for an unpardonable indiscretion of the defeated candidate, who would be no party to an early burial of the hatchet. Mr. Edward Curr was one of the most trusted public men and prudent advisers of the District in its early agitations; but, with all his shrewdness and ability, was not a Nestor either in Council or newspaper. A day or two after the closing of the election, Mr. Curr published one of the most inflammatory and injudicious epistles that was ever penned. In it he inveighed with truculent bitterness against the sectarianism infused into the contest by the presence and the actions of Dr. Lang, and the virulent attacks levelled against the Roman Catholic portion of the population by the Langite organ, the *Patriot*. The following extracts were deemed so

presumptuous, unauthorised, and ill-timed, that their writer was never forgiven by either friends or foes:—"For the sake of peace and harmony, I will retain my position (of leadership) during the good pleasure of my Irish supporters. They will have a leader against "Orange" ascendancy, and they can find a thousand worse than myself before they obtain one who is better; and Melbourne would be laid in ashes on the first occasion if the leadership of that warm-hearted and insulted people were transferred from an English Conservative to an Irish agitator. * * * * * I have not sought my present bad eminence, but there are those in Melbourne who must consider themselves as wearing their ears through my mediation, and I wish them to remember that the unlettered mob who should crop them are not one whit more overstepping their bounds than are those wicked and heartless men, who wantonly set up the detestable flag before which I have for the present been vanquished." Though but a mere youth at the time, I had better opportunities of knowing more of the Irish feeling and Irish temperament then prevalent in Melbourne than Mr. Curr. I have as much knowledge of the same subjects now possibly as most men in the colony; therefore, calmly looking back over the current of time which a period of forty years has traversed, I can safely declare that any "English Conservative" who, from the White Settlement of the country to this day, ever fancied that he could hound on the Irish colonists, like so many wild Indians, to worry and scalp any other section of society, must be the victim of some wicked hallucination begotten by cerebral disturbance, or disarrangement of the nervous system, sufficient to exclude him from the class of beings presumed to be morally and legally accountable for their actions. And so ends a narrative of the First Parliamentary Election held in Victoria, as written by a spectator of some of the incidents therein described.

At a time when it was a matter of supreme importance to Port Phillip to be ably represented in the Legislature of New South Wales, the defeat of Mr. Curr was little short of a public calamity; and though everybody in his conscience felt it to be so, everybody was far from openly acknowledging it. Mr. Condell, on the opening of the Session, bade good-bye to his Little Bourke Street Malting, and set off to attend to his newly-born Senatorial duties, bearing with him to Sydney neither social weight nor ordinary ability. He was a dummy—barely a respectable one; a mere voting machine. His absence from business soon told on him, the listlessness of Sydney life to a man of his mental capacity quickly tired him, and in February, 1844, he resigned his seat. Mr. Ebden and Dr. Thomson for private reasons followed suit a few weeks after, thus extinguishing for the time all resident representation. The election for the town vacancy so created was held on the 12th March. The only candidate offering was Mr. Joseph Phelps Robinson, a Sydney merchant, and largely connected with banking interests. He was proposed by Captain Cole, seconded by Mr. H. G. Ashurst, and returned as a matter of form. Mr. Robert Fennell, a relative and his Melbourne agent, briefly returned thanks on his behalf, and all was over in ten minutes. Mr. Robinson continued to represent Melbourne until the Earl Grey election, and, with the exception of Dr. Lang, was one of the best of the many non-resident members that followed in subsequent years. He was an Irish Quaker, born on the banks of the Suire, a romantic river, in that well-known county of Southern Ireland, Tipperary. He was a liberal benefactor of the Mechanics' Institution and the Melbourne Hospital.

The seats vacated by Ebden and Thomson were filled the month after, and, singularly enough, called forth an acrimonious contest, got up by some of the most rampant of the Curr opponents at the first election, who, in the most ludicrous manner, changed not only sides, but colours on this occasion. No local man could be induced to stand; and as for Curr, like a modern Achilles, he retired to his tent at Abbotsford, and sulked his time away. He was therefore out of the question. Two officials of the New South Wales Government offered themselves, for there was no such awkward stumbling block as an "Officials in Parliament Act" to bar the way. They were Sir Thomas Mitchell, the Surveyor-General (the only rejected candidate at the first election), and Mr. Adolphus William Young, the Sheriff. They were influentially supported, and up to the nomination day (16th April) it was believed there would be no opposition. At the eleventh hour, however, a rival was brought forward in the person of another Sydney gentleman, Captain Maurice C. O'Connell, without either his knowledge or consent. This was a factious movement (instigated by an antipathy to the squatters), by Messrs. William Kerr, J. P. Fawkner, H. W. Mortimer, and others who yelped most loudly in the anti-Irish cry raised by Dr. Lang on behalf of Condell. These gentry now saw no inconsistency in "jumping Jim Crow," and because the "Captain" was a

namesake and cousin of Daniel O'Connell, then at the zenith of his Irish political career, they acknowledged that a good deal after all might be made out of a name, and through its agency the Irish vote and Irish influence could be made to serve their purpose. The "Orange" banner was consequently muffled, the "Green" substituted, and the Orangemen of Melbourne for the nonce became apparently as ardent admirers of the detested colour, as the Prince of Orange was in reality at the "Battle of the Boyne," when he issued an order that his soldiers should pluck the green branches off the adjacent trees, stick them in their caps, and fight under the cognizance of the green cockade. Mr. William Verner was appointed Returning Officer, and the nomination was held on the 16th of April, on a hustings erected in front of the new (now old) Court House. Sir Thomas Mitchell was proposed by Mr. James Simpson, and seconded by Dr. M'Crea; Mr. A. W. Young, by Mr. J. L. Foster and Major Firebrace; Captain O'Connell by Messrs. Samuel Raymond and Thomas Wills; Mr. Edward Curr, *mirabile dictu*, quite unexpectedly advocating the Captain's election. Mr. Young was the only candidate who appeared in person and delivered a short address, and a poll was appointed for the 23rd at Melbourne, Geelong, and Portland.

And now, by one of those extraordinary political card tricks which some whim of chance occasionally effects, a coalition was evolved as incongruous as any political shuffle that has been accomplished since. To compare it with the veering of a weather-cock would be incorrect. Here was Edward Curr, the self-dubbed leader of "the warm-hearted and impulsive people" (the Irish), whipping in his "unlettered mob" to obey the behests of the malignant slanderers of everything Irish—the firebrand factionists who had put him out of the representation of Melbourne—the men who, according to his own empty bravado, "wore their ears through his mediation!" This gross tergiversation was never satisfactorily explained, and there could be no other supposition than that it originated in a vindictive desire to gratify some deeply buried private grudge towards one or more of the other candidates. The intervening week was a busy one. The "O'Connellites" were attended by Kerr, Mortimer, Fawkner, and a picked retinue of Scotch and North of Ireland body-guards. Curr, though working privately, as if conscience-stricken, kept himself apart from the public demonstrations. The Irish Southerners generally made up a large portion of the assemblages, and Kerr and his *confrères* used to ladle out to them like soup, a counterfeit soft sawder—some drippings from the Blarney stone, put through a filter of Caledonian burr. The Irish Catholic element, before so shamefully reviled, was now lauded to the skies; and it was now not only *Erin-go-bragh*, but everything that by any possibility could have direct or indirect connection with it, that was to be held in honour and respect. The Fawkner-*cum*-Kerr "Orange" organ, the *Patriot*, rang out in loud and shrill notes, the glories of the land of the Milesians; cracked up to the skies the great Irish Liberator, the "Father of his country," and declared the Irish to be not only the finest "peasantry," but the "greatest people" under the sun. If they only helped to return the Australian O'Connell, they would be securing the services of a second Liberator, and one who, following in the footsteps of his illustrious kinsman, would obtain for Port Phillip that which the other in a similar sense was agitating for at Home, viz., a "Repeal of the Union" with New South Wales. The credulous, good natured, impulsive Irish colonists, in their ardent hero-worship of one they trusted and revered, actually believed the arrant trash that was thrown to them like chaff. The polling was held at the *Lamb Inn*, and the excitement in town was considerable. About noon there was a large gathering in Collins Street, opposite the *Royal Exchange Hotel* (now the Bank of New South Wales), where Mr. Kerr mounted on a table, and in a loud Aberdeen *patois*, essayed the *rôle* of an Irish stump orator. He was rapturously applauded and rushed by a Celtic guard of honor, hoisted on their shoulders, and carried off in triumph to the *Patriot* office. It was the most humiliating exhibition of human weakness that could be witnessed, and the Irish afterwards had good reason to repent it. It was bad enough at the first District Election, by unhorsing Ebden's carriage; but for a number of decent, well-to-do Irish Melbournians to get under Kerr and be "sat upon," was a self-imposed enthusiasm, as undignified as the author of it was unworthy. To any reflecting person having a knowledge of the Municipal and Political cabals of the period, this complimentary manifestation must have appeared a compound of the most grotesque ingredients, so unsurpassably absurd as to provoke only wonderment and laughter. The ring-master of this political circus, was a crazy tailor, who had been accused by the very individual so exalted to the "pride of the place," of having put up a trio of would-be assassins to murder Dr. Lang at the first town election, and who, one day, some time after the present event, knocked Kerr into the channel for writing

of him as "a half-hanged ruffian." O'Connell was beaten, the result being:—Mitchell 195, Young 134, O'Connell 94. The declaration was made on the 29th, when Mr. Simpson returned thanks on behalf of Mitchell. Young was called for but did not appear, for though in Melbourne, it was said he was not aware of what was taking place. The O'Connellites were loudly discontented with the issue, though they derived some poor consolation by Mr. Mortimer handing in a protest on behalf of their *protégé.*

Though the general interests of Port Phillip were identified with those of the whole colony, there were special issues apart from them in which this Province was particularly concerned, such as an Equitable Participation in the Funds appropriated to Immigration, the Expenditure of the Revenue on Public Works, and other financial considerations; and occasions would arise in the Legislative Council when it was necessary in order to do justice to their constituents, that the non-residential representatives should consider Port Phillip first and New South Wales after. This was often embarrassing. There were, besides, times when the powerful opposition brought into existence, waged war so determinedly against the Government, that the fact of two of the District Representatives being Government office-holders proved very inconvenient; but Sir George Gipps soon let them know that contingencies might occur in which "open questions" could not be recognised, that salaried *employés* of the Executive, in choosing which of the two masters they should serve, should not ignore the quarter from which they drew their annual stipend, and that they were expected, on all questions of importance, to vote with the Government benches. The first intimation of this kind conveyed to Sir Thomas Mitchell, clearly convinced him that he could not preserve his independence as a Port Phillip member and his Surveyor-Generalship together; so as an honourable and upright man should do he resigned his seat.

The choice of his successor was made in Melbourne on the 10th September, 1844, and, without opposition, Mr. Benjamin Boyd, a gentleman largely concerned in the mercantile and marine interests of Sydney, "walked over the course" almost in solemn silence.

A blank of nearly a year now occurs without a single ripple of the Electoral waters, until the spring of 1845, when Messrs. Thomas Walker and A. W. Young resigned. The nomination for their successors was presided over by Mr. Verner, as Returning Officer, on the 7th August. Though the only candidates offering were Sydney men, it was known that for one of the seats there would be opposition. Mr. Archibald Boyd (another Sydney merchant and squatter) was proposed by Mr. Archibald Cunninghame and seconded by Mr. Peter Inglis; Mr. J. P. Fawkner proposed, and Mr. Richard Ocock seconded, Captain O'Connell (the gentleman previously defeated); and Mr. Edward Curr, who was prone to creating surprises, and, to the astonishment of most present, declared he had risen from a sick bed to offer his strongest opposition to Mr. Boyd, whom he (metaphorically) tomahawked in an unmeasured style. On a show of hands O'Connell had more than half in his favour, whilst there were only three for Mr. Boyd, who was not in attendance to demand a poll, and his "bottle-holders," unable to muster six electors to do it for him, Captain O'Connell was declared to have been duly elected. For the second vacancy there was no opposition, and Mr. T. E. Boyd was proposed by Major Firebrace, seconded by the Mayor (Dr. Palmer) and elected. This Mr. Boyd was for years manager of the Union Bank of Australia, and subsequently of the Colonial Bank. He was an expert in working Bank "screws," but was otherwise unknown, and it was only the impossibility of then procuring any other local man that permitted his return. As far as he was personally concerned, it was little more than a sham, for it is doubtful if he ever consented to be nominated. He was absent from the nomination and never performed any service for the "greatness" so forced on him during the three months he was a member, for he never even condescended to be a "sitting" one.

Mr. Benjamin Boyd resigned his seat in little more than a month, and on the 19th September the nomination of a successor took place. The loss of Mr. Edward Curr's eloquent advocacy of "Separation," the watch-word of the Province, was often acknowledged, and efforts were now made to bring him forward. By this time he had rubbed off the fretfulness occasioned by his first undeserved discomfiture. At first he "could not think of it," then he hesitated, and when a politician does so, he woos the fate of the proverbial hesitating lady. Finally, he was prevailed upon, and for a second time very scurvily treated, though not defeated. It was generally supposed Mr. Curr would be unopposed; but Mr. J. P. Fawkner nominated Mr. Neil Black, who was seconded by Mr. A. Sprot. Mr. Edward Curr was proposed by Mr. Thomas Wills, and seconded by Mr. E. E. Williams. Mr. Black was not in attendance, and had never sanctioned

the unpardonable liberty taken with his name; but Mr. Curr addressed the assemblage, and there was a large show of hands in his favour. Six electors, however, were mustered to ask for a poll, which was appointed for the 26th. Mr. Black, on ascertaining what had been done, very properly withdrew his candidature, so there was virtually only a nominal contest. The gross number of votes recorded at the three polling places—Melbourne, Geelong and Portland—were: For Curr, 50; Black, 12 (all in Portland). Mr. Curr was at last a member of the Legislature, and the Fawknerian freak, which wantonly occasioned so much annoyance and expense, was much deprecated. Mr. T. E. Boyd resigned at the beginning of 1846, and on the 16th January Mr. E. J. Brewster was returned in his place without opposition. His electoral sponsors were Messrs. D. S. Campbell and Robert Fennell. The ceremony occupied less than ten minutes, and there were just twenty-two persons present, including five newspaper reporters, with the officials of the Supreme and Insolvent Courts. Mr. Brewster did good service in Sydney, where some measures of a practically useful nature were passed through his exertions.

Notwithstanding the desire of Mr. Edward Curr to serve his adopted country in the Legislature, and the obstacles surmounted in placing him there, Providence willed that his tenure of the trust should be of short continuance, for, owing to a deep family bereavement (the death of his son), he was constrained to resign in May, 1846, and on the 22nd June Mr. John Leslie Foster succeeded without opposition to the vacant seat. The candidate was proposed by Mr. James Simpson, and seconded by Major Firebrace. The proceedings were conducted by Mr. R. W. Pohlman, appointed District Returning Officer, *vice* Mr. Verner, who had left the colony; and the public were represented by five electors, with twelve "strangers," including four reporters and as many Supreme Court subordinates. Towards the end of 1847, Dr. Lang, beset by financial troubles, tendered his resignation; and about thirty persons assembled on the 15th December to elect Mr. John Moore Airey, of Geelong, to the position. Mr. Brewster resigned in 1848, and, on the 8th March, Mr. C. H. Ebden was returned unopposed in his place.

A Political "Coup de Maitre."

The quinquennial Legislature of New South Wales expired by effluxion of time in 1848, and there was a general election in July. Hitherto, through the difficulty of obtaining the services of local politicians, the representation of the Province resembled a corpus—a "subject"—for Sydney would-be Statesmen to make experiment upon, and the present afforded a grand opportunity. A quintette of Sydneyites, like so many modern Assyrians, came down as "wolves on the fold." They were Messrs. J. P. Robinson, W. S. Boyd, Adam Bogue, Archibald Boyd, and Samuel Raymond. The first and last named were favourably known in Port Phillip—Robinson as a courteous and attentive member for the town, and Raymond as the first Deputy-Sheriff here, and one of the Provincial Bar. Mr. Leslie Foster, a late member and a resident, was satisfied to accept a renewal of his seat, and he, with the Boyds, Bogue and Raymond, made up just the District number, whilst Robinson was again a candidate for the suffrages of the Melbournians, now by the favour of Her Majesty swollen to full-fledged citizens. The plan was nicely arranged, but, as the sequel will show, it was blown away like a house of cards.

The political representation of Port Phillip in the Council at Sydney was pernicious. The "Separation" movement was thwarted, the transportation question trifled with, financial injustice continued, and the interest of the Southern were always made subservient to those of the Middle District. If Port Phillip had had as its members half-a-dozen Pitts, Peels, or Gladstones, instead of as many mediocre, shifty, and shifting self-servers, with whom *ex necessitate* she was obliged to be satisfied, even they would have been outnumbered as one to five, and, in voting power, nowhere. The difficulty was to cope with this state of things, and in this fermenting process of dissatisfaction the election campaign opened. The District nomination was fixed for the 20th July, and a few of the leading public men held a consultation, and decided that an effort should be made to return an empty writ to head-quarters as the most emphatic mode of demonstrating the absurdity of continuing a system which was universally regarded as a "mockery, a delusion, and a snare." At noon, Mr. R. W. Pohlman, the Returning Officer, was in attendance in the Supreme Court porch. The writ was read, and the proposition of candidates invited, when Mr. Thomas Wills proposed, and Mr. E. E. Williams seconded, the nomination of Mr. J. L. Foster.

Mr. J. P. Fawkner then popped forward, and entreated the meeting to pause before going further. He asked them to consider whether it would not be better to do nothing than continue the sham of sending members to Sydney—a course which had been more injurious than beneficial to the District. One of two things ought to be done: Elect no one under the writ, or return five Port Phillippians, who would pledge themselves not to attend the Legislative sittings. To go on doing as had been done for years was helping the Sydney Legislature to plunder this Province of the money to which it was equitably entitled. This suggestion was received with a loud expression of approval, and Mr. Edward Curr, whilst agreeing with Mr. Fawkner, was disposed to make exception in favour of Mr. Foster on account of past services. This view was also upheld by Messrs. Colin Campbell and C. H. Ebden, whilst Dr. M'Arthur, Mr. W. Kerr, and others submitted that the principle sought to be established would be destroyed if Mr. Foster were elected.

Mr. J. B. Were moved an adjournment of the proceedings, which was seconded by Mr. Fawkner. Mr. Foster spoke in opposition to adjournment, and was followed by Captain Cole, who, in an energetic strain of brusque and uncompromising energy, went in strongly for absolute and total non-election. Several gentlemen gathered around Foster (who appeared considerably chagrined and disappointed at the turn of affairs), and prevailed upon him to consent to the withdrawal of his nomination. Foster acquiesced with both a wry face and a bad grace, and Mr. Edward Curr, advancing to the verge of the hustings, in a loud voice exclaimed: "This day has produced the most gratifying act of public virtue ever witnessed in Port Phillip, when every man did away with his ambition either in duty to himself or his friends in Sydney. He was truly proud of it."

The Returning Officer at length peremptorily demanded if there were any candidates to be proposed, and was answered by loud and general shouts of "No, no." He then declared it to be his duty, it being an hour after the time, to make his return accordingly. The day's doings terminated with cheers for the Returning Officer, cheers for "Non-election," and cheers for everyone, a species of shouting "hands all round."

As soon as people had leisure to quietly reflect, public opinion was divided as to the effect of such a line of policy. It was most unequivocally condemned by some as a mere Quixotic freak, calculated to retard instead of promote the interests of the Province; whilst others, and certainly the sounder thinkers of the time, approved it as a strategic feat, the important results of which would yet more than amply justify it. A difficulty now arose as to how the "Non-election" theory could be successfully applied at the approaching election for the City. If unanimity prevailed of course it could be easily done; but divided counsels would render this impossible, for any two electors could place a candidate in nomination, and any six could force the same, *nolens volens*, to a poll. As a general consent could not be procured, it was agreed, if possible, to nullify the election by the indirect mode of returning some person who would be unable to take the seat; and this is the way in which Melbourne attained the distinguished honour of having for its first City Member no less a personage than

Earl Grey.

Dr. Palmer (the Mayor) acted as Returning Officer, and the nomination was held at the site of the present Town Hall, on the 25th July, 1848. Dr. Greeves (then an Alderman) opened the ball by speaking in eulogistic terms of the late member (Mr. Robinson), and regretting that, under existing circumstances, it would be extremely impolitic to re-elect him to the position, a compliment otherwise well deserved. But, as he thought it was their bounden duty to uphold the principle enunciated and acted upon at the District Election, he begged to say that if any person proposed a candidate he (Dr. Greeves) should most assuredly nominate Earl Grey, the Secretary of State for the Colonies. This intimation was received with loud cheers, intermingled with expressions of dissent.

Mr. J. P. Fawkner spoke to the same effect.

Mr. Edward Curr, in strong and eloquent terms, entreated the meeting not to destroy the moral effect of what had been done in reference to the election for the District.

After a brief delay, Mr. A. F. Mollison, in the midst of a hurricane of hisses and cheers, proposed Mr. J. L. Foster, which was seconded by Mr. John Duerdin.

Mr. Thomas M'Combie then proposed, and Mr. J. P. Fawkner seconded, the "Nomination of Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, as a fit and proper person to represent the City of Melbourne in the Legislative Council of New South Wales." There were many friends of Mr. Robinson present, but they had the tact and good taste to withdraw him from the now inevitable contest. A show of hands was asked for, and announced to be most unmistakably in favour of Grey. Foster was not in attendance, and for some time it was hoped a poll would not be demanded; but six electors were found for the purpose, and it was appointed for the following day. The half-dozen citizen-electors who thus nailed their colours to the Fosterian mast were Messrs. Henry Moor, James Hunter Ross, A. F. Mollison, John Duerdin, Frederick G. Dalgety, and Dr. Thomas Black, or three attorneys, one squatter, one merchant, and one physician. A vote of thanks was, on the motion of Mr. W. Kerr, passed to Mr. J. P. Robinson, the late member; and no one ever deserved it more. The gathering then separated with loud cheers for "Grey" and "Non-election," and a round of hissing for the Foster followers.

As an evidence of the prevailing apathy it may be mentioned that, out of a constituency of 935, only 397 votes were recorded, viz. :—For Earl Grey 295, Foster 102; majority 193. On the 27th the official declaration was made, when the Right Honourable Earl Grey was declared duly elected. A protest, setting forth various technical objections to the return, was presented, which the Returning Officer promised to transmit with the writ to Sydney.

Mr. M'Combie returned thanks for the high honour conferred on his nominee, and so ended the queerest election episode that ever occurred in the colony.

The Greyites, elated with what they had done, considered it advisable to get up a public demonstration, and an influential meeting was held at the Mechanics' Institution on the 31st July. The Mayor was in the chair, and in addition to a resolution vindicating the action taken at the election, a memorial to Earl Grey was adopted, setting out in detail the reasons which led up to his Lordship's return. This document was in fact an elaborate statement of the case for Port Phillip. It was from the pen of Mr. Edward Curr, and characterized by all that gentleman's clearness of diction, calm logical reasoning, and fulness of information. It was ordered to be transmitted through the usual official channel, accompanied by a letter to the Governor of New South Wales, asking His Excellency to reserve the revenues of Port Phillip in the Province, pending a reference to the Secretary of State.

Nomination of "Noble Lords."

Geelong was ever watching Melbourne with a jealous eye, and whenever a chance offered, the Geelongites were only too glad to have a slap at the capital. Whatever public step was taken in Melbourne, some local counter demonstration was made there. Geelong, therefore, would not permit the "Non-election movement" in the district, and accordingly a public meeting was held there on the 2nd August, 1848, to remonstrate against such "high-handed doings." Mr. Charles Sladen was Chairman, and resolutions were unanimously passed protesting against the disfranchisement of the District, and memorializing the Governor to issue a new writ, in which Geelong should be notified as the chief polling place. The Executive in due time complied, and the newspapers entered on an excited typographical warfare; the *Argus*, *Patriot*, and *Gazette*, going in strongly for "Non-election," the *Herald*, *Geelong Advertiser*, and other Western journals going as strongly the other way. Meanwhile a public meeting of "Non-electionists" was held in Melbourne, whereat it was proposed that in order not to embarrass the Government, five British Peers or members of the English Cabinet should be nominated; and the reason for so doing was that unless "some sort of members" were elected for the District, there were strong doubts as to whether the Legislature of New South Wales would be legally constituted. After some discussion the proposition was agreed to, and the notabilities selected as candidates were the Duke of Wellington, Lord Brougham, Lord J. Russell, Lord Palmerston, and Sir Robert Peel. Furthermore, a delegation, consisting of Captain Cole, and Messrs. J. S. Johnston, and J. P. Fawkner, was commissioned to proceed to Geelong and effect the necessary nominations. A contra meeting was convened at Geelong, where it was determined that there should be a *bonâ-fide* election, and a committee was named to select five suitable candidates. The nomination under the second or new writ came off at Geelong on the 21st September, when the "pro-electionists" put forward the following candidates,

without the consent of more than one of them, viz., Messrs. Lauchlin M'Kinnon, James Williamson, John Dixon, J. F. Palmer, and E. Curr. The "Non-electionists" started the five distinguished English personages already named, and Mr. William M'Arthur, of Camden, in New South Wales, was also proposed and seconded. The show of hands was in favour of the first bunch of candidates, and on a demand for a poll it was fixed for the 3rd October, at Geelong, Melbourne, Portland and Belfast. The local candidates were in high favour and polled about three to one as against the others. The official declaration of the poll made on the 10th October, was as follows :—For M'Kinnon 239, Williamson 234, Dixon 232, Palmer 226, Curr 189, Duke of Wellington and Co. (each) 58, M'Arthur 25.

Mr. M'Arthur had virtually withdrawn before the polling.

The Returning Officer declared the five "pro-electionist" candidates to be duly elected, and Geelong, now supremely happy, continued to be the chief polling place for all subsequent District Elections until the separation of the province in 1851.

The team thus yoked like bullocks to the lumbering waggon of legislation, worked no better than their predecessors, and some of them soon tired of their newly-imposed labours.

In the beginning of 1849 Mr. Williamson resigned and Mr. William M'Arthur, the gentleman withdrawn at the preceding election was proposed as his successor. Mr. J. P. Fawkner was also nominated. Mr. Fawkner did not care about the proffered dignity, but, in declining it, proposed the Duke of Wellington. Fawkner's nominators refusing to withdraw him, he obtained the show of hands, whereupon the M'Arthurites demanded a poll, which was appointed for the 27th. Few cared a straw how this polling went. Fawkner retired, and as an evidence of the manner in which it was viewed in Melbourne, it need only be stated that though there were 236 district electors on the roll for the County of Bourke, only 14 votes were recorded, viz., for the Duke 9, and for M'Arthur 5. Geelong went in, of course, for the colonial, and the gross poll showed M'Arthur at 87, and the Duke 10.

Mr. Edward Curr was the next to resign, and Mr. J. L. Foster, on the 11th June, was elected in his place. Dr. Palmer immediately after did likewise, and was succeeded by Mr. Henry Moor on the 5th July. About the same time Mrs. M'Kinnon died in Sydney, and her husband determined to withdraw from public life. The nomination for a fresh election took place on the 19th July at Geelong. M'Kinnon, after resigning, was persuaded to change his mind, and agreed to re-offer himself, but Mr. Fawkner was again on the look-out on behalf of the "Iron Duke," whom he nominated. He was also nominated himself. M'Kinnon had the show of hands, and the result of the polling on the 31st July was :—For M'Kinnon 139, Duke of Wellington 3, Fawkner 1.

The next election was held at Geelong on 30th May, 1850, consequent upon the resignations of Messrs. Foster and M'Kinnon. Dr. Lang having extricated himself from pecuniary involvements, his Port Phillippian friends made an effort to get him returned ; but the Doctor's popularity had died out—his sun was set, and there would be no other rising. The following candidates were nominated :—The Rev. Dr. Lang, Mr. C. H. Ebden, Mr. L. M'Allister, and Major Mercer.

Messrs. Kerr and Fawkner went down specially from Melbourne to kick up a row, but failed. Lang and Mercer had the show of hands ; but at the polling on the 11th June, Ebden and Mercer were returned by large majorities.

Earl Grey, though he did not accept the Representation of Melbourne, was in no hurry to decline it, a fact which in itself proved his election as a master stroke of political manœuvring. It was not until after the Separation Act had passed the Imperial Parliament that His Lordship declined the compliment paid him. A writ to fill the vacancy caused by the non-acceptance was issued, appointing the nomination for the 6th November, 1850. The election was held in the porch of the Supreme Court, when Mr. William Westgarth was returned without opposition ; and no man in the colony was more entitled to recognition of valuable public services. In returning thanks, Mr. Westgarth declared that within his own personal knowledge Earl Grey had rendered much service to the colony ; and as to His Lordship's return for Melbourne, so far from having done injury, as some persons supposed, it had exercised a vast beneficial influence in favour of Victoria. If Earl Grey had had his own way, Port Phillip would have been an independent colony long before.

There were no more elections in Port Phillip.

CHAPTER XXVI.

REMOVAL OF THE SUPERINTENDENT.

SYNOPSIS.—Public Meeting re Removal.—Mr. M'Combie's Catalogue of Transgressions.—Denunciatory Speech and Indictment by Mr. J. P. Fawkner.—Petition to the Queen.—Meeting of Government Officials Rebutting Charges.—Fawkner's Indictment of Major St. John.—Major St. John's Resignation Accepted.—His Departure from the Colony.—Superintendent Latrobe Unscathed.—Memorial to the Queen Unsuccessful.

PROMPTED by the action of the City Council in commencing an agitation to endeavour to procure the recall of Mr. C. J. Latrobe from the office of Superintendent of Port Phillip, a public meeting convened by the Mayor (Mr. A. Russell) was held on the 3rd July, 1848, in the open space (now the enclosed ground) rearward of the Public Library and Hospital, to adopt a Petition to the Queen on the subject. Mr. M'Combie was in the chair, and in a lengthy address entered largely into the alleged misconduct of the Superintendent. In the course of his remarks Mr. M'Combie thus dwelt upon some of Mr. Latrobe's alleged public transgressions:—"The revenues of this Province had been carried by Mr. Latrobe to Sydney, there to defray the expense of works of the same nature as were required by themselves. The revenues of their fine Province had gone to build up the barren sand-banks of Sydney. Much had been said of Sir George Gipps that he bled the Province; but who held the basin? He (the Chairman) considered the man who held the candle to the murderer was as bad as the assassin. (Cheers.) In the present meeting it was not a question of 1843, or '44 or '45, only, but also of 1846, for on the arrival of Sir Charles Fitzroy, the Superintendent again misrepresented the Province, and, by withholding the funds voted, allowed the working-men to go to Sydney for want of employment. Mr. Latrobe had written to the Governor advising him to carry on the same misrule towards the Province, and said it was not capable of managing its own revenues—it was not fit for Separation. Why were they to pay a man, who ought to look to their interests, but, whatever he had done, had always been against them? Surely such a man ought not to side with the Sydney Governor against them. Regarding Mr. Latrobe personally, he had no ill-feeling towards him; he viewed him only in his public capacity, but he knew that the Superintendent had not done that which he ought to have done. He trusted that no speaker at the meeting would make any allusion to the private life of Mr. Latrobe, as in that case, he, as Chairman, would put a stop to it; and in conclusion, he trusted the meeting would support him in his duty that day, and pass over all private quarrels on the present occasion. (Cheers.)

The first resolution was proposed by Major Newman, viz.:—"That this community, having lost all confidence in the administration of the Government by His Honor Charles Joseph Latrobe, Esq., it has become absolutely necessary for the tranquillity, good government, and prosperity of the Province, that the Colonists should avail themselves of their constitutional right of appeal to the Throne for His Honor's removal."

Mr. J. P. Fawkner, in seconding the motion, made what was decidedly "the speech of the day," and one which was fraught with consequences upon which the orator did not then quite calculate. He inveighed against the so-called aristocracy of the Province for not attending, whose absence was downright cowardice, and induced through a fear of endangering their runs.

"Gentlemen," he exclaimed, "the enemies of the people impute to us bad motives and worse language; let us this day contradict them. I come forward on this occasion to rid the colony of a nuisance in the person of our ruler. His private character I leave unassailed, but his public conduct throughout has been mean, base, and to us, as well as to himself, most contemptible; to us, in so long permitting him to

hold office uncomplained of; and to himself, in the slavish and degrading position he most cheerfully assumed on Sir George Gipps' memorable visit. On that occasion, and at the public dinner given to His Excellency in October, 1841, Mr. Latrobe licked the dirt publicly to Sir George Gipps, in these memorable words :—'Your Excellency—I feel that I am now placed in my proper position; I am fully prepared to play second fiddle to your Excellency, to any tune you may please to lead.' And he continued for some minutes to ring the changes upon first and second fiddle to the utter disgust of all the thinking part of the company present. Could any language imply greater baseness, the meaning of which was self-evident? It might clearly be read thus :—'Whatever dirty work, whatever base conduct you require of me, whatever dirt you order me to eat, or give to this people, I am the man to carry out your orders.' He had done so to the fullest extent of his limited capacity."

After some discursiveness, Mr. Fawkner unfolded his indictment, containing, amongst others, the following counts :—

"That Mr. Latrobe had wasted the public money, in having expended £450 on a private road leading to the house of Mr. Lyon Campbell, a particular friend, and only a paltry £50 on the Sydney Road; that he laid out upwards of £4000 on that miserable, abortive cut, the Beach Road, and only £50 on the Main Road of the colony; that he withheld some £20,000 from circulation in the years 1842 and 1843, when labour was to be had for the very lowest possible price—bricks, at 7s. per 1000; timber, 6s. per 100 feet, and all other work in proportion. Mr. Latrobe had delayed the erection of lighthouses at Cape Schanck and King's Island, and was consequently accessory to the loss of the hundreds drowned by the wreck of the immigrant ship, 'Cataraqui.' Again, does he not openly patronise a man notorious for receiving bribes? Aye, bribes from all conditions of men—from the half-dozen eggs, or the pound of butter, up to a cow or a calf, horses, grog, wines, champagne, brandy, and gin. Yes. There was a man present who gave this official a cheque lately for a portion of a run which he did not get. Yet the cheque was never returned. Another in order to obtain a slice of a neighbour's run, made a present of a pair of horses; but he, too, got 'put in the bucket.' It was, to use a homely expression, 'greasing the sow on the wrong side.' Yet this official was sustained by Latrobe; and though informed of such facts, has he cut the venal receiver of bribes? No! Has he not even refused to have this affair investigated? Does he not keep up the very greatest appearance he can show of friendship for this very traitor to the public? 'Birds of a feather;' you know the rest. In fact, the whole tissue of the Superintendent's misrule of the Province has been of one texture. It has one aim to please the 'First Fiddle,' never regarding the people who pay the fiddlers. Now, to sum up, Mr. Latrobe has not only refused to get money for the Province, but he has actually refused to lay out the sums put into his hands; he has vilely, falsely, and wilfully traduced us. The Superintendent supports the man who, it is said, lives upon bribes; he has shown the littleness of his very paltry spirit by desiring the Government to spend upon Geelong the famous beach water-pipe money—and worse, if worse be possible—has written to the 'First Fiddle' to send to him here a keeper for the powder magazine, a keeper for the Lunatic Asylum, and, as I hear, even a new gaoler. Thus he betrays his paltry vindictiveness, and makes it appear that the free and energetic men who have made Port Phillip what it is, are not competent to fill these very petty offices. It is misrule, a deep hatred of the people, and an insult to all classes! But the man who has written ill of other places and people cannot be expected to spare even them from whom he draws his means of living."

The motion was supported by Mr. J. S. Johnston, in a clever, splenetic harangue, and carried amidst loud acclaim.

A lengthy Petition to the Queen was adopted on the motion of Mr. George Annand, and seconded by Mr. D. Young.

The third resolution was proposed by Mr. Robertson, seconded by Mr. Bingley, and passed, viz. :—

"That the following gentlemen be appointed a Committee to procure signatures and to forward the Petition :—Major Newman, Dr. P. MacArthur, Dr. A. Thomson, Messrs. T. M'Combie, J. P. Fawkner, G. Bingley, A. M'Killop, — Webster, D. Young, G. Annand, J. S. Johnston, and J. Rankin."

Three cheers were given in honour of the Chairman, and three times three for Her Majesty. The latter were accompanied by a wish that the Province might speedily be rid of the Queen's Representative in Port Phillip.

The charges of bribery and corruption so openly made by Mr. Fawkner fell like a shell in the somewhat select and exclusive camp of officialdom, and the heads of departments were so panic-stricken that they assembled in conclave on the 7th July, and prepared a manifesto to this purport:—They invited the attention of his Honor the Superintendent to the accusations so made, which, if not rebutted, affected their characters as gentlemen and Government officers, and disgraced them in the eyes of the community. As general statements pointing directly to none, whilst involving all, they pronounced them false and slanderous to a degree, and means ought to be taken for their refutation. They declared solemnly on their honour as gentlemen, that they, neither by selves nor others, directly or indirectly, in any shape or fashion, had received, or allowed to be received, any bribe, present, or consideration for anything done or expected in their capacities as officials of the Government, save only such fees as were duly authorised by law. They requested that publicity should be given to this declaration, and expressed an anxiety for the most rigid public investigation.

This document, subscribed to by all the prominent chiefs of departments, eighteen in number (including the signature of Major F. B. St. John, the Commissioner of Crown Lands for the County of Bourke, and the individual to whom it was known to everybody Mr. Fawkner referred), was transmitted to the Superintendent, who had it immediately published in the *Government Gazette*, with a notification of his own, avowing his readiness to investigate any charges of misconduct officially brought before him. The *Herald* and *Daily News* at once openly declared that Major St. John was the public official indicated by Fawkner; and J. P. Fawkner on the 13th July wrote direct to the Superintendent naming Major St John as the person whom he charged with the receipt of bribes and presents, and declaring his readiness to substantiate the accusations before any open and impartial court. The Superintendent, in reply, informed Mr. Fawkner "that any specific charge or charges of misconduct in the performance of duty on the part of the officers named, or any other in the service, which may be transmitted in proper form, will meet with full and immediate attention on the part of the Government." All this time the subject formed the absorbing topic of discussion everywhere, from the bank parlor to the lowest tap-room; from the newspaper leader to the gossip of every street-crossing. That the question could not be pigeon-holed was beyond doubt, and there is no reason to think that the Superintendent had any disposition to do so; but the difficulty was as to the proper mode of dealing with the case. Some of the newspapers suggested that Fawkner's letter should be placed in St. John's hands, with a peremptory direction to commence a civil action in the Supreme Court; and this suggestion seems to have been adopted, for it was announced that legal proceedings had been instituted. Fawkner, not content with writing to the Superintendent, with his accustomed impulsiveness also wrote to the newspapers preferring some half-a-dozen specific charges against St. John, and it was upon this unprivileged communication, the authorship of which was admitted, that the suit was based. Major St. John seemed not to be in the least put out by the turn things had taken, and regarded it with the utmost nonchalance, at least to all outward appearance. Even the Sunday after the public meeting he patronised the Superintendent's pew in the Episcopalian Church, at which it was alleged that Mr. Latrobe's sense of propriety was so offended that he next day wrote to Major St. John, expressing a wish not to see him again, either publicly or privately, until the charges hanging over him were cleared up. It also soon became understood that the Major had been interdicted from transacting any official business; in fact, that, though not literally, he was practically suspended. There is reason to believe that he subsequently placed his resignation of office in the Superintendent's hands, by whom it was held over until the result of the appeal to the Supreme Court could be known. The particulars of the memorable case of *St. John v. Fawkner* are narrated in another chapter, and, though the non-verdict of the jury rendered it a drawn battle, Major St. John accepted it as a virtual defeat, and the terminus of his official career in Port Phillip. His resignation was accepted, and in June, 1849, he left the colony in the "Stag," ship, for England, and never returned. It may be added here that the meeting out of which the St. John episode was evolved, though it indirectly ruined the Major, left Latrobe unscathed. The Memorial was duly transmitted to Downing Street, and, after a long course of post, officially acknowledged; but its prayer was not granted.

CHAPTER XXVII.

REMARKABLE SUPREME COURT TRIALS.

SYNOPSIS.—Non-Abolition of Death for Forgery.—Alexr. Wilson, First Forger Transported for Life.—Thomas Leahy, the First White Murderer, Transported for Life.—D. C. Simson, Perjury, Acquitted.—D. C. Simson and Others, Fraud, Acquitted.—Sergeant O'Neill, First Breach of Promise, Damages £100.—S. G. Bolden, Murder of a Native, Not Guilty.—Murder by Aboriginals, Sentenced to Death.—Bushrangers Captured by Gentlemen Volunteers.—Williams, a Bushranger Killed, Gourlay and Fowler Disabled, Prisoners Condemned to be Executed.—Postscript:—Death of Notable Colonists.—The Murder of Mr. Codd, Figara Alkepurata, alias "Roger," Sentenced to Death.—First Criminal Libel, Marshall v. Arden.—The First Trial for Rape, John Taylor Transported for Life.—Murder of Mr. Francis at the Pyrenees, John Connolly Transported for Life.—First Civil Libel, Leadbetter v. Cavenagh.—False Imprisonment, Kerr v. St. John.—Murder of an Aboriginal Woman, Discharge of Prisoners.—False Imprisonment by a Judge, Ebden v. Willis.—Anthony H——n v. Cavenagh for Libel.—Conviction of a "Gentleman Rowdy," Mr. Henry Wheeler Imprisoned and Fined.—A Magisterial Horse-Whipping, M'Crae v. Foster.—"Jacky Jacky" Condemned for the Murder of an Aboriginal Boy.—"Jack the Sawyer" Condemned for Attempted Murder of John Buchannan—Stephen v. McCombie, Libel.—Nigolobin Acquitted of Murder.—Patrick W———h, alias "Patricius Paddy" Acquitted of Fraud—William V. M'Vitie, Indicted for and Acquitted of Embezzlement.

FORGERY.—26TH APRIL, 1841.

IN consequence of the non-adoption of the Imperial Act, 1st Vict., abolishing death as a punishment for forgery, this was the first capital felony tried in Port Phillip. The prisoner, Alexander Wilson, was indicted before Judge Willis and a jury of twelve, for having, on the 20th February, forged and uttered a cheque on the Union Bank at Melbourne. The prisoner went with a Mr. Lake to the Bank, and the latter filled a cheque, which the prisoner signed as a marksman for one Daniel Dudley, whom he personated. The cheque was paid, but it was afterwards ascertained to be a forgery. The prisoner was undefended, found "Guilty" of uttering, and sentence of death recorded, the Judge intimating that, in consequence of the state of the law, he should recommend a commutation of the sentence to transportation for life, and transported Wilson was eventually.

THE FIRST WIFE MURDERER.—15TH MAY, 1841.

On the 16th November, 1840, Thomas Leahy killed his wife, Sarah, at Portland. They were lodgers at the house of A-horne, a Chinaman, and Leahy, returning home drunk, quarrelled with his partner, and, snatching up a bayonet, stabbed her with it in the right breast. She died in a quarter of an hour, after being attended by Dr. Byers. The Judge assigned Mr. Brewster as Counsel for the defence. The most material evidence for the Crown was the Chinaman, and this was the first time that a Celestial appeared in Court in the character of a witness. A difficulty arose as to how the oath was to be administered to A-horne, and after some confabulation on the subject, "John" solved the difficulty by declaring that the breaking of a saucer ordeal would be binding on his conscience, and "makee him speakee de tloot." The Judge ordered his tipstaff to hunt up one of the tea-drinking utensils, but the official, after much delay, returned with a soup-plate as a substitute. This led to a legal hitch, as there were grave doubts whether soup would be as binding on "John's" conscience as tea or coffee; and after a serious consultation between the Judge, the Crown Prosecutor, the prisoner's Counsel, and the Sheriff, "John" cut the Gordian knot by asserting solemnly that he would "speakee de tloot" on the plate. Judge Willis looked at him sternly, and requested to be informed in what manner the Chinaman believed the ceremony he was about to go through would bind him; and "John," without hesitation, let the Judge know that if he ("John") told a lie the devil would break up his body and soul as he smashed the soup-plate. The Judge

was satisfied, the witness went into the box, dropped the soup-plate on the floor, and declared he would not fib. This was a clincher. The Judge bowed his acquiescence of what certainly cannot be called "irrefragable" logic and received the testimony. The defence set up was that the prisoner was so drunk at the time as to be utterly oblivious of what he did. In charging the jury the Judge put the case as one of murder or nothing; and as for manslaughter, any notion of that kind was to be discarded from their consideration. As to drunkenness, he thought it should be treated as an aggravation, instead of an excuse. The prisoner was found "Guilty," and the Judge, putting on the fatal black cap, (a custom now obsolete), passed sentence of death without hope of mercy. This announcement was received by the prisoner without any visible emotion. In the condemned cell, and heavily ironed, the unfortunate wretch was suffered to remain, as if swinging between life and death, for nearly three months; for, through the unaccountable indifference of the officials in Sydney, the warrant for execution was deferred from week to week; yet to this seeming inhumanity the culprit was indebted for his life, because the Judge, moved by the delay, strongly represented to the Executive that the extreme sentence ought not to be carried out, after all the acute agony the convict must have suffered. Strange to say, the Judge's missive for mercy, and the death warrant, passed each other on their diverse journeys. It was not until the 31st July that the fiat arrived, appointing the execution to take place on the 13th August, an interval which fortunately gave time for a reprieve to be received in response to the Judge's recommendation. The punishment was commuted to transportation for life.

Perjury.—17th July, 1841.

D. C. Simson was arraigned for perjury, arising out of an affidavit exhibited in Chambers on the 13th July, and was an *ex-officio* information filed by the Crown Prosecutor, by whom the prosecution was conducted, Mr. Barry appearing as Counsel for the defence. The traverser was a member of the firm of Messrs. Dutton, Darlot and Simson, settlers, who were indebted to Messrs. Willis and Co., and proceedings were taken to recover on a bill of exchange for £1000. A process of the Supreme Court issued, to which defendants did not appear, and judgment went by default. A summons was then obtained to set aside the judgment, in support of which the traverser made affidavit that he had never been served personally with any process, nor was any original shown to him. The affidavit was sworn before Mr. Gurner, the Deputy-Registrar, and Mr. Robert Cadden (for many years afterwards Clerk to the District Court) clerk to the solicitor of Willis and Co., swore positively that he had served the traverser, in person, with a copy of the Court summons, exhibiting at the time the original, and leaving a duplicate copy for Darlot, one of the other partners. The defence was an inpugnment of Cadden's testimony, and a coloured servant, in traverser's employ, testified that it was to him Cadden delivered two law documents during Simson's absence, which he (the servant) handed to a Mr. Steinforth, at the time staying at Simson's. The jury returned a verdict of "Not Guilty." In the next issue of the *Port Phillip Gazette* the Judge was roundly charged with gross partiality in his conduct of the case, whereupon the editor (Arden) was sent for, cautioned by the Judge to be more circumspect in future, and not to forget that there were such things as "attachments."

Conspiring to Defraud Creditors.—20th August, 1841.

D. C. Simson, J. M. Darlot, and H. N. Simson, were indicted for conspiring, by means of a mock sale, to defraud the creditors of W. H. Dutton, one of the partners of the firm of Dutton, Simson, and Darlot. The Crown Prosecutor and Mr. Barry being retained for the prosecution, and no other Barrister being available for the other side, by the permission of the Judge, Mr. F. L. Clay, an Attorney, appeared for the defence, and was complimented from the Bench. This case, from the social position of the defendants, excited no common interest, and the verdict was received with very mixed feelings. Several witnesses were called to prove the sale of certain property to H. N. Simson. Dutton, Darlot, and D. C. Simson were in partnership, and their transactions in stock and other valuables extensive. Simson and Darlot had dissolved with Dutton, and disposed of considerable property without the consent of two trustees, who ought to have been consulted. A bill in equity was filed to restrain the sale, but it miscarried through a

technical error in the drawing, and the property was sold to H. N. Simson. On behalf of the defendants it was contended that the sale was *bonâ-fide*, and the jury acquitted them.

THE FIRST BREACH OF PROMISE.—17TH NOVEMBER, 1841.

In this case the defendant was a Sergeant O'Neil, a swell member of the police force, and the keeper of the lock-up at Melbourne. The plaintiff was a Miss O'Gorman, the sister-in-law of another limb of the constabulary. Damages were laid at £300, against which was pleaded the general issue, and a plea of special matter as to the loose and immoral character of the plaintiff. Counsel for plaintiff, Mr. Barry; for defendant, the Hon. Mr. Murray. The plaintiff resided with her sister, a Mrs. Morgan, a constable's wife; and the defendant was a lodger in the house of his comrade. Thus the parties were constantly brought together, and a mutual attachment was contracted. The question was in due time "popped," the gay and gallant sergeant was accepted, and the preliminaries of the marriage expedited. Father Geoghegan Roman Catholic pastor, was engaged to tie the nuptial knot. The services of a Miss Britton were secured for the interesting office of bridesmaid; and even a man-cook was got in to prepare the hymeneal repast. The day was named and came, the bride and her handmaiden were in readiness, and they came; the bridal feast was well under weigh; but the principal figure in the domestic drama did not appear, and an adjournment *sine die* was unavoidable. On being called to account for his backsliding, O'Neil had the unmanliness to declare that he could not think of *marrying without a fortune*, and would not take less than £50; and so to raise this sum Mrs. Morgan disposed of some cows and bedding. O'Neil again backed out unless the dower was increased to £100; and, being urged to be a man to his word, vowed "he would hang by the hair of his head first." His conduct was the more disgraceful as it was proved that by the promise of marriage the girl had been seduced. Evidence was given as to the defendant's means; he was reputedly worth about £400, and had been heard to declare "that through his watchhouse perquisites he sometimes cleared as much as £30 in a week." For the defence it was alleged that the plaintiff was of improper character, and that Morgan (who had some time previously retired from the police) had kept disreputable houses both in Little Bourke Street and Geelong. The summing up was favourable to the plaintiff, to whom the Assessors awarded £100 damages.

MURDER OF AN ABORIGINE.—21ST DECEMBER, 1841.

Sandford George Bolden, a gentleman, and personal friend of Judge Willis, who had been out on bail, surrendered to take his trial for having, on the 23rd of October, shot at, with intent to kill and murder, a certain aboriginal native known as Totkeire. The prosecution had been instituted at the request of Mr. G. A. Sievewright, the Assistant-Protector of Aborigines for the Port Fairy district, and was conducted by the Crown Prosecutor, Mr. Barry appearing for the defence. The theory sought to be established on behalf of the Crown was that the prisoner, a station-holder near Port Fairy, was out riding with his brother and two stockmen mustering cattle, when they met with the deceased, a black woman, and a black child. The prisoner charged the blackfellow and shot him in the stomach. Finding himself wounded, the blackfellow made for a waterhole and jumped in, whilst the prisoner, after giving instructions to his companions to secure the aborigine if he attempted to escape out of the water, went back to the homestead for some ammunition. As the prisoner was returning he fired a second time and killed him, and rolling from a log the body disappeared in the water. There was no positive evidence of the death; but the Assistant-Protector swore that the blackfellow was missing since the occurrence. The defence was that the aborigines in the neighbourhood of the station were both troublesome and thievish, and some short time previously had speared several of the prisoner's cattle. On the day in question, the aborigine alleged to have been killed, in company with a lubra and picannini, made his appearance on the station; and as the blackfellow was armed with a spear, a couple of clubs, and a shield, there was reason to apprehend mischief. The prisoner ordered them off, when the blackfellow both pointed a spear and aimed a blow at him, which was only averted by the prisoner quickly swerving round with his horse, and then it was that the first pistol was discharged. When prisoner fired the second shot it was averred that the blackfellow was in the act of assaulting a stockman. It was further submitted that there was no felonious shooting, and that it was

customary to discharge firearms to frighten the natives; that there was no proof of the pistol having been loaded with ball; and if so, that the firing was in self-defence; and finally, that there was no proof to show that any death at all had ensued. After a charge so favourable to the prisoner as to amount to marked partiality, the jury returned a verdict of "Not Guilty," and the Judge expressed strong disapproval of the action of the Crown Prosecutor in filing an information in such a case, and so unnecessarily wasting the public time. The Crown Prosecutor curtly replied that in the performance of his official duties he should always exercise his own discretion, whereupon the Judge angrily retorted that he should take an early opportunity of representing the matter to the Executive Government. Mr. Bolden was released from custody, and warmly congratulated by a number of his friends in Court.

MURDER OF WHITE MEN BY BLACKFELLOWS.—20TH DECEMBER, 1841.

On the 26th September a party of whalers were at a place on the Western Port Coast, then known as Lady Bay, which they left, and travelling through the bush until the 6th October, reached a coal-mining station at Cape Patterson, of which one William Watson had charge. The whalers possessed themselves of what they thought was an abandoned hut. Its being untenanted surprised them, and after a time two of them were sent as scouts to discover something of the people supposed to be attached to the station. Their names were Cooke and "Yankee" (as the second was called), and soon after their departure those who remained heard the report of two gun-shots. About an hour after, a William Watson (in the employ of Anderson and Massie), who had charge of the place returned, and was astonished to find his residence "jumped" by a lot of sailors. He had seen some black people prowling about the neighbourhood for a few days, and was fearful that something wrong had happened. A man named Patrick, also in the service of Anderson and Massie (who accompanied Watson), volunteered to try to solve the mystery, and after a brief absence he rushed back and reported that he had found the dead bodies of two white men only some three hundred yards off. The Yankee was shot as if a bullet had passed through his head. Cooke had a shot wound in his side, and his head was battered as if beaten with a cudgel of boxwood, portions of which as big as a man's fist were found close to him. The two bodies were buried in a sand-gully above high water-mark. Some days before this, intelligence had been received in Melbourne that armed blacks were committing depredations in the Western Port District, and Mr. F. A. Powlett, (a Commissioner of Crown Lands) started with a party of the Border Police and a few soldiers in quest of the marauders. On his route he heard of the white men's murder, and, following up a clue received from a native, swooped down upon a mia-mia containing two male and three female blacks, and took the five into custody. The men blacks took their capture quite coolly, and the women did as ladies generally do in any trouble great or otherwise, have a good cry, and with much unintelligible volubility cast all the blame upon the men. One of the prisoners known as "Bob," declared that the other, "Jack," had fired the first shot, and threatened to shoot him if he did not fire too; and one of the women, "Truganini," asserted that she had seen "Jack" brain one of the dead men. The prisoners were arraigned at the Criminal Sessions under the names of Robert Timmy Jimmy, *alias* "Small-boy," Jack Napoleon Tarraparrura, Lalla Rookh Truganini, Fanny Waterfordia, and Maria Matilda Natapolina. The male prisoners were natives of Van Diemen's Land, could read and write, and had some knowledge of the principles of religion and the existence of a Supreme Being.

Mr. G. A. Robinson, the Chief Protector of the Aborigines in Port Phillip, deposed that "Bob" and "Jack" had been attendants of his in Van Diemen's Land; he had found them to be always dutiful and trustworthy, and gave them a very good character.

Mr. Barry, Counsel for the prisoners at the opening of the case challenged the arraignment, on the ground that the prisoners, not being naturalized subjects, were entitled to be tried by a jury of half aliens, which the Sheriff had not summoned. After hearing arguments as to the Aboriginal right to a jury *de medietate linguæ*, the Judge overruled the objection but he should enter it upon his notes. Mr. Barry addressed the jury in a very effective manner, but the evidence he had to contend with was irresistible. He dwelt forcibly on the unreliability of circumstantial evidence, and the weakness of the prosecution against one of the men, who had acted under compulsion. The jury found the men "Guilty," and

acquitted the women, but they recommended the former to mercy because of their good characters, and the peculiar circumstances of the case. What the "peculiar circumstances" were, the foreman did not specify. The men were remanded for sentence until the next day; and the women, after being discharged, were handed over to the care of the Protector of Aborigines. When brought up for judgment, Mr. Barry moved for a writ of error on behalf of "Bob" and "Jack"; but Judge Willis held that such a process would not lie; and His Honor, in a few observations of much feeling, sentenced the prisoners to be hanged, and held out no hopes that the jury's recommendation would have any effect. The prisoners listened to the Judge with apparently much emotion, and when he concluded, large beads of perspiration spotted their cheeks.

Bushrangers Captured By Gentlemen Volunteers.—11th May, 1842.

In the early part of 1842, there was a lodging-house in Little Flinders Street kept by a person named Seymour, who was not over particular as to the character of those who put up at his place. Money was their passport; and so long as they possessed this, little was cared about whence they came, or where they went; and, as a consequence, his customers were often a very questionable lot—more black than white sheep amongst them. There casually met at this doubtful rendezvous, four men, two of whom were mere youths and the others in the prime of life. They were all able but unwilling to work; preferring to wait for something to turn up, and not over particular as to what that something might be. Their names were John Williams, Charles Ellis, Daniel Jepps, and Martin Fogarty. Seymour had a son-in-law named William Cam—a man of somewhat equivocal reputation; in fact, what is known in thieves' slang as a "fence"; a scoundrel who puts up others to commit crime, and shares in the profit without risking the danger. A bushranging expedition having been planned, Cam was to be a sort of adviser and receiver of the booty, and the others to take to the highway, or rather to the bush. All their arrangements being duly made, Cam and his co-"rangers" withdrew to the country, and towards the close of April, the people of Melbourne were alarmed by the report of the perpetration of several daring robberies at and about Dandenong. At this time the settlers' residences were mostly little more than large log, paling, or slab huts, roofed with bark or thatch, and the sticking up of such premises was a comparatively easy task for armed men.

The gang provided themselves with horses, arms, and ammunition, by surprising the overseers on a couple of stations where they found plenty of cash. One day, at the place known as "No Good Damper," near Dandenong, they came upon Captain Gwatkin, the well-known master of a colonial trader, and Mr. Frederick Pittman, a Melbourne merchant. The two gentlemen were taking an airing in a gig, when they were ordered to pull up by the four robbers. They gave their names, vacated their vehicle, stripped off their clothes, according to orders, and the handsome takings of £63 1s. 8d. were realised out of the skipper's vestments; but Pittman, had little or no money about him. The robbers, then unharnessing the horse, appropriated it; and by an amusing perversion of fair play, gave Pittman, from whom they took hardly anything, a five-shilling-piece of the captain's cash, but when the skipper asked for a little of his own pocket-money, they ordered him "to shut up, or they'd blow his brains out." The same evening they called at a Mr. La Mann's and at two or three other places, where they helped themselves to saddlery firearms, jewellery, and money; and, so far, their nefarious game commenced flourishingly. The same day intelligence of the outrages reached Melbourne; and in such times, it must be borne in mind, there were no such things as telegraph wires, railways, or even passable roads; and bush travelling in we weather, even to persons well-mounted, was often a slow, difficult, and dangerous work. Mr. Powlett, the same Commissioner of Crown Lands who hunted out the Western Port black murderers, lost no time in getting a party together to commence pursuit. There was himself as leader, with Mr. John Barker (the present Clerk of the Legislative Council), Mr. Robert Jamieson (long since dead), Mr. William Wright, ("The Tulip," ex-Chief-Constable), Captain Dana, and three of his black mounted police, soon in the saddle, and scouring the country after the scoundrels. The gang, however, doubled back, and, retreating upon the Cam "receiving-house," refreshed themselves, afterwards crossing the Yarra at Anderson's Creek, and commenced operations in the Plenty country. Williams was the recognised leader of the gang, and

possessed a good knowledge of the country. They were well-mounted, and armed with double-barrelled guns and pistols. On the 28th April they "bailed up" the several stations of Messrs. Sergeantson, Bond, Peat, Langor, Northcote, Bear, Fleming, Rider, and Captain Harrison, and secured a large booty, consisting of a considerable sum of money, gold and silver watches, gold chains and other jewellery. At nightfall they camped in the bush not far from the house of Mr. Bear, one of the places they had plundered. Next morning, before nine o'clock, they robbed the homesteads of Messrs. Wills, Sherwin, and Roland. They next proceeded to the station of Mr. Campbell Hunter, and leaving their horses at a fence a short distance off, rushed the house, or rather hut, where, at breakfast they surprised the following gentlemen:—The proprietor, Dr. Grimes, and Messrs. Smeathman, Rumbolt and Boswell. Williams stepped forward, and, with the politeness of a Frenchman, intimated to the astonished inmates "that they would have the goodness to make way for their betters;" they then marched the ex-breakfasters outside, placed them standing backed up against a fence, where Jepps kept guard, with a pistol at full cock and ready to shoot the first man who moved either tongue, foot, or finger. The others, re-entering, sat down to the table and proceeded to execute hungry justice on the comestibles. Whilst the robbers are so enjoying themselves, I shall ask my readers to accompany me back to the Club House in Melbourne (now the *Union Club Hotel*, corner of Collins and Market Streets).

About four o'clock on the afternoon of the day preceding the "breakfasting" event just recorded, the Superintendent of the Province, Mr. Latrobe, was at the Club House conversing with half-a-dozen members of the Club, when a man on horseback galloped excitedly up the street. This person was a mounted messenger, despatched from the Plenty with instructions to report the daring outrages at the Police Station, then situated at the south-western corner of the Market Square, now the Western Market. Knowing Mr. Latrobe, he pulled up as he passed, and communicated the startling intelligence to him. His Honor was much concerned at the news, and, after recounting the circumstances to his friends, said:—"Look here, Fowler! the fact is those fellows will never be taken unless some of you do it. Why not get up a party amongst you squatters, and start at once in pursuit?" The person he addressed was Mr. Henry Fowler; and others, if not all of those who afterwards volunteered, were by. The suggestion took; was acted upon *instanter;* and when Mr. Latrobe said he would supply horses and firearms, the "gentlemen squatters" declared they could equip themselves, and set about doing so without loss of time. If they had not done this, there was no police officer in town capable of commanding a mounted search party, and there is no telling to what excess a long immunity might not have induced the bushrangers to go. An adjournment to the Club parlour took place, where a hasty "Council of War" was held, and the outcome was that five brave men volunteered to turn out without delay, start in pursuit of the bushrangers, and either capture them dead or alive, or—be killed themselves. These amateur heroes were Messrs. Henry Fowler, Peter Snodgrass, Robert Chamberlain, Oliver Gourlay, and James Thompson. They took the precaution of getting themselves sworn in as special constables; and though Chamberlain was a retired Lieutenant of the 31st Regiment, who, from his trained military knowledge, might have been appointed Commandant, his professional claim was waived in favour of Fowler, who was chosen leader in consequence of his superior bushcraft, and thorough knowledge of the "hunting ground" they were bound for. Booted and spurred, well-armed and well-mounted, they started on their perilous expedition, dashing over the green open upland past the Old Gaol, and thence along through the north-west corner of the Carlton Gardens—then a forest, down by the *Travellers' Rest* (which though afterwards metamorphosed into a college, was, in the age I am writing of, a quaint old shake-down of a groggery, round which a main road curled)—and crossing the Merri Creek, tore away to Heidelberg.

The information communicated in town was so vague that the pursuers did not well know what particular route they ought to take. Arriving at Heidelberg, and obtaining some further intelligence there they made a detour, crossing through Carrington's station, entering the Diamond Creek district, and skirting the picturesque amphitheatre of the Yan Yan (since misnamed Yan Yean) arrived about daybreak in the Plenty country. Here they ascertained that nine homesteads had been robbed on the previous day; and in prosecuting their inquiries they incurred considerable danger, for some of the people suspected them to be bushrangers. The settlers were in such a state of alarm that at the residence of a Mr. Beal, a pistol was presented at Snodgrass, who narrowly escaped a summary eviction from this world. At Mr. John Bear's

station they were informed of much that had taken place on the preceding day, and a Mr. Sampson offered to put them on the trail. As they proceeded particulars were obtained of the recent outrages, and, arriving within a quarter of a mile of Campbell Hunter's, some horses were seen near the homestead, which left little doubt that "the gang" were close at hand. It was at once decided that the party should gallop on to the place, and without firing a shot, dismount, rush the bushrangers and take them alive.

We can now return to the bushrangers, who were left enjoying themselves at the breakfast they had "annexed." The table was deserted, and, making for the prisoners outside, they liberated them on parole, that they would not take any part in the coming fray, and ordered them to retire to the back of the hut. The state of affairs therefore was that, as the five pursuers were in the act of dismounting, they beheld the four robbers, about fifteen or twenty yards off, with four double-barrelled guns levelled at them. The five made a rush, and as they did so eight shots were fired at them, none taking effect. The bushrangers hurried back to the hut, which three of them succeeded in entering and barricaded the door. The fourth robber (Williams) was cut off by Gourlay, and tried to reach an adjoining store, erected with thick slabs, and interstices between each. He was pursued by Gourlay upon whom he turned and fired; but Gourlay knocked the weapon aside saving his own life; he had a very narrow shave, for the powder scorched his face. He then fired at Williams, but missing fire, he struck the fellow on the head with the butt. By this time they were both in the store, and as the robber was preparing to discharge another pistol, Gourlay knocked him down and threw himself upon him. After struggling for some time Williams again fired at Gourlay; but the bullet striking a powder flask at Gourlay's side, his life was again saved, though he called for assistance. Snodgrass hearing his friend's cry, at much risk of his life (for he had to cross the front of the hut) flew to his succour, and lodged a bullet in Williams's head. In its transit it was nearly taking Gourlay instead, but only singed some of his hair. Life was, however, tough in Williams, for so far from dying he once more rallied, struggled to his feet, and again tackled Gourlay, who was about to be submitted to another pistol experiment, when Chamberlain, making his appearance, gave Williams a ball in the side, and killed him as "dead as a door nail." All this time there was a brisk firing into and from the dwelling, but without any fatal result. Chamberlain, after shooting Williams, was hedged in himself, for the balls from the other bushrangers came whistling into the store through the spaces between the slabs, and it is said that it was only to his very slender, though tall and lithe figure that he owed his escape. The first chance that offered he sallied out, and was wounded in the left elbow. Mr. Fowler was placed *hors de combat* soon after the firing commenced. He was shot in two places, a small slug lodging below his ear, and a ball through the hut window penetrated his cheek, and then, by some eccentric movement from within emerged by the side of the nose, not decapitating that useful appendage to the human face divine, but barking it. After he fell a great quantity of blood spurted out of the hole in his cheek, a clot of which settled on and about the top of his nose, so that he and his companions really thought he was what is vulgarly termed a "nosey," and he good humouredly exclaimed, "Well, the villains have spoiled my beauty at all events." The agreeable truth was only ascertained when Dr. Sanford examined his wounds afterwards, and clearing away the coagulated gore, discovered that his patient and his nose were still in partnership. His sense of hearing was permanently much impaired, probably by the ear-wound. It was also nearly eventuating in lock-jaw, and his articulation was affected by it ever after. Whilst Mr. Fowler lay weltering in blood, Mr. Smeatman drew him beyond the range of further danger, and placed him under a large gum-tree some yards away. He was afterwards carried further off by Captain Harrison (who with others of the bailed-up settlers, was present), and placed in a hut, out of harm's reach. Snodgrass had some hair-breadth escapes in the encounter, was three or four times shot through his clothes, and was once within an inch of shooting a friend of his (Hunter), mistaking him in the row and the smoke for one of the bushrangers. Gourlay was struck four times by balls, though little more than scratched by any of them. After Fowler was disabled, Chamberlain took charge of the party. The firing into the loosely constructed slab store, where Williams was killed, Gourlay floored, and Chamberlain so cleverly dodged the bullets, was so brisk, that on examination after the battle was over, eighteen or twenty bullets were found embedded in the slabs inside.

The day was now advancing, and curiosity, mixed with anxiety, induced several of the Melbournians to ride after the volunteers. Rumour directed their route, and the report of the firing brought some of the

country folk, and two or three policemen to the scene of conflict. Amongst those who ventured so far out of town was a Mr. John Ewart, not only a very "horsey" character, but one of the best judges of horseflesh in the colony. From a hip-malformation of some kind, which gave him a queer, jerky, one-sided gait, he went by the *alias* of "Hopping Jack," and was as well known in the old times as Kirk's Bazaar, the still popular horse repository in Bourke Street. On this day "Jack" was fated to appear in what must have been to him a very novel character, *i.e.* a diplomatist. Two o'clock had arrived; there was a partial cessation of hostilities, and the party outside the beleagured hut now numbered about thirty. The robbers held out until they saw they had no chance of escape; and if they had done so much longer, it was intended to procure a cart from Harrison's, and with a mattress on it, improvising a bullet-proof bulwark, under cover of which to storm the hut, rush the bushrangers, and overpower them. Councils of war were held, both outside and inside, and the three bushrangers were heard shouting as if for a parley. After some shouting in reply, "Hopping Jack" mounted a haystack near one of the hut windows, carried on a loud patter with the fellows inside; and it was ascertained that they were desirous that "Jack" should visit them as a plenipotentiary, with whom they could treat about a surrender; and then arose the difficulty as to whether any one should venture into such a human tigers' den. It was suggested (and not unreasonably) that it might be a *ruse* to entrap some person to be detained as a hostage, and probably murdered in the event of a non-compliance with any demand of the robbers. "Hopping Jack," however, was not deficient in courage, and without giving time for further deliberation, "hopped" merrily into the hands of the Philistines. And he had no reason for repenting his rashness, for they respected the truce, and treated the envoy to a feed on the roast duck, red herrings, and brandy, which Campbell Hunter's hospitality had unwittingly supplied. The bushrangers then came to business, and agreed to capitulate, if the attacking party gave a written undertaking of their desire that the bushrangers on their trial should be mercifully dealt with. After some communication with the outside, a Mr. Rider followed "Jack," and acted as the scribe by whom the proposed treaty was committed to paper, when it was signed by two of the outside party, and the gang laid down their arms, Fogarty being the first to surrender. It is hardly necessary to say that the "bit o' writin'" fared the fate of many more pretentious protocols executed by greater powers. It was more "honoured in the breach than the observance," and, in lawyers' *parlance* "it would not hold water." About 3 o'clock the capture was completed, and one of the rascals was in an advanced state of intoxication. They were forthwith handcuffed, and being searched, £26 in bank notes, a few sovereigns, and a quantity of silver were found upon them, besides which it was stated, they were so plentiful in cash that having run short of paper during the day, they actually used £1 notes as gun and pistol wadding. At the hottest period of the gold mania, rum-maddened lucky diggers over-laid ham sandwiches with £5 notes, to add piquancy to a counter lunch; but such a thing as bank-note cartridge paper was a novelty unknown at the most lawless period of gold-fields highway robbery.

A singular story is told of Jepps. On their way to Hunter's in the morning, the "Rangers" met Mr. Charles Ryan (of the now well-known stock-selling house of Ryan and Hammond), and stuck him up. In the property of which they eased him was a pocket-knife, fitted with a corkscrew, and this constituted a portion of the spoil allotted to Jepps, the actual robber. During the fight it was in the bushranger's vest pocket, and a ball discharged at him struck the knife fair in the centre, splintering the handle, and breaking one of the blades. The force of the blow knocked the fellow over amongst his companions in the hut, and they, believing him to be dead, were about to submit, when he revived and prevented them. After his arrest he said to Mr. Ryan, "I wish I had not taken your knife; for had I not done so, I should have been shot like a man, but now I shall hang like a dog." The knife was subsequently restored to its lawful owner, and is preserved by him as a *souvenir* of an unpleasant incident and an eventful day.

When the gang were thoroughly secured, three of the "screwiest" horses that could be found were placed at their service to render escape impracticable, and thus mounted, and securely guarded, they were escorted to the station of Mr. Sergeantson, where they and their guard had quarters for the night. Next day they were brought to Melbourne and lodged in gaol. It was Sunday, and as the calvacade rode by the church of St. Francis during the hour of prayer, the building was half emptied of its congregation through a desire to behold the passing sight. Mr. Fowler had been removed to the house of a friend on

the Plenty, was promptly attended by Dr. Sanford, a Melbourne surgeon, and, thanks to a good constitution and skilful treatment, was soon able to be about. The body of Williams, the dead bushranger, was conveyed to Melbourne, and a coroner's inquisition found a verdict of justifiable homicide. A day or two after the arrest, Fogarty, the youngest of the gang, showed much uneasiness at the position in which he was placed. He made certain overtures to the authorities, which left little doubt of his willingness to turn "approver" against his companions in wickedness, and the Crown had some notion of accepting him as Queen's evidence; but it was found that the direct testimony in sustainment of a capital charge against the whole party was so conclusive, that it was resolved to bring the three to trial. Fogarty, however, made some revelations of such a character as induced the police to pay a visit to the residence of the man Cam (before mentioned), the result of which was the "springing of a plant" of watches, jewellery, pistols, and other property, subsequently identified as part of the plunder taken by the bushrangers from some of the persons robbed near Dandenong. Cam was apprehended, convicted as a receiver of stolen property, and transported for fourteen years.

The bushrangers were brought before the Melbourne Police Court on the 4th of May, and fully committed. Their trial followed before Mr. Justice Willis on the 11th May. Mr. Croke (the Crown Prosecutor) conducted the prosecution, and the Honorable Mr. Murray appeared for the defence. The Judge delivered an address at once abstruse, learned and discursive. The exordium, however, bore a special reference to the issue exclusively before him, and is worth quoting:—"Gentlemen,—You are especially convened this day for the trial of certain prisoners, who are supposed to have been some of those who recently united in the commission of many daring robberies, and became alike the terror and disgrace of this happy land. For the speedy check to the lawless career of these wicked men we are indebted, not to the ordinary police (though the activity and zeal of the Crown Commissioner merits entire approbation), but to the spirited conduct and undaunted courage of the colonists themselves. The names of the captors, gentlemen, and the details of their achievements, are already familiar to you; they will live in the grateful memory of their contemporaries; and the future annals of this Province will

'Record their dreadful daring with applause.'"

The prisoners were indicted for shooting at and wounding Henry Fowler, with the intent to murder him, at West Lowlands, in the District of Port Phillip, and colony of New South Wales, on the 29th April. The information contained twenty-four counts, the first twelve varying the offence, charging Ellis with the shooting, and the others as aiders and abettors; the sixth count charged Jepps as principal, and the others with aiding and abetting; the seventh count charged Fogarty as the principal, and the others as aiders and abettors, etc.; whilst the last twelve counts charged the prisoners with shooting at Fowler with intent to maim, disfigure, and disable; varying the offence between the prisoners as in the first twelve.

Mr. Fowler's appearance in Court, a wounded invalid, created a sensation, and he was most courteously and considerately treated by the Judge, who permitted him to give his evidence seated. He, Snodgrass, Gourlay, Chamberlain, Thompson, Ewart, Rider, and others were produced, and their evidence could not be shaken by cross-examination. As to defence, there was in fact none, though Counsel delivered a lengthy and eloquent address to the jury; but it was simply a *vox et preterea nihil.* The jury retired for about an hour, and returned to Court with a verdict of "Guilty." His Honor directed the prisoners to be remanded to the 13th, as he wished some time for consideration, and was desirous of affording Mr. Murray an opportunity of moving an arrest of judgment, if he believed he had any grounds for doing so. He informed the prisoners, though, that they would end their existence shortly after the passing of the sentence. On the day indicated the Judge took his seat at 12 o'clock, and the prisoners were before him awaiting their doom. Then the Crown Prosecutor rose and prayed the judgment of the Court. In reply to a question from the Bench, the prisoners' Counsel expressed his regret that he had nothing to urge against it. His Honor then put on the black cap, and in brief and impressive language passed sentence of death upon the prisoners, earnestly imploring them "to make use of the short time that now remained for their existence in this world in seeking to make their peace with the Deity they had offended." Jepps and Fogarty heard their fate with firmness, but Ellis pressed his forehead with his hand, and, "with compressed

lips, evidently sought to stifle the effect produced by the sentence." The prisoners sent a message of grateful thanks to their Counsel, and were conveyed back to the gaol, the escort finding some difficulty in passing through the immense crowd congregated about.

POSTSCRIPT.

Post-mortem would, perhaps, be a more appropriate heading for this note, for several notable and estimable old colonists have passed away in the brief interval elapsing since the commencement of the writing of the "CHRONICLES OF EARLY MELBOURNE." I was about thinking of making a start when Sir Redmond Barry was carried off amidst universal regret. He was the most remarkable personage in the annals of Port Phillip, for he threw in his lot with the destiny of the Province when it was a weak, struggling settlement in 1839, and identified himself with every stage of its wonderful progression until he left it a bright and brilliant colony in 1880. Had he lived I am sure he would have enjoyed many of the queer old facts exhumed in the course of my several narratives; and, if requisite, I should have confidently appealed to him as a testimony of their general accuracy, for no man amongst us would be more capable of expressing an opinion on such a subject. Mr. W. F. A. Rucker has also made his exit from the worldly stage, and to him I was much indebted for the inspection of several old tracings and newspapers otherwise unattainable. He was the second merchant or wholesale dealer in Melbourne, Batman being the first; and it was Mr. Rucker who started the first banking agency here. He was one of "The Twelve Apostles," a curious Mutual Assistance Co-partnery, of which I hope on an early day to furnish a full, true, and particular account. Next is the Hon. James Henty, one of the historic brothers who pioneered Portland ever so long ago. Then there is Mr. John Murchieson, who died recently at Kew, an old resident of rare integrity and enterprise, who, amongst other feats, accomplished that of driving the first tandem overland from Sydney, when there was not only no railroad, but no road at all between the two capitals. Mr. Robert Hoddle (the first Surveyor-General, though not the first in charge), who came to Melbourne before it was even a township, with Governor Bourke, in 1837, has also gone under, after a long-lived and prosperous career; and so has Mr. William Highett, the first manager of the Union Bank, leaving hundreds of thousands of pounds behind him. Mr. Thomas Napier, the first timber importer, has likewise passed to his account, and two or three others of the very old identities are said to be in a precarious condition. Mr. Michael Croker has also departed this life, at Blackwood, in his 79th year. His obituary notice, announced that "he was deeply regretted by a large circle of friends." And I am not surprised at it, for a more generous and kind-hearted man never existed amongst us. Arriving in Melbourne in 1839, he was in business in the town and city until after the gold discoveries, in 1851-2, when he betook himself to the diggings, and continued there since, having for many years resided at Blackwood. There was hardly a man in the old times better liked; and no one ever in vain asked the aid of Michael Croker in any movement for a good purpose. He was one of the original members of the St. Patrick Society, and amongst the most prominent in the early national celebrations by which the days of yore were distinguished. He was an old and true friend of mine; and it is with sincere sorrow I publicly place a bunch of cypress on his freshly-covered grave.

THE MURDER OF MR. CODD—19TH JULY, 1842.

There was no time, perhaps, in the colony when the aborigines were more truculent and bloodthirsty than in the year embracing the last half of 1839 and the first of 1840. Outrages of a serious character were of almost daily occurrence in the interior, and there were impediments of a formidable nature to avert the retribution of the law. In April, 1840, a gentlemen named Codd was murdered by the chief of one of the Western tribes, and the event caused a profound sensation, the deceased being held in general esteem. The coolness and daring of the deed brought apprehension to the scattered station-holders in the bush. Without inquiring whether the blacks or the whites were the original aggressors, any person fairly conversant with the early history of Port Phillip must admit that unprovoked atrocities were committed on both sides, for which terrible revenges were exacted. The instances in which offenders were brought to the bar of

justice are few; and, though aboriginals have been convicted and hanged, there is no case in the criminal annals of Victoria of a European having been found guilty for taking the life of an aborigine.

The scene of the murder I am now writing of was the station of a Mr. Brock, at Mount Rouse, in the then District of Port Fairy. Codd was, as was common in those days, a "gentleman overseer;" and on the 19th April, 1840, with a couple of the station hands, was at work in the scrub, not far from the homestead. A mob of blacks, some eighteen or twenty in number, were seen prowling about, but not much heeded, when suddenly the white men were rushed, and before they had time to defend themselves Codd and a man named Rooney were stricken down, the former fatally, and the other dangerously wounded. Codd survived only five minutes, and Rooney recovered after a protracted illness. The blacks fled, but their leader, quite a model of the thoroughly developed and powerfully proportioned aboriginal, was easily identifiable, and a warrant was issued for his arrest. For more than two years he contrived to elude capture, though parties of mounted-police seldom slacked rein in endeavouring to run him to earth. At length he was overhauled, secured, and sent to Melbourne for his trial. His tribal name was Figara Alkepurata, though he usually went under the English appellative of "Roger." There was much difficulty in obtaining the services of interpreters, but the Crown succeeded in procuring four persons, by whose united efforts he was brought to some dim comprehension of the process of trial by jury. This quartette consisted of Messrs. G. A. Sievewright (the Assistant Protector of Aborigines for the District), Hurst, Lacy and Smith. The prosecution was conducted by the Crown Prosecutor, and the defence by Mr. Barry, who was now regarded as standing Counsel for the aborigines. The facts above summarised were deposed to in much detail, and satisfactory proof was given that the prisoner was not only the leader of the attacking force, but that he had struck Codd several times with a heavy native club. The prisoner in his own way was not devoid of a certain shrewdness and intelligence, and seemed to thoroughly understand (through the interpreters) all that passed. In defence, he declared himself innocent of the murder. He put in a verbal *alibi*, *i.e.*, that he was at the time of the committal of the offence away on the neighbouring station of a Captain Webster, with his brother, "Milk-and-Water," and three white men, employed sheep-washing. Whilst so engaged three blacks arrived, and told them of the murder of Codd, and he asked them why they did it, but got no answer. The jury returned a verdict of "Guilty," and after sentence of death was passed the prisoner, little concerned, was removed to the gaol. Next day the Chief Protector of Aborigines made him a visit, when the prisoner was very anxious to know by what mode he would be put out of the world—whether by being hanged, shot, or having his throat cut. On being told that he would swing, he replied that he liked hanging least of all.

The First Criminal Libel Case.—17th August, 1842.

T. M. Marshall v. George Arden.

The plaintiff was a Commission Agent, and the defendant the Editor and registered proprietor of the *Port Phillip Gazette*. Anterior to the passing of the Melbourne Corporation Act, there was much local agitation arising out of the proposed provisions of the measure, and meetings were held in the several Wards, into the proceedings of which much personal feeling and unworthy jealousies were introduced. As a matter of course the newspapers took different sides, and Marshall having presumed to officiate as Chairman at a gathering in Bourke Ward, and to accept a vote of thanks for his services, the *Gazette* pitched into him in a style that would scarcely be sanctioned by the most relaxed canons of criticism. It was an intensely acrimonious attack, in which personal abuse and innuendo were so bitterly mixed, that it was small wonder that the publisher should be brought over the coals for it. Not content with treating of Marshall's colonial career, it went back to his pre-emigration period, disinterring a former bankruptcy and some alleged questionable doings on the London Stock Exchange, and declared that he had quitted England for Belgium under circumstances the reverse of creditable. Marshall summoned Arden to the Police Court, whence the case was sent on for trial; but beyond formally sanctioning the filing of a bill, the Crown Prosecutor had nothing further to do with the business. The case was tried at the Criminal Sessions in the usual manner, Mr. Barry appearing for the complainant, and Messrs. Murray and Williams for the defence. The

indictment laid the offence as the publication, in the *Gazette* of 2nd July, "to the great infamy, injury, and scandal" of Marshall, etc. For the prosecution the complainant was called as a witness, and, whilst emphatically traversing various sections of the libel complained of, on cross-examination he acknowledged to having been insolvent, and arrested for debt in England, but had given bail there and had not left whilst under bail. He declared he had never been outlawed. The jury found Arden "Guilty," and he was admitted to recognizances, to appear for judgment on the 15th September, when Judge Willis sentenced him to a fine of £50, to find two years' good behaviour security, himself in £500 and two bondsmen in £250 each, and to be imprisoned until the fine was paid, and the recognizances entered into. The Judge subsequently allowed Arden to give bail for the fulfilment of the sentence within a few days, which was done accordingly.

The First Trial for Rape.—15th October, 1842.

John Taylor was indicted for the violation of Anne Handhaugh, at Geelong, on the 8th September. For the prosecution the Crown Prosecutor appeared, and Mr. Cunninghame, assigned by the Court, defended the prisoner. The prosecutrix was a married woman, about 25 years of age, and in very delicate health. She lived at Ashby, near Geelong, and on the day named had occasion to go into Geelong to procure some medicine from Dr. Shaw for her sick servant. She had to travel a mile to and from, and was returning in the afternoon when she met the prisoner on the road, who remarked that it was "a fine evening." She made the usual reply, and he then uttered an insulting expression, at which she got alarmed, called out "Murder," and ran from him. He overtook her, threw her down, and maltreated her with a violence that rendered her insensible. Two men and a woman witnessed the outrage from some distance, and one of them (Sylvester Newton) pursued the prisoner and caught hold of him, but was quickly shaken off, and Taylor for the time escaped. That night he was apprehended by the police, and next day committed for trial from the Geelong Bench. Whilst giving her evidence the prosecutrix became so exhausted by extreme nervousness that stimulants had to be twice administered to her. Dr. Shaw and her husband were obliged to support her in Court, and when her examination was concluded she fainted, in which state she was removed to the Judge's room. The charge was most conclusively proved, and the jury found the prisoner "Guilty." He was remanded for judgment until the 17th, when sentence of death was passed, which was afterwards commuted to transportation for life.

Murder at the Pyrenees.—17th October, 1842.

John Connolly, *alias* Maloney, was tried for the wilful murder of Mr. Francis, a settler at the Pyrenees, on the 17th September, and his defence was undertaken by Mr. Cunninghame, assigned as Counsel for that purpose. From the opening statement of the Crown Prosecutor, it appeared that the prisoner was employed on the station of the deceased. They had had some dispute, during which Connolly snatched up a gun and presented it at Francis, but it did not go off. He was then ordered to quit the place, which he did, but returned some hours after. Francis seeing the man coming back went towards him to prevent it. He had a piece of rotten stick in his hand, and, meeting Connolly about 150 yards from the house, told him he would have nothing more to do with him. Connolly dared him to prevent his going back, and would force his way, when Francis struck him with the stick on the shoulder. Connolly then rushed on Francis, and the latter fell to the ground. This much was seen by some men working a short distance off; but they saw no other weapon used than the rotten stick. Francis, who had on only his shirt and trousers, scrambled to his feet and hastened back to the house, telling the inmates that Connolly had stabbed him; he went to bed, and died next day. The murderer was at once seized by the men on the place; and when Francis heard the scuffling, and was told the cause, he sent word "that the prisoner was not to be ill-used." No one had seen any stab given, nor was any weapon found on the prisoner or about the scene of the occurrence, and so far they did not know what to make of it; but the mystery was made plain next day by the prisoner confessing that he had stabbed Francis with a knife formed out of a sheep-shears, and immediately after dropped the weapon in a water-hole. It was elicited in evidence that the prisoner was sometimes what is colonially termed a "shingle short," and, in consequence was known as "Cranky John." The defence set up was insanity, but the prisoner was convicted after little deliberation

by the jury. On being asked if he had anything to say why sentence of death should not be passed on him, the unfortunate man replied that "he wished to get out of the country;" and whilst the Judge was passing sentence, the prisoner exclaimed with fervour, "Oh! thank God!" whereat the Judge sharply told him "that he had more reason to pray to God!" The prisoner then declared that "Francis had struck him and set the dogs upon him, and a man might as well be dead as torn by dogs." The Judge sentenced him to be hanged, but the punishment was afterwards modified to transportation for life.

The First Civil Libel Case.—30th January, 1843.

Leadbetter v. Cavanagh.

The plaintiff was a Law Clerk, defendant the registered Proprietor of the *Herald*, and it was sought to recover damages for the publication of a very defamatory libel. Leadbetter owed Cavanagh money, and was rather long-winded in his payment. Leadbetter cleared out one day for Sydney, with the score unsatisfied, for which he was denounced in a *Herald* paragraph of a most abusive nature. By it the gentleman who had made himself scarce was held up to public scorn as "a bolter from the colony;" and ticketed "as a most notorious scamp who had fled to Sydney in the 'Earl of Durham.'" It was further declared "that a greater scamp never disgraced the Province;" and as a kind of "hue and cry" for the benefit of the Sydney people, the runaway was printed down as "of common stature, peering eyes, a curl on the upper lip, ruddy complexion, and an extremely obtrusive manner." When Leadbetter read the terrible tirade on himself, he returned to Melbourne and sought legal redress. Mr. Barry appeared for the plaintiff, Mr. Cunninghame for the defendant, and the jury awarded damages £20.

False Imprisonment.—12th May, 1843.

Kerr v. St. John.

An action for false imprisonment, damages £1,000. Counsel for plaintiff, Mr. Williams; for defendant, Messrs. Croke and Barry. Plea—the general issue. There were no two better-known men in their time than the litigants in this case. The plaintiff was Mr. William Kerr, the Editor of the *Patriot*, and an Alderman of Melbourne; the defendant Major F. B. St. John, the Police Magistrate. It has often occurred to me that "the Major" used to copy the weaknesses and eccentricities of the Superior Judge, though on the whole he was more good-natured, independent, and fair-minded than Willis. On the 8th August, 1842, there appeared in the *Patriot* a mosquito paragraph, reflecting upon a decision of the Major's, which stung him to such a pitch that he forthwith issued a summons requiring Kerr to appear at the Police Court, and answer any questions that might be put to him. Kerr was in no wise loth to appear, and the moment the Major had him before him, he became bounceable, and Kerr waxed impudent. The consequence was that the Major committed the Editor-Alderman to prison for twenty-four hours for contempt, and to gaol he went in high good humour. The warrant of commitment was made out on a printed form in general use in the Court, and the words "with hard labour" were, by an inadvertence of the clerk, not erased; so that the detainer was bad, inasmuch as it imposed an addition to the durance, which was *ultra vires* in a punishment for contempt of Court. An application was therefore made to the Supreme Court next morning to set aside the warrant, because of its faultiness, and the Judge quashed it accordingly. Kerr was thereupon enlarged, but not before he had put in the whole twenty-four hours less twenty minutes. Kerr, who knew more law than the Major, seemed aware of the flaw, for, whilst he was confined, he begged of the gaoler to put him to hard labour of any kind—he was not over-particular as to the quality of the work, provided he was kept doing something; and was ready and willing to clean boots, brush a coat, or scrub a cell; in fact, he was ready to lend a hand to do anything. But the gaoler, possibly out of regard for Kerr's public position, was unwilling even to oblige him so far. The jury found for the plaintiff, damages £50; and on the announcement of the verdict, Judge Willis rubbed his hands gleefully, and exclaimed, "It was just the very sum I thought they would give."

MURDER OF AN ABORIGINAL WOMAN.—31ST JULY, 1843.

This was the first trial of note that was held before Mr. Justice Jeffcott (the second Resident Judge). As the prisoners were white men, the issue was looked forward to with the utmost interest. After the jury panel was called, Richard Guiness Hill, Joseph Betts, and John Beswicke, were put to the bar charged with the murder of an aboriginal woman, named Coonea, at Muston's Creek, on the 23rd February, 1842. The prosecution was conducted by the Crown Prosecutor and Mr. Barry. The prisoners Hill and Betts were defended by Messrs. Williams and Stawell, whilst Messrs Cunninghame and Stawell appeared for Beswicke. The indictment contained ten counts in which the offence was varied in every form known to legal ingenuity, and the prisoners pleaded "Not Guilty."

On the 25th February, 1842, Mr. C. W. Sievewright, the Assistant Protector of Aborigines for the Western District, accompanied by a blackfellow, found the bodies of some native women on the station of Messrs. Smith and Osbrey, at Muston's Creek. He identified two of them, named Coonea or Connyer, and Naidgoncher. Coonea, he believed, had been shot dead, for she had received a gun shot in the abdomen, and had had her left arm smashed by another shot. He had been twenty-five years in the army, and was well acquainted with the appearance of shot wounds. The bullet had entered the right side of the woman and passed out at the left. He was well aware of the difference between a wound from a spear and a gun shot. Had seen deceased about a week before, and did not observe any male aborigines about on this day. He would not swear positively that the abdomen wound had not been caused by a barbed spear. Christopher M'Guinness, a bush carpenter employed on the station, said that on the 23rd or 24th February, 1842, he saw the prisoner Betts ride rapidly up to the master's hut and talk to Hill. Betts then came over to the men's quarters, and asked one of the hands (Arabin) to lend him a gun to shoot some kangaroos, and Arabin loaded a gun with two bullets and passed it to him. Soon after witness saw Betts and some other men on horseback ride away from the master's hut, and he followed them. When about three-quarters of a mile off he heard two shots fired, and stopped, expecting to see some kangaroos. He saw six men on horses, and the prisoners were some of them. One of the six, named Boursiquot rode after a blackfellow. Betts moved towards the bottom of a scrub, and, levelling his gun, fired into a clump of trees, and witness saw a black figure fall. The figure when falling uttered a loud shriek, and some other black figures rushed out of the scrub. Hill shouted, "Here they come," when three shots were fired, and there was terrible wailing from the scrub. Witness returned home, and at supper in the evening, Betts and Arabin talked about the blacks, and Betts said there were some lubras and children shot in the hollow. Hill was armed with a pair of pistols, and Beswicke with a short gun or rifle. The witness, on cross-examination, admitted that he was an expiree-convict, and had been arrested on suspicion of complicity in the murder.

The most important evidence was given by Mr. Thomas Osbrey, one of the owners of the Muston Creek Station. He stated that Hill was his manager and Betts the hut-keeper. On 23rd February three gentlemen named Smith, Whitehead, and Boursiquot, visited the place, and whilst they were in his hut, Betts looked in at the door, saying "there was a mob of blackfellows at hand." The whole of the party then jumped up and got their arms; but he paid no attention to what they talked about. They went away, and on their return he saw some blackfellows' weapons with them. He did not see Beswicke there that day, and he thought Beswicke could not have been there without him (Osbrey) seeing him. Afterwards saw the dead bodies of three black women and a child. George Arabin corroborated portions of the statement of M'Guinness, and declared to having seen the three prisoners in the party of six who set forth, as he was given to understand, "kangarooing." M'Guinness followed to obtain the skins. He only saw firearms with Betts, who said, in the evening, that he had fired twice, and hit a gum tree. Three days after the Black Protector called at the men's hut, informed them that three black women and a child had been murdered, and offered a reward of £50 for information concerning the outrage. In reply to prisoners' Counsel the witness acknowledged to his having been arrested on the charge, and that when examined before Sievewright, who was a J.P., he swore he knew nothing of the affair. The trial was adjourned until the next day, and the jury locked up in charge of a sheriff's officer at the *Royal Hotel* in Collins Street. On its resumption Messrs. Williams and Cunninghame addressed the jury on behalf of the accused. The defence relied on was that the witnesses (M'Guinness and Arabin) were unworthy of belief, being, according

to Cunninghame, "wretches, steeped to the lips in crime, self-convicted perjurers seeking to earn the price of blood." The evidence of these two witnesses as given to the Court was compared with their depositions at the preliminary investigation, and the discrepancies indicated. An *alibi* was set up for Beswicke, who on the day of the alleged massacre was away on the station of a Mr. Brock, attending to his business. The whole charge was declared to have been trumped up by "conspirators banded together in perjury, linked together by the bond of mutual guilt, and joining together in a well-concocted story, to swear away innocent life, and earn a blood-stained reward." At this stage the prosecution was stopped by the jury intimating that they had agreed to a verdict of "Not Guilty." The Judge, in directing the discharge of the prisoners, remarked that it would have been an everlasting disgrace on the Government had this case not been investigated, and if the prisoners had been convicted he should have passed sentence of death upon them without the slightest hope of mercy.

It was reported that two other parties supposed to have been implicated had cleared out for England, and had there been a conviction, warrants would have been despatched for their apprehension.

False Imprisonment by a Judge—24th November, 1843.

Ebden v. Willis.

An action for trespass by false imprisonment; damages laid at £5000. Declaration contained one count. Pleas, the general issue and justification—"For that defendant, as Resident Judge of Port Phillip, did in the lawful exercise of his authority imprison the plaintiff for constructive assault." Counsel for plaintiff, Messrs. Raymond and Barry; for defendant, Mr. Williams.

The suit arose out of the circumstances detailed in Chapter VII., pp. 76 ("Eccentricities of Judge Willis,") when Carrington, an Attorney, attempted to serve an order of the Supreme Court of Sydney on Judge Willis, in Bourke Street, and the Judge, when either struck or touched by the papers, gave Carrington into custody. The plaintiff (Ebden) as the friend of Carrington, was with him on the day of the occurrence, and the Judge put him along with his companion for having, as he conceived, committed a constructive assault. They were both detained in the lock-up for a short time, and then brought before the Police Court, where the charge against Ebden was withdrawn. After the plaintiff had proved the facts, Mr. Williams submitted the following non-suit points:—1. That no action could lie against a Judge acting and exercising his functions within his proper jurisdiction.—2. That the plaintiff should have given notice of his action, so that if wrong were done, defendant might have an opportunity of tendering amends.—3. That the action should have been commenced within six months of the alleged trespass.

His Honor, Judge Jeffcott, having signified his intention of sending the case to the jury, a defence was raised on the merits in effect that Ebden had gone out of his way in backing up Carrington; and that the attempted personal service in the streets was a trick to produce a scene, and so humiliate the Judge. Before the occurrence in the street, the conduct of both Ebden and Carrington in the Supreme Court had been most offensive.

In summing up, the Judge commented on the want of courtesy in not communicating by letter with Judge Willis as to his accepting personal service. Improper feeling had been displayed on both sides, and there was no evidence that personal service of the legal process was necessary. If the jury were of opinion that the throwing of the order at the Judge was merely a service of it, they ought to consider that no assault had been committed. It was also a matter for consideration as to what power the Judge possessed to commit those persons to prison, for a Judge walks through the streets as any other private individual, and has no right to order into custody anyone who may be personally rude to him. If the parties went simply to serve an order, there was nothing offensive in it; and if some person had been deputed to accept service for the Judge, the degradation of the street scene would have been avoided. If they thought personal service was necessary, then the Judge brought the trouble on himself. It was for the jury to weigh all the facts submitted to them, and consider whether one or both of the parties (Carrington and Ebden) intended to commit an assault; and also how far the Judge was justified in sending them to prison, though this was rather a question of law.

The jury after a short deliberation found for plaintiff, damages 42s.

I am not aware of any subsequent steps having been taken to set aside this verdict. Ex-Judge Willis was at the time away in England, prosecuting his appeal before the Privy Council; and a Melbourne newspaper, some months after, stated that a writ of execution had issued, and £1200 worth of the defendant's property had been sold for considerably under that amount, by Sheriff's sale, to satisfy the verdict and costs.

Prosecution for Libel.—28th November, 1843.

During the Municipal Election agitation of 1843, a violently scurrilous article appeared in the *Herald*, denouncing the candidature of Mr. Anthony H——n for a seat in the Town Council, and alleging that "H——n's father was a convict assigned to his wife in Sydney, and that he had been convicted of an offence of frightful atrocity." The newspaper soon found out that it had made a great mistake, and had committed an act of the grossest injustice. A most unqualified apology was promptly published, and fifty copies of the paper containing the libel were destroyed. But this did not satisfy the H——ns, who took out a warrant against Mr. Clarke, the registered printer and publisher of the *Herald*. He was committed by the Police Court for trial, but upon Mr. George Cavenagh, the proprietor, offering to change places, Clarke was released and Cavenagh bound over to answer the charge at the Criminal Sessions. He was accordingly arraigned for the libel on a bill filed by the Crown Prosecutor, but conducted at the expense of the plaintiff, who was represented by Mr. Stawell; whilst Cavenagh was defended by Mr. Williams. Defendant pleaded "Guilty," and was admitted to bail, himself in £200, and two sureties in bonds of £100 each, to appear for judgment when called on.

Cavenagh, it appears, had been misled by one of the swarm of groundless rumours circulated during the high pressure heat so characteristic of the early Municipal Elections, and there could be no question of the manner in which H——n had been calumniated. Cavenagh very soon found this out, and made all the amends in his power. During the period that intervened between the publication of the libel, up to, and after the trial, various certificates, declarations, and letters appeared in the other Melbourne journals, establishing the good name and fame of the H——ns, and the falsehood of the libel, every iota of which Cavenagh had reprinted in the *Herald*. On the 16th December, he appeared to receive sentence; and Mr. Stawell, for plaintiff, prayed the judgment of the Court. Mr. Williams for defendant put in affidavits in mitigation, in which a dozen of the most respectable residents of Melbourne testified that for years they had heard and believed, up to trial, the report that Mr. H——n, senior, was as set forth in the libel. Contra affidavits were also filed, including one by a Mr. Thomas Jennings, expressive of his belief that the story about H——n had originated with H. N. Carrington, a well-known Attorney and a great mischief maker. Mr. Williams addressed the Court at much length. He made a very forcible appeal to His Honor for leniency under the circumstances. Mr. Stawell in reply submitted that the affidavits of the defendant simply aggravated the original offence. Judge Jeffcott took until the 18th to consider the affidavits, and on that day sentenced the defendant to a fine of £50, and three months' imprisonment, with further incarceration on non-payment of the fine. Mr. Williams applied for the remission of the imprisonment, which, if enforced, would ruin the defendant, who had a large family dependent on him, and the Judge intimated that he would have no objection if the prosecution consented. After a brief consultation, the consent was given, and the imprisonment cancelled. The fine was paid at once, and Cavenagh walked forth a free man. The *Patriot*, of which Cavenagh's enemy (Mr. Kerr) was editor, behaved throughout this matter with shameful indecency, and declared in its next issue that the prosecutor had never given any consent as to waiving the incarceration; but as the assertion was not confirmed by reliable testimony, few, if any, gave it credence.

Conviction of a "Gentleman Rowdy."—16th March, 1844.

On the night of the 3rd February, 1844, six or seven inebriated "swells," freighted with more grog than brains, sallied out of the Melbourne Club for a "bit of a spree," determined to do something sensational. What particular form their heroism was to assume was undetermined, and depended very much

upon what Fortune might throw in their way. They were armed in manifold manner—two or three of them with broad palings, others with bludgeons, and one with a poker; whilst he who seemed to perform the functions of conductor, brandished aloft something very like a crowbar. After some slight skirmishing, undeserving of record in this veritable history, they arrived at what was then known as the River Townend, after a grocer who kept shop at the south-western corner of Collins and Elizabeth Streets. This was a sort of nasty ravine discharging into the Yarra, and the Corporation had recently had a wooden bridge thrown over the chasm, so as to enable a safe transit from the footway into the centre of Elizabeth Street, and this public convenience the hot-blooded "skylarkers" determined to destroy, not by siege, but by assault. To work then they went literally *vi et armis*, but had not progressed far in their intended wrecking, when some of the police, and a brace of night-watchmen appeared. They quietly begged of the gentlemen to drop their mischief, and go home in peace to bed, when one of them (a Mr. White) told off to do duty as a sapper by undermining one side of the bridge, roared out that "he'd like to know what the —— the constables had to do with him?" A general engagement immediately commenced, and the first man down was an old constable named Corrie, who was capsized by a back-hander from White, who, either from the impetus of the blow, or the whisky-toddy he had been imbibing, tumbled on the top of the peace-preserver. White was soon himself again, and fell foul of a little podgy sergeant well-known as Swindell, whom he punched tremendously. Another of the "skylarkers" recognised as Mr. Peter S——s, was a sort of free-lance, hitting out right and left "for fun," and punishing both his friend and foe with great impartiality. The leader of the Mohawks (identified as a Mr. Henry Wheeler) played "poker" in a style which rather astonished the thick heads and shoulders of some of the police, three of whom tackled him on the bridge, but got paid off for their intrepidity; for one of them (Higgins) received "one for his nob," and the others were treated to contused arms. Higgings was a big "Sprig of Shillelah" well inured to Irish skirmishing, and he kept the bridge like a modern Horatius; but, unlike the latter, had no Tiber to jump into and swim away with a whole skin. Like Horatius, though, he held the bridge manfully against the "spifflicated" Etrurians, until levelled by the poker, and after the battle was over, was found soaking in blood, covering with his body the bridge which he refused to abandon. The police were at length reinforced by some of the townspeople, and singularly enough, it was a diminutive, half-cranky tailor, named Elliott, who disarmed Wheeler, by stealing behind and adroitly twitching the poker out of his hand. The poker was to Wheeler what his hair was to Samson; and having lost it, it was all up with him. White, Wheeler, and S——s were made prisoners of war, and marched off in triumph to the watch-house. The other night-birds escaped. The rioters were charged at the Police Court next morning, when the evidence against S——s was trifling, and he was therefore let off scot free. White was fined £5, but Wheeler's conduct was proved to be so outrageous that the magistrates declined to deal with him summarily, and he was therefore committed for trial, but admitted to bail. His trial came off at the Criminal Sessions on the 16th March, though during the interval strenuous exertions had been made to effect a compromise—but to no purpose. The traverser, who was defended by Mr. Raymond, was indicted for an assault upon Constable John Higgins in the discharge of his duty, and a second count charged a common assault. The jury convicted on the first count, and Judge Jeffcott in passing sentence administered a severe rebuke to persons ranking in society as gentlemen descending to acts that would disgrace the humblest man. The judgment of the Court was three months' imprisonment, a fine of £50, and to find two sureties of £100 each to keep the peace for twelve months, with further imprisonment until the pecuniary requirements were satisfied. The cash and bail-bonds were forthcoming, and after serving a month's incarceration the Executive remitted the remainder of the confinement in deference to an influentially signed memorial. It was understood that Higgins had been compensated by way of erie for the serious injuries he sustained. He remained for several years afterwards in the police force.

A Magisterial Horse-whipping.—17th April, 1844.

M'Crae v. Foster,

Tried before Judge Jeffcott and a special jury of twelve, was an action for assault and battery; damages, £2000. The assault was admitted and £10 paid into Court. Counsel for plaintiff, Messrs. Cunninghame and Williams; for defendant, Messrs. Barry and Stawell.

The plaintiff was Dr. Farquhar M'Crae, and the defendant, Mr. J. F. L. Foster. They were both in the Commission of the Peace, and the event caused considerable interest in the upper stratum of society, to which the individuals belonged.

On the 1st December, 1843, M'Crae was riding through Queen Street, when he was rushed by Foster, whip in hand, who struck both man and horse, which led to the unhorsing of the rider. M'Crae recovering his feet followed Foster, who grasped his pursuer, held him firmly, and again gave him the whip several times over head and shoulders. The *fracas* arose out of a dispute about the purchase of a run from M'Crae by Foster, the latter of whom complained of having been unhandsomely treated by the former. Some correspondence ensued, in which M'Crae interrogated Foster as to the way in which he had spoken of him. This was not denied, and M'Crae again wrote to him on the subject, as well as with reference to a debt which he alleged Foster owed him. Foster sent M'Crae a challenge, which was declined, on the not unreasonable ground, that before a man offered to fight another he should first pay him what he owed him. M'Crae, however, proposed to refer the matters in dispute to a friendly arbitration; but Foster, whilst not denying the liability, rejected the mediation, and the street scene was the consequence. The correspondence was produced, and M'Crae's letters were certainly couched in language of studied and covert affront, as for instance wherein he declared "that no laws in the code of honour were more imperative than that no gentleman could be allowed to go out with another under dishonour." In further letters both parties asserted that each had so insulted the other as to place him outside the pale of fighting. The jury found for plaintiff, damages £250.

An *Inter-se* Black Murder.—15th May, 1844.

"Jacky Jacky," an aborigine, was indicted for the murder of an aboriginal boy named Tommy. A second count charged the offence of aiding and abetting in the same murder, and alleging its commission by another aborigine known as "Long Bill." The Crown Prosecutor appeared against, Mr. Barry for the prisoner, and the Rev. Mr. Tuckfield, (a Wesleyan Aboriginal Missionary) undertook the duty of interpreter. The prisoner pleaded "Not Guilty," and on its being explained to him that he had the right to challenge any of the jury, he replied "Very well," which Mr. Barry submitted was tantamount to challenging the whole.

The offence was averred to have been committed on the 22nd January, at Fyansford, near an out-station of Mr. Manifold. A Mr. Cosgrave and a servant named James were travelling with a dray, some cattle and a mule, the dray being driven by a blackfellow from Sydney, and the deceased was accompanying them. They were followed by a mob of twelve or fourteen aborigines (including the prisoner) who threatened to kill the boy, and Tommy, the better as he thought to provide for his own safety, jumped upon the mule, which so frightened the animal that it rushed in amongst the cattle. The blacks, dashing after the mule, pulled the boy off, threw him on the ground, and whilst he was down one of the savages, who was armed with a gun, fired at him. Spears were also cast, and several were found sticking in his dead body when it was recovered. The prisoner, who was one of what was known as the "Janga" tribe, was found "Guilty" of aiding and abetting, but recommended to mercy. The Judge passed sentence of death which was subsequently mitigated to transportation for life.

Highway Robbery and Attempted Murder.—17th May, 1844.

John Abbot was arraigned for having, on the 24th March, at the Honeysuckle Range, near Mount Rouse, robbed one John Buchannan, and afterwards discharged a pistol at, and wounded him. Mr. Raymond was assigned for the defence.

John Buchannan had been in the employ of the Messrs. Burchett for two years, and was paid his wages preparatory to leaving the station. On the day mentioned he set forth with William Holmes, a mate, intending to proceed to the station of Captain Webster. They reached a place called Honeysuckle Scrub, when the prisoner, and one Peter Stratton, dashed suddenly from the bush, and one of them sung out "Come on Buchannan, we want your cheque." Abbott and Stratton were in the men's hut at Burchett's when Buchannan was paid. As the two robbers approached, the prisoner cocked a pistol and presented it

at Buchannan, who instantly handed him a cheque for £21 4s. 6d., which the prisoner passed to Stratton, who was armed with a carbine and pistol. The prisoner next ordered Buchannan and Holmes to go with him into the bush, as he intended to tie them up. They complied and Stratton walked behind to keep guard. When about 40 yards off the road, the prisoner pinioned each of them so tightly that their elbows touched, and they were placed back to back. Their two dogs were next fastened to a tree, and prisoner and Stratton commenced firing at the men, as if at a target. Buchannan received five wounds about the breast, though none of them proved fatal. Holmes escaped with a trifling scratch. The robbers ran away, leaving Buchannan lying on the ground. Holmes having loosed his bonds, freed Buchannan, who with great difficulty and suffering much agony, was got back to the station by his companion, and intelligence of the atrocity was sent by mounted express to the police authorities at Geelong. It was believed that Buchannan would die of his wounds, but he recovered. The cashing of the stolen cheque at a bush public-house afforded a clue which led to the arrest of the prisoner. Stratton disappeared and all traces of him were lost until the following year. Abbott was found "Guilty," and Judge Jeffcott, in pronouncing sentence of death, was so much affected that on concluding he shed tears, and the prisoner, on his return from the Court-house to the gaol, remarked to one of the turnkeys, "What a kind-hearted man that Judge is; he seemed so much affected in sentencing me, that I be blowed if he did not almost make me cry."

John Abbott went under the two *aliases* of Sullivan and Slater, and was nicknamed "Jack the Sawyer." He was born of Irish parents and as a sailor he knocked about the world for some years, until he arrived in Port Phillip. He was sent to prison for three months, after which he took to the bush, and nothing further was heard of him till this Mount Rouse affair. He was believed to be a desperado, so after his condemnation he was heavily ironed, and confined in the most secure portion of the gaol, and was constantly watched by a warder day and night. He declared that when he stood on the scaffold he would make such horrible revelations as would frighten all who should hear him. The public looked for his execution, but the miscreant dodged the hangman, as the Executive Council had commuted the capital punishment to transportation for life. The discovery of some technical flaw in the trial was said to be the cause of such mis-timed leniency, but the real reason will be found set forth in the chapter on "Executions." A reward was offered for the capture of Peter Stratton, and when in Melbourne he was arrested for drunkenness by Chief-Constable Sugden, who fancied he answered the description of the man so much wanted. Further inquiries established his identity, and he was convicted of the same offence as Abbott, on the 14th March, 1845. He was also sentenced to death, but for the same reason as interposed to save the neck of his companion in guilt, was relegated to the same period of penal servitude.

An Action for Libel.—2nd August, 1844.

Stephen v. M'Combie.

This was an action tried before Judge Jeffcott and two Assessors, to recover damages for the publication of "a false, scandalous, and malicious libel." Counsel for plaintiff, Messrs. Barry and Pohlman; for defendant, Mr. Williams.

The parties to this suit were well-known public characters for many years. The complainant was Mr. John Stephen, a member of the Town Council, an Advocate at the Police Court, and a free lance in newspaper circles. Defendant was Mr. Thomas M'Combie, a voluminous, if not popular writer, also one of the Civic body, and Editor and proprietor of the *Port Phillip Gazette.*

The plaintiff had ordered a coat from a tailor named M'Namara but did not pay for it. "Mac" was about the last man in Melbourne to be done out of his money; so he sued Stephen, got a verdict, and levied upon a boat supposed to belong to the defaulting debtor. Mr. James Warman, an *attaché* of the Stephen connection, claimed the boat as his property, and the execution was withdrawn. Some short time before this the boat had been placed in the hands of one Watson for repairs, and Watson, taking a fancy to it, was disposed to stick to the craft, when he was summoned before the Police Court for unlawful detention by Stephen, who deposed that the boat belonged to him. Stephen's affidavit was filed in the Court, and M'Namara's Solicitor applied for a copy with the intention of commencing ulterior proceedings against Stephen. This led to the affidavit being looked up, but look up or look down, or anywhere, no affidavit

could be found, for it had either been abstracted, or vanished through some mysterious agency; whereupon a paragraph appeared in the *Gazette* in reference to the matter, in which insinuations were made the reverse of complimentary to Stephen. In fact, it was broadly hinted that he knew much more about the fate of the lost document than it would be agreeable for him to acknowledge; and this constituted the libel complained of.

In defence it was urged that the alleged libel was nothing more than a newspaper report, and fully warranted by the facts disclosed at the Police Court. Witnesses were also called as to the repute of the plaintiff, and the late Mr. J. T. Smith swore "that he did not know a more worthless character in the Province," but it must be stated that between Stephen and Smith there was always some feud at work, either Masonic, Civic, or otherwise. A verdict for £50 damages was returned.

A "Black" Murder.—14th March, 1845.

Nigolobin, *alias* "John Bull," an aboriginal native, was indicted for murdering Booby, another aborigine, by spearing him at Keilor on the 12th December, 1844. The prisoner belonged to the Mount Macedon, Booby to the Barrabool, tribe, and the latter was employed on the station of Mr. Leslie Foster. As he was returning home from Melbourne with a couple of white men, the dray in which they travelled, when beyond Flemington, was surrounded by some blackfellows, one of whom threw a spear which perforated the deceased's body, and he died within two days. The question turned upon the identity of the murderer, and one of the white men (named Fitzgerald) swore that he saw the prisoner, spear in hand, approach the dray and cast it. He heard the deceased cry out, and saw the spear sticking in him. On the other hand, Sergeant Bennett, of the Mounted Police, deposed to having arrested, for the same offence, a blackfellow of the Buninyong tribe, named Wundella, who afterwards escaped by cutting his handcuffs, and that Wundella had confessed to the killing of Booby, because the Barrabool blacks had wished him to do so. The jury believed the Sergeant, and the prisoner was acquitted.

A Merchant Tried for Fraud.—17th March, 1845.

In the olden time in Melbourne there was a merchant named W———h. Some called him Patrick and others Paddy, but he ignored such common prænomens, and whether he was in reality a "Pat" or a "Pad," he preferred the Latinised formula of "Patricius," and as such lived and traded during an ephemeral career amongst the very old colonists. He was of an enterprising and speculative disposition, for in an era favourable to an excess of over-trading upon a minimum of capital, he was ever to the fore. His name figures prominently in most of the old dead and buried companies, the rockets that blazed up in our old commercial system, and generally ended as rockets usually do. If Melbourne had not "merchant princes" in those days, it most assuredly had merchants; but the trying times of 1842-3 swept the most of them out of existence. W———h, however, weathered the storm until the early part of 1845, when one morning trouble knocked at his counting-house door, and beckoned him to the Criminal Sessions, where a difficulty that could not be arranged by any civil jurisdiction required his personal attendance. Accordingly on St. Patrick's Day (above all others) "Patricius" William "Paddy" W———h was compelled to put in an appearance to an information charging him with "having, on the 20th January, falsely represented himself to Richard Grice as the owner of a certain quantity of wool, to wit, 3482 lbs., upon which he had obtained an advance of money, with intent to defraud the said Richard Grice," etc. The indictment was subdivided into ten counts, each varying the alleged offence, and the 5th presented it with an intent to defraud John Wright. The plea was "Not Guilty." The prosecution was conducted by the Crown Prosecutor, and the defence by Mr. Williams. The case was a lengthened and complicated one, and entangled in several side-issues with which it was sought to mix it up. Several witnesses were examined, and the jury returned a verdict of "Guilty" on the 5th count, with a recommendation to mercy. The prisoner was remanded until next day for sentence, and allowed bail. On his reappearance, Mr. Williams moved an arrest of judgment on a host of technical points, and after hearing long and learned arguments for and against, Judge Therry took time to consider his decision, the prisoner's bail being enlarged. Finally the Judge held some of the objections to be fatal, and the verdict was set aside, whereupon "Paddy W———h" clapped his hands, and rejoiced, for he had had a precious narrow escape.

A Miscarriage of Justice.—21st May, 1845.

A truculent old blackfellow named Koort Koort Kirrup, who was supposed to have committed several daring robberies, and more than one murder, in the Western country, was committed for trial, and sent to Melbourne. There was great difficulty in driving into the grey head of this savage any notion of a trial and its consequences, and he was detained in gaol for some time before the authorities could see their way sufficiently to bring him before a jury. He was arraigned at the Criminal Sessions on the 14th March, but as there was no person capable of interpreting, Judge Therry remanded him. On the 21st May he was indicted for the wilful murder of William M'Kenzie, by striking him with a waddy at the Emu Creek on 5th May, 1842. In the dock the man seemed the incarnation of stupidity, and he looked around with as much unconcern as an old bullock, instead of one of the so-styled "Lords of Creation." A jury was sworn to try the issue of his mental capacity; but his only "capacity" was an enormous one for the absorption of Government rations. The jury came to the conclusion that a gum-tree log had as much comprehension of the goings-on in Court as the prisoner, and it was impossible, according to any recognized principle of jurisprudence, to go further. A man could not be tried, and, probably, hanged, unless he had some rational glimmerings of the functions of Judge and jury. The Judge, however, assumed the responsibility of detaining the prisoner in custody until the Executive decided what was to be done with him. He returned to gaol, where he continued for several weeks, and was then turned over to the charge of the Assistant Aboriginal Protector for the Western District. He died with his tribe in about a year after his release.

Embezzlement at the Treasury.—17th July, 1845.

William V. M'Vitie was indicted for embezzling, on the 25th April, £40, the property of Her Majesty; and there were four counts alternating the offence. The Crown Prosecutor conducted the prosecution, and Messrs. Williams and Stawell the defence.

The accused was Chief Clerk in the Sub-Treasury at Melbourne. On a certain day he received £33 13s., *i.e.* two license fees of £10 each, and two assessments of £6 16s. 6d. each. The amount was paid by a Mr. Turnbull with a £40 cheque, and he received the balance of £6 7s., in cash. The embezzlement of the whole constituted the charge. The evidence disclosed the facts that the mode of doing business at the Treasury was irregular and unsystematic, and that however fitted for the satisfactory performance of other duties the Sub-Treasurer (Captain Lonsdale) might be, he certainly was not at home in supervising the Provincial Exchequer. M'Vitie had been five years in the appointment, and there was never before the least ground for the slightest imputation on his integrity. The Judge's summing up was much in his favour, and the jury acquitted him. Public opinion seemed to discredit the notion of his guilt, the presumption being that the accused had got into trouble through some mistake; a theory justified by some persons owing to the following circumstance which subsequently transpired:—"At the period of the supposed fraud, the Treasurer's office was in a dilapidated building on Batman's Hill, and some years after, when they were moving away, a roll of bank notes* (between £30 and £40) was discovered crushed behind an old pigeon-hole; and this was probably the identical sum for which M'Vitie was deficient in his accounts, and which had doubtless got into its hiding place by accident."

* It is previously stated that the money paid by Mr. Turnbull consisted of a cheque of exactly £40.—Ed.

CHAPTER XXVIII.

REMARKABLE SUPREME COURT TRIALS—*CONTINUED.*

SYNOPSIS:—Action against a Crown Lands Commissioner, Sprot v. Fyans.—William Dobson, Murder on Board the "Kestrel."—George Brady, Convicted of Robbery.—Murder of Mr. A. Beveridge, Junr.—Libel, Cavenagh v. Boursiquot.—"An Ode to an Esquire."—Murder in Gippsland; Healey, alias "Pretty Boy," Sentenced to Death.—Moor v. Kerr, First Libel Action against the "Argus."—Bribe offered to Crown Prosecutor.—A "Pentonvillian" Murderer.—Moor v. Kerr, Second Libel Action against the "Argus."—St. John v. Fawkner, Libel.—Robbery of the Warrnambool Mail.—O'Shanassy v. Johnstone, Assault on the Racecourse.—Devlin and Jones, Robbing the Portland Mail.—Desailly v. William P——, Horsewhipping.—Moor v. Wilson and another, Third Libel Action against the "Argus."—Wife Murder at Mount Rouse.—Two Unavenged Murders.

ACTION AGAINST A CROWN LANDS COMMISSIONER.—14TH AUGUST, 1845.

Sprot v. Fyans.

BEFORE Judge Therry and a special jury. The declaration contained two counts; damages laid at £2000. Plea, the general issue. Counsel for plaintiff, Messrs. Cunninghame and Williams; for the defendant, Messrs. Croke and Barry.

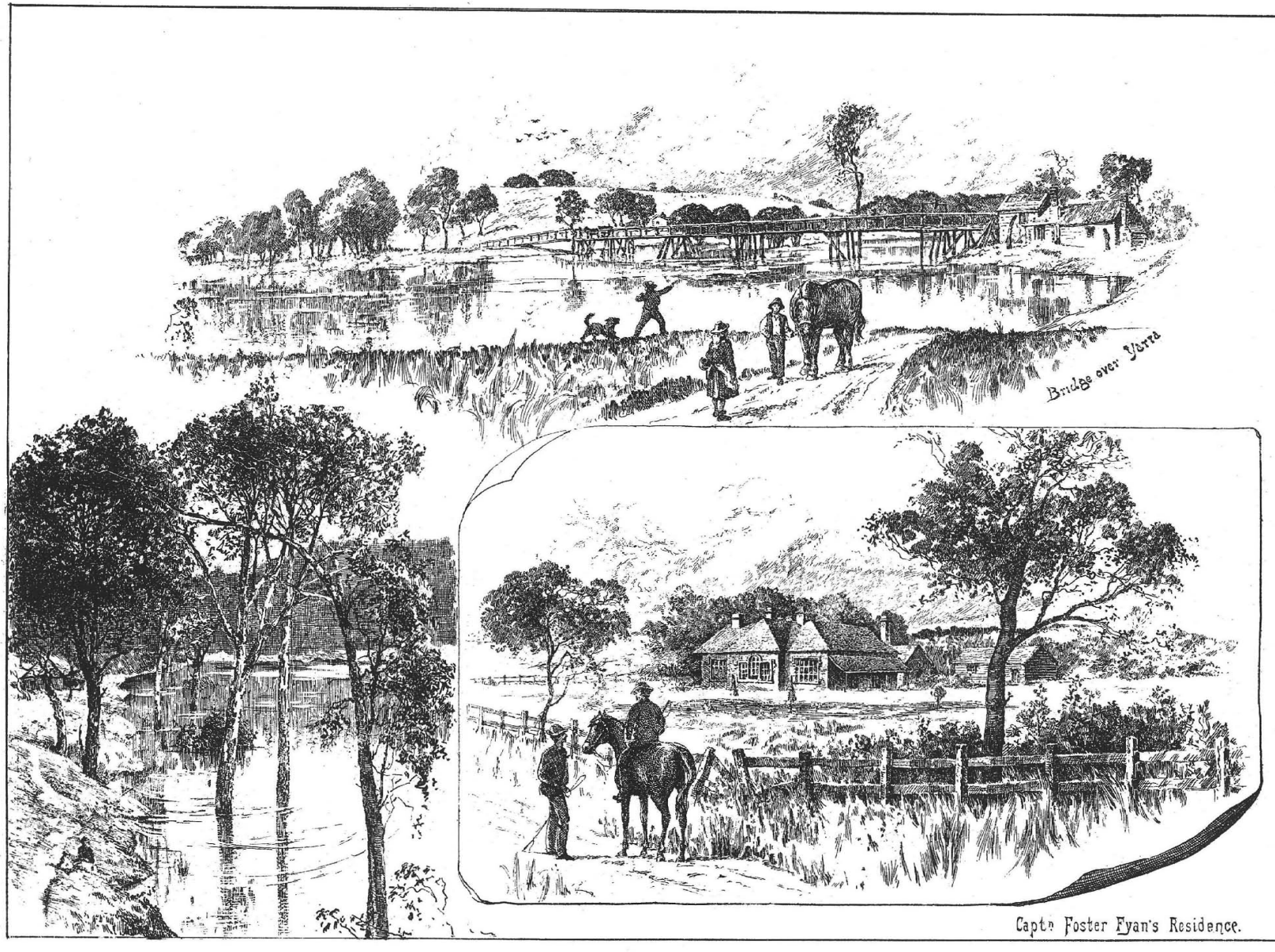
The complainant was Mr. Alexander Sprot, a settler in the Portland Bay district, and the defendant Captain Foster Fyans, Commissioner of Crown Lands for the same circuit. In November, 1841, a Mr. Muston had a number of sheep and cattle on a station at Muston's Creek, which he sold to a Mr. Osbrey. The sheep numbered 500, the cattle 50, and part of the run, as agreed upon, was to be given in. In 1842, Osbrey obtained a depasturing license for the slice of land that went with his purchase, and a Mr. Charles Payne purchased the residue of the run. When Payne got into possession, he complained to the Crown Lands Commissioner of certain encroachments of the other, and Osbrey received a letter from the Commissioner intimating that he had no right to any part of the run, that Payne was entitled to the whole, and that he should clear out. A fortnight after a peremptory notice to quit was given, and Osbrey accordingly vacated the place, when Payne's overseer took possession of the empty hut and made things comfortable there. Matters so remained for some months, when Fyans, in the course of an official visitation, called at the place, and, from personal observation, satisfied himself that Osbrey was the rightful owner. He accordingly gave him a certificate authorising the issue of a depasturing license to him. Osbrey remained in possession until January, 1843, when he sold to Sprot, and shortly after the latter went into occupation. Payne went to work again with Fyans—and so effectually, too, that Fyans placed him once more in possession and Sprot had to decamp. This trial lasted five days, and completely fagged everyone connected with it. At length a three-fourths verdict was taken, by which damages were assessed at £200. Some points of law were reserved, and subsequently a new trial was moved for upon seventeen different grounds. The matter did not, however, proceed further, as a compromise was effected. Sprot having gained a verdict, and thereby established the principle he was fighting for relinquished the £200. The Crown afterwards paid the defendant's costs.

A BUSH MURDER.—20TH JANUARY, 1846.

Two men, named Thomas Were and Thomas Simpson, were together at Buninyong on the 28th November, 1845. Simpson was the owner of a mare and foal. The men went away in company, and on the 4th December the dead body of Simpson was found in the bush, with the skull smashed in,

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Captn Foster Fyan's Residence.

several other wounds inflicted, and a blood-smeared cudgel as big as a young tree lying close by. Suspicion pointed towards Were, who was after much trouble apprehended by a trooper, and the murdered man's mare and foal found with him. He was accordingly tried for wilful murder and defended by Mr. Stawell. After the jury had retired to consider their verdict, one of them (a Mr. George Cooper, a hairdresser in Elizabeth Street), declared it would be against his conscience to convict in any case where death was the penalty. After some delay and barneying in the jury room, a compromise was agreed upon, by which the scrupulous barber was mollified, and the jury returned a verdict of "Guilty," "with a strong recommendation to mercy." The prisoner was condemned to be hanged, but his life was not forfeited, not because of the uncalled-for "recommendation," but for the reason referred to in connection with other capital trials. He was transported for life, and had been originally a convict from England to Van Diemen's Land. Horse-stealing had got him into trouble there, and it was his weakness for horse-flesh (old and young) that prompted him to slay Simpson.

MURDER ON THE HIGH SEAS.—26TH JANUARY, 1846.

William Dobson was indicted "for having on the 10th November, 1845, on board the ship 'Kestrel,' on the high seas, near the coast of Balli, in the Indian Ocean, so wounded a Lascar seaman, named Bucksheer, as caused him 'to languish, and languishing live on' until the 27th November when he died at sea near the coast of New South Wales." A second count charged him with "murdering by various assaults," whereby a certain mortal disease, from which Bucksheer was suffering, was accelerated. Counsel for the Crown, Mr. Croke; for the prisoner, Messrs. Barry and Sidney Stephen. Both the captain and mate of the vessel were committed for trial to the Criminal Sessions.

The "Kestrel" arrived in Hobson's Bay on the 5th December, 1845, with Robert North Bauvais as commander, and William Dobson (the prisoner) as mate. She shipped a number of Lascars, as part of a crew, at Singapore, whence she sailed for Hong Kong, and thence, *viâ* Manilla, to Melbourne. As a rule, Lascar seamen are treated to a good deal of knocking about, and even knocking down; and the "Kestrel" rule, so far from being an exception, was exceptional in its severity. Captain Bauvais had some twinges of humanity, but, if the evidence adduced at the trial was credible, the prisoner had none. Rough and ready in his treatment of the hands under his control, he appeared to have selected Bucksheer as the subject of special inflictions. The dead man had at an early period of the voyage contracted a disease in the legs and face, for which the prisoner would make no allowance, but exacted as much work as possible from him, so that when the poor wretch fell sick his task-master thrashed him. It was proved that when he was physically unable to work the Serang (the Lascar boatswain) was ordered to put him to the winch. Prisoner would ropes-end and strike him with his fist, and when the sick man stammered forth, "Oh! me beg your pardon, sar," the answer was to be hammered again. The Serang, by command, gave him twelve strokes with a thick rope; and the prisoner officiated as flagellator himself, with a knotted rope. The prisoner in cold weather amused himself by having the Lascar crew stripped and scrubbed in the scuppers. A witness deposed that "the mate flogged him fore and aft, and from stem to stern." Deceased's legs got so sore that they had to be bandaged in tar and canvas, and began to rot. Still he was kept at work, and when he had literally "not a leg to stand on," he was cuffed and kicked, until at last he was found dead in the coal hole. There were sixteen Lascars on board, and when asked by the Serang for medicine for them the captain would serve hog's lard and bluestone. The defence was an allegation that the affair had been got up through design, and was simply a conspiracy amongst some of the ship's hands and others to further purposes of their own. It was declared that, so far from the prisoner being cruel, he was the reverse, as was evidenced by his having made a pair of shoes for deceased, to whom he had been kind. His putting him to work at the winch was through kindness, as it would improve his health. Several witnesses were called, including Drs. Sanford and Howitt, both of whom would, under the circumstances detailed, apply tar to Lascar sores; and some ship captains, to show that the Lascars were an indolent race, and required stirring up and scrubbing to make them attend to their work, and keep them from sinking to a state of torpidity, to which in cold weather they were liable. The trial lasted two days, and the jury were locked up for a night. They returned a verdict of "Guilty of Manslaughter," with a recommendation to mercy. Remanded for sentence.

On the 29th January the prisoner was again placed on his trial for an assault upon a Lascar named Mahomet, by striking him on the eye, in Hobson's Bay on the 6th December. A second count was for a common assault. The defence was that it was only a push, and not a blow, and the prisoner was convicted. He was then brought up for judgment, and sentenced to nine months' imprisonment for the first offence, and two months' for the assault. In passing sentence Judge Therry appeared to be much impressed with the presumption that the prisoner must have been acting, if not by the captain's express orders, yet with his approval, for otherwise such acts as those complained of would have been prevented. Some other charges against the prisoner were withdrawn; and next it was intimated that the Crown Prosecutor did not intend filing any bill against Captain Bauvais. This took the public much by surprise, as the captain was believed to be much the more culpable of the two, and that Dobson had acted according to instructions. Still the public wondered and the public growled; but the Crown Prosecutor was the Grand Jury of the colony, and the oracle remained dumb.

The prisoner, after passing three months in gaol, had the residue of the two sentences remitted by the Executive, on the recommendation of the Judge.

Ruined by Dissipation.—20th April, 1846.

Perhaps in the records of the colony there is not a more remarkable example of the baleful effects of youthful dissipation than was disclosed by the trial of which a brief abstract is subjoined:—

Amongst the recent arrivals was George Brady, a young man with a highly-cultivated intellect, and who had read for the Bar. He was respectably connected, his father, Sir Nicholas Brady, having on two occasions filled the high office of Lord Mayor of Dublin, and this very year (1846) his uncle, the Right Honourable Maziere Brady, was Lord Chancellor of Ireland. With such prestige, there was a bright and promising career opening for the son, George; but he plunged into unrestrained vices, which brought him to degradation, and finally landed him a convicted felon in the common gaol. He used to stay at the boarding-house of a Mrs. Roache, and, after he exhausted whatever means he was possessed of, was not above doing occasional menial offices for the other lodgers. A Mr. R. W. Sutton came to stay at the place, and Brady scraped acquaintance with him. Before long Sutton had reason to think that some person made nocturnal raids on his pockets, for his money used to disappear. On the evening of the 31st March (a race day) he returned home with £43 in his purse, and retired to bed. The next morning he was awoke by some person stirring about in his room, and, on asking who was there, was told it was Brady, who was fetching in his boots. He thought no more of the interruption until dressing, when he missed the money. Brady was suspected to be the thief, and the robbery was reported to the Chief-Constable. Brady was soon in the hands of the police, and a bank-note found on him was identified by Sutton. He was brought before the Police Court, sent for trial to the Criminal Sessions, and convicted, when Judge A'Beckett sentenced him to fifteen months' imprisonment. After he had passed half the time in confinement the remainder was remitted by the Executive, and through the kindness of Mr. Croke (the Crown Prosecutor), the unfortunate young fellow was placed in funds sufficient to enable him to return to Dublin, and Port Phillip knew him no more.

Slaying with a Poker—15th December, 1846.

Jeremiah Connell was indicted for the murder of Edward Martin, at Buninyong, on the 11th November, by striking him with a poker. The prisoner declared he remembered nothing whatever of the matter.

There was a tavern at Buninyong known as *Veitche's*, and on the day of the occurrence some men were there noisy and drinking, when a religious controversy was introduced. The prisoner was amongst them, and desired a quarrel with some one or other, declaring "that he would never be satisfied until he had the blood of an Orangeman on his soul." He offered to fight several people, one of whom, named Procter, accepted the challenge, but the prisoner backed out, saying he could not think of fighting with a "paper man." A young fellow named Cameron at this threw off his coat, and, introducing himself as a "Scotchman and a Protestant," promised soon to let the prisoner see what a "paper man" could do.

They had a couple of rounds, and a "knock-down" gave the Scotchman the worst of it. Martin, who (with his wife) was a servant at the inn, was passing at the time, and told the prisoner he was a coward for knocking the youngster down; but before a quarrel could possibly commence Martin's wife forced her husband away. This happened shortly after noon, and matters were quiet until about 6 p.m., when Martin was sitting in the kitchen reading a book. The prisoner and Cameron suddenly entered, and the former, without saying a word, struck Martin on the head with a poker. Martin cried "Oh!" and, turning to look round, the prisoner repeated the blow with such effect that Martin fell in a heap on the floor. An alarm was raised, and Connell attempted to get away, but was overpowered by some men who were drinking in the house, and who would have lynched him on the spot but for the barman. Martin was removed to his bed, from which he never rose. The prisoner, who was without Counsel, alleged intoxication and excitement as his defence. The jury found him "Guilty," and Judge A'Beckett, in a feeling and eloquent address, passed the extreme sentence of the law. The prisoner heard his doom with a calm indifference, and walked out of the dock the least affected person in a densely-crowded Court.

Murder of Mr. Beveridge by Blacks.—25th February, 1847.

One day towards the end of August, 1846, Melbourne was shocked by the intelligence that Mr. Andrew Beveridge, jun., a settler on the Lower Murray, had been murdered in cold blood by three aborigines, to several of whom he had shown many acts of kindness. For some time it was doubtful whether any effective attempt could be made to capture the murderers; but it was done, nevertheless, bravely and skilfully by Corporal William Johnston, of the Western Port Border Police, and troopers Dollard and Farrell. They were patrolling at the Murray on the 30th October; and obtained from Mr Brierly, overseer for Captain Coghill, a description of the desperadoes. Johnston was well acquainted with the country surrounding the Beveridge Station, as well as with a few friendly natives of the neighbouring tribes. Some of these he sought, and arrived at the conviction that the criminals were three ferocious savages of great muscular power, who went under the respective designations of "Ptolemy," "Booby," and "Bullet-Eye." They were personages of recognized power and influence amongst the most formidable tribes on the Murray, and it occurred to Johnston that success would be owing to stratagem rather than to open force. To do something, however, he made up his mind; and this is how he performed a feat in the capture of the desperadoes, which, for adroitness, pluck and gallantry, has never been equalled, or even approached, in all the raids ever made after bushrangers or murderers in the colony.

Doffing their troopers' trappings and apparel, the three men procured changes of the regular bush toggery at a settler's, and were speedily transformed into thorough bush hands, with humped swags, and forth they went as if the most veritable cadging pilgrims that ever wandered along a "wallaby track" Two or three friendly natives proved trusty and valuable allies, and through their means it was ascertained that the trio so much in request were then with a large party of blacks sojourning on the opposite side of the river. It was an axiom of Johnston's fortified by a bush experience of several years, that there was no more effectual mode of circumventing a blackfellow, of inveigling him into the cobweb of the "White Spider," than through the stomach, and he accordingly caused it to be given out by the friendly natives that the "wallaby trackers" would, on a certain evening, treat all the blacks that might cross the river to a big feast of "bubble-bubble"—a mess of flour, sugar and water, to which, in the early days of colonization, the Port Phillipian Aborigines were even more partial than to the squatters' rum or beef. The invitation was accepted; and Johnston procured a quantity of ingredients for the feast, among them being three choice pieces of rope not likely to give at the first pull. Johnston and his comrades were well armed, and had plenty of ammunition stowed away in a bark hut not far off, which they had made their headquarters. The three pieces of rope were looped into a kind of short lasso, to be worked at close quarters, and each man was supplied with one, which he was to secrete in his jumper. It was further arranged that if the three murderers (who by this time, from the full descriptions obtained, could be easily identified) put in an appearance, a trooper should contrive to stand behind each of them at the feed, with rope ready, and when Johnston sung out the word "Three," to fly the lasso over his head, and, so noosed, each trooper should stick to his game, and for what followed depend on the chapter of accidents. Two shepherds, borrowed

from an adjacent station, were posted in a clump of dense scrub within a hundred yards of the supper ground, and, armed with drawn swords, on hearing the beginning of the *mêlée*, they were to rush out and make as much noise as they could. About five-and-thirty of the wished-for strangers attended, and to Johnston's great satisfaction, "Ptolemy," "Booby" and "Bullet-Eye" were amongst them. They all eagerly squatted round the platters overflowing with the thin, sweet paste, and each fellow, with his pair of scooped black paws, lost no time in setting to work. The three principals happened to be nearly next to each other under a tree, and seemed quite proud of the attentions of the bushmen who stood like flunkies behind, but were rather considerably astonished when "Three" was ejaculated, and they found themselves not only roped, but half choked into the bargain. The troopers did their work cleverly, and immediately all the blackfellows were on their feet, and a loud yelling and shaking of weapons followed. The three savages, though unable to join in the chorus of howling, emitted deep convulsive grunts, and struggled like wild beasts; but the odds were desperately against them. A human being, though endowed with the strength of a Hercules, is heavily handicapped when a rope is twisted about his neck and the running knot in the hands of a vigorous antagonist. The sworded shepherds now appeared on the scene brandishing their flashing weapons and shouting with lungs of Boanergian strength. When the menacing mob of blackfellows beheld this unexpected reinforcement, they believed that others were following, and fleeing like a herd of scared kangaroos across the river, buried themselves in their native fastnesses. The prisoners were then hauled away (black in the face it would be superfluous to add), literally throttled, to the hut, and there tied up in supposed security. This happened on the 2nd November. About an hour after the tying-up, a blackfellow arrived at the hut, despatched from the runaway tribe as an emissary to the prisoners, charged to communicate to them the intelligence that it was intended to rescue them at daybreak. This fellow, however, probably in expectation of more "bubble-bubble," turned traitor to his trust, sought out Johnston, and conveyed an ambiguous warning in the phrase "to borac (not to) sleep that night." The hint was not thrown away on the experienced officer, who, thus forewarned, determined to be forearmed, and measures were taken to put the place in as effective a state of defence as possible. The party had about 120 rounds of ammunition, and were well supplied with rifles and pistols. These were loaded, the door secured, and some weak points in the frail bark fortress strengthened. By this time a relative of the deceased, with three or four other white men, arrived, and threw in their lot with the police. The defending force thus consisted of eight individuals, and they spent an anxious time of it until about 3 a.m., when the painful suspense was broken by a volley of yelling, and instantaneously the hut was rushed as if by a horde of screaming devils. It was assaulted front and rear, in fact all round, by fifty or sixty aboriginals, some of whom climbed up on the roof, and tried to tear off the bark covering. Johnston turned his attention to a chief of huge dimensions, and whilst in the act of reconnoitering, a spear perforated his jacket and within an inch of killing him. A Mr. Kirby fired in the direction whence the spear came, and a big blackfellow was afterwards found dead at the place. Another assailant from aloft had forced his way half down through the roof, when a bullet from Mr. G. S. Beveridge (brother to the murdered man) brought him toppling dead. The besieged kept up firing wherever they thought a ball was likely to tell, and the unlooked-for warm reception so frightened the besieging force, that their zeal slackened by degrees, and as the morning got well advanced they beat a retreat over the river, killing one of the tethered horses. In addition to the immediate assailants, some 200 blacks were planted in the scrub, ready to cut off the white men, who, they expected, would abandon the place when they found it attacked. So much was gleaned afterwards from a friendly native. The difficulty now was how to transmit the prisoners safely to Melbourne, through a country of hostile aborigines, in a secluded part of the bush, and 250 miles away. A mounted express was at once sent on a 75 mile trip for assistance, and before the close of the next day Johnston was joined by nine mounted volunteers. No time was lost ere making a start, and the party sustained no further molestation from the blacks. When the more dangerous part of the interior had been traversed, the amateur quota of the escort returned home, leaving the three troopers and three captives to go their way. Each trooper took charge of a prisoner, until about twenty miles from Melbourne, when Johnston and Dollard, taking their prisoners with them, set out in search of a drinkable waterhole, leaving Farrell and "Ptolemy" to wait their return at an appointed place. When "Ptolemy" found himself with only a single guard, he threw himself on the ground, pretended to be sick, and gave some pantomimic indications that he was going to

die. Farrell dismounted, and is believed to have good-naturedly relaxed the cordage with which his prisoner was secured. The sickness very soon left "Ptolemy," for, watching an opportunity, he sprang suddenly to his feet, snatched the trooper's sword from its sheath and attacked him. The blackfellow not being an expert *sabreur* was unable to prevent Farrell grappling with him, though he wounded the trooper in the arm. They both came in a roll to the earth, Farrell holding on to the blackfellow, and "cooeeing" loudly for help. The water-seekers, hearing the loud shouting in the distance, hastily returned, to find the other two still engaged in what might have been a deadly struggle for either of them. However, it took a very little time to separate them, and replace "Ptolemy" in security. The remainder of the journey was accomplished without further mishap. The prisoners were lodged in gaol; and loud were the praises accorded to troopers Johnston, Dollard, and Farrell for the gallant manner in which, against formidable obstacles, they managed such an important capture.*

The trial took place before Judge A'Beckett, at the Supreme Court, on the 17th December, for murder. The prisoners were defended by Mr. Barry. The interpreters having declared their inability to make the prisoners understand the nature of the judicial ceremony about to be gone through, and after a conference between the Judge, the Crown Prosecutor, and the prisoners' Counsel, they were remanded until the next Criminal Sessions.

On the 25th February, 1847, the prisoners were again placed on their trial, and being asked to plead, remained silent. Mr. E. S. Parker, an Assistant Protector of Aborigines, interpreted the proceedings, "Ptolemy" and "Bullet-Eye" both saying, "They did not spear Massa Bebridge." "Booby" made a similar declaration, and pleas of not guilty were recorded. The next question was as to the mental capacity of the prisoners to exercise their right of challenge, and the nature of this privilege having been, with some difficulty, expounded, the prisoners replied, "Jury velly good," and the trial went on.

The Crown Prosecutor stated the case and called several witnesses, who, in addition to the circumstances already narrated, deposed to further particulars. The Beveridges occupied a squatting station at the Murray, and were the reverse of unkind to the aborigines, who were permitted to go and come about as they liked, and even to sleep in huts at the homestead. On the morning of the murder, Mr. Andrew Beveridge hearing some noise outside went to see what was the matter, and found himself suddenly confronted by several armed blackfellows, amongst whom were the three prisoners. "Booby" held a "jagged" spear, "Ptolemy" a reed one, and the former on seeing Beveridge, sung out at him—"What for you yabber me cram jumbuck?" (*Anglice*, "why did you charge me with stealing your sheep?") when Beveridge replied, "You did;" and "Ptolemy" speared him in the breast. Beveridge turning round exclaimed, "I am murdered," and was returning in doors, when "Booby," following, speared him in the arm. A "jagged" spear was stuck six inches deep in his hip, and there were wounds on his temples and arms. He died before the morning. The identity of two of the prisoners was complete; but beyond being present, there was no proof of any overt act by "Bullet-Eye." After a careful summing up by the Judge, the jury, after three minutes' deliberation, returned a verdict of "Guilty" against "Ptolemy" and "Booby," and acquitted "Bullet-Eye," who was transferred to the care of the Black Protectorate. When asked what they had to say why sentence of death should not be passed, they declared that they had nothing to do with the killing of Mr. Beveridge; and that it was done by three blacks known as "Wellington," "Buonaparte," and "Henry."

Johnston was immediately promoted to a Sergeantcy, and pecuniarily rewarded. His comrades benefited in a lesser degree; and Dollard, after having charge of the Eastern Hill watchhouse, became a publican at Emerald Hill, and one of the minor celebrities of that once verdant locality. Of the future of Farrell I know not. Johnston retired from the Force, was a bush inn-keeper for some time, and after trying his luck in other pursuits, was berthed in a subordinate billet in the Crown Lands Department.

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* Mr. Maurice Fitzgerald, an old colonist of varied bush experience, assures me that with regard to the murder of Mr. Beveridge, that a Mr. French, one of the persons in the assailed hut, had two or three of his fingers mutilated by the Natives. He states that he also formed one of the relief party, and that whilst escorting the prisoners through the bush, some Blacks threw spears after them, one of which wounded him (Fitzgerald) in the thigh, the marks of which he showed me. In justice to my informant these facts are given; but I do not feel disposed to disturb my own report of the outrage and its consequences, as I have re-written it from the newspapers of the period. From February, 1845, to the end of 1851, when this chapter will run out, I reported for a Melbourne journal every trial (criminal and civil) that took place in the Supreme Court, and in my compilation I have been careful (so far as I could) to omit no material point adduced in evidence.—THE AUTHOR.

GREEK *v.* GREEK, OR "AN ODE TO AN ESQUIRE."—1ST MAY, 1847.

Cavenagh v. Boursiquot.

This was an action for libel tried before Judge A'Beckett and a Special Jury of Twelve, the origin of which arose thus:—The plaintiff was Mr. George Cavenagh, the proprietor and editor of the *Herald*, and the defendant was Mr. George D'Arly Boursiquot, proprietor and editor of the *Patriot*. The two "Georges" were not only newspaper rivals, but personal foes, and their mutual animosity was such that had they been the two proverbial Kilkenny cats, they would have welcomed the opportunity that gave them a chance of engaging in a tight-rope encounter similar to that which the traditional grimalkins, according to Irish folk-lore, gobbled up each other. In the month of January the Special Jury List was revised by the Melbourne Court of Petty Sessions, and the name of Cavenagh, a Special Juror for the preceding year, being inadvertently omitted by the compiler, an application for its restoration was made and granted. In those times the position of special juryman was believed to confer a badge of social distinction, and as Cavenagh was now "on," Boursiquot could not comprehend why he should be "off;" and "on" he sought to be placed accordingly. For this purpose he put in an application, which, to his infinite chagrin, and Cavenagh's intense satisfaction, the Justices rejected. A paragraph appeared in the *Herald* recording the occurrence, and though it was *piquantly* peppered, it was nothing more than one of the many small spiteful interchanges of ill-will weekly bandied between the contemporaries, and altogether insufficient to justify the manner in which the *Patriot* retaliated. The magisterial meeting was held on the 17th, the *Herald* notice appeared the day following, and after taking a week not only to nurse his wrath, but so shape it that it would scorch, the *Patriot* of the 26th published a poetical squib that nigh drove Cavenagh to distraction. Clever, pungent, witty, and telling; every second word like the sting of a wasp—an epitome of the real or reputed antecedents and characteristics of Cavenagh—it gibbetted him after a fashion he never forgot. It was not written by Boursiquot, but was the effusion of a guerilla rhymester named Hammond, and headed "An Ode to an Esquire." It will be seen from the following specimen extract that a more personal composition has hardly ever appeared in print:—

> "His coward heart with venomed malice swells,
> While rancid envy festers in its cells.
> His brutal coarseness wakes th' indignant flush,
> By manners fit to make St. Giles's blush—
> Then turns apostate after he has hurled
> His *Dens' Theology* against the world."

The special sting in this lampoon was its religious reference. Prior to Cavenagh founding a newspaper in Port Phillip he managed the *Sydney Gazette*, from the office of which journal was issued a cooked and mutilated edition of *Dens' Theology*, which certain controversialists averred was one of the class-books prescribed for the theological curriculum in some of the Roman Catholic colleges of Europe. Any individual responsibility on this score had been more than once disavowed by Cavenagh; but as his Melbourne paper was largely supported by the Roman Catholic community, trade-capital was occasionally made out of the Dens' transaction, and references to it wrung his withers considerably. The trial elicited a good deal of interest. Messrs. Williams and Stawell were Counsel for the plaintiff, and Mr. Barry for the defendant. The defence set up was that, as everything was fair in newspaper warfare, the matter complained of was only a journalistic "*quid pro quo*." The alleged libel had been provoked by the notice in the *Herald* in *re* the failure of the defendant's application to be enrolled as a Special Juror, as well as divers publications in the *Herald* disparaging the *Patriot* as to its circulation and in other respects. After an elaborate and dispassionate summing up by the Judge, the jury retired for three-quarters of an hour, and found for the plaintiff, damages £40, but only £13 found its way to Cavenagh, £10 of which he gave to the Hospital, and a further £10 to a Scotch Relief Fund.

SHOCKING MURDER IN GIPPSLAND.—12TH OCTOBER, 1847.

John Healey, *alias* "Pretty Boy," James Francis, and George Savage were indicted for the wilful murder of James Ritchie, at Tarraville, in Gippsland, on the 27th May, viz., Healey as principal, and the others as aiders and abettors. The first-named was defended by Mr. Stawell, and the others by Mr. Sidney Stephen. About half-past seven o'clock on the morning in question Henry Sherwin, a resident of Tarraville, noticed blood marks and signs of dragging on the roadway. On looking over a fence he perceived the dead body of a man, and he forthwith repaired to a tavern known as the *Royal Hotel*, and informed the landlord of the circumstances. It was not more than 200 yards from where the corpse lay, and Neilson, the landlord, Sherwin, and two or three other persons, recognized in the dead man one James Ritchie, who was well known to them. The throat was cut, and the head battered, whilst the dog of the deceased was dead in his arms, the creature's throat gashed in a horrible way. Ritchie's coat, saturated with blood, was thrown beside him, seemingly as if drawn over his head, with its pockets turned inside out. During these revelations Francis and Savage joined the group, and actually assisted in lifting the body on to a cart. It soon transpired that the prisoners and the deceased had been seen more than once drinking together on the preceding day. Early in the afternoon they were at a public-house kept by one Fitchett. Ritchie was drunk when they separated; he went his way, and the others made for the *Royal*. Later in the evening they again turned up at the latter place, where they resumed their drinking, and were quite jolly over the rum bottle until about nine o'clock, when all save Ritchie left. He soon after followed, but subsequently returning, asked to be supplied with rum, which was given to him in a lemonade bottle labelled "J. M. Chisholm." With this he left, and nothing was seen of him there again. About one o'clock next morning Healey knocked up the hotel people, and purchased a bottle of rum and a loaf of bread, with which he went away. It was noticed at the time that when the bar door was opened he did not enter, but standing some distance off, and beyond the reflection of the lamp-light, called out for the supplies, which were taken outside and handed to him. The discovery of the murder caused much consternation in the small township, and Chief-Constable Cornelius O'Sullivan arrested Healey at the house of Hannah Wilson, a person of more than doubtful reputation. Francis and Savage were also arrested, and the three committed by Mr. Tyers for trial in Melbourne.

It was shown that the four men had been knocking about the township together, drinking, and that they consorted occasionally with two or three disreputable women. The publican, Fitchett, deposed to having once heard Healey declare "he would serve out Ritchie because he had befriended a female relative of Healey's, who had been ill-treated by her husband." Fanny Hughes testified to more than once hearing Healey say he would take Ritchie's life. On the evening of the 26th May she saw them all drinking at the forge of a Mr. "Tom the Tinker," the village blacksmith, where they played cards for grog. Healey was so drunk that he went to bed there, and did not leave till about ten o'clock, after the others had gone. She let him out and he was hardly able to walk. John Maynor proved to having heard a cry or scream from the direction of Neilson's paddock after nine o'clock on the night before the finding of the body.

Michael Bradly, an acquaintance and drinking mate of the prisoners, who was let into the Alberton watchhouse whilst Healey was detained there, evidently to trap him, detailed a conversation which passed between them one night. They spoke from cell to cell, and Healey, referring to the murder, said "I'm guilty, and willing to die for it sooner than be in the state I'm in." This *vivâ voce* confession was corroborated by a constable placed in a favourable position to hear the dialogue. Hannah Wilson (under a commitment for harboring him, possibly a legal *ruse* to secure her evidence), was next brought up on a writ of *habeas*, and her testimony admitted as that of an approver. She declared that about eleven o'clock on the night of the murder, Healey visited her house, and some time after she accompanied him to *Neilson's Hotel* to procure some rum. After returning they commenced drinking, and he showed her a purse and a clasp-knife he had. He remained all the night, which he passed in a restless and sleepless state, and when asked what was the matter replied that "the horrors" were on him. This witness swore that about a week previously she had killed a goose with the axe found on the premises. A written statement made by Healey to Mr. Tyers was put in, but the only evidence in it affecting Healey was his admission that he had left at Wilson's a purse, produced, which corresponded in description with one seen in Ritchie's possession

when alive. Healey also declared that a sum of money contained in the purse was some he was keeping for his aunt; but the amount and appearance of the bank notes, tallied in some respects with money said to belong to Ritchie. Evidence was also given of conversations held by Healey with several persons during his incarceration, in which, though he denied any implication in the actual murder, he confessed to knowing a good deal about it, and sought to cast suspicion upon persons not in custody.

In the course of the trial strange disclosures were made as to the social and moral condition of the community at Tarraville. There were two public-houses there, open day and night, and all Sunday as well. A clergyman of any religious denomination was not known in the township. Bacchus was the idol around whom they all, men and women, staggered, and the worship of that god was almost incessantly kept up at the two grog temples, so that between drunkenness, lewdness, and quarrelling, the place was the reverse of an Elysium; and the Judge protested that if only one half of what they had heard could be believed it was a perfect Pandemonium. Healey was found guilty, and Francis and Savage acquitted, for there was nothing beyond a very strong suspicion against them. The conduct of these two fellows during their two days in the dock, was characterized by so much shameful levity, that it was almost a pity to turn them loose without some punishment. They grinned, grimaced, and horse-laughed at intervals: and during recitals that shocked every decent person in Court, the scoundrels rubbed their hands gleefully, and gazed around in such a villainously leering manner as created an intense feeling of disgust.

On being asked what he had to say why sentence of death should not be passed on him, Healey exclaimed: "All I have to say in the presence of the Almighty God, I am innocent of the crime, and I am willing to die for my innocence. That is what I said from first to last."

Judge A'Beckett pronounced the last sentence of the law in an address which made a deep impression. The general feeling was that, though Healey was convicted rightfully, the other two had also been in the murder with him; and that, though the jury could not have acted other than they did, somehow or other the ends of justice were frustrated.

Poisoning by a Chemist's Assistant.—15th October, 1847.

John Howard was placed at the bar charged with the murder of Julia Smallmon, at Melbourne, on the 2nd October, by the administration of a large dose of concentrated oil of bitter almonds, two drachms of which he "put into, mixed, and mingled" with a certain syrup of squills, which she swallowed, and from the effects of which she "grew mortally sick in body, and died." The prisoner was defended by Mr. Barry.

On the day named in the information, Mrs. Julia Smallmon sent a friend, Mrs. Julia Davenport, to a druggist's shop in Collins Street East, known as Dr. Wilmot's, to procure something to cure her. This messenger asked for some oil of sweet almonds in syrup of mulberry. Having partaken of some, Mrs. Smallmon declared she was poisoned, and begged that none of it should be given to any of her children. Dr. W. H. Campbell was at once summoned, and applied the usual remedies, but death ensued in about an hour and a half. The bottle had been taken back to the druggist's and shown to the prisoner, who, smelling it, said he had given what had been asked for, and could not change it.

Mr. John Hood, another druggist, said that Davenport had first called at his shop before going to Wilmot's. She asked for oil of sweet almonds in mulberry syrup, but was not served there, as the oil in stock was rancid. She called afterwards, and, telling what had happened, showed him a bottle, the contents of which he tasted, and believed to be the essential oil of almonds, four drops of which he considered sufficient to kill a man; two drops were known to kill a dog. The taste and smell should be a test in guiding a person giving it, though a person affected with influenza or kindred complaint might not easily detect the smell.

Dr. Wilmot, the proprietor of the establishment, testified to the prisoner being in his employ as a dispenser. He came to him from Dr. Thomas, and he had every confidence in him. The last witness examined for the Crown was Dr. Campbell; and the defence set up was that it was a misadventure—a pure accident—a simple mischance. It was submitted that the jury could not return a verdict against the prisoner, unless satisfied that the act had been occasioned by a culpable disregard of human life—gross unskilfulness, or wilful negligence. Besides, no *post-mortem* had been held, which should have been, so as to account for death beyond any reasonable doubt.

Dr. Thomas deposed that the prisoner had originally come to him as groom and butler, but, hearing that he had been in a dispensary in England, he was promoted to the charge of the surgery. He was competent and trustworthy.

The jury, after twenty minutes' deliberation, brought in a verdict of "Manslaughter."

The Crown Prosecutor said he knew a good deal about the prisoner, and a better conducted man there could not be.

The prisoner was remanded for sentence. The case was called on for judgment on the 18th, when his Honor Judge A'Beckett inflicted a fine of forty shillings.

First Libel Action Against the "Argus"—14th March, 1848.

Moor v. Kerr.

There never was a cause tried before the Supreme Court which excited more public interest than this, and most persons looked for the result with some degree of expectation. The plaintiff was Mr. Henry Moor, twice Mayor of Melbourne, once very popular; and the defendant was Mr. William Kerr, equally well known as the proprietor and Editor of the *Melbourne Argus*. The trial took place before Judge A'Beckett and a Special Jury of Twelve. Messrs. Williams and Stawell were Counsel for the plaintiff; Messrs. Pohlman and Stephen for defendant.

In the course of the jury panel Mr. George Cavenagh answered, but was challenged by the defendant, because he was the Editor and proprietor of the *Port Phillip Herald*, not only a rival newspaper, but always at war with the *Argus*, personally and editorially. After some legal arguments, Alderman Bell and Mr. Dalmahoy Campbell were sworn as triers, to determine the issue whether Cavenagh stood indifferent between the parties in the suit. Cavenagh was sworn, and admitted having expressed opinions upon the merits of the case; but he could not say that his mind was made up, and he did not know anything of the evidence to be adduced. He certainly had formed a very decided opinion as to the party who ought to succeed. After a few remarks from the Judge, the triers found that Mr. Cavenagh did not stand indifferent between the parties. So he was put by. Mr. Skene Craig, a merchant, was challenged by the plaintiff for a similar reason, and a similar process of testing was resorted to. He admitted the expression of an opinion on the subject, but he put the case hypothetically. The triers declared him to be indifferent. Mr. John Bullen, a member of the City Council, was objected to by the defendant, and acknowledged that he had jocularly remarked to the defendant that, if on the jury, he should find against him. Objection disallowed. Mr. D. S. Campbell was next challenged, and informed the Court that it was his intention, if on the jury, to appeal to the Judge to strike him out, "because he, and all connected with him, had been so repeatedly libelled by the *Argus* that it was not in human nature that he could go into the box and find an unprejudiced verdict." He was declared "not indifferent," and shelved. The next impeachment was as regarded Mr. Ebden, M.L.C., who stated that he had expressed opinions about the defendant, but it was only private spleen that prompted the course now taken. Mr. Ebden was pronounced indifferent.

The pleas were the general issue, and a special plea of justification. The statement for the plaintiff disclosed that the parties had been for years connected with separate Political, Municipal, and National cliques, and were unfriendly disposed to each other. Moor had already been Mayor, and Kerr wanted to be; but the other thwarted him in his desire; and took an opposing side at the November Municipal Elections, the pivot upon which the Mayoralty annually turned. Moor was a solicitor in large and lucrative practice, and professed to be a staunch Episcopalian, whilst Kerr lived in a continuous state of partial impecuniosity, and was an unflinching Presbyterian. The Episcopalian Bishop arrived in Melbourne in January, and shortly after it was announced that he had appointed Moor his Chancellor of the Diocese. This was a chance which Kerr was not disposed to let slip unutilised, and accordingly one morning during the month of February an issue of the *Argus* appeared with the following paragraph, which constituted the libel complained of:—"The English Church—Her Majesty's Letters Patent, ordaining Melbourne to be a City, and appointing the Right Rev. Dr. Perry first Lord Bishop of this Diocese, which were missing when the time was appointed for the installation of the Bishop, have at length turned up, and

were formally read on Sunday last at St. Peter's Church, Mr. Councillor Moor officiating as Chancellor. The ceremony of installation is now complete, and the Bishop of Melbourne may be considered as fully in possession of his Bishopric. We confess ourselves a little surprised at his Lordship's choice of a Chancellor for his Diocese. With our view of Bishop Perry's character, we would quite as soon have expected to hear of Mr. Moor receiving a similar appointment under Mr. Geoghegan when he gets his expected mitre; and sure we are that he was better fitted for a Father Confessor for the *Eagle*, or *Mother Scott's* establishment, than to hold office in a Christian Church."

Proof of the proprietorship and publication of the paper was presented, and several witnesses called to depose to the effect of the innuendoes complained of, and the imputations conveyed by the libel, viz., "that such was the immorality of the defendant as to fit him more for an office-holder in houses of infamy, to wit, the *Eagle*, and *Mother Scott's*, than in the church of a Christian denomination." A paragraph which appeared in a subsequent number of the *Argus*, was put in in aggravation. Several nonsuit points were raised, but the Judge decided to send the case to the jury, and after Counsel had been heard for the defence, it was proposed to examine the Chief-Constable, against which it was contended that the plea of justification precluded the adoption of such a course. The Court ruled that only evidence as to general repute and character was admissible, as no specific instances had been set out in the record. The Judge summed up, the jury retired, and after an absence of some length it was announced that they could not agree to a verdict. They were finally despatched, under the charge of bailiffs, to the *Prince of Wales Hotel*, in Little Flinders Street, where they remained in conclave until midnight, whence they were escorted to the Judge's residence in East Collins Street, and received by His Honor when the foreman intimated that they were unanimous in finding for the plaintiff, but differed as to the amount of damages. Ten had agreed to £250, and a three-fourths verdict for that sum was received and the jury discharged. The Right Rev Dr. Perry who had been subpœnaed as a witness for the defence, was in Court all the time of the trial, but was not called.

A motion was subsequently made to set aside the verdict upon various technical grounds. Judgment was reserved, but ultimately given for discharge of the rule *nisi*, and the verdict was allowed to stand. The matter was fought out to the last, and even after the issue of execution it was sought to annul the writ by various pretexts, all of which failed. The judgment was in the end satisfied, and it was said that Mr. Moor presented the net proceeds to the building fund of St. James's Schoolhouse.

In correction of a historical mistake it may be stated as a fact that Mr. Henry Moor was never Chancellor of the Church of England. He was the first Registrar; and the Chancellorship was in the first instance conferred upon the once well-known and much esteemed, Mr. C. J. Griffith.

Offering a Bribe to a Crown Prosecutor.—15th March, 1848.

Michael Ryan pleaded "Not Guilty" to an indictment charging him with having on the 7th March, delivered a letter containing a £5 note to James Croke, Esq., Her Majesty's Crown Prosecutor, that the latter might use his influence with the Licensing Magistrates of Melbourne to obtain a publican's license for Ryan, "to the disgrace of the said James Croke, the evil example of others," etc., etc. The information further alleged that the defendant did present a petition for a license to the Licensing Bench; and further, "that the said James Croke was the duly authorised officer to prosecute all crimes, offences, and misdemeanours," etc., etc. Mr. Barry conducted the prosecution, and the defendant was not represented by Counsel.

On the day referred to Mr. Croke received a letter containing a £5 note, intimating that the writer having a friend willing to advance some cash to enable him to start in business, he wished Mr. Croke to put in a good word for him, in the way towards getting him a publican's license. There was not a word in the letter about the valuable "flimsy." The moment he had finished reading, Croke rushed to the kitchen, where his correspondent was waiting an answer; and the latter, seeing fire and fury glaring from the eyes of the irate old lawyer, murmured out in piteous tones, "Oh, pray sir, do forgive me! I did not know I was offering you an insult. Oh, Mr. Croke, for God's sake remember I have a large family, and you will ruin the whole of us if you take any steps against me!" Croke was in such a rage as to be unable to speak,

and he flung the letter and its enclosure into the yard, when Ryan mastered sufficient presence of mind to pick them up and run away. Croke set off forthwith to the Police Office, and instituted criminal proceedings, which eventuated in the runaway's committal for trial at the Criminal Sessions. The only defence set up was that neither insult nor bribery was intended. Ryan had been known for some time to Croke, who had more than once done him a kind turn, and it was as a recognition of such, rather than through any corrupt motive, that a present, and not a bribe, had been offered.

The jury returned a verdict of "Guilty," and Mr. Croke, addressing the Court, intimated that though as Crown Prosecutor he had through a sense of duty brought the defendant to justice, it was neither his duty nor his wish to urge a severe sentence. Ryan was sentenced to a fine of £15, and imprisonment until payment. The penalty was at once paid, and the released Ryan departed amidst a large retinue of friends.

The curious incident of this case was the selection of the official to be operated upon. Ryan had been for years, a Melbourne watchhouse-keeper, and must have known that £5 passed to other hands than Croke's would have secured him what he was in quest of; for it was a matter of notoriety at the time that the most influential of the Licensing Magistrates "took tip," as it was styled, from everyone who gave it; and such a largess as the one so indignantly cast forth by the Crown Prosecutor, would have secured any licensing favour that could possibly be asked.

A "PENTONVILLIAIN" MURDERER.—16TH JUNE, 1848.

About 5 o'clock on the evening of the 20th April, Mr. Walter Butler, a resident of Williamstown, was returning home from Melbourne, and in a hollow at Stoney Creek, two miles from the then Saltwater River punt, and about four miles from Williamstown, he discovered the dead body of a boy lying near some scrub, with the head half cut off. Constables Sugden and Brodie lost no time in endeavouring to track the murderer; for that a foul murder had been committed there could be little doubt. Sugden took Melbourne as his searching ground, whilst Brodie rode away to Stoney Creek, where he saw approaching, a Williamstown constable and two other persons, bearing the dead body on a door. They took it to the *Punt Inn*, and on being searched, there was found in one of the pockets of the deceased a letter enclosing £2, purporting to have been written by his brother in Launceston, and requesting him to go there. This led to a knowledge that the deceased was one Matthew Lucke, a Pentonville "exile," who had arrived in the colony by the "Marion." From enquiries made by the Town police it was ascertained that the deceased and another "exile" boy—Augustus Dauncey—were on terms of intimacy, and frequently together. Dauncey was hunted up at a lodging-house, kept by a Mr. John Stanway, in Little Flinders Street. He was then arrested on suspicion of the murder. An inquest was held next day at the Saltwater River, and the evidence against the prisoner was wholly circumstantial. He and the deceased kept company on the day prior to the murder, and occupied the same bed that night. Next morning they started together from Melbourne to walk to Williamstown, and crossed by the Saltwater punt. The puntman, afterwards noticing Dauncey alone, asked, whilst towing him over the river, what had become of his companion, and Dauncey carelessly answered, "I left him behind at Williamstown." After the prisoner's arrest his clothes were examined, when some blood stains were found on his trousers, and two of the bone buttons of his vest showed blood marks. In a pocket he had a black-handled, one-bladed pocket-knife, the blade of which seemed as if recently rubbed or scoured with gravel or sand. The principal wounds on deceased were such as could be inflicted with a knife. A frightful gash reached from ear to ear, and on close examination appeared as if done by three several cuts or draws. The head presented contusions, as if deceased had been felled before the throat cutting, or had bumped his head against a stone or stump whilst being slaughtered. A verdict of "Wilful Murder" was returned, and the prisoner committed for trial.

On the 17th May Dauncey was indicted at the Criminal Sessions, and when called on to plead, said he could not do so unless he had Counsel.

The Judge (A'Beckett) ruled that he had no power to assign Counsel to prisoners. If Counsel were present it would be for him to say whether he would appear in the case.

The Crown Prosecutor promised that the prisoner should be treated as fairly as if he had Counsel.

THE JUDGE: "No doubt. For himself, he should take care that every justice was done the accused."

The prisoner would then apply for a postponement until the next Criminal Sitting, and by that time he hoped to be able to procure Counsel.

The Crown Prosecutor had no objection, and the prisoner was remanded.

Sympathy took an unusual turn for the prisoner in the gaol. The other confinees initiated a movement to subscribe funds for his defence; but the effort was unavailing, as the gross proceeds amounted to only £1 12s. On the 16th June the prisoner was again placed on his trial, and was undefended.

The facts already narrated were established; the defence was simply a strong denial of guilt, and an emphatic assertion of innocence. After five minutes' deliberation, the jury found a verdict of "Guilty;" and, being asked what he had to say against the passing of sentence, the prisoner boldly reiterated his innocence.

The Judge sentenced the prisoner to death with the usual formula, expressed a strong hope that the prisoner's untimely fate would be a warning to any others of the "Exile" class, to which he listened without the slightest emotion, and, when the Judge had concluded, he exclaimed in a loud, unfaltering, and semi-defiant voice, "I am innocent! You, Judge and jury, may destroy my body; but neither of you can lay a touch on my soul. I shall meet those who have given false evidence against me in another place, and on another day, where, thank God, I shall see them punished."

SECOND LIBEL ACTION AGAINST THE *Argus*.—12TH AUGUST, 1848.

Moor v. Kerr.

This was an action for libel, the defendant having published alleged libels against the plaintiff in the *Melbourne Argus* of the 17th, 24th, and 28th of March. The Pleas put in were—1st, "Not Guilty;" 2nd, Traversed the fact of being the editor of the *Melbourne Argus;* 3rd, Traversed that certain houses (the *Eagle*, and *Scottish Hotels*) in the declaration do not bear the application assigned; 4th, Traversed that he was defendant in the former action, *Moor v. Kerr*. The damages were laid at £1500.

Counsel for plaintiff, Messrs. Williams and Stawell; for defendant, Mr. Barry.

This case arose out of the previous action between the same parties, and the repeated attacks to which the defendant was subjected by the *Melbourne Argus*. A special jury was struck with much less trouble than at the former trial, and Mr. Williams, in stating the plaintiff's case, read the several libels complained of. The first was an *Argus* leader printed three days after the delivery of the verdict in the former trial, and some idea of the style may be formed by a perusal of the following extract:—

"The relative position of the plaintiff and defendant as regards the subject matter of the action is not changed by this proceeding, excepting that the allegations of the libel, which before rested solely upon the defendant's assertion, have now received

'————confirmation strong
As proofs of Holy Writ'

from the plaintiff's shirking the question of truth. With his own declaration acknowledging himself charged with the promotion and encouragement of houses of bad repute, and with immorality of character, unfitting him for holding office in any Christian Church, he has not dared the vindication of his character. With a plea of justification on the record, and witnesses in abundance to support it, he has feared to face the truth. With every street, lane, and alley in the city resounding with the nauseous details of his brothel exploits, he has sought shelter in the refuge of a technicality. He has got money, or rather an order for money, as his compensation, and we envy him not, for at the poorest moment we ever saw, we would not exchange positions with Mr. Moor for ten thousand times the amount of his verdict."

To vary his retaliation the defendant had recourse to the muses, and by the aid of Erato, certainly not the most pure-minded of the Sisterhood, produced this lyric, which was introduced to the *Argus* readers on the 24th March:—

"THE RAKE'S DECISION.

"Farewell to lovely virtue, farewell to all that's good,
Since vice, they say, don't hurt you, and shall not if it would,
I'll be henceforth in fashion, I'll gratify myself—
The baser lusts of passion, I'll feed by means of pelf.
I will, in fact, be vicious, I'll practise all that's bad—
Drink, swear, and be ambitious, just like a jolly lad.
With harlots I will revel, but sleep at home at night,
I'll be in short a devil, dressed in a garb of white.
The 'Scottish' and the 'Eagle,' my patronage shall share,
My office makes it legal, to go and visit there;
I'll frolic with the lasses, and feast my carnal sight,
On the shameless work that passes, in a bawdy house at night.
I'll go the round of folly, while youth and vigour last,
'Tis time for melancholy, when both of these have past;
I'll be a jovial fellow, with this world ne'er be vex'd—
And when I'm getting mellow, I'll think about the next.
So now dear Pat, 'my honey,' your virtue may be best
But since I have your money—the dogs may have the rest;
If vice in future flourish, don't you presume to check it;
Virtue be yours to nourish, and vice leave to A'B——tt."

Calliope was next invoked for a change from Lyric to Heroic, *ex gra.* the following extract of an *Argus* epic on the 28th, headed "Vice *versus* Virtue," which constituted the Third libel :—

"Thus having prefaced, let me now point out
The wrongs we suffer, which I spoke about,
And nature dictates that our greatest wrong
Be first the subject of my feeble song.
This then, it is, and be it understood,
That men are punished here for doing good;
Virtue is blighted—vice of every sort,
Is all but pamper'd by the Church and Court,
Let men be rich, they must of course be good;
Let them be poor, they're trampled in the mud;
They may be upright, sober, chaste, and clean,
Industrious too, but, without money, mean;
This is the doctrine, this the truth I fear,
That's sought so much to be established here.
That these alone entitle men to sin—
'A face of brass,' and pockets lined with 'tin.'
'Tis wealth alone that can a license grant,
To sing at brothels, and at church to chaunt;
To pray for peace, and to encourage strife,
To keep a harlot, and to own a wife:
A man may be a rake, tussel a wench,
And yet a Justice, and adorn the Bench;
May be immoral, and yet be a Mayor
Without disgracing, too, the Civic chair.
Is this the issue of the famous trial?
Then down with virtue—banish self-denial."

Formal evidence was given of the registration, proprietorship and publication of the papers containing the articles complained of, as also of the result of the previous trial, and the fact of the defendant in present and former action being the same person. Witnesses were called to prove the innuendoes, which generally meant that Moor was a man of immoral character, frequented immoral haunts, and was, therefore, unworthy of the public positions he filled.

Mr. N. J. Sugden, Chief-Constable of Melbourne, deposed to the disorderly character of the *Eagle Inn* and *Scottish Hotel*, both in Bourke Street, for which he had reported them several times to the Magistrates. One of them lost its night, and the other its general license, at the Annual Licensing Session.

Mr. John Curtis, reporter to the *Argus* in March, swore that he was utterly ignorant of the individuality of the Editor of the *Argus*. The cashier used to pay his salary; his "copy" was given to the "devil" of the establishment; and for all he knew to the contrary the devil might be the Editor. He might *infer* something of the editorship; but absolute knowledge of it he had not. He was scarcely an hour in the day in the *Argus* office; he corrected his own proofs, and frequently saw letters addressed to the Editor knocking about the place.

Mr. W. E. Hammond testified to Mr. Kerr being the *Argus* Editor; to witness's personal knowledge he exercised the functions of an Editor; he had received witness's contributions and said they should be inserted; would swear as matter of fact that Kerr is the Editor of the *Argus*; there is only one Editor to a small journal of limited means and unlimited partizanship; Mr. Kerr is the Editor; there is no sub-Editor; there is no inferior devil in the office; he is the arch-fiend himself (Laughter) and he (Hammond) communicated with him as such. (Laughter).

Captain G. W. Cole deposed that the references complained of in the several libels pointed to the plaintiff. On being asked to read the libels, witness had some difficulty in getting through them in consequence of the peals of laughter by which he was frequently interrupted.

Mr. Barry moved for a non-suit, inasmuch as it had not been proved that the defendant, William Kerr, was the Editor of the newspaper called the *Melbourne Argus*, according to the course laid down by the Act of Council, and on other technical grounds, but the Judge declined to stop the case.

Mr. Barry having addressed the jury at much length on behalf of the defendant,

His Honor summed up. He advised the jury to assess damages upon each count; but directed them to keep the first and fourth issues apart from the others. He had no hesitation in saying they were libels. It was also said that the present action had reference to the preceding one, and had the appearance of a persecution, and that the jury were to be the hounds who were to run down the defendant. If the jury entertained such a thought, they would then be justified in giving small damages. Of course the jury were not to be guided by him, but he gave it as his opinion that whatever is written tending to bring a man into disrepute or ridicule, is, in law, a libel. It was pleaded by the defendant that Mr. Moor's character stood so high that a libel could not affect him. It might as well be said that a person stands so high that every shaft might be let fly at him. It was also urged that the defendant had paid the sum awarded on the former trial, which meant, if it meant anything, that as he had paid his money before, he might now reiterate the charges, and take out his money's worth. Remarks had also been made upon himself respecting the course he had pursued, but no man sitting there as a Judge dare act as he was represented to have acted. It did not follow that a man had not had a fair trial if he had not shaped his defence according to the rules of the Court; and in vindication of the law, he (the Judge) declared (not of himself, for he would not condescend to it), that the defendant had had a fair trial. His Honor read through the whole of the libels, commenting upon the purport of each, and strongly urged upon the jury a patient and conscientious consideration of the case.

The jury retired to consider their verdict, but the foreman announced that there was no probability of their arriving at an unanimous verdict, although three-fourths had agreed upon giving a certain amount of damages, and asked His Honor to allow them to retire to an hotel for six hours, as there was not even a chair in the jury-room. Mr. Barry objected to this request, but His Honor granted permission. Mr. Barry, amidst a shout of laughter, proposed that the jury should retire to the *Scottish* or the *Eagle*. His Honor again stated to the jury the different counts, and re-consigning them to the care of a bailiff, they accordingly retired until ten minutes to nine o'clock, when a verdict was returned for the plaintiff of £500 on the first count, one shilling on the second, and one shilling on the third.

As a postscript, it may be stated that the *Argus* turned upon the presiding Judge, and libelled him with such pertinacity that a rule to attach Kerr was granted in December, upon the 13th of which month judgment was given on the arguments, making the order absolute, though suspending the warrant of commitment, which was never enforced. On the same morning the *Herald* published an article with the intent to prejudice the decision; and upon Kerr bringing this act of contempt under the notice of the Judge, His Honor declared if it had happened during Sittings in Term, he should certainly have directed proceedings to be taken against the party so offending.

CHARGING A GOVERNMENT OFFICER WITH BRIBERY AND CORRUPTION.—8TH NOVEMBER, 1848.

St. John v. Fawkner.

The issue of this case was awaited with extreme interest amongst all classes of the community—both on account of the nature of the accusations, which were not only topics of town talk, but common belief in every place of public resort, and the relative positions of the parties to the suit. The complainant was Major St. John, once Police Magistrate of Melbourne, and now the Commissioner of Crown Lands for the district of Bourke, and a member of the City Licensing Bench; whilst the defendant was Mr. John Pascoe Fawkner, one of the oldest inhabitants, and about the best known individual in Port Phillip. The action, one for libel, arose out of the proceedings at a public meeting, held to petition the Queen for the removal of Mr. Latrobe from the Superintendency, at which the defendant openly accused His Honor of conniving at the misfeasances of a certain Government official, whom he subsequently designated in writing as the plaintiff, and preferred half-a-dozen charges against him in a letter transmitted to the Superintendent, as well as published in some of the newspapers. The plaintiff now sought to vindicate his character before a Judge and Special Jury.

Mr. Barry, with Mr. Stawell, was Counsel for the plaintiff, and the defendant was represented by Mr. Williams.

The pleadings were very voluminous; the declaration contained two counts, *i.e.*, (1) setting forth that defendant had in certain libellous publications falsely and maliciously accused the plaintiff of having committed divers acts of bribery and corruption in the performance of his duties as a Commissioner for the granting and the transfer of licenses for the occupation of Crown Lands; and (2) That the defendant had made similar charges against the plaintiff of malversation in his capacity of Licensing Magistrate for the City and District of Melbourne.

To each count of the declaration the defendant put in several pleas of justification. He admitted the authorship of the publication complained of, and set out the grounds upon which, in each case, he was prepared to justify.

The pleadings were opened by Mr. Stawell, and Mr. Barry stated the case in a very forcible and eloquent style, and asserting that, in the whole history of libel, there never was one so bad, so false, and so malignant as the one now before the Court. To his mind the libeller was the leper of society, and such practices were calculated to sully the British name. As for the defence set up, it was a most impudent aggravation of the original offence. He pronounced three of the principal pleas "as false as Hell," and the remainder were of the most frivolous description. The plaintiff was not a man of wealth and possessions; and having to maintain a large family, relied upon the appointment he held under the Government to enable him to keep the position in society he was entitled to; and if permanently deprived of them by the foul slanders of the defendant, he would be irretrievably ruined. The defendant, on the other hand was childless, a person of much wealth, and not distracted by the cares of public employments. The case was most unmistakably one which called for exemplary damages, for which the defendant looked with confidence to the jury as a means of replacing him in the estimation of the Executive—of clearing his character from false and malicious accusations, so that he might go back to his family with his peace of mind restored, and meet the public with his name unblemished.

The publication being admitted, Mr. Williams opened the defendant's case. He did not deny that Fawkner's letter was libellous, and that he was bound to substantiate the pleas filed by the defendant. The latter had done only what he believed to have been his duty—not in gratification of any private or revengeful feeling, but purely for the public good. He acted only as he thought an upright man should do, and was prepared to justify his act.

Mr. John Bear, sen., of the firm of Bear and Son, cattle salesmen, deposed to having spoken to Major St. John about some cattle he had sold on a run in the Western Tier district, which he wished to have transferred to the purchaser. St. John objected that M'Cracken, owner of the sold cattle, never had a run there; the place was only held by some sawyers, and there never was a run there at all. Witness rejoined that as agent he had sold a run with cattle there, and unless the run was transferred, the sale would be void. St. John responded that he could not help it, but he would not give a transfer. Witness then said that he would, if it could be arranged, advise the party to pay any reasonable expenses, whereupon St. John brightened up and asked, "How much could they afford?" Witness answered, "That M'Cracken was a poor, industrious man, with a large family, but he would recommend him to pay a couple of guineas." Nothing further passed at this interview, beyond St. John saying to the witness, "Tell your son to come to me and I will define the boundaries." This occurred at the end of May or beginning of June, 1845, and though witness did not see any money paid to St. John, he believed it had been. He had acted as the agent of M'Cracken, whose cattle with right of pasturage he had sold to one Lalor, and on subsequently seeing the purchaser, he was informed that the run had been duly transferred by the Commissioner of Crown Lands, so he was satisfied.

Mr. John P. Bear gave evidence of having communicated with plaintiff in June, 1845, with reference to a run, and accompanied him to the place, when a sum of two guineas was paid to the plaintiff on account of Hugh M'Cracken. Had no recollection of paying the money on account of Lalor. This witness produced a cash book of the firm of Bear and Son, containing the following entry:—"18th June, 1845, paid Major St. John for assigning boundaries, £2 2s."

The plaintiff having testified to his holding the appointments of Commissioner of Crown Lands and Justice of the Peace, James Lalor swore to his getting a run in the Melbourne District in June, 1845, from the plaintiff, to whom he directed Mr. Bear to send a cow and calf, for which, however, he was subsequently paid by another cow and a cheque. On the 13th May he bought a station and some cattle from Bear, of which he got possession, and the license had been transferred to him.

Major Charles Newman deposed to being in occupation of a run at South Yarra, and towards the end of 1844, or commencement of 1845, the plaintiff called there and they went over the boundaries to settle them. Witness had a grey horse named "Ginger," which seemed to take the Major's fancy, and, accordingly, the steed was lent to him. Some months after, at St. John's request, another horse, known as "Jacky," was given to him, for which witness was to receive a filly in exchange, and a receipt was duly signed and delivered in consequence of the handsome manner in which plaintiff had acted about the run.

Mr. Lewis Clarke gave evidence to having, at the request of one Oliver, handed to Major St. John two sovereigns rolled up in a piece of paper, why or wherefore he knew not; but never gave the Major any money on his own account.

Thomas Bulman, a porter in a wine and spirit store, declared to having just before Christmas, 1847, delivered at the residence of Major St. John, in Brunswick Street, (now) Fitzroy,* a basket-full of champagne. He did so by direction of Mrs. Kavenagh, whose husband kept a public-house known as the *Brian Boru*. Mr. James Kavenagh, the landlord referred to, on the other hand, declared he had never authorised his wife to make any such champagne present, and offered to explain, but the Court rejected the proposed explanation as irrelevant. On cross-examination this witness admitted to his wife having sent a champagne Christmas-box to the wife of the Major; but witness was not at home on the day when this was done. Mr. Kavenagh's mode of giving his testimony was described as being strongly tinctured with *non mi ricordo*-ism.

* "Blakemount," now the residence of Dr. R. MacInerney.

Mr. Gavin Ralston, a wine and spirit merchant, declared that Mrs. Kavenagh, of the *Brian Boru*, called at his place of business, bought and paid for a parcel of wine to be delivered at the residence of Major St. John, which was accordingly done. Mrs. Kavenagh was next placed in the witness box, and admitted having ordered the wine at Ralston's to be sent as a complimentary gift to the Major; but it was purely a voluntary friendship offering, for no one had asked her to do so.

Mr. Joseph C. Passmore, painter and paperhanger, afterwards the licensee of the *Shakespeare Hotel*, testified that in February, 1847, he obtained a transfer of license from Mr. M. J. Davies. About that time he used to do glazier work for Major St. John to the extent of some thirty shillings per month, and did not remember giving any receipts in payment. Had no knowledge of a receipt of his for £5. There was an item of £1 5s. for ale in his books, marked "paid," but he knew nothing more about it. Had previously sent some ale as a present to the Major, but could not say whether he ever got cash for it, though it was booked as settled. The present was made without being asked for, or letting the Major know anything about it.

Mr. Germain Nicholson, grocer, Collins Street, deposed, in substance, that, previous to the 28th June, 1848, he had several conversations with the plaintiff respecting the transfer for a license for Crown lands, for which the consideration was to be pecuniary assistance by bill accommodation or otherwise. On application being made in the matter, the plaintiff said, "Oh! 'tis all right," and then asked witness to oblige him with the loan of some money, which he would secure by a lien upon stock he had. In reply as to the amount required, the Major said about £400 would do, and the witness rejoined that such a sum could not be spared. Some time after the parties again met, and witness asked the Major to sanction the transfer of old Craven's run, but was told it could not be thought of. In a subsequent conversation the Major intimated that a less sum than previously mentioned would suffice for his then requirements, whereupon the witness suggested that if the two lots of land about which they had spoken were put together, he would then probably be prepared to accede to some pecuniary accommodation, and the Major at once answered, "I'll do it." A proposition was then made for witness to give his acceptance for £250, which he took some time to consider, and ultimately transmitted a written refusal. The Major, on seeing witness some time after, remarked that it did not matter, the run was still in his hands, and he could obtain the money he wanted elsewhere. A few days subsequently, on the parties meeting in the street, the Major declared that, if accommodated with the £400, the license could be at once obtained. They again met on 28th June, when the Major thus accosted the witness: "Well, so you have been telling Johnny Fawkner that I wanted to get £400 from you;" to which witness replied that he had not spoken to Fawkner on the subject. Again, after this, Bloomfield (the City Chief-Constable) called upon the witness to say that "Major St. John wished to see him," but he refused, remarking that "the public might talk about it." He had an objection to go to the Major's private residence; but, coming across him again in the street, he renewed the subject of the transfer of the run, when St. John curtly replied: "It can't be done." The witness (who, it seems, had been acting for a third party) made a further appeal to the Major, by saying: "Major, I know you have an open heart, and will do a poor man a service;" whereat the Major laconically exclaimed: "Indeed I won't." He furthermore declared that a less amount than £400 would do, but the witness answered he could not afford it, and the Major left, with this parting intimation: "If you'll do that for me, I'll do the other for you."

On cross-examination the witness admitted that on one occasion the plaintiff told him that Mr. Latrobe had been consulted in the matter, and what was wanted in the run-transfer could not be done. He also remembered it being said that the transfer and the loan were to be different transactions; and he was to have a lien to secure the money.

Mr. D. C. McArthur, manager of the Bank of Australasia, was called to prove a conversation which the plaintiff had had with him about the discounting of a bill, in the course of which Nicholson's name was mentioned. He advised the plaintiff, if he wanted money, to raise it on his stock in the usual business way, through some of the Melbourne auctioneers, as a private transaction, for any dealing with Nicholson in the manner mentioned might give rise to suspicions.

This closed the defendant's case, and several witnesses were produced to rebut some of the testimony given on the other side. One John Mooney was examined, with the intention of showing that the two guineas referred to by the witnesses Bear, was the result of a transaction arising out of some cattle dealing,

in which the plaintiff was concerned, and not, as represented, a gift or gratuity; and John James swore that, on the occasion referred to by Major Newman, he accompanied St. John to settle the boundaries. Major Newman entertained them in a very hospitable manner, and in the course of the festivities the Major asked Newman if he would loan the horse "Ginger" to him, and the other Major replied: "Yes, if good care be taken of the animal." This "Ginger," according to the witness, was not worth £5, for he was in very low condition—as thin as a wafer, his fore feet cracked, and altogether a wretched "screw." As to the other animal, "Jack," he was even worse, and in his case it was a regular "swop," for St. John agreed to give a filly in exchange. Newman seemed to be very well pleased with his bargain, but on the 11th November, 1845, when he was asked to sign a document for the two nags, he refused, until he was put in possession of the filly.

In submitting the case to the jury, Judge A'Beckett charged favourably for the plaintiff, and expressed an opinion that none of the charges had been satisfactorily substantiated. If the jury believed so, too, it would be their duty to find for the plaintiff, not in vindictive damages, but such an amount as would fairly meet the justice of the case. Some of the charges, if they amounted to anything, resolved themselves into the reception of presents, and could not well be called bribery, whatever else it might be. Should the jury think proper to return a verdict for the defendant, they must not only find in accordance with the facts proved, but they must be convinced that the charges so made were made for the public good.

The jury retired, and, after some considerable delay, it was announced that there was no chance of any speedy agreement. They were consequently locked up for the night, and on appearing in a crowded Court next morning, the foreman intimated that there was no possibility of a verdict, and the only alternative was to discharge them, which was done accordingly. On the following morning of the discharge, one of the newspapers announced upon apparent authority that the jury were of opinion that the 4th and 6th counts (the Bear and Nicholson cases) had been proved, and the question then was whether there should be a verdict for the plaintiff or defendant. Out of the twelve jurymen, five were for finding for Fawkner, and seven for St. John, but only in nominal damages.

So it ended where it began, and each party was saddled with his own costs. A portion of Fawkner's expenses was afterwards reimbursed by a public subscription, leaving him so much out of pocket as to make him never forget the legal conflict. St. John was, however, irrecoverably ruined, and never held office in the colony afterwards. His friends talked loudly for a time about his moving for a new trial, but nothing came of it. Time rolled on, but the Major never rose again to the surface, and his name and peccadilloes vanished into oblivion.

Robbery of the Warrnambool Mail.—18th April, 1849.

Felix Daley, Thomas Daley, and Daniel Byng were indicted for stealing several warrants or orders for the payment of various sums of money, the property of Joseph Coulstock, of Tower Hill, near Belfast, on the 22nd February; a second count vesting the ownership in Thomas Denny and another. The prisoners were defended by Mr. Stawell.

On the day mentioned Thomas M'Dermot, the mail-carrier between Warrnambool and Belfast, was riding with his mails towards the last-named town about 8 o'clock in the evening, when he arrived at Cronin's public-house, some seven miles from Belfast. Passing onward he was thrown from his horse, and reappearing after the lapse of a couple of hours at the inn, gave his horse and mails to a man (supposed to be Byng) who was standing at the door; he then proceeded to the tap-room, where he remained for nearly an hour. On returning to the door, he could find no trace of mails, man nor horse, and off he went in search along the Port Fairy Road. He came back to the house towards daybreak, and, to his surprise, found his horse safe and sound in the stable, with the mail bags strapped to the saddle, and in all outward appearance untampered with. So, mounting the horse, he proceeded without further delay to Belfast, and delivered the mails to Mr. Hutton, the postmaster. According to his statement, he was neither drunk nor sober when he had the fall; but his version of the mishap, in his examination before the Police Court, was somewhat different. The postmaster, finding on inspection that the mail bags had been robbed, gave M'Dermot into custody, but he was subsequently released in the absence of any evidence to inculpate him. Cronin, the publican, on being questioned, stated that when he heard of the disappearance of the mails, he

went in search, and in a flat not far from his house, recovered the horse with what he believed to be the mails intact (one large and two small leather bags) fastened on the saddle, and, leading the animal back to his place, was preparing to start for Belfast when the postman made his appearance, and he handed over the animal and its belongings to him. The prisoners, Thomas Daley and Byng, were staying at the public-house, and were about there at the time; but it was noticed that they were up and away at a very early hour the next morning. This and other information subsequently procured led to the arrest of the three prisoners. In addition to the foregoing facts, it was proved that the day after the robbery Byng and Felix Daley made some purchases in Belfast at Hovenden's store, for which Daley paid by a £10 cheque, receiving as the difference between the purchase-money six £1 notes and some silver. Later on the same day the other Daley, and a person not known, called at Rutledge's store and bought largely, paying with a £30 cheque, and receiving some balance. F. Daley and Byng also put up at the *Merri Jig Hotel*, where they made merry on a cheque for £2 19s. 11d. Evidence was also given of the identity of the several cheques, and their posting at Warrnambool in letters addressed to Belfast.

The defence was that the whole affair was only a matter of suspicion. The prisoners were not charged with robbing the mail, but with simple larceny, and the jury returned a rather inconsistent verdict; for whilst convicting Felix Daley, they acquitted the two others. The prisoner (who arrived free in the colony) was sentenced to twelve months' imprisonment.

Assault at the Racecourse.—19th April, 1849.

Oliver Johnstone was placed in the dock upon an indictment, charging a felonious assault upon Mr. (afterwards Sir) John O'Shanassy by stabbing, cutting, and wounding him on the head, with intent to maim; a second count varied the offence as with intent to disfigure; a third to disable; and a fourth to do grievous bodily harm, at the Racecourse, near Melbourne, on the 28th March. Mr. Stawell appeared for the defence.

On being asked to plead to the information, the prisoner declared that it had all happened through intoxication; and he was guilty.

The prisoner's Counsel, interposing, offered, on his behalf, to plead "Guilty" to a common assault, but the Crown Prosecutor declined to accept it. After a brief consultation between Counsel and client, the latter pleaded "Guilty" unconditionally, and was remanded for sentence.

The outrage in question was committed on the second day of the race meet, and after the two favourite horses (Petrel and Bessy Bedlam) had each scored a victory. Mr. O'Shanassy was riding about the course when his contemplations were unceremoniously disturbed by a shock, as if the side of his head had been broken in; he was astonished, though not quite stunned. He beheld a man riding away, waving a riding whip over his head, and seemingly in high glee with himself. This man was the prisoner, who had ridden from behind to O'Shanassy's side, and, taking him unawares, dealt what he intended to be a murdering blow with the butt end of his whip. Finding that he had neither killed nor unhorsed his man, he took to his, or rather the horse's heels, and gave what is known as "leg bail" for his disappearance. Away they went at full gallop, the pursued and pursuer, for O'Shanassy was about the last man in the world to take a "jaw-breaker" of the kind with equanimity. They were both fairly mounted and far from indifferent riders. So there was added to the programme of the day this improvised "helter-skelter" of over a mile run, and it is needless to say it was witnessed with much excited interest, and followed at some distance by half the horsemen gathered on the course. Fear and passion sat behind the two foremost characters. Johnstone knew well that if overtaken he had to cope with a rough customer, who would severely punish him; whilst the clotting blood that dyed one-half of O'Shanassy's face by no means mollified a temper the reverse of angelical when much put out of order. At length they approached the verge of the Western Swamp between the course and Melbourne, where the assailed overhauled the assailant, to whom he administered a hiding not to be soon forgotten; and then seizing him by the neck, held him until District Chief-Constable Brodie arrived, to whom he handed him over in a very sore condition, with a well-tanned skin and unbroken limbs. The officer took charge of his prisoner; and next day the Police Bench decided on sending the case to a higher Court.

On the 20th April the prisoner was called up for judgment, and his Counsel was heard in mitigation. Evidence as to good character was given, and stress was laid upon the fact that Mr. O'Shanassy had sustained no injury of a serious nature. Judge A'Beckett passed a sentence of six months' imprisonment, and at its expiration to enter into recognizances to keep the peace for twelve months, himself in £50, and two sureties of £50 each.

It was generally believed that the prisoner had been the scapegoat of others—more cunning and cowardly—who put him up to assail O'Shanassy out of feelings of vengeance engendered by the party spirit that remained smouldering in the embers of Orangeism permeating a small exclusive section of the community since 1843. However this might have been, Johnstone paid the penalty of half a year's incarceration.

Robbery of the Portland Mail.—17th May, 1849.

Peter Devlin and Thomas Jones, were jointly indicted for highway robbery, and "putting in bodily fear and danger of his life one John Ross, and stealing from his person three bags, of the value of 3s., containing a warrant or order for the payment of £39 8s. 6d., and another for £6, the property of the Queen, at the Moorabool Creek, near Ballan, on the 25th March." A second count laid the property of the stolen orders in Ross as mailman, and a third in Mr. F. P. Stevens, the Belfast postmaster, who forwarded them to Melbourne. The prisoners were undefended.

It appeared from the evidence that Mr. Stevens, on the 23rd March, placed the two cheques in a letter, which he posted in a mail-bag that was not to be opened until delivered at Melbourne Post Office. This bag he sealed up and handed over at noon to Samuel Harrison, by whom it was to be conveyed as far as the Hopkins. This was done in due course; so it passed on until it reached the custody of John Ross, the relieving mailman at Mount Emu, who started for Ballan. About eight a.m. of the 25th, when between Buninyong and Ballan, and as the mail cart was jogging quietly on its way, two men armed with pistols rushed from behind a tree, and commanded the driver on pain of death to pull up. This he did, and the prisoner Devlin declared that if Ross stirred "he would blow his brains out." There were two passengers, Messrs. Lyall and Kirby, in the conveyance, and they were told to get off, after which they were searched and put standing aside. Ross was next requested to produce the mail bags, which he refused, whereupon Jones jumped into the cart and pitched them into the road. There were three bags—one large and two small; and cutting open the lot they crammed the contents of the first into their pockets, and then decamped on the horses, after telling the driver and passengers to be off about their business, as there was no further need of them. Devlin wore no disguise, but Jones had his face wrapped in green mosquito gauze. Search parties were hunting about everywhere, but no tidings could be learned of the highwaymen.

A Mr. James Warman occupied a station on the Tarwin River in Gippsland, some sixty-four miles from Melbourne; and about seven o'clock in the morning of the 5th April, two men, armed with pistols, rode up to the homestead and inquired if they could have breakfast. Warman replying in the affirmative, the strangers dismounted and unsaddled their horses. They remained for the day, and represented themselves to be brothers—the sons of a Mr. Devlin, a shareholder in the South Australian Burra Copper Mines, who were on a horse-purchasing trip, and for fear of accident their circulating medium consisted almost entirely of cheques. Several of these they displayed before Warman, who recognised one as bearing the signature of S. G. Henty, of Portland. One of them left in a few days, the other remaining, and offering to help his hospitable entertainer to any pecuniary accommodation he should require. Warman said he was out of flour, when the other handed him a cheque for £8 10s., drawn on the Bank of Australasia by J. F. Palmer, in favour of John Bennett; but taking it back, exchanged it for other cheques. Warman, who had up to this heard nothing about a mail robbery, began to have suspicions that things were not quite as stated; and in this mood intimated to his guest that he should procure some flour from a store twenty miles away. He left home accordingly, making for the *Kentish Hoy Hotel*, about four miles off, and informed Mr. Hook, the landlord, of all that had taken place at the Tarwin. On arriving there he learned all the particulars of the robbery of the mail; and the two men

concerted the following means by which they hoped to secure Warman's visitor. They were to set out for Warman's next morning; Hook was to secrete himself outside, and remain *perdu* until a given signal. Warman marched into his home, and on the pretence of requiring a wash, took off his coat and sauntered towards the door. This being the understood signal, Hook crept lightly up, and both men taking from behind the unsuspecting stranger, had little difficulty in securing him, and transferring him to the police station at Dandenong. This man was the prisoner Devlin. Jones was arrested some days after by Mounted Constable Cowen, whilst asleep in a hut on the station of Mr. McLeod, on the Snowy River, near Maneroo. About £28 in cash and notes were stolen out of the mail, and had disappeared; but the greater number of the abstracted cheques were found on the prisoners and restored to their owners. There was no defence, and the jury returned a verdict of "Guilty" on the third count. Sentence of each—five years' hard labour.

Horsewhipping on a Racecourse.—15th October, 1849.

William P———n, of Gippsland, gentleman, was presented at the Criminal Sessions for having assaulted Francis Desailly, on the 9th March, in Gippsland. In the second count the offence was charged as a common assault. Mr. Barry defended.

The Crown Prosecutor, said it was not usual for a Public Prosecutor to file a bill in such cases, but the present one was rendered exceptional by certain circumstances of aggravation.

The parties were settlers of good condition, and the complainant was one of three brothers, himself, Lewis, and George, but George had left the province in July. On the 9th March, races were held at a place known as the Green Wattle Hill. George Desailly and P———n were competing in a hurdle match and P———n's horse baulked the second jump, coming into collision with the complainant, who was galloping along, absorbed in the chance of his brother winning. Both riders were thrown, and when they got upon their legs after the joint fall, P———n, who was in a terrible rage, stigmatised Desailly as a blackleg, and struck him with a whip. Desailly did not return the blow, but after the race had terminated went up to the stand and informed his brother of what had happened. Whilst in the act of doing so, P———n approached, shaking his whip in a menacing manner, and addressing the surrounding crowd, vociferated, "Gentlemen, come this way; I have already horsewhipped a scoundrel, and I mean to do it again;" and so saying he again pitched into Desailly, declaring that he wanted other satisfaction, and would have it too. He had not it all his own way this time, though, for Desailly closing with him, a second whip went to work, and the engagement ended in the flooring or rather grounding of both combatants. Desailly returned home, and after a month's cogitation thought proper to initiate legal proceedings.

Several witnesses were examined, the jury found defendant "Guilty" on the second count, and Judge A'Beckett, after administering a severe rebuke for such conduct, especially from a person supposed to belong to the gentlemanly grade of society, sentenced him to pay a £50 fine, and to enter into a personal recognizance of £100 to keep the peace for twelve months. The legal requisitions were at once complied with, and the defendant was discharged.

Third Libel Action Against the "Argus."—13th March, 1851.

Moor v. Wilson and Another.

This was the third time Mr. Henry Moor sought redress for defamation of character by the *Argus*, in a civil action before the Judge of the Supreme Court and a Special Jury of Twelve. On the two previous occasions Mr. William Kerr, the then Editor and proprietor of the *Melbourne Argus*, was the defendant. The verdict in the second case burst up the paper, which passed over to a new proprietory; but though *nominibus mutatis*, there was no change in the persistent rancour with which it stuck to Mr. Moor. At the date of the present suit, the plaintiff was a member of the Legislative Council of New South Wales, and Messrs. Edward Wilson and James Stewart Johnston, the co-proprietors of the *Argus*, were the defendants. The action was for a libel published in that journal on the 18th December, 1850, and damages were laid at £1000. Counsel for plaintiff, Messrs. Williams and Stawell; for defendants, Mr. Barry.

The libel complained of was a commentary on Moor's career as a public man, and the special innuendo relied upon was the declaration that plaintiff was "a double-faced, unprincipled schemer." Captain Cole was put in the witness box to prove that in his opinion the publication of the phrase was calculated to injure Moor in public estimation, though he admitted it did not alter witness's opinion of him.

A non-suit was moved for on the ground that it had not been shown that the plaintiff had been damnified in reputation, professional emoluments, or status in society. The words were not actionable *per se*, and they were applied to the plaintiff as a member of the Legislature, and not to him as a Solicitor or citizen. Several authorities were cited to sustain this view, but Judge A'Beckett declined to non-suit as the law of libel and slander had been altered. If desired, he should reserve the point, though he did not concur with the line of argument.

The defence, on the merits of the case, was a contention that the career of a public man ought to be open for remark and possible censure. The libel complained of was a garbled portion of a long article, and could not be fairly understood apart from the context. It was written in a time of excitement, and was a review of certain component parts of the Legislative Council. The Duke of Richmond and Sir Robert Peel had been stigmatised as "dissembling traitors" by the *London Times*, and an action at law was not even dreamed of. The defendants simply claimed the privilege of commentary upon the acts of public men, and a verdict for the plaintiff would amount to the suppression of free criticism of public functionaries.

The question was put by the Court to the jury, not as to whether any, or what, injury had been sustained, but whether the inuendo or libel was calculated to injure the plaintiff; and the jury after being ocked up for an hour intimated that they could not agree to a verdict. They were ordered to retire until 7 p.m., when one of them, Mr. G. A. Gilbert, assured the Judge he was very far from being well, and asked to be allowed certain refreshments. The answer was in the affirmative so far as a biscuit and a glass of water went, but the Judge most decidedly objected to the jurors dining until they had decided in some way. At 7.20 they re-appeared with an unanimous verdict for the plaintiff, damages one farthing.

The result had such a discouraging effect upon Mr. Moor that he forthwith resigned his seat in the Legislative Council of New South Wales.

One Police Officer Shooting Another.—18th March, 1851.

William Hamilton Walshe was placed at the bar upon an indictment containing four counts, viz:—(1) shooting at William A. P. Dana, on 14th January, at Narre Narre Warren, in the district of Dandenong with intent to murder; (2) with intent to maim; (3) maliciously wounding; and (4) doing grievous bodily harm. Mr. Stawell appeared for the prisoner.

The parties had been brother officers for six years in the corps of Native troopers. About 10 p.m., Dana was walking near the Police Station, when Walshe rode up in a state of much excitement, and when three or four yards off Dana, discharged a pistol at him. The ball entering Dana's right side under the ribs, passed through his body. A sergeant hearing the report found Dana stretched on his face and hands, and crying out that he was shot. Walshe was sitting quietly on horseback looking on, having a pistol in his hand. The sergeant turning to the horseman said, "Mr. Walshe! you are a cowardly fellow to do this;" and Walshe's answer was, "I wish more of them were in it." Walshe then coolly rode off to the stables, put up his horse, and retired to his quarters, where he was found by Trooper Tolmie with a carbine in his hand and "wishing he had another shot at Dana." Though he presented the piece at the trooper he was disarmed, placed under arrest, and subsequently sent for trial before the Criminal Sessions. Dana remained for days in a condition of much danger. It was elicited that the prisoner, who had not been long married, suspected the other of carrying on a clandestine correspondence with his wife, of which he accused him a few days before; but the next day they became reconciled and shook hands as friends. Even on the very morning of the shooting, Dana had lent Walshe a horse for his wife to ride out with him. The prisoner, it was asserted, had been subject to fits of irritability and occasional eccentricity, superinduced, it was thought, by injuries received several months previously in a brush between the Native police and a tribe of blacks on the Murray. These infirmities used to be much intensified when he indulged in drink, and he was by no means a teetotaller. The defence was simply a plea of insanity, and several medical witnesses supported his theory. One of them, an M.D., was himself manifestly in a state, if not of "D.T.," at least in

something so very much approaching it, as to provoke a severe rebuke from the presiding Judge. He was, however, most emphatic in regarding the prisoner "as mad as a hatter." The jury convicted on the fourth count, and the prisoner was sentenced to seven years' hard labour. The Judge, in a very feeling address, remarking that the circumstances were such as would justify a verdict on the first count, and had the jury so found, nothing would have saved the prisoner's life. As to insanity, there was nothing in the evidence to sustain it, or to warrant a belief that the prisoner was not in full possession of his senses when he committed the heinous deed, or that he had ever been otherwise, except when under the influence of drink.

A SHOCKING WIFE MURDER.—19TH AUGUST, 1851.

Patrick Kennedy pleaded not guilty to a charge of having murdered his wife, Mary, on the 30th April, at Mount Rouse, in the Western District. Mr. Stawell (just recently appointed Attorney-General) appeared for the Crown, and the prisoner was defended by Mr. Williams.

The prisoner was employed as a shepherd on the station of a Mr. Cameron, of Mount Sturgeon. He, his wife, and four children, had a hut for themselves, the other men occupying quarters close by. Kennedy, who was usually a good-tempered man, had hitherto lived on affectionate terms with his wife and was fond of his children. Though not drunk, he seemed a good deal out of sorts on the last day of the month, shirked his shepherding, and sent his daughter, the eldest child, to look after the woolly charge, while he lounged moodily in and out of the hut, ill at ease, and disposed to find fault not only with himself, but everybody else. Williams, another shepherd, and Kennedy sat down to dinner, and though the wife was present with her baby in her arms, she ate nothing. During the meal Kennedy remarked to Williams that he had a notion of selling "the old woman" (meaning his wife), and had an offer of £60 and a mare for her. Williams, astonished, asked Mrs. Kennedy if what her husband said was true, and on her answering, "I believe so," Williams said to Kennedy, "I know you have too great a respect for your wife to sell her;" but the other turned sharply upon him with the words, "I tell you what, old man, I'll have to kill you for that horse you have." Williams retorted, "Never a fear of that. I'll take care you do nothing of the kind," whereat the wife begged of her husband, "not to be using such nasty talk." Williams soon after left, and returning after a short absence found Mrs. Kennedy crying and showing signs of ill-treatment. She said her husband was angry and wished to vent his spite upon her; and approaching Kennedy, who was looking on gloomily, she coaxingly addressed him, "My dear Patrick, don't be angry with me." Kennedy did not reply, and on Williams saying, "Surely Kennedy, you would never be so unmanly as to strike a woman in your wife's condition, lately confined, and with an infant at the breast," the other said, "he would give him a thrashing if he interfered between man and wife," and warned him to "mind his own business." After some further wordy altercations, Kennedy promised not to strike his wife; but immediately after, with a horrible grin, made a blow at her, which missed, and he ejaculated, "Ah, you brute!" Williams begged of Kennedy to go and relieve his little girl with the sheep-minding, but Kennedy shoved him out of the door, with the intimation "that he and the wife may both go to ————" Williams had not gone far when he heard the noise as of a scuffle and blows in the hut, and hurrying back, saw Mrs. Kennedy on the ground, and her husband beating and kicking her, but had no weapon in his hand. Williams sung out, "Oh, Kennedy! what have you done?" But the other rushing at him swore "he would serve him the same;" and Williams ran off to procure assistance. Another shepherd, Carter, who, attracted by the uproar, rushed to Kennedy's hut after the departure of Williams, saw Kennedy dragging the woman about half naked. Dashing upon the infuriated husband, he forced the poor woman from him, and taking her in his arms laid her on a bed. The murderer, seizing a shear-blade, made towards Carter, who, to save his own life, was obliged to leave the woman to the barbarous violence of her husband. The husband, when all was over, came and told him that his wife was dead. Kennedy suddenly got very sorry, "declaring he could not think what made him do it, unless it was the devil." The prisoner was committed for trial in Geelong, but the venue was changed to Melbourne.

The defence was a weak attempt to disparage the evidence for the Crown, and after two hours' deliberation, the jury returned a verdict of "Guilty," to which nine of them added a "Recommendation to mercy."

Mr. Williams moved an arrest of judgment, as the venue having been changed, the word "Geelong" had been erased from the record; and also as the information did not show that the Attorney General for Victoria was the proper officer to prosecute for the offence.

His Honor reserved the second point, and passed sentence of death upon the prisoner, concluding a solemn address in these words:—"Almost every serious offence springs from this source (intemperance.) Indeed, I cannot remember a single crime of any magnitude but what could be traced to drunkenness. I beg of all present who are pursuing the drunkard's career, and sneer at any remonstrance that may be urged upon them, to take warning by the present example."

The prisoner, during the Judge's parting remarks, seemed to thoroughly realize his awful position.

Two Unavenged Murders.

Several murders occurred in the early days, the perpetrators of which escaped "unwhipt of justice." This was notably the case in the interior, when black and white homicides *inter se*, and the killing of blacks by whites, and *vice versa*, secured impunity by distance from Melbourne, the imperfect and tedious communication with the principal town of the Province, the paucity of post-offices, the non-existence of the electric telegraph, and the utter inadequacy of the foot and mounted police force. A rumour of one terrible murder in the Western Port district was generally credited, in 1848, though no data reliable enough for action ever reached the police authorities. A settler in a small way suddenly disappeared, and it was declared he had been murdered by his wife and an accomplice, who afterwards married her. The old man was garotted one night in his sleep, *mirabile dictu!* his body was boiled down, the more easily to render the flesh and bones amenable to the action of the fire, and every trace of him was reduced to cinders of the most friable kind, when complete pulverization followed. Thus much was vaguely known to the police, but not until time had rendered any attempt at investigation impracticable. The widow and her second husband (the accomplice; a widower too when he espoused her) lived, if not really, at least apparently happy together for several years after in Melbourne, whither they had removed, and the latter before he died came to be regarded as a person of some political influence. They have both long since passed away to the eternal "bourne" where their guilt or innocence has no doubt long ere this been established. Over their names I throw the charity of silence, for they never got into the early newspapers, and as their innocence might be quite possible, notwithstanding the rumours and belief to the contrary, it is no purpose of mine to even risk an injustice to anyone either living or dead.

But another shocking case occurred within half-a-dozen miles of Melbourne, and though it terminated in a total miscarriage of justice, as it formed the subject of a police office investigation in Melbourne, there can be no objection, from a historical point of view, to the following *résumé*:—

In August, 1849, John Keane, Thomas Austin, and John Moroney, were employed as shepherds on the station of Mr. James Robertson, at Keilor. Keane was married, and his wife lived with him; and so matters went on until one day Keane was not to be found, and no one could or would tell what had become of him. Keane had been for five years in service at the place, and when Mr. Robertson heard of the man's unaccountable absence on the 13th July, he questioned the wife as to her husband's whereabouts, and was told by her that he had gone to Melbourne to obtain payment of some money owing him by one M'Manus, a resident of Little Bourke Street. In a day or two after Austin was sent to inquire after the missing man. He hunted up the supposed creditor (M'Manus), who declared he had seen nothing of Keane. Austin returned to Keilor with an account of the failure of his mission, and things were allowed to rest for some days; but no tidings of Keane turned up. Before a week had passed Austin noticing the remains of a fire a short distance from Keane's hut, some impulse prompted him to search, and from the ashes were picked up portions of charred bones, three or four shreds of burnt cloth, and a pipe belonging to the missing man. The search was extended, and some more burnt bones were discovered in the creek closer to the hut. Chief-Constable Brodie instituted a further search, and an examination of the creek, which led to the finding of some more bones and pieces of cloth, one of the latter of greenish woollen stuff, corresponding in colour and texture with the materials of a coat which Keane was known to have worn, though on being questioned about it his wife declared that at the period of his disappearance her husband had no such garment, for he

had some time previously lent it to a shepherd, who never returned it. On being further interrogated she sulked, and asked, "If they thought she was going to say anything to condemn herself." To one of the search party she observed with some sarcasm, "Ha, that's a way indeed to search for a man, as if ye think ye can make one out of rags and bones!" The woman's manner was peculiar, one moment cool and collected, the next violently agitated, and then breaking into fits of levity. A thorough examination of the hut resulted in some extremely suspicious revelations; *i.e.*, there were marks of blood on the bedstead, out of which pieces of wood had been recently cut, the ticking was damp, and appeared as if it had been lately washed, and some bones were scraped out of a heap of ashes near the door. Mrs. Keane and Moroney were arrested on a charge of murder, and on the 30th August the prisoners were brought before Mr. Charles Payne, J.P., and a Bench of District Magistrates at Melbourne. It was proved against the male prisoner that he was apparently on very intimate terms with the woman, at whose hut he had been frequently seen both before and since the husband's disappearance. He admitted having been at Keane's hut on the 11th, when Keane wished him to prepare a deed of separation between him and his wife. Both prisoners protested their innocence. They were committed for trial, the man being allowed bail in his personal recognizance of £100, and two sureties of £50 each, which he obtained and was discharged. But the woman was remanded to gaol, and whilst there betrayed some symptoms of insanity. She was kept in prison until the 19th December, when the Crown Prosecutor, considering he had not sufficient evidence to go further, consented to her release upon a personal bail bond of £50. No further steps were ever taken to bring Keane's murderers to justice. Mrs. Keane seemed as if a haunted woman. She could not bear the sight of Chief-Constable Brodie, to whom she would point tremblingly, and audibly mutter in flattering accents, "Oh! there's the devil," and run away. She once said her husband had been stabbed, but never could be got to speak again about him. In this way she remained, leading a life of miserable unrest until March, 1851, when a fine strapping young Scotchman, a new arrival, named Percival, actually fell in love with her; in a week after they became man and wife, and so she passed out of public view, and nothing after was heard of her. If there be any truth in the time-honoured adage that "Marriages are made in Heaven," one would be induced to regard the second nuptials of Mrs. Keane as an exception to the rule.

CHAPTER XXIX.

EXECUTIONS:

THE FIRST IN PORT PHILLIP.—20TH JANUARY, 1842.

SYNOPSIS:—Execution of Two Aboriginals, "Bob" and "Jack."—Jepps, Ellis and Fogarty, Bushrangers.—"Roger," Murderer of Mr. Codd.—Connell, Murderer of Edward Martin.—The Beveridge Murderers, "Ptolemy" and "Booby."—John Healey, Murderer of James Ritchie.—Dauncey the "Pentonvillian" Murderer.—Kennedy for Wife Murder.—Banqueting the "Gentlemen Volunteers."—What Became of the "Fighting Five."—Melbourne Executioners.—Total Number of Executions from 1835 to 1888.

"BOB" and "Jack," the Vandemonian Aborigines, convicted of the murder of two sailors at Western Port, were the first persons hanged in Melbourne, and their execution was eagerly looked for by the thousands of persons who felt a morbid curiosity to witness the departure of the wretches out of the world. After their condemnation and removal to the condemned cell, the culprits regarded their position with levity, and were confident that not only would the extreme sentence be mitigated, but that they would be pardoned altogether, and permitted to return to Van Diemen's Land. Their minds seemed possessed by a delirious anticipation of the pleasure they would experience in going home to the Old Hunting Grounds of their race, and the zest with which they would resume those habits and customs of aboriginal life over the water, which they had voluntarily abandoned years before. But when the day was fixed for their execution, and they became sensible of the fact, all their castle-building was knocked to pieces—the fairy fabrics constructed by the imagination dissolved like mist, and the dark blank of impending death stunned them. "Bob" grew sulky and taciturn; confessed his guilt, but declared that the women had instigated the murder in vengeance for the death of some of their friends who, they said, had been killed at Port Arthur. Both were allowed to smoke in gaol, but on their last evening "Bob" knocked off his pipe, and refused to partake of food; whereas "Jack," on the other hand, grew positively jolly, and, so far from manifesting any diminution of appetite, disposed of a supper consisting of half a 4lb. loaf, with three pannikins of tea, and by way of promoting good digestion, laughed and joked immoderately after. His pipe was by no means neglected, and having puffed until he was tired, he handed the clay to "Bob," who refused it with a passionate wave of the hand, whereat "Jack" told him he was a fool, and might as well enjoy the good things of life to the end. The Rev. Mr. Thomson, the Church of England minister, passed a good portion of the night with them. "Bob" seemed much affected and contrite, weeping piteously at intervals; but "Jack" was the impersonation of callous indifference. At five o'clock on the morning of the execution, breakfast was served, and "Jack" devoured over 3lbs. of bread, washed down by two pannikins of tea, but "Bob" could eat nothing, though he drank a little. "Jack" next consoled himself with a long and last smoke, and during "his toilet" "Jack" laughed, snapped his fingers, and shouted "that he did not care a fig for anything." He said he was quite certain he was going to his father, to be happy with him kangaroo hunting over the sea. He also expressed a belief that he had three heads, viz.:—One for the gallows, another for the grave, and the third and best for Van Diemen's Land. At seven o'clock the Sheriff and the Chaplain arrived, when Divine Service was held in the prison yard. At eight o'clock the prisoners were removed in a vehicle. Thousands of persons had congregated, and such was the jostling and confusion, that a party of mounted police in attendance had difficulty in clearing a way for the death cart, which moved slowly ahead, surrounded by the shouting, laughing multitude, to whom it appeared to be a fine morning's fun. There was no Private Execution Act then in force, and it was necessary that the hanging of criminals should be performed in public. There was no Hospital, Public Library, or Court House to break the wild open country north of Lonsdale Street, and the walls of the intended New Gaol were only up to the height of some ten or twelve feet.

The place of execution was fixed on a green eminence some yards north-west of the western extremity of the present Old Gaol, about where the modern wing terminates, near Bowen Street. Approaching the spot from Swanston Street there was a gentle acclivity, the ground was grassy, and not unlike a forest in the commencement of partial reclamation from original savagery, studded with large trees, and presenting to the townspeople, in the inspiring freshness of the infant day, a prospect now looked for in vain. On this occasion there was shocking mismanagement in the construction of the scaffold, which was a kind of narrow shaky stage, consisting of two stout uprights sunk in the ground about twelve feet apart, and to the top of each was nailed a beam, round which the ropes were twisted. Beneath, at a height of half-a-dozen feet, an eighteen-inch planking of wood was extended from each upright, and in the centre, not six feet long, was the drop, *i.e.*, a portion of plank working on a hinge at one end and sustained by several bricks and a piece of quartering at the other. Around the quartering was looped a piece of stout cordage, the other extremity of which was (on a signal from the hangman) to be pulled by a prisoner of the Crown, stationed close by for the purpose. When the cord was drawn, the quartering and bricks were supposed to come away, the drop fall, and the hanging was done. It was a "killing" contrivance of the roughest and most inhuman kind, and in its design was not unlike the trapping of birds in snowy weather in the Mother-country a century ago. This remarkable invention was reached by two short ladders as unstable as itself, and when mounted barely afforded standing room for the criminals and the executioner. Nothing could well be imagined more scanty and insecure; in fact, it was only a degree removed from the proverbial "bucket," the kicking of which is supposed to have constituted the original form of English hanging.

As the procession (which could not be called a melancholy one) slowly advanced, it was swelled at every few yards by groups of open-mouthed sight-seers, breathless for fear they should be too late. It passed by way of Collins, William, Lonsdale, and Swanston Streets, through the now Hospital and Public Library grounds to the gallows hill, where there were over 6,000 persons congregated. Early as was the hour, the town had not only turned out its inhabitants *en masse*, but the residents for a circuit of several miles in the country poured in as if to a carnival. It was the Christmas holiday tide, and there was consequently a large sprinkling of gay young bucks of bushmen, well mounted, and got up in the fashionable style of the period, in buff breeches and top boots, or strapped trousers, and shining spurs, as excited and jovial as if mustering, in a hunting field, or on a racecourse. The most prominent figure in the whole assemblage was a well-known publican named Byng—a tall, well-developed, Yankee blackfellow, who was dressed in the latest style, and astride a well-appointed prancing white horse. He was, apparently, much engrossed in the various turns of the tragedy, and from the consequential manner in which he bore himself was fully conscious of, and seemingly enjoyed, the short-lived notoriety of which he was the object. The part-built walls of the gaol, and the proximate gum trees afforded plenty of gratuitous viewing accommodation; but the trees were almost exclusively appropriated by a horde of Aboriginals, who gathered in from the neighbouring tribes, anxious to see the mode in which the white fellows rid themselves of obnoxious coolies. Every bough had one or more of these coloured people billeted in its foliage; and the swarm of big, dark, curly heads popping out from among the branches, made an European almost believe that the birds had been dispossessed of their patrimonial inheritances, and supplanted by a race of huge black apes. The black spectators, however, behaved with decorum, and so far presented an example which might have been advantageously followed by the "white barbarians," who shouted and yelled and vented their gratification in explosions of uproarious merriment, as if they were participating in the greatest sport. Old women and young, with children of all ages, to the babies in arms, were there. When the culprits arrived the Chaplain went through a twenty-minute farce of prayer reading, undeterred by frequent interruptions and loudly-expressed hints "to cut it short." During the offering of the prayers "Bob" never ceased crying, but "Jack" remained stolid. They were then pinioned, and "Jack" ascended the scaffold with difficulty by reason of his fastened arms. However, after some struggling, he got on to the staging and stood under one of the ropes. The executioner, who followed, proceeded to adjust the noose round his neck, during which he never winced, but asked that the cap might not be pulled over his eyes, "as he wished to look at 'Bob.'" All this time "Bob" remained shaking below and howling loudly. He shook hands with several

persons near him, and then like a man walking in his sleep, when he reached the foot of the ladder, stumbled, and was helpless to go further. Two policemen lent him a hand, and the hangman from above assisted; but even then he fell twice, stupefied with terror. When the executioner and the two criminals were on the platform any movement on the part of either of the three might pitch one of them overboard, and the wonder was that when the drop fell the hangman did not go down unhanged with the others. On being placed beside his companion, "Bob" was seized with a fit of shivering, and the executioner losing no time in giving the finishing touch to his arrangements, at last the ropes were secured, and the white caps pulled down over the black faces. The chaplain underneath had been reading the burial service, and when he pronounced the well-known words, "In the midst of life we are in death," the hangman signalled to the puller below, and the drop fell, but a horrible scene of strangulation followed. The ligature round the brick and timber support when tugged at, so worked that whilst the bricks were displaced the piece of wood settled obliquely, causing the "drop" to descend only half-way, and thus the two poor wretches got jambed, and twisted and writhed convulsively in a manner that horrified even the most hardened, until a bystander had the presence of mind to knock away the quartering, the removal of the obstruction clearing the fall. "Jack" died instantaneously, but "Bob" kept on struggling for some minutes longer. Loud and long were the execrations vented upon the botching hangman (though he was not so much to blame), who only "grinned horribly a ghastly smile" in reply, and many of the women, who were as loquacious as chattering monkeys before, now changed their tune and got up a cry, which, for loudness at all events, would do no discredit to a full chorus of demented Banshees. The dead bodies remained suspended for an hour, the period prescribed by law, when they were cut down, placed in shells, and sent off to be interred close by, but outside the cemetery, in a corner of the now Victoria Market. For a whole hour, as an after-piece to the tragedy, most of the large crowd remained, and then dispersed, the men to have a "nip" and the women to "beer" or gossip over the morning's performance. For the disgusting clumsiness of the execution the Clerk of Works was responsible, and deserved more severe treatment than a mere reprimand. It would, in fact, have been better if he had simply introduced the mode adopted at Tyburn in the era of Jack Sheppard—slung the halters from the bough of a tree, beneath which the cart could be drawn up, and then, when the noosing was completed, the vehicle to quickly move off, and all would soon be over. The executioner, who had had no previous experience in the "turning-off" way, was also most inefficient and awkward with his work. This official was a prisoner of the Crown, named Davies, serving a sentence for life, and was chosen from half-a-dozen "applicants." The appointment was restricted to the convicts in the gaol, and the remuneration was a ticket-of-leave and a £10 note. That the two malefactors well deserved hanging there could be no doubt, for during the six weeks preceding the murder, they had committed a dozen daring robberies, and dangerously wounded two or three white men in the Western Port district.

The Bushrangers Jepps, Ellis, and Fogarty.—28th June, 1842.

During the interval between the condemnation and execution of these three bushranging desperadoes, Melbourne ran almost literally hero-mad; and the air, so to speak, rang with the praises of the five gallant volunteers who so bravely brought them to justice. One of them was then entangled in the Insolvency Jurisdiction of the Supreme Court, and if it had been possible to take a *plebiscitum*, his universal "whitewashing" would have been voted *nem. con.* Gourlay, another, was out on bail to stand his trial for obstructing the police in the discharge of their duty at the recently held races; but the Crown Prosecutor declared in open Court that he could *not find it in his heart* to file an information against so brave a traverser; and the Judge approved of the *nolle prosequi!* A public meeting was held to express the sense of the community regarding the event, at which it was decided to present the volunteers with an address, and a case of pistols each, as well as to entertain them at a public dinner. To all this no grateful or reasonable person could offer any objection. But the thing was carried too far; for, whilst the condemned criminals were alive and waiting their doomsday, what appeared to be an outrage on decency and humanity, was committed by the convivial gathering in question, of which a detailed notice appears elsewhere in this chapter.

When the prisoners were returned to the gaol, after sentence was passed, Jepps and Ellis were attended by the Revs. A. C. Thomson and James Forbes, the Episcopalian and Presbyterian ministers, to whose respective religious persuasions the two convicts belonged; Fogarty, as a Roman Catholic, was looked after by Father Stevens, the then priest at St. Francis'. The culprits became very penitent, and sent to Mr. Fowler, one of their captors, asking him to visit them. He did so, and when they saw him they dropped on their knees and asked his forgiveness, which he freely gave, and kindly shook hands with them on leaving. At one of the clerical interviews it transpired that only that their career had been so shortened it was their intention to have murdered the Resident Judge. Why or wherefore they had resolved on the assassination they could not say; but they had talked it over amongst themselves, and the Judge's fate was sealed. He resided at Heidelberg, and was always punctually in town at a certain hour on every Monday morning. This they knew, and it was their purpose to have watched for and shot him whilst crossing the Merri Creek. The violent death he had so providentially escaped terribly scared Judge Willis, and he could not rest until he had interviewed the prisoners. This he did accordingly, and in the presence of the other two, Ellis confessed that what had been stated had been settled upon, but that Jepps, though finally acquiescing, was at first strongly opposed to the killing of the Judge. This had such an effect upon the intended victim, that if there had been sufficient time to have communicated with the Executive in Sydney, he would have sought to obtain a commutation of the extreme penalty on Jepps; but there was neither railway nor telegraph inter-communication to delay or countermand the issue of the death warrants, and the Judge was constrained to let the law take its course.

The Overland Mail at length arrived with the official fiat that the prisoners were to be hanged on the 28th June.

The place and appliances of the execution were somewhat similar to those already recorded, except that the stage or planking was larger and more firmly secured.

The Rev. Mr. Thomson administered the Sacrament to Jepps and Ellis, whilst Father Stevens attended Fogarty in another room. When the Sheriff (Mr. Raymond) made his appearance, each prisoner was taken separately into the prison yard and his fetters struck off. He was then handcuffed and capped, but not pinioned, and brought back to the cell. Jepps and Ellis went through this ordeal firmly; but Fogarty burst out crying, and upon being spoken to, declared "he did not cry through fear of death, but after his friends at home." A large open cart, with three rough coffins placed in it, was driven up to the gaol door, and an escort of military and mounted police was drawn around. The door, which opened into Collins Street, was drawn back, and the three prisoners and four clergymen stepped out in Indian file; assisted by the gaoler and a turnkey, the prisoners mounted the cart, and each, with his back to the horse, *sat down upon his coffin!* This was very different treatment from that given to the black murderers, hanged some months before; for their coffins were not produced until after the bodies were cut down, and "Jack" and "Bob" were driven in a covered two-horse van on their last journey.

All being in readiness, the officer in charge of the soldiers sang out the word "March," and the "death march" accordingly commenced, moving up Collins Street and through Queen Street. A temporary halt was accidentally made, turning by what was then known as "Mortimer's Corner" into Lonsdale Street, when the prisoners became excited. The procession again moved on down Lonsdale Street, along Swanston Street to its destination. There were not less than seven thousand persons present, and, with shame be it spoken, a very large preponderance of women and children. "Swells" from the neighbourhood of the town, and from all the country for miles around; and, as before, well-mounted, smartly-dressed settlers, with top boots and cord breeches, cantered about as if out on some equestrian spree. It appeared like a great gala celebration instead of the punishment of three guilty fellow-creatures. Jepps and Ellis knelt down to prayer, with the reverend gentlemen attending them, whilst Father Stevens engaged in devotions with Fogarty. The prisoners were then brought together, and Jepps, supported by the arm of the Rev. Mr. Forbes, thus addressed the assemblage: "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 you will take warning by our untimely fate, and avoid those crimes which have brought us to this end. Good people, I most humbly beg your prayers to the Almighty on our behalf. I die in the faith of our salvation through the blood of our Divine Redeemer."

The handcuffs being removed, the culprits were pinioned by the executioner. Ellis was the first to ascend the scaffold, assisted by the Rev. Mr. Wilkinson; Jepps and Fogarty followed, with the aid of the Revs. Messrs Forbes and Stevens. When the three wretches were standing together under the gallows, they shook hands one with the other, and Fogarty, looking at Jepps, exclaimed "Farewell! We shall soon meet in eternity." The executioner then shook hands twice with each of them, adjusted the ropes, and drew the caps down over their faces; and whilst operating upon Jepps, the latter said to him, "May God bless you and your poor soul." The Rev. Mr. Thomson proceeded with the reading of the burial service, and whilst he was doing so, the culprits appeared to suffer terribly. Ellis was hardly able to keep his feet, and took a slanting position, as if sustained by the rope; whilst Jepps gave convulsive starts, and Fogarty opened and closed his hands several times. At length the supports were knocked away, the drop fell, and the three men died without a struggle. After hanging for an hour, the bodies were cut down, placed in the coffins (but not before the hangman, with outrageous indecency, had pulled off their clothes), carted away, and interred in the malefactors' burial-place close by, but outside, the fence of the Cemetery.

The executioner went through his work much more artistically than he did at the hanging of the blacks in January. His unskilfulness then was so universally censured as to make him fearful of losing the "appointment;" and in order to be more up to his work the next time, and hopeful of making his post a permanency, he procured the straw effigy of a human figure, and upon this model was in the habit of taking frequent private rehearsals. He got £20 and their clothes for dispatching the bushrangers.

"Jack" Williams, the leader (who was shot) and Fogarty were what were known as "Bounty Immigrants," *i.e.*, free persons whose passage to the colony was paid for out of the Land Fund. Fogarty was the son of a farm labourer, and born in Templemore, County Tipperary, Ireland. He had lost his mother whilst a mere boy. It was said that he turned approver in a murder case at home, and after helping to hang his companions, and receiving his share of the "blood-money," found his way to the Antipodes. Arriving in the colony about a year before his death, he obtained employment with a well-known butcher, named Roe; but, becoming neglectful of his duties and irregular in his habits, he was discharged, took lodgings at Seymour's, and picked up with his companions in crime there. He was not quite 19 years of age.

Daniel Jepps was 27 years old, and a native of Boston, U.S.A. He was known as "Yankee Jack." For ten years he led a roving life in South Sea whaling vessels, was of highly respectable connexions, and had received a liberal education. He was the captain of a merchantman, trading to the port of Sydney in 1841, and at the close of that year travelled overland to Melbourne, where he idled his time, dissipated his money, and ended by putting up at Seymour's.

Ellis, about the same age as Fogarty, was a native of Surrey in England, and came of poor, but honest, parents. At an early age he was compelled to look out for himself, and went to sea. Arriving in Sydney as cook of an immigrant ship about the time that Jepps was starting southward, Ellis, as if by some fatality, followed in his track, travelled also overland to Melbourne, and came to an anchorage at Seymour's, where he met, for the first time, his co-criminals.

The Murderer of Mr. Codd.—5th September, 1842.

After the condemnation of Figara Alkepurata, *alias* "Roger," for the murder of Mr. Codd at Mount Rouse, he took the world easily enough, seemed chiefly interested in practically testing how much of the prison fare he could absorb. On the receipt of the warrant for his execution, Judge Willis, who was often disposed to be ultra sensational, hastened to the gaol, and personally communicated the fatal intelligence. He expected an aboriginal scene, but both himself and his news were received with a stoical impassibility disappointing to His Honor. "Roger" appeared quite unconcerned, so the Judge left highly offended, but could do nothing, for the blackfellow was beyond the reach of denunciations or "attachments." For some unexplained reason, "Roger," during the interval between sentence and punishment, was not placed in separate confinement, but was one of twenty-six unfortunates thrust into one apartment. As the day of his death drew nigh, "Roger" apparently withdrew into himself, and was often observed to retire into a corner of the room and shed tears. When asked why he did so, he merely shook

his head and said nothing. He persisted in denying any complicity in the murder, stating that it had been done by other blackfellows; of death he professed the utmost indifference, and his belief in futurity went to the extent of his being sure that immediately after death he would be transformed into a white man, and so would remain ever after. The few hours he passed in bed the night before the execution were frequently broken by short troubled snatches of sleep. He rose at 6 a.m., and was removed from the common cell to the reception room, where he was supplied with mutton chops, bread, and tea, of which he breakfasted sparingly. Mr. G. A. Robinson, chief of the Aboriginal Protectorate, was at the gaol at an early hour, and during an interview with him, the prisoner was very low-spirited, and sobbed frequently. At half-past seven he was taken to something like a butcher's chopping block in the yard, on which his fetters were knocked off, and during the operation he appeared quite composed. When apparelled, he beckoned Robinson to come to him, and declared it to be a great mistake to think that he killed Codd, for on the day of the murder he was away from the place, and so sick that he was not able to walk; also that some blackfellows who were allowed to see him in prison, had told him that the two men by whom Codd was murdered had since died; as for the white fellows they had plenty gammon, but he had none, that Codd had brought his death on himself for being too free with the black "lubras,"* several of whom he had ill-used, and had killed many of the black men. He also said that he knew for a fact that since Codd's death the lives of several of the natives had been taken. Robinson having remarked that he should soon see his ("Roger's") wife and children, and would tell them all about him, the prisoner's reply was, "Then there will be plenty of crying when you do." In a few words further conversation, Robinson alluded to the prisoner's brother, "Milk-and-Water," and "Roger" broke out in a loud fit of wailing. He was next taken back to the public room, and a white calico cap was with some difficulty put on through his offering resistance, and it being somewhat tight for his big head. He tried to speak to Robinson, but his tongue failed; and though the muscles of the mouth were seen to work, *vox faucibus hæsit*, his eyes lighted up in intense agitation. He was then handcuffed and conducted to the door, outside which a horse and cart were drawn up surrounded by an escort of mounted police and some of the soldiers from the barracks close by. There was no minister of religion in attendance, and prayers were consequently dispensed with. "Roger" was lifted out of the cart and the handcuffs were taken off and pinions on his arms substituted. Davies, the executioner, took him in charge and led him up the step-ladder by which the scaffold was reached; but just as the culprit was mounting the third step a loud authoritative voice sung out to them to halt. The hangman looked about in amazement, causing the criminal to seat himself, which he did without hesitation. It was rumoured that the hanging of the blackfellow was only a ruse to frighten him, to bring him to death's door as a frightful warning, and then let him off. Some of the wise-acres shook their heads, and whispered to their neighbours that they had known all along how it would be. It was all a "dodge"—the Government had never intended to have the black hanged, and all this make-show was to frighten him; and after he had been so warned, he would be turned over to the Protectorate, and allowed by them after a little further detention to regain his tribe and play up his deadly tricks again on the white population. Absurd as this kind of yarning was, it spread rapidly through the assembled thousands, who did not at all like being humbugged in this way. They would not be baulked out of their morning's fun, and "they were darned if they'd stand such tom-foolery." The *vox populi* was about to burst out in unmeasured discontent, when, some quarter of an hour having elapsed, it was ascertained that the cause of the ill-timed delay was an unpunctual Sheriff, who had either forgotten or overslept himself, and who now arrived puffing and blowing, and breathlessly tokened the proceedings to be resumed. The man could not be hanged if the Sheriff was not there; and now that the hangman's administrative superior was on the field "Jack Ketch" was free to continue his so strangely interrupted work. All this time "Roger" remained

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* It may not be generally known that the word, or name, "lubra" has no place in Australasian vocabularies. It is an imported hybrid, and has no recognition in either the etymology or philology of the colony. Some are under the impression that "lubra" and "gin" are not only native names, but that they possess a distinctive meaning of a perfectly orthodox kind. This is true as far as colloquialisms, established by common usage, are concerned, but no more; and this view is endorsed by two of the best authorities in the colony—viz., Mr. James Dawson, of Camperdown, and Mr. Edward Curr, Chief Inspector of Stock, Melbourne, both of whom have published works on the subject.

[In answer to a request to that effect, Mr. Dawson has kindly permitted the publication of his explanation, as follows:—"Regarding the words 'gin' and 'lubra,' I have considered 'gin' to mean a woman, and 'lubra' a wife. I do not think, however, either are of aboriginal origin, but have been introduced by the white man from the West Indies or Africa, like many other expressions and names, such as 'merrijig,' 'piccaninny,' 'boonk,' etc., etc. I have turned up the vocabulary of names in my book, and find, as doubtless you did, that there is no word in the whole list, under the generic term 'woman,' having the least resemblance to 'gin' or 'lubra.' I am, therefore, sorry I cannot assist you."—ED.]

sitting, and looking about him like a wild beast at bay. Who can tell what new-born hope was throbbing in his heart, or what were the feelings with which he beheld the grinning, excited, merry-looking faces circled round him. There being no further impediment, the criminal resumed his ascent of the ladder. The executioner, who was now an adept at his business, placed "Roger" under the beam, quickly arranged the rope and cap; after which the drop fell, and with three or four struggles, life was gone.

The deceased was reputed to be a great fighting man amongst his people. He was brother of the chief of the Jarcoota tribe, who occupied a large territory in the westward, about 100 miles from Portland. He was a man of a robust, well-built physique, and left two wives and several brothers, but no children. His own tribe had been once numerous and powerful, but was almost extinct through native warfare, infanticide, and disease. It was said that the Judge had recommended that the sentence should be carried out at the place where "Roger" had committed the murder, in the hope of striking terror into the blacks; but this was not done in consequence, as was believed, of the large expense that would be incurred thereby. The scaffold was in some measure an improvement upon the one employed for the execution of the bushrangers, but it was an uncouth and repulsive looking object. The Executive of the time was very penurious in all matters appertaining to Port Phillip, and to save a paltry £5 note—the cost of removing it—it was actually allowed to remain up for some time, until the Press indignantly denounced the standing eye-sore as an outrage upon public decency, and at length, through mere shame-sake, the Superintendent had it taken down.

For more than four years, though there were several convictions for murder, no criminal was executed, in consequence of the existence of some doubts as to the legality of the amoval of Judge Willis. The difficulty was said to have originated with Judge Jeffcott, the immediate successor of the unbenched Judge; and, though it was also stated that the Judges and law officers at Sydney did not concur, there was yet a disinclination to carry out any extreme penalty of the law, pending the decision of the Privy Council on Willis's appeal. Even the semblance of an obstacle was at length removed by time, and henceforth there was no restriction to the law taking its course, whenever the Executive thought it desirable to enforce it to the uttermost.

The Buninyong Murderer.—27th January, 1847.

Jeremiah Connell, the convict condemned to die for the murder of Edward Martin, at Buninyong, bore his fate with much firmness. He entertained some wild hopes of a reprieve, as nearly all criminals do, though there was no tangible reason why the prerogative of mercy should be interposed on his behalf so long as capital punishment for murder remained the law of the land. A memorial had been forwarded, praying for a commutation; but the grounds for clemency were weak, and only non-compliance with its prayer could have been expected even by those who signed it. By a singular coincidence, the "Shamrock," steamer, from Sydney, which brought the unfortunate man's death warrant, also had as a passenger the official who was to give it effect. This was the first duly appointed executioner in the district, which had now a hangman provided for on the Estimates. His name was Jack Harris, and he was as great a scoundrel as hangmen usually are. The 27th January was fixed for the execution. After this Connell appeared doggedly indifferent as to how time went, or what happened, and more than once declared "he was quite content to die." He attributed his crime to gross ill-treatment, which he averred he had received at the public-house where the murder occurred, and at other times would say that the murder scene was a complete blank in his memory, for he had not the least recollection of it. For the first time in the Province the execution was to be intra-mural, and the scaffold was erected in the north-western yard of the gaol, adjoining the treadmill—the drop on a level with the outer wall, so that the criminal would be wholly visible until "turned off," and the moment the bolt was drawn about three-fourths of him would disappear, leaving only the white calicoed face, shoulders, and breast to be seen by the outsiders. The reason for changing the place of execution from outside to inside was said to be some vague apprehension in the mind of Captain Lonsdale (then Acting Superintendent during a temporary absence of Mr. Latrobe in Van Diemen's Land) that a rescue was meditated. This notion was simply preposterous, as there never was any such intention. A very unpleasant episode occurred in the prison, arising out of this business. The

turnkey, named Griffin, selected four prisoners who belonged to the same country and creed as the condemned culprit to assist in the construction of the gallows, and they refused to do so. Their names were Whelan, Crawley, Mitchell, and Connors (the latter an intimate friend of Connell's), and, on being brought before Mr. James Smith, the Visiting Magistrate, for disobedience, he sentenced them each to fifty lashes on the morning of (and just after) the execution. When this became known much public indignation was aroused; some of the newspapers inveighed bitterly against such harshness, and the punishment was remitted by Captain Lonsdale. I was afterwards informed, upon reliable authority, that the Acting Superintendent was influenced a good deal by the perusal of a letter signed "Verax," published in the *Herald*, and of which I was the writer.

In the early sunny morning groups of people began to wend their way towards the gaol, and at 7.30 a detachment of military marched up, and were stationed in the front or end yard, and all the available police were distributed outside. The prisoner professed the Roman Catholic faith, and was spiritually advised by the Rev. Father Therry. The prisoner, who passed a restless night, was up early, and partook sparingly of breakfast.

At half-past eight the Sheriff made his formal demand, and Connell accordingly went forth from the condemned cell, holding a crucifix in one hand, accompanied by Father Therry, and followed by the sheriff, gaoler, and several turnkeys. Traversing the corridor and into the yard, both priest and penitent recited a litany, and the manner of the latter was such as to apparently indicate much sincerity, whilst his responses were uttered with deep fervour. On coming into the presence of the apparatus of death he looked up, and, preceded by the hangman, moving firmly forward, unhelped and unshrinking, ascended the ladder on to the scaffold, and, followed by the priest and a turnkey, stood firmly under the waving rope. The moment he was seen by the human gathering outside he was greeted with a loud hoarse burst of commiseration. Grasping the crucifix in his hand, he gazed mournfully upon the couple of thousand up-looking human faces, and, turning to Father Therry, asked to have the crucifix suspended from his neck, which was done. Connell then, with eyes glancing high over the heads of the people out into the green forest, exclaimed, in an unfaltering voice: "I never intended to kill the man, or any other man. I am more sorry for taking his life than for losing my own; I am sorry for it from the bottom of my heart, and I pray to God for a favourable judgment." He then kissed the turnkey (one Sullivan, who had been kind to him whilst in prison), and shook hands with priest and executioner. The rope was next placed round Connell's neck, and knotted, and, as the cap was being drawn over his head, the poor wretch endeavoured ineffectually with one of his shackled hands to button his coat. All this time his bearing evidenced nerve in a wonderful degree. The bolt was drawn, but as the drop fell the rope-knot shifted under the culprit's chin, and for some eight minutes he seemingly suffered excruciating torture during a process of death by strangulation. During the terrible struggle, his hard smothered efforts to breathe were distinctly heard by the dozen persons present in the treadmill-yard, and, had not the "fall" been a long one, the horrible spectacle would no doubt have been further protracted. The mishap was said to have been brought about by two causes, viz.:—Rope of the proper thickness was unobtainable in Melbourne, and consequently coir had to be used; and next, though the executioner had been an *attaché* of the Sheriff's department in Sydney, he had never been more than a "hanging" assistant, and the present was the first operation performed by him. One of the newspaper representatives, becoming very indignant at Harris's bungling, told the old fellow a bit of his mind as he leaped from the ladder and looked up at the swinging corpse; but Jack took it very coolly, hinted to the other something about the propriety of people minding their own business, that perfection in any art was not attained at once, and he would take care and do it better the next time. The body was handed over to a friend of the deceased, who took it away in a coffin, "waked" it that night in Collingwood, and had it interred early next morning.

Connell was 28 years of age, low-sized, stout-made, and a native of the County Cork, Ireland. He arrived in Melbourne as a "Bounty Immigrant" in 1842, and had no relative in Australia. He was industriously disposed, and very inoffensive whilst sober; but when intoxicated, passionate and pugnacious. A few days before his execution Connell placed in the hands of the Rev. Mr. Therry a written paper setting forth what he declared to be a truthful narrative of the circumstances which led to the murder. It was published the morning after in the *Herald*, and was a minute recapitulation of a series of public-house

squabbles, in which Connell was represented as the butt of a lot of drunken fellows during a whole afternoon, many of whom insulted, and others assaulted him on account of his country and his creed. The assault, which culminated in Martin's death, had been (as alleged), provoked by prior quarrelling and ill-usage. The precision with which this statement set out everything in detail was utterly inconsistent with the drunken obliviousness urged for the defence at the prisoner's trial, and did not obtain much credence.

THE BEVERIDGE MURDERERS.—30TH APRIL, 1847.

Special care was taken in providing for the safe keeping of "Ptolemy" and "Booby" after their conviction, and when returned to the gaol they were heavily ironed. Mr. William Thomas, one of the Assistant Protectors of Aborigines, was frequent in his attendance upon them; though as he was altogether unacquainted with their language or customs he could render them but little benefit. The execution was appointed for the 30th April. The following day Messrs. Wintle (gaoler), and Thomas repaired to the prisoners' cell, and on its being explained to them that they were soon to be put to death, both burst into tears. It was understood that some *ultra* philanthropists in Sydney had endeavoured to procure a mitigation of the extreme punishment, for which there was no reasonable ground whatever. A faint ray of this intelligence in some unaccountable manner gleamed upon the darkness surrounding the prisoners, and kindled a hope to be suddenly extinguished. Rumours had also reached Melbourne, that the native tribe to which they belonged was fully aware of what was taking place in Melbourne, and that several chiefs had openly vowed a bloody vengeance, by the retaliations they would make upon the lives and property of the settlers located in their country, during the approaching winter, when the floods would present facilities for wreaking retribution. It was consequently suggested by some of the newspapers that the criminals should be taken to the Murray, and there, on the spot where the murder had been committed, hanged in a manner that would strike terror into the hearts of intending evil-doers; but the Executive decided otherwise.

Meanwhile, time began to work a change in the minds and demeanour of the criminals, and as each day passed since the irrevocable fixing of their fate, they became more depressed in spirits, and appeared at times as if feeling some contrition for their crime. "Ptolemy" was much the firmer and more indifferent. Indeed, "Booby" grew so attenuated, that in little more than a week he shrank to almost skin and bone. Both prisoners used to frequently break out in excessive fits of sobbing, and so remain for hours. At last they began to entertain a dim comprehension of a future state; they were getting easier in their minds, and more reconciled to the inevitable. Some Goulburn black-fellows coming to Melbourne, two of them were permitted to interview the criminals, an event from which the latter appeared to derive deep satisfaction. "Booby" especially was much comforted by this last "yabber" with his fellow-countrymen. The Reverend Father Geoghegan, at the services at St. Francis' on the Sunday before the execution, made a powerful appeal to his congregation to abstain from attending such disgustingly demoralizing exhibitions as public executions. The Press also wrote in the same strain, and to such laudable remonstrances was no doubt attributable the greatly diminished number collected outside the gaol on the fatal morning. The gallows was raised in the same part of the gaol yard as upon the previous occasion; but there was this difference in its construction, that the fall was to be now deeper than before, so that when the culprits dropped they would disappear altogether from the outward view, instead of having the bust visible as in Connell's case. The prisoners passed their last night and early morning in extreme nervousness, "Booby" especially. They would have nothing to eat, but drank some tea, and were attended by Mr. Thomas, with Messrs. French and Lacy (who interpreted at their trial). When their irons were struck away, they appeared as if pervaded by a sudden burst of relief, which was quickly stilled when their arms were strapped, and the white caps put on. The form of reading a prayer was then gone through by Mr. Thomas, but it was nothing more than the emptiest of formulas, as they for whom it was intended neither understood nor heeded a single syllable uttered. At eight o'clock they were led out into the corridor, and thence to the treadmill yard. They started on seeing a dozen white fellows in waiting for them; and when led to the foot of the scaffold both looked upward and began to cry. "Ptolemy," though greatly distressed, rallied sufficient resolution to enable

him to mount the ladder without help; but "Booby" could not do so, and had to be aided by Mr. French. When on the platform "Booby," as if dazed, turned away, seemingly powerless; but "Ptolemy" stood firm and immovable as a statue. The executioner was this time more expert with his work, and the rope being quickly adjusted and the caps pulled over, the drop went down and "Ptolemy" died momentarily. It was not so with "Booby," who, as he was commencing the leap in the dark, essayed a last desperate effort to stave off death, and pushing one of his feet against a portion of the platform, his fall was thus broken, when after nearly turning a somersault he dropped down, and terminated his existence in lengthened and violent convulsions. Amongst the attendance was a large number of aborigines from the tribes of the Upper Yarra, Western Port, and Mount Macedon, whose demeanour was a marked contrast to the loud laughter and coarse gibes of the white people, the great majority of whom were women, old and young, handsome and ugly.

THE GIPPSLAND MURDERER.—29TH NOVEMBER, 1847.

John Healey, *alias* "Pretty Boy," convicted of the murder of James Ritchie, at Tarraville, became in some degree resigned to his fate after removal to the condemned cell, but was hopeful of receiving a pardon. It was remarked of him by the prison officials that he was the least troublesome convict ever in their charge. He repeatedly declared "that he was drunk on the night of the murder, and the other two men were the murderers." During the time intervening from his trial to his execution, he expressed deep contrition for past transgressions, and his conduct presented a marked difference to that of all other criminals executed in the district. He persisted to the last in protesting his innocence, averring that the crime for which he was to yield up his life had been committed by others. A careful perusal of a full report of the trial leads to an almost irresistible conclusion not of the prisoner's innocence, but an incompleteness in the welding of the chain of circumstantial evidence coiled round him—a link or a strengthening of a link, or a something else wanted to thoroughly establish the identity of the prisoner as the murderer. He had prepared an elaborate statement, sought to demonstrate that he had been wrongfully convicted, and that it would be an enormous abuse of justice to hang him and allow two of the witnesses who swore against him to get off free, they being, as he declared, the true homicides. This appeal was ineffectual, and the prisoner was ordered for execution on the 29th November. Father Geoghegan and Dean Coffey were in attendance upon him, and one or both continued so up to the last moment. Healey expressed a wish to be hanged in the same moleskin trousers and red flannel shirt in which he was said to be dressed when he killed Ritchie. His desire was gratified. On emerging from the cell Father Geoghegan offered a consolatory remark, to which the prisoner, as in reply, declared, "If I got the weight of myself in gold, I do not think I should exchange for it. I am glad to die for my sins, and I am sure God will forgive me!" After entering the corridor, the Sheriff asked one of those absurdly purposeless questions which Sheriffs have been asking time immemorial from prisoners on the road to death, "If he was satisfied with the treatment he had received in gaol?" to which, as a matter of course, an affirmative reply was returned. The prisoner then begged permission, when on the scaffold, to address a few remarks to the people outside, on the evils of drink and bad company; but Father Geoghegan advised him not to do so. The prisoner concurred, and, looking into the faces of the few persons standing around, in a steady, unfaltering voice, said: "From the time I was a child up to this moment I never had a thought of doing any harm to Ritchie, and I am not guilty of murdering him. I do not know anyone that had a thought of murdering him, but I am willing to die for my sins." The executioner next stepped forth, and quickly buckled the pinion strap. The two priests accompanied the prisoner, chanting a litany, to which Healey responded. Though the responses became weaker, he passed into the gallows yard, and, unaided, mounted to the drop, followed by Father Geoghegan. It was now raining, and the priest descending, the few remaining formalities were hastily got over, and there was an end of the prisoner, who died very quietly. The attendance of the public was very small, not more than about three hundred, where there used to be twice as many thousands. The gathering outside seemed ill-humoured and impatient, and vented not over mild imprecations upon the gaol authorities for keeping them out in the rain. Just as the prisoner became visible on the drop, a sudden gust of wind swept overhead, as if about to unroof the prison, followed by an

instantaneous fall of rain which washed the dying exit of the prisoner from human sight, half drowned the spectators, and added to the gloominess of the scene. John Healey was a man of stout build, ruddy complexion, pock-pitted, and dark haired. He was a native of Mayo (West of Ireland), born in 1806, and on the 13th March, 1832, was tried at Sligo for stealing an ass, and, on conviction, was sentenced to seven years' transportation, leaving a wife and child behind. He was forwarded to New South Wales, and arrived in Sydney per the convict ship "Portland" in 1833.

THE "PENTONVILLIAN" MURDERER.—1ST AUGUST, 1848.

Augustus Dauncey, the young Pentonville "exile," sentenced to death for the murder of a younger companion, lay in the condemned cell. His youth and intelligence, and the cool recklessness of his conduct, attracted a good deal of public attention. The prisoner was condemned on the 16th June, and on the 18th July, Dr. Perry (the Anglican Bishop) visited the gaol, where service was performed, and in an interview with the prisoner expressed a few kind words of admonition, but was coolly assured that "he might spare himself the trouble, as he (Dauncey) knew all that before." This was not said in a jaunty or impudent tone, but as if giving expression to what he believed to be the truth. The order for the execution was received in Melbourne at 11 a.m. on the 18th July, and the Sheriff (Mr. Alastair M'Kenzie), a timid, well-meaning mite of a Scotchman, proceeded forthwith to communicate the *ultimatum* of the Executive. Dauncey heard this with the utmost unconcern, and said, "Oh, this is only what I expected. I knew very well it would happen; I expected to die a fortnight ago. I assure you, sir, I feel both happy and comfortable, and calculate to go to heaven right off, as I am innocent." The Sheriff remonstrated with the prisoner upon such indifference to his terrible position, but Dauncey told him he might make himself easy on that score; and he would save time and trouble by quietly "shutting up." However, he would thank him very much for a bit of tobacco, for it was the only consolation he cared about. This was a quietus for the Sheriff, who withdrew rather unceremoniously. Dauncey was made aware that he was to be executed on the 1st August, and when a turnkey brought him his dinner shortly after, he carelessly remarked, "All I shall have is thirteen dinners more." The next day he said, "The dinners are now down to twelve;" and so on at dinner-time every day he noted the gradually numerical diminution. The Rev. Mr. Thomson, Episcopalian minister, was in daily attendance at the condemned cell, but his ministrations were useless, for the prisoner was unwilling to speak on the subject of the murder, and whenever that was mooted, he promptly, and indeed pertly, changed the discourse. Singularly enough, Dauncey, whilst in gaol, read regularly from Bible and Prayer-book; and notwithstanding his *sang froid* by day, he was subject to frequent nocturnal fits of insomnia, and declared that something was about to catch him. Phantoms of every conceivable shape filled the room, and prominent amongst them was the bloody corpse of Lucke. On one occasion he remarked "that he might blame himself for being hanged, for if he had not stated that he had seen Lucke on the day of the murder, nothing could have happened to him." On Sunday, before the execution, the Rev. Mr. Thomson preached a "condemned sermon." Dauncey never looked towards the preacher. Up to the day preceding the execution there was no falling off in his appetite, and he consumed not only his ordinary rations, but also some extras supplied through the Rev. Mr. Thomson. He begged the Chaplain to procure him a pair of white trousers and a white shirt, in which to die decently, and his requirements were satisfied. He declared "that when on the drop he should take good care and let the people know something." But he felt a strong presentiment that he should be reprieved, and the Chaplain found him in a state of mind extremely indisposed to listen to religious consolation. He told the reverend gentleman point blank that remonstrances were useless, for he was positively certain that a something or other would intervene to stay the arm of the law. During the last night one of the prisoners was posted in the condemned cell, but both sentinel and criminal fell asleep. On awaking, Dauncey said, "I was never so happy in my life as this moment, and the reason is, because I am as innocent as a child unborn of the offence for which my life is to be forfeited." To this the sentinel rejoined, "I am equally innocent of the offence for which I am punished; and I shall be going out on Thursday." "Ah, but," responded Dauncey, "I shall have the start of you, for I shall be going out to-morrow morning." Dauncey arose at 6.30 a.m., and was un-ironed at 7. He then with a vigorous appetite tackled a breakfast, one of the elements

of which comprised three large cuts of beef steak, which he totally disposed of. Thus fortified he was in good condition for the Rev. Mr. Thomson, who persisted in entreating him to make an acknowledgment of his guilt, in the hope of obtaining pardon for his sins; but to no purpose. Dauncey was next led back to his cell, where he donned his white shirt and trousers, and with his own hands put on the ill-omened white cap. Devotions were renewed, in which the criminal joined in a distinct and apparently cheerful voice. The appointments for the execution were the same as before, and Dauncey looked up at the "drop" and smiled. Politely declining the executioner's arm in the ascent of the ladder, and bowing that functionary on before him, he closely followed, and on reaching the top briskly kicked off his shoes. He advanced close to the wall, and elevating his voice he thus spoke:—"Gentlemen, and all of you; I have just a few words to say to you; I hope you will all take warning by me." (Here he stopped for some seconds, as if unable to proceed. He seemed to make an effort to articulate; but all utterance ceased, as if his tongue had been temporarily paralysed. He soon recovered, and was able to proceed.) "I am quite innocent of the crime for which I am going to die, and I hope God will forgive them who swore against me. May God bless you all!" Retiring a little he was immediately in the hands of the hangman, who rapidly completed his arrangements. The Chaplain proceeded with the burial service, in the midst of which Dauncey passed without a struggle into eternity. On this occasion there were about two thousand persons present, and their behaviour indicated much improvement. There was a marked falling off in the number of women and children as compared with previous executions.

Augustus Dauncey was a native of Wooten-under-edge, in Gloucestershire, England. He was born on the 25th July, 1829, and was in his nineteenth year. He was by trade a blacksmith; had been half-a-dozen times in prison, and ultimately was sentenced to seven years' transportation. He was transferred to the Parkhurst Reformatory, where his conduct was good, and he was permitted to become what was known as an "Exile." On the passage to Melbourne, he made the acquaintance of the murdered lad, who conceived a strong affection for him, and regarded him in the light of a protector. During his incarceration no criminal could be better behaved, nor, considering his years, display more fortitude. So well did prison life agree with him, that he fattened on it, an incident recorded of no other criminal cast for death. A singular occurrence happened in connection with this tragedy. On the morning of the execution there was found a heap of stones piled on the spot at Stoney Creek where Lucke was murdered, and on the top was planted a small, rudely constructed gallows, from which dangled the figure of a doll. This was removed by the police, but the next day there was a second doll exhibit, and on the disappearance of this, the third morning witnessed the suspension of a piece of wood in the doll's place. This was regarded as a demonstration of feeling by some of Lucke's shipmates. In the course of the week the Sheriff placed at the service of the Melbourne newspapers a written statement prepared by Dauncey. It was an ingeniously and evasively constructed narrative, in which the author persisted in asserting his innocence. It went back to his early life, and his honest and industrious parentage, his father being a small farmer and market gardener. He was the only member of a family of seven, who had ever been in prison. His troubles began by disobeying his parents, Sabbath breaking, and running away from home. He was grateful for the consideration shown him by Mr. and Mrs. Wintle (the gaoler and his wife), and the kind offices of the Rev. Mr. Thomson, Miss Langlands, a Mr. Smith, and Mr. Joseph Lowe.

The Mount Rouse Wife Slayer.—18th October, 1851.

Patrick Kennedy convicted of the murder of his wife, was after his condemnation, religiously ministered to by Dr. Geoghegan, the senior pastor of the Roman Catholic Church, the Revs. J. J. Bleasedale, H. Geoghegan, and Madden. It was decided by the Executive that the point of law reserved at the trial should receive every consideration, and it was accordingly transmitted to the Full Court at Sydney. The prisoner, therefore, in any case, would have the benefit of "a long day;" for supposing the decision to be averse to him, his execution could not take place for some weeks. During the terrible interval of his suspension between life and death, the condemned criminal passed his time in quiet and resignation, indulging in fitful gleams of hope of a reprieve, never to be realised. In addition to the ecclesiastical staff before mentioned, a youth named O'Farrell, was delegated to read frequently to the prisoner. If this youth had had the gift

of prescience—if it were possible for him to con his own fate between the lines in the prayer book from which he recited for Kennedy—he would have descried amongst approaching, though still distant, shadows, the *silhouette* of another prison in another colony, wherein, not past the prime of life, he would himself be the occupant of a condemned cell, and the recipient of spiritual comforts such as he was now himself administering. In 1867, this identical person (O'Farrell), was executed in Sydney for the attempted assassination of the Duke of Edinburgh, at Clontarf.

The 18th October was named for the execution. Turnkeys relieved each other, in the culprit's cell, but with them he scarcely exchanged a word; and, buried in himself, heedless of passing events, he spent the days in semi-somnolent abstraction. Of the poor wife so ruthlessly murdered he spoke kindly, and was heard more than once to say: "Mary was an excellent woman, and a good mother to her children." A fellow-countryman, from Roscommon, made him several visits, showing various small kindnesses. The Rev. Messrs. Bleasedale, Geoghegan, and Madden arrived early, and Mass was offered in a cell known as the Gaol Chapel, after which the procession moved away, a hangman at each side, like two masters of ceremonies, eagerly scanning everything that happened, as if desirous that no hitch should occur. Kennedy approached the ladder with a firm but hurried step. This he climbed with alacrity, and stood erect and unshrinking under the rope, amidst ascending prayers. On this occasion there were, for the first time, two executioners in attendance. Some twelve months before the regular hangman (Jack Harris) committed a robbery in Geelong, lost his appointment, and was succeeded by James Cahill. This was his first job; but, as Harris was serving a sentence of imprisonment in the gaol, it was deemed desirable to have him present, so that the tyro might have the benefit of his experience. Harris was, therefore, what might be considered the consulting, and Cahill the acting, engineer. Harris was loud and fussy in trying to "boss" Cahill, who performed his dreadful office with coolness and propriety. After the final death struggle, Harris turned round, rubbed his hands, and gleefully exclaimed to the few spectators in the yard: "I knew he wouldn't take more than three minutes; I said so. Hadn't the chap a nice, quiet tumble down?" Mr. William Corp, one of the two attendant journalists, was about to treat the bravoing hangman to a kicking, but was promptly prevented by the Sheriff sternly ordering Harris to quit the place, and a couple of warders, dragging him off, locked him up. A crowd of some 700 or 800 persons assembled to witness the execution.

Kennedy was a native of the County Galway, Ireland, and was 30 years of age. He was a strong, firmly built man, close upon six feet high, with a pleasing turn of countenance, though indicative of vicious propensities. His four children were provided for by the wife of a settler near the scene of the murder adopting the infant, and two others being taken care of by two aunts living in Melbourne, whilst the fourth, a three-year-old boy, died suddenly the day the father was sentenced to death. From conversations sometimes held by Kennedy with officials and visitors at the gaol, it was ascertained that he was a Fatalist, a firm believer that good or evil actions were inevitable. He once said to a turnkey: "It was drink that did it all; if drink had not done it something else would, as it was to be done." He also said he had been married just nine years on the day of the crime. What a frightful wedding anniversary! One of his family was a boy called "Micky," and a strangely ominous occurrence in reference to him was a great trouble to the unfortunate father. When "Micky" began to get the use of his tongue the first phrase he was able to string together was the childish refrain of "Mammy dead and daddy gone!" The poor mother paid no attention to it; but the moody predestinarian steadfastly believed that it boded some terrible catastrophe, and this impression grew rooted in his mind. The child's innocent tongue went on with its tinkling about "Mammy" and "Daddy," whilst Kennedy became so painfully absorbed in the ever-recurring thought of some looming calamity that he prayed for the death of the little boy, which by an awful coincidence happened on the same day and hour that the father's doom was pronounced.

Banqueting the Gentlemen Volunteers.

An entertainment of this kind, the only instance on record in the colony, is a festive novelty of so peculiar a nature, that I am induced to append an abridged notice of it as a rider to the foregoing chapter, and also to annex to it a few facts relating to the after career of the men, the authors of such a dash of gallantry as has found no parallel in the annals of Victoria.

At the *Royal Hotel*, in Collins Street, on the evening of the 20th May, 1842, 120 gentlemen sat down to a repast which was said to have "reflected credit on the host." The Chair was taken by Mr. William Verner, the Commissioner of Insolvency; Mr. F. A. Powlett, Commissioner of Crown Lands, officiating as Vice. Messrs. Henry Fowler, Robert Chamberlain, Peter Snodgrass, James Thompson, and Oliver Gourlay were the "guests of the evening," and were greeted with enthusiastic acclamation. Special invitations had been issued to the Revs. A. C. Thomson (Episcopalian minister), M. Stevens (Roman Catholic), and James Forbes (Presbyterian), but they declined the honour, because at the very time they were engaged daily in administering spiritual consolation to the unhappy men who were primarily the cause of the demonstration. The invariable introductory toasts were disposed of in the usual perfunctory manner, and after the health of Sir George Gipps, the Governor of New South Wales was "bumpered," a letter was read from the Superintendent (Mr. Latrobe), testifying "His Excellency's (Sir G. Gipps') satisfaction at hearing of the recent capture of the bushrangers on the Plenty, and at the spirited manner in which it was effected." It further conveyed "to all the gentlemen who took part in the apprehension of the men his Excellency's thanks and acknowledgments of the service which they have rendered to the colony," adding "that he is quite satisfied a few instances of alacrity and gallantry such as they have displayed will do more to put down bushranging than any measures which the Government, without the assistance of the settlers, could effect." The Chairman then rose, and said:—"Gentlemen, I have now the pleasing task of proposing 'The Health of our Gallant Guests'—of those intrepid heroes who have so nobly distinguished themselves by the capture of a band of desperadoes whose career of rapine and violence they have arrested at the imminent risk of their lives, the preservation of which must strike everyone, under the circumstances in which they were placed, as attributable solely to the special intervention of a protecting Providence. I am sure there is no one here present who does not feel extremely indebted to our gallant friends for the services rendered not only to themselves, but to the district in general; and more especially those gentlemen who, like myself, are both husbands and fathers, must feel doubly on this occasion for having preserved their wives and families from danger and injury. I, therefore, beg to add to our own their acknowlegments for the gallant conduct of our distinguished guests."

The Chairman concluded amidst loud applause, and the toast was received with all the honours.

Mr. Peter Snodgrass, who was gifted with great fluency, if not eloquence, was put up to reply "for self and fellows," and he did so in the following terms:—

"I shall be believed, gentlemen, when, in undertaking to return thanks for myself and brother volunteers, I assure you of the difficulty I find in expressing my feelings with adequate effect and in appropriate terms. The kindness that, however, you have shown in acknowledging our efforts for the peace and character of society, gives me confidence in this unusual attempt, and with such sympathy we are ready to brave a thousand times the dangers we have encountered in the protection of our fellow colonists, their lives, and their properties. The generous applause we have received will prove to the surrounding colonies and to far distant Britain, that the inhabitants of this country are as prepared to honour public services as, I trust, we have been in fulfilling our voluntary duties. But delightful as it is to meet with cordial thanks and a brilliant entertainment in return for the risk we have run, our pleasure rises with the belief that such a demonstration is more an approval of the moral service we have rendered by the suppression of vice, than the mere physical gallantry that has been so freely attributed to us. Your high-minded conduct, enhanced as it has been by public opinion, and honoured by the sanction of Government, must be an incentive to others to equal, if not to eclipse, our cheerful exertions in the common cause. Under the encouragement of both, then, our actions are amply rewarded, and the natural feelings of men gratified to the full extent of our pride."

"The Bench and the Bar" was introduced by Mr. J. L. Foster, and responded to by the Honorable J. Erskine Murray, in a speech from which I cull this extract, for the cogitation and digestion of the legal practitioners of to-day:—

"Mr. Foster has truly stated that to arrive at eminence in the legal profession, talent and integrity in its members are required perhaps more than in other professions. Such is doubtless the case, but there are other requisites than these most necessary for the Bar to possess, and without which its character and its independence would be nothing. Our guests of the evening have, by their late gallant conduct, evinced a

a courage honourable to themselves as it is a bright example to others; and we, members of the Bar, may well take a lesson on the occasion. Yes, courage is as necessary at the Bar as in the field. I mean that moral courage which is the safeguard of a Barrister's independence; and there are times and circumstances when the exercise of such courage can alone preserve to the Bar that character which it ought always to proudly maintain."

The demonstration did not pass off without its laughable incident. In "the brave days of old" the three Melbourne newspapers, *Gazette*, *Patriot*, and *Herald*, were in a state of incessant war with each other. On some very rare occasions the hatchet used to be buried, but it was no sooner covered than it was dug up again, and wielded as fiercely as ever. The Editors might be compared to three shoe-blacks, who, when unpolished boots are at a discount, keep their hands and brushes in practice by smirching each other's face. The consequence was that the toast of "The Press" was a difficulty in the Stewards' arrangements for all the old public dinners. Fix No. 1 was the position on the programme which the Press ought to occupy. If too far up on the list, someone that had a "down" on the papers would object, and he always had a couple of "bottle-holders" to back him. Then, if placed too low, the Editors would kick against it, interview the Stewards, and threaten all kinds of pains and penalties. Next, when this knotty point was arranged, there came the knottier one to be adjusted as to the particular Editor of the triplet to return thanks. Arden, of the *Gazette*, was the senior, as representing the first duly registered and printed newspaper; but Kerr, of the *Patriot*, claimed precedence, as his journal was the lineal descendant of Fawkner's manuscript *Advertiser*; whilst Cavenagh, of the *Herald*, though the junior, possessed more influence with the magnates who "ran" those festive gatherings. On this occasion the Stewards did not know well what to do, and they decided upon doing nothing about the toast of the Press—that is, they left it out altogether. When the newspaper champions heard this, the Editors declared they would not attend the dinner. The Stewards, at the eleventh hour, became alarmed lest there might be no report of the proceedings, and finally added the toast, but too late to placate the offended dignity of the journalists, who were conspicuous by their absence; though out of consideration for the five chief objects of the festival, tolerably lengthy reports were published. The "Press," notwithstanding, triumphed, for it was proposed in a very creditable manner by Mr. Archibald Cunninghame, a long-defunct, queer-looking stick of an Equity Barrister, and pompously acknowledged by the late well-known Mr. C. H. Ebden.

And now a few remarks as to what futurity had in store for the gay and gallant "Five," the heroes of the time, whose bravery was the theme on every tongue, and whose names were "household words" for many a day:—

Peter Snodgrass was the son of a military officer of high distinction, who at one time officiated as Administrator of the Government of New South Wales. So far back as 1838, Peter was gazetted as Commissioner of Crown Lands in the Colony; but, for some reason or other, never entered upon the duties. He was one of our earliest squatters, and a shining light of the Melbourne Club, when it was in its swaddling clothes. That he was rather partial to powder is evidenced by the fact that he was a prominent character in some of the early duels that came off in the Province. When the colony obtained the boon of Responsible Government, Peter, who had long before finished the sowing of his "wild oats," was elected to the Legislative Assembly, and filled the office of Chairman of Committees for several years. Though his Parliamentary career was unmarked by any unusual display of eloquence, it was not through any deficiency in the gift of tongue, for, in putting a question from the chair, about saying "Aye" or "No," or "the Ayes have it," or "the Noes have it," he was master of a rapidity of utterance which no other Parliamentarian in the world could beat. At his death he was very generally regretted.

James Thompson (better known as "Jemmy"), was a squatter, and the occupier of a station at Cape Schanck, and he and Chamberlain (also a squatter) left the colony, and died in England only a few years ago.

Oliver Gourlay was of Scottish descent, and a Melbourne merchant for a time. A year or so after the bushranging encounter, he sailed on a mad-cap expedition to some of the Pacific Islands, where it is believed he either supplied the materials for a cannibal feast, or died some other violent death. That he came to an untimely end admits of no reasonable doubt.

The last though not the least, but the most injured—Henry ("Harry") Fowler. He is the only one of the "Fighting Five" now amongst us (1888), and is no stranger about town, for he may be met any day sauntering leisurely up and down with hands philosophically folded behind his back, taking the world easily and very partial to peering through shop windows, or having a turn at a game of billiards. Mr. Fowler therefore remains the sole survivor—calm looking, white-haired, and time-bleached—the solitary remanet of five as gallant, light-hearted, and free-handed young men as ever enrolled themselves amongst the pioneers of a new country.

A "HANGING" POSTSCRIPT.

If the ancient records of the world are to be credited, the status of that repulsive, but eminently indispensable, public functionary, the State Executioner, was variously determined at different times and places. In Imperial Rome the "carnifex" was an object of such aversion that he was not permitted to dwell within the City Walls. During the Middle Ages, the office of "headsman" was held in such esteem as to be hereditary in certain European countries; whilst during the brief Danish Succession in England, the executioner was a functionary of such dignity that, according to Spelman's Glossary, he was treated as of equal rank with the Archbishop of York and the Lord Steward.

There was once upon a time in London a common hangman, known as Gregory Brandon, who by a trick so imposed upon a Garter King at Arms as to be enrolled as an "Esquire," and London hangmen were for some time designated "Gregories" or "Squires" after him. Another similar official was a Mr. Dunn, and, as a posthumous compliment, several successive "finishers of the law" were known as "Dunns." The London hangman, who has most effectually descended nominally to posterity, was a Mr. John Ketch, supposed to have flourished Anno 1682. He was a married gentleman, and his dexterity in ridding the world of condemned criminals inspired his wife with such admiration for his handicraft, as to make her boastful of his skill. She was incessantly declaring to her neighbourly gossips "that anyone might do a plain piece of work, such as a bare hanging; but to make a malefactor 'die sweetly,' was a gift that belonged only to her husband." Still the identity of this individual is by no means settled beyond dispute, notwithstanding an assertion of the great historian, Macaulay, that "Jack Ketch" was the popular name for a public hangman, derived from a person so called who officiated as such in the reign of Charles II. "Jack Ketch" was quite an apocryphal hero if there be truth in Lloyd's MS. collection of British pedigrees in the British Museum, where the following version of the origin of the unenviable nomenclature is to be found:—"The manor of Tyburn, where felons were for a considerable period executed, was held by one Richard 'Jaquett,' whose cognomen was afterwards corrupted or anglicised into 'Jack Ketch,' a bisection or transformation which seems to have chimed in so 'ketchingly' with the vulgar taste, that when once caught it was detained, and so remains incorporated with English slang to the present time, not only in Britain, but in every portion of the globe where the Anglo-Saxon tongue is spoken." There was also in London during the 17th century a hangman named Derrick, whose cognomen is also imperishably inwoven with our language. This worthy was such a genius in his particular line of swinging, that he devised a novel mode of roping the wretches turned over to his care; but though his invention did not take in the manner intended, it suggested the construction of a special sort of crane by lashing spars in the manner in which Derrick rigged his gibbets, a contrivance found so convenient and effectual in unloading and hoisting purposes on board ship, that it grew into a regular maritime appliance, and a modification of it is still known as the Derrick.

In connection with the old English executioners, a curious fallacy exists as to their scale of remuneration. Hangmen's wages have been assessed at thirteenpence halfpenny per case, with the culprit's clothes thrown in as a perquisite; but this is a popular error, which originated in the fact that, stealing to the value of the amount stated was at one time regarded as a capital crime. In reality the hanging tariff was considerably higher, as is shown by the following transcript of an account furnished (10th November, 1813) to Sir John Silvester, a London Recorder:—To executioner's fees, 7s. 6d.; to stripping the body, 4s. 6d.; to use of shell, 2s. 6d.; total, 14s. 6d.

Originally in Port Phillip there was no stated allowance provided for an execution, and the first hangman's office was required in the case of the two Vandiemonian aborigines executed in January, 1842. When it was announced that a hangman was wanted, there were a dozen applicants for the post, but as the Government restricted the choice to convicts under sentence, one Samuel Davies was selected. He was a double-distilled scoundrel, who, after doing a sentence at the Ocean Hill—known as Port Arthur—passed over to the new settlement, where he soon got into trouble, and was serving as a "lifer" when the stroke of luck came in his way which secured his enlargement. His remuneration for his first job must have astonished him, for he was not only paid £10 in hard cash, but he also obtained what was known as a "Ticket-of-leave," *i.e.*, a discharge from prison and his freedom so long as he "mustered and reported" himself to the police. This fellow was about the best conducted of our hangmen, and he continued to officiate until certain doubts arising out of the validity of the removal from office of the first Resident Judge (Willis), led to the practical abolition of capital punishment for several years, when, Davies' occupation being gone, he slipped quietly out of the public mind, and neither nominally nor otherwise was anything known or heard of him afterwards.

The first permanent executioner in the colony was one Jack Harris, who was transported from England to New South Wales in 1818, and remained a prisoner of the Crown for twenty-nine years in the New South Wales penal establishments. Here he was employed for some time as assistant hangman, but never accomplished a "turning off" himself until a regular appointment was made. His emoluments were 2s. 6d. per diem, with rations and a cell in the Melbourne prison. Jack's 'prentice hand was in ridding the world of a convicted murderer, and a bungling muddle he made of the job. It took him just eight minutes to effect the strangulation of the hapless being on whom he had to operate, and it was a horrible sight to behold. He used too thick a rope, and was ignorant of the "professional knot," which, after the drop fell, shifted under the culprit's chin; and had there not been a long fall the eight minutes would probably have been extended to eight-and-twenty. Harris having obtained his freedom, became a thorough drunken scamp and public nuisance. The police often brought him before the Police Bench, whence he was usually sent back to gaol. One day he made his appearance before Mr. Henry Moor, one of the ancient Mayors. He was accused of having been drunk and disorderly, and begged hard for another chance, protesting most solemnly that if let off only this time he would most certainly turn over a new leaf. Moor good-naturedly took him at his word, which so astonished Jack that he burst forth into a profusion of thanks:—"And so, please your Vurship" (concluded he), "I ham so mightily hobleeged to you that, s'elp me, hif hit hever do 'appen that you come hin my line you may believe me that hi'll do you ha good turn." The roars of laughter that greeted this wind-up in a crowded Court seemed to tickle and annoy the Magistrate, who, though always good-humoured, did not much relish a laugh against himself, and he quickly retorted on the unconsciously offending "Mr. Ketch:"—"Be off, you scoundrel, or I will repent my leniency and give you six months. You rascal, I will take precious good care you shall never have a chance of doing me either a good or a bad 'turn.' I will keep out of your clutches, never fear." Jack quickly took the hint, twitched the hair over his forehead with thumb and forefinger, and with a lowly jerk of the head and a villainous half-smothered snigger, hastily went through a right-about-face and left the Court.

This fellow kept in and out of gaol for a couple of years, during which he was almost a sinecurist, for there was only one execution in 1848, none in '49 or '50, and but one in 1851. The gaol floggings did not average more than two per annum, and Harris began so to rust that he one day made a dash at Geelong, stormed the place, committed some larcenies, and only came to a halt in the Geelong gaol. At an execution towards the close of 1851 (Harris having been recently convicted of felony) it was thought desirable to have a brand-new hangman, and the office was conferred upon James Cahill, who was an "Emancipist," or prisoner free by servitude. He also hailed from Sydney. But he was a poor hand with the "cats," and so fumbled over his first hanging that had not Harris been brought from Geelong as a helper, Cahill would hardly have got through with it. Cahill married a fine buxom immigrant girl of no mean personal attractions. One day soon after her arrival she was walking in the bush northward of the gaol. The hangman was seated on a stump, reading a well-thumbed novel. They met, they saw, they conquered. The wedding was solemnized at St. Francis' in the presence of quite a concourse of ladies from 15 to 50, eager to see how a hangman could bear the tying of an ecclesiastical halter about his own neck. The

marriage was not, however, a happy one, for Jim soon pitched his billet to the winds and his wife to Jericho, disappeared from the colony, and was heard of no more. The young "grass widow" did not break her heart over the bereavement, for, during the goldfields turmoil of 1852-3, she made money, and years after was comfortably settled down, the reputed married hostess of a well-kept hotel in one of the principal streets in Geelong.

Cahill's abdication brought about Harris's re-appointment, but he rendered universal dissatisfaction by his riotous and rowdy conduct, for which the ordinary imprisonment punishment was altogether inadequate. The fellow at length determined upon making a bold *coup*, in which he succeeded. In concert with two or three expert gaol pals, he engaged in an extensive burglary in the city, and the robbers wisely shook Melbourne dust off their feet, and got clean off with the most valuable part of their booty, plate and jewellery. Harris was subsequently convicted of a street robbery in Sydney, and died in bondage there.

Next on the roll figures Michael Gately, known to the convict world by the uncouth *sobriquet* of "Balla-ram," a big bearish, monstrous-looking item of mortality, paid by piece-work for what he did, the greatest scoundrel of the batch, and a veritable "carnifex" in vocation and nature. This ruffian's mad pranks, whenever out of gaol, and rushing about like a drunken wild beast, are not so remote as to be unfamiliar to many readers of the present day. He also married a wife, but it must have been a good riddance for both when Gately divorced himself, without legal intervention, from what could in no sense be termed a "better half," and followed in the wake of his predecessor for Sydney on the 11th June, 1880. He penetrated to a remote portion of Queensland, and had the astounding audacity to write to a Member of Parliament, beseeching his political influence to reinstate him in his former position, in reward for which he vows grateful remembrance, and a reciprocation of "kind offices," should any future opportunity present itself.

The destruction of the Kelly gang of desperadoes, and the probable execution of their leader, led to the appointment of Mr. Elijah Upjohn, then a convict under sentence. This individual descended from a family of good account in Devonshire, and lived for years in fair repute at Ballarat. Dropping into habits of dissipation he gradually fell lower, and paid the penalty which, as a rule, dogs the steps of the criminal, and from which few escape. His first and only hanging was that of Ned Kelly on the 11th November, 1880, and from the modern improvements introduced in the mode of effecting executions, none of the hitches in carrying out the old capital sentences were possible. For so doing he received £5. It was subsequently thought desirable to revert to the *mediæval* system of remuneration, and at the present time the arrangement is 5s. per day, with quarters at Pentridge, for which all executions and floggings are to be performed. Upjohn after receiving the appointment went on well enough for a time, until he was much upset by a serious disappointment. An execution was expected to come off at Adelaide, and as some difficulties were anticipated in procuring the services of a competent hangman, it was arranged that Upjohn should be retained specially for the occasion. He was to be wheeled away by train and coach to the Glenelg, and on crossing the South Australian border was to be taken up by a "guard of honour," and so escorted to his destination. For such exceptional work, executed so far from home, Upjohn's brief was to be heavily marked; and he calculated gleefully upon the wonderful results he should realise out of such an unexpected windfall. But he "counted his chickens before they were hatched," for whilst in daily expectation of a telegram to start, he was astounded by the intelligence that, for some reason or other, the meditated hanging was deferred *sine die*. This was a sudden disruption of his golden vision. His short-lived steadiness deserted him, and, indulging in sundry indiscretions, he one day found himself *minus* his appointment, and *plus* a sojourn in the Melbourne Gaol.

Since the settlement of Port Phillip to the present time (1835 to 1882) one hundred and thirty-one persons have suffered death in the colony for violation of the law, viz., 130 men and one woman—Mrs. Elizabeth Scott, who, with two male accomplices, was, on the 11th November, 1863, executed at Beechworth for the murder of her husband.

Four men have been executed in Melbourne for murder since the last above-named date and the year 1888. The last execution was that of "Freeland Morrell," on the 7th January, 1886.

CHAPTER XXX.

PHYSICAL PHENOMENA.

SYNOPSIS.—Aboriginal Theories of the "Heavenly Bodies."—Theories of the "Black Man" Creation.—"Nooralie" Mythology.—Comets.—Eclipses.—Atmospherical Observations.—Earthquakes.

THE Aborigines of Victoria had not only some knowledge of astronomy, but a curious notion of the existence of what are known as "The Heavenly Bodies" prevailed amongst them. Fluttering in their traditions is one pointing to an early belief that a race of wise birds, of which the eagle-hawk and the crow were the first and second in command, ruled the country before the appearance on earth of the black people, and that all such ancestry was translated to the skies, and there became the sun, moon and stars. There are several theories as to how the first "black man" was created, one being that he appeared at a place called Koorra-boort, near Ballarat, and was formed from the gum of the wattle-tree. Other folk-lore declares that the world was fabricated by mythical beings known as the "Nooralie," so potent that they could order the sun and the moon to do just as they liked. At first the sun shone continuously, and the blackfellows tiring of the monotonous brilliancy prayed for a change; so as to oblige them the "Nooralie" decreed that the sun should divide his work with the moon, and thus were formed the alternations of light and darkness. The moon in those remote times was not the cold chaste goddess we are taught by modern poets to believe her, but a very roystering sort of young man, who raked away amongst the stars, and did no little mischief there. The "Nooralie," however, soon put him on his good behaviour, by commanding him to die, and resume life at certain periods, and hence originated the punctuality with which the luminary goes away and returns. There is an amazing mixing up of the moon's sex amongst the Aborigines of the Australian Continent, for whilst she was reputed to have been something of the high-blooded larrikin in the Victorian quarter, in portions of South Australia she was originally classed as a young woman—a capricious courtezan, whose presence tended much towards the demoralization of the male proportion of the community, on which she practised with her insidious and wicked spells.

COMETS

Were but little known of, and whenever one was seen it was terribly alarming to the sable race. The first recorded visit of a comet in Melbourne was on the 3rd March, 1843, when great consternation was caused by the appearance in the Heavens of an object resembling a gigantic moonbeam. When first observed it was shaped like a dart; then its extremity curved, and gradually turned into a sword-blade. On the third night it was ascertained to be a comet of first-class magnitude, the denser part of the tail being thirty degrees in extent. It was travelling eastward, and had traversed about thirty degrees since its first appearance. It remained until 10.30, and it is declared that "never were the eyes of man in this hemisphere greeted with a more magnificent appearance in the heavens."

The effect the advent of such a "illustrious stranger" had upon the Aborigines is evidenced by the following extract from an interesting paper contributed by Mr. A. C. Le Souef, Usher of the Legislative Council, to Brough Smyth's invaluable work on "The Aborigines of Victoria":—

"They are very superstitious. Comets are their peculiar aversion. The first night the great comet of 1842 (1843) appeared, there was dreadful commotion and consternation among the Australian tribes. A large number were encamped close to the station where I resided, and I remember the intense alarm it created—different spokesmen gesticulated and speechified far into the night; but as the comet still

remained, and all their endeavours to explain the unusual appearance were fruitless, they broke up their camp in the middle of the night—the only time I ever remember its being done—and crossed the river, where they remained huddled up together until morning. Their opinion was that the comet had been caused and sent by the Ovens blacks to do them some direful harm. They left the station, and did not return until the comet disappeared."

A comet again showed itself on the 21st December, 1844, about ten degrees above the south-west horizon. Its tail was ten or twelve degrees in length, and it was shooting upwards, and inclining towards the ecliptic. It remained visible for an hour; and though smaller was much more magnificent in appearance than the comet of the year before. The next night it was not visible by reason of a hazy atmosphere; but on the third night it showed itself more clearly about nine o'clock—apparently moving towards the zenith in a north-easterly direction.

Eclipses.

An eclipse of the sun was visible in Melbourne, at 7.40 a.m., 30th October, 1845. The luminary was obscured by a thick mist, and the unfavourable state of the weather threatened to deprive expectant viewers of the sight altogether. About the time of the greatest phase, the sun burst forth occasionally, and then might be seen presenting the singular appearance of about a fourth of his disc being cut away. Shortly before the termination, some fourteen minutes before ten, the clouds rolled off and allowed a fine view of the glorious orb, gradually recovering its full proportions.

On the 15th April, 1847, there was an eclipse of the sun at 4 p.m. The disc was partly obscured, and the obscuration increased until 4.30. p.m. when a third was under cover, and by 5 p.m. the half was hidden from view, so continuing until sunset. The greatest curiosity was manifested, and nearly all the townspeople turned into the streets operating with bits of smoked glass, and trying hard to obtain good "lunars" of the novel sight.

A total eclipse of the sun took place on the 18th August, 1849, which was partially visible in Melbourne, and appeared to excite uncommon interest. It is thus described:—"When first observable, about half-past three o'clock p.m., the moon appeared slowly making its way over the south-west limb of the sun, and the shadow gradually increased until about half-past four, when the centres of both luminaries seemed to lie in the same horizontal line, at which time about one-third of the solar horizontal diameter appeared wanting, and the luminary looked as of a crescent form, the cusps being perpendicular to the horizon and pointing due south. Shortly after this an immense dense mass of *cumulus* cloud rose from the horizon to that part of the heavens where the sun was, and completely hid him from view, nor did he again show till the morning of the 20th."

A partial eclipse of the moon appeared on the morning of the 3rd September, 1849. The first contact with the dark shadow took place at thirty-one degrees from the northernmost point of the moon's limb towards the east, and the last contact was at sixty-four degrees from the aforesaid point towards the west. When the phenomenon commenced, the entrance of the limb into the penumbra was preceded by a gradually increasing dimness, as if entering the margin of a light cloud, and during the whole time the eclipse remained, this dimness was continued along the margin of the penumbra, which extended a considerable way over the moon's centre.

An annular eclipse of the sun, visible at Melbourne, occurred on Saturday, the 1st February, 1851.

Atmospherical Observations

Were held of small account, and the thermometer and barometer were but little known in the olden times, possibly because the primitive colonists were too much engrossed in settling down in the wilderness, or that such air-gauging appliances were scarce and little consonant with the public taste. The first records of any climatic testing to be found is in the diary of the Rev. Robert Knopwood, the Chaplain to the Collins Convict Expedition, during its sojourn at Sorrento, in 1803-4. From entries therein, the 25th October is noted as a day exceedingly uncomfortable. At 12 the thermometer stood at 92; at 6.30 p.m. it was exceedingly cold, and it is remarked, "the sudden change from heat to cold is very great here, much more than in England." On the 31st, at 6 p.m., there was heavy rain; and at 8 much

lightning. At 10, "a very dreadful tempest, and lightning very severe." The rain continued over the following day (1st November) with a heavy thunderstorm. The thermometer was 93 at 12 o'clock, and down to 50 in the eve. December 21st, at 2 p.m., thermometer in shade 96, and 118 in the sun by the side of a marquee. 27th at 10 a.m. it was 96 in the shade. On Christmas Day thermometer 82 in the shade, and on the 29th it was 63 at 3 p.m. The New Year was very changeable, and in January there were all sorts of weather. On 14th January in the afternoon the thermometer was 92 at 4 o'clock, and 76 at 6.30 o'clock, whilst the next day the rain, thunder and lightning were something terrific. The following extra shows that the 18th of January, 1804, was quite a grilling day in the settlement :—

"Wednesday, 18th.—A.M.—The day very fine. At 11 o'clock the thermometer stood at 82. At 1 p.m., thermometer, 92 in the shade, 110 in the sun. At 1 p.m. the military assembled on the parade in their new clothes and fired three excellent volleys. At 3.45 p.m. a hut belonging to Lieutenant Johnson's, of the Royal Marines, took fire and burned down, with another of Lieutenant Lord's, and very near setting the marquee on fire. Observation of the thermometer taken by Mr. Harris in his marquee :—7 a.m., shade 68; 12 noon, shade 92, sun 117; 1.30 p.m., shade 97; 2 p.m. sun 127 2.15 p.m., shade 101, sun 130; 2.30 p.m., shade 102, sun 132; 3 p.m., shade 102, sun 120; 10 p.m., shade 83. This has been by far the hottest day since we came to the camp."

The convict colony passed away, and the skies might smile or frown unwatched, and the sun sulk or burn as it liked for more than thirty years; but that the thermometer was set experimentalizing soon after the permanent White occupation of 1835-6 is conclusively established by the following quotation from Fawkner's MSS. newspaper, the *Melbourne Advertiser* of 15th January, 1838.

"Meteorological.—Sunday, 14th January, at a quarter before 1 o'clock p.m., the thermometer in the shade stood at 102; at 1 p.m., fell to 78. Barometer at 8 a.m., was 29.89; at 1 p.m., 29.58; and at 8 p.m., 29.42. About midnight it came on to blow a violent northerly gale, which continued until 8 a.m."

These are the first journalistic readings of the kind extant, and they disclose the fact that in the management of his little "Foolscap Experiment," whatever other shortcomings were apparent, there can be no doubt that "Johnny" Fawkner, its redoubtable editor, had his "weather"-eye open.

In 1839, Mr. James Smith, one of the primitive inhabitants, supplied the *Port Phillip Gazette* with what were technically termed "Meteorological Tables," but they were little more than a crudely cooked re-hash from the English almanacs, with scarcely any attempt at localization. The same journal issued a sheet almanac for the year, which was simply a bare calendar of the months, week and days, padded with a few items of general information useful for the time.

In 1840 there was attached to the department of the Harbour Master an officer grandiloquently designated a "Meteorologist;" but his scientific services were not of much value, if assessed in proportion to the scale of his emolument—namely, eighteenpence per day! He was a Mr. Phillip Hervey, an obliging, gentlemanly, bustling sort of old fellow, domiciled in a small wooden tower on the Flagstaff Hill. Whatever spare hours he had were devoted to the compilation of brief calendar notices for the newspapers, and keeping his "sick-books" for Dr. Greeves, by which means he eked out a trifling addition to his one-and-sixpenny wage. As for anything like systematic meteorological records, they were never kept in those days, and the rainfall was only casually noticed by the general wetness of a winter, or a rough guess as to the number of feet the Yarra rose in floodtime at the Melbourne Wharf or the Studley Park Falls, where trees were notched at the various high water marks.

From an old journal of Hervey's, and other sources, supplementing it after his death, I have been enabled to ascertain the rainfall at Melbourne for the eleven years specified as under :—1840, 22.58 inches; 1841, 30.16 inches; 1842, 31.17 inches; 1843, 21.54 inches; 1844, 28.26 inches; 1845, 23.92 inches; 1846, 30.54 inches; 1847, 30.18 inches; 1848, 33.15 inches; 1849, 44.23 inches; 1850, 26.99 inches.

The first published Meteorological Summary appears in Kerr's Melbourne Almanac for 1842, from which it seems that in 1841 the barometer mean of the year was 29.885, the thermometer 57.74, number of days with rain 98, and depth of rain 30.16.

In the course of my researches I have also picked up a few instances of the exceptional action of both thermometer and barometer, and I append them, *pro tanto*, in the promiscuous condition in which I found them.

1845, 14th January: The thermometer was 122 degrees in the sun.

1845, 25th March: On the Racecourse the thermometer was 135 degrees in the sun.

1846, 6th June, at 7 a.m.: The thermometer was at 28 degrees, or 4 degrees below freezing point. In recording this fact the *Herald* of the 9th declares "that the lowest temperature of the thermometer on record in Port Phillip was at sunrise on the 23rd December, 1836—20 degrees." This is almost incredible.

1846, 11th August, at night: Thermometer 23 degrees; and at sunrise of the 12th, 25 degrees at the Merri Creek.

1847: On the night of the 19th June the barometer was at 28 degrees 90 minutes, a degree of depression never noted before in the Province. It was attended by few remarkable atmospherical disturbances, but there was slight rain in Melbourne. The country round Seymour had been drenched with heavy rain for several days previous, and during the night was swept by a violent gale of wind, almost a hurricane, which uprooted several trees and inflicted considerable damage upon the settlers located about that quarter.

1851, 6th February (Black Thursday): The thermometer of Fahrenheit was 110 degrees in the shade and 129 degrees in the sun at the shop of Brentani, a jeweller in Collins Street. In another place at 11 a.m. it was 117 degrees in the shade, at 1 p.m. fell to 109 degrees, and at 4 was up to 113.

It is the opinion of old colonists that during the first fifteen years of the White settlement (1835-50) the winters were wetter and colder, and the summers warmer and more hot-windy than subsequently. During the first week of May in 1843 and 1847 hot winds in a very modified degree actually visited Melbourne and its neighbourhood.

Snow was known to have fallen only three times in or near Melbourne—viz., 14th July, 1840, and 31st August, 1849, in the town, and 27th June, 1845, at Heidelberg. There has only been one occasion when the snow came down in considerable quantity—*i.e.*, 1849—an account of which is given in a previous chapter.

EARTHQUAKES.

The first subterranean convulsion noticed by European residents in Port Phillip has given rise to some discussion as to its date, and more than one writer has affirmed that it occurred during Sir Richard Bourke's visit to Melbourne, in March, 1837, when it so alarmed his Excellency as to cause him to hesitate about proclaiming a township on the site of Melbourne. Sir Richard's decision as to the town was formed on the 4th March, for on that day he rode over the place, and determined upon having a township established there. Captain King was with him, but in his diary of his trip from Sydney is silent on the subject; and, singular to write, Mr. Robert Hoddle, the then Principal Officer of Survey, before his death in 1881, sent me a verbal answer to a written query, that he recollected nothing whatever about an earthquake at the time. Mr. Hoddle also kept a precise journal of the events of the period, and in the portions for March, 1837, with a perusal of which I was favoured, I found not a word referring to so important an event. Nevertheless, there was an earthquake, and in March, too, but towards the close of the month. Mr. Thomas Halfpenny was then a publican in a wee wattle-and-daub bunk of a tavern, perched on the ground now occupied by the Theatre Royal, in Bourke Street, and one sultry night towards the end of March, sleepless from the heat, he suddenly felt a movement as if some supernatural visitant had gently given him a lift. He kept wondering until morning as to the cause of the commotion, for, though he lived by the dispersion of *spirituous* influences, he had no belief in *spiritual* agencies. On opening his bar to serve some early birds with a morning dram, to his astonishment he learned that a shock of earthquake had been felt by several of the inhabitants during the night.

On referring to Mr. Robert Russell, a sort of living oracle in an age apparently so remote, he assured me that there was an earthquake, and that he believed it occurred on the 25th March; but he promised to hunt it up from a cairn of old memoranda, which he religiously preserves as a memento of "Auld Lang Syne." He writes:—"You asked me to state what I remember of the earthquake. Simply this: That D'Arcy and I were sleeping on the same stretcher, and that I got up to look under it, feeling as though some large animal had crept under and was lifting me up—bodily."

The D'Arcy referred to is the gentleman mentioned in another chapter as a member of the Survey Staff sent from Sydney in charge of Mr. Russell. Two or three days after, Mr. Russell supplied further particulars, including an extract from the oldest diary in the colony, except Batman's, which I give as a species of literary fossil, not often to be met with now-a-days:—"I find I was quite right in my surmises as to the precise date of the earthquake. It took place on the night of the 25th March, 1837. I transcribe a bit of my own journal. '24th March, 1837: Fine day in the morning—cleared up, but windy—slept at Cowie's—dreadful night of wind. 25th: Slept at D'Arcy's tent on Barwon—bitten on the ankle yesterday by centipede; very sore and bad. 26th, Sunday: Rode with D'Arcy towards settlement—slept at Simpson and Wedge's.'

"Now, I saw to-day a lady of my acquaintance who remembers as a child D'Arcy's tent at the Barwon, opposite where she lived, and the talk of our being disturbed by the earthquake at the time, and I remember on that single occasion, that being absent from my own tent, D'Arcy and I had to share the same stretcher, which circumstance is connected in my mind with the earthquake, and of being startled therewith. D'Arcy and I were frequent visitors at the house. So much for the earthquake."

Mr. Russell also kindly undertook to communicate with Mr. E. T. Newton, an old friend of his in the country, who was Batman's business man at the time, and he has supplied me with the following extract from the reply of his correspondent:—

"I cannot fix the date of the first earthquake, although I felt it distinctly. It was as near midnight as possible. I was with a friend encamped on rising or rather high ground, near a creek known then as the Deep Creek, about fifteen or twenty miles from Maribyrnong, on the Saltwater River. We had sheep there, and the men had been constructing brush yards, and had gone to bed in their tents tired, and with such an over-supply of strong rum, that they would not believe my report of the earthquake when they had come to their right senses in the morning. The oscillations of the earth, though not violent, were too palpable to be mistaken by anyone; and I had never felt anything like it before, nor have I since that date."

I think I have now fairly established the existence and period of Earthquake No. 1.

In 1841, Collingwood, then known as Newtown, was the *refugium peccatorum* of most of the rascaldom of the period. It was one of the queerest collections of back-slums imaginable, and how the rogues and vagabonds could content themselves with the hovel accommodation afforded by the place is difficult to be understood. Early on the morning of the 21st April, the "black sheep" were rudely disturbed in their slumberings by the shock of an earthquake which shook them all in their lairs. They thought the end of the world was at hand, and all Newtown, good and bad, turned out in trepidation, many of them half dressed, and flew in fear and trembling into Melbourne, where to their intense joy they learned there had been no premonitory warning of "the crack of doom," so they returned, to find Newtown still in the land of the living, and were, no doubt, thankful for the long day vouchsafed to them.

But the most alarming shock of earthquake ever experienced in the colony happened in Melbourne at half-past four p.m. of the 28th April, 1847. It was sharply felt throughout the town, though almost instantaneous in its duration. A few houses in some of the streets were slightly shaken, and people rushed about in a state of considerable terror. In one or two of the churches and larger buildings there were appearances of a strain, and certain slight settlements in the foundations were noticed. The Flagstaff Hill showed some effects of the subterranean *émeute*, inasmuch as the staff employed in vessel-signalling was shattered in more than one place. I happened to be in the Supreme Court at the time, where the shock frightened everyone. A smothered rumbling, as if the passage of heavy carriages in the earth, was heard, and the interior of the building seemed to rock. The persons in attendance were almost literally thunderstruck, and most of them rushed frightened into the open air. There was a special jury case on at the time, and Judge A'Beckett, unceremoniously adjourning the Court, hobbled with all his might off the Bench, for he was mostly in a state of gout or rheumatism, and had not the free use of his limbs. No material damage was caused.

At a quarter to twelve a.m. on the 12th October, 1848, another shock of earthquake was felt in Melbourne, but it was the slightest of any that had up to that time occurred.

CHAPTER XXXI.

OUR TWO OLDEST INSTITUTIONS.

SYNOPSIS:—The Melbourne Club: Its Creation, Rise, and Progress.—The Mechanics' Institute: Its Inception and Progress.—First Lectures Delivered in Melbourne.—Sir George Gipps Refuses a Grant of Land.—Early Financial Troubles.—Purchase of Land in Collins Street.—Election of Officers and Board of Management.—Government Grant Sanctioned.—Financial and Numerical Progress.—More Lectures.—£500 Voted by Government for a "Theatre."—Statistics of the Institution, 1852, 1881, and 1887.

NOT the least singular fact to be recorded in the history of Early Melbourne is that of the flourishing existence of two Sodalities, originating in what must be regarded (measuring the age of the colony by its unrivalled progress) as a very remote era, one of them about a year the other's senior, each in its way initiated for a purpose praiseworthy in itself, yet both differing as day and night in the ends to be attained, and the means to be employed for such attainment. Rocked in their cradles at a time of which nothing can be now discerned but a few puffs of mist—which are yearly growing thinner, and will soon be completely dissipated—their infancy was perilous, and their nonage beset by difficulties and perils of no ordinary character. Through the sea of financial embarrassment by which Port Phillip was flooded, and almost overwhelmed, in 1842-43, a risky course was steered. Breakers ahead, "poopers" astern, quicksands on each side, and often obliged by necessity to hug a lee shore, the storm was "weathered," the breakers cleared, and with favouring gales a haven of prosperity was reached. With these few preparatory remarks I proceed to briefly sketch the Institutions indicated.

The Melbourne Club

Was first mooted in that eventful month of November, 1838, when the first cricket match was played in the colony, at the foot of Batman's Hill. This happened on the 12th, when the necessity for organizing a club was first formally talked over. There was a fair muster of the Melbourne "respectabilities" of the time, and in the course of some casual conversation the Club question cropped up. Of all the gay young fellows sunning themselves on the green grass that day, there are only two of them, Messrs. Benjamin Baxter and Robert Russell, now (1888) alive in Melbourne. Before the next evening a Prospectus was prepared by Mr. Baxter, who succeeded in obtaining several eligible signatures in approval of the project. On the 17th November, 1838, a meeting of all taking an interest in the then hazardous venture was held at the quarters of the military officers at the south side of West Bourke Street, when the formation of a Club was ratified, and the following names were announced as the original members:—Captain Lonsdale, P.M., Dr. Cussen (Colonial Surgeon), Colonel White, Captain Bacchus, Lieutenant Smyth, Messrs. Munday, Powlett, Yaldwyn, Murdoch, Meek, McFarlane, Darke, Bacchus, Jun., White, Arden, Baxter, Russell, Scott, Hamilton, Smythe, and the Ryries (three).

The new-born Club went on slowly but surely, and ere the first week of 1839 passed over, the *Port Phillip Gazette*, 5th January, thus reports progress:—"On the first day of the year a general meeting of the members of the Melbourne Club was held for the purpose of appointing a committee, and to take into consideration the building of a house suited to the convenience of the service it is intended to be applied to. The list showed nearly fifty names, amongst whom we may mention Mr. Hawdon, to whose enterprise the district is indebted for having opened a communication by land to South Australia. About twenty of the members subsequently sat down to a dinner at the *Lamb Inn*, laid out on a most splendid scale, comprising all the varieties this infant settlement could afford."

Mr. William Meek (Melbourne's first Solicitor) was appointed Honorary Secretary, and the next meeting was held at the residence of Dr. Barry Cotter (Melbourne's first practising physician), north-east corner of Queen and Collins Streets. This was on the 21st February, when the first ballot came off, and Messrs. Arthur Hogue, J. Browne, H. N. Carrington, and Peter Snodgrass were enrolled. The Club had been three months in existence; the members were increasing; a committee was appointed, and premises were being looked up to do duty until such time as funds would be available sufficient for the erection of a permanent Club-house. But many years were to roll by ere this could come to pass.

In June the Club had a house rented, viz., a rough, rakish-looking building at the corner of Collins and Market Streets, where now this old friend, with a very new face, and so much improved internally and externally as to be unrecognizable, appears before the public as the *Union Club Hotel.* In its original condition it was erected by Mr. J. P. Fawkner, as a third and revised edition of *Fawkner's Hotel;* but "Johnny" had grown tired of dram-selling, and retired to rusticate and grow grapes at Pascoe Vale, some eight miles from town, on the Moonee Ponds Road, where he had purchased a section of country land. A Club steward was next retained, and two advertisements appeared in the papers, viz., (1) Inviting tenders for Club supplies; and (2) Wanted a laundress, properly recommended. And so the Melbourne Club was now fairly started, and its beginning was quiet enough until September, when a row occurred, for the *Port Phillip Gazette*, of the 21st, announces that two gentlemen staying there (Messrs. Thomas and Cobb) "had fought with their fists over a card-table."

In Kerr's Port Phillip Directory, 1841, amongst the local Institutions appears this announcement:—"Melbourne Club, established 1839. President, James Simpson, Esq.; Secretary, Redmond Barry, Esq.; Club House, Collins Street."

The Club remained at Fawkner's corner for some years, and throughout all its eventful career it never went out of Collins Street from those days to this. Where the Bank of Victoria is now built, Mr. Michael Carr, one of Melbourne's earliest publicans, purchased a half-acre allotment for £40; but it and its buyer soon obtained a divorce, the freehold passed into other hands, and a large brick house had been erected on the Collins Street frontage. This was occupied by the Port Phillip Bank during its short and troubled life, and when the Bank shut up shop there the Club moved down from the western hill to the flat—then a swampy, uncomfortable place. But the house was more commodious than the one vacated, and it was soon turned into comfortable quarters. Hence again, after a sojourn for years, the Club migrated away far over the crown of the Eastern Hill, at a time when the place was no longer in the bush, but becoming one of the most flourishing and fashionable centres in the city. How it has fared since, how fat it has grown, and how respectable it has become, it is not for me to chronicle, for I have nothing to do with those modern developments which have been accomplished by the great changes wrought during the last thirty years, beyond stating that in 1882 there were 465 members on the books, and the premises are now the property of the fraternity, the capital value of the land and buildings being about £50,000. The Melbourne Club of 1882 is as the staid, comfortable, middle-aged, padded gentleman when contrasted with its boyhood of '42, when it was the rendezvous of the young rakes in town and the harum-scarum, full-blooded, full-pocketed, light-headed scamps from the bush, whose frolics kept it, if not in hot water, in a state of almost continuous effervescence both day and night. If the biography of the old, or rather the young Club could be written, it would unfold a "strange eventful history"—the duels initiated, the practical jokes perpetrated, the nocturnal "wild oats" scattered about the town, in which no mad freak seemed impossible, from the mobbing of a parson to pummelling a policeman, besieging a theatre or unbelling a church, demolishing a corporation bridge, or a wholesale abduction of signboards. Of such eccentricities a more detailed account will be given in another chapter. The Old Melbourne Club had many a hard struggle for existence; it had more than once run to the very end of its tether, yet it was always able to pull up just in time to avoid a smash. It seemed to have a charmed life, and so it lived, and struggled, and is now doing well and prospering.*

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* Particulars of the present state of the Melbourne Club (1888) are not obtainable.

The Mechanics' Institute.

If there be any public Institute in Melbourne which should have respected the claims of its origin before changing its name, it is the Literary and Scientific Association now known under the pretentious designation of the Athenæum; for it had primarily and essentially a mechanical beginning. It was started by mechanics, called a Mechanics' Institution, and, no matter how the *personnel* of its management might have changed in after years, the name should have remained unchanged and unchangeable On the 14th February, 1839, a Union Benefit Society was established in Melbourne, and from this humble source sprang the Mechanics' Institution. In the course of the year the necessity for some such organization became apparent, and on the 4th October the few master-builders in town, who were also connected with the Union, assembled, and, with a Mr. A. Sim as their Chairman, passed the following resolution:—"That a Mechanics' Institution be formed in Melbourne for the promotion of Science in this rising colony, particularly amongst the young, as well as the operative classes, and that a public meeting for the formation of such an Institution will be held in the New Scots' Schoolroom on the first Tuesday evening in November at 7 o'clock, when all persons friendly to such an object are respectfully invited to attend." The meeting was held, and the result was the issue of this announcement:—

At an Adjourned Meeting held in the Presbyterian School House on the evening of 12th November, 1839 (Captain Lonsdale in the Chair) the following resolutions were adopted:—

Moved by Mr. J. J. Peers, seconded by Mr. John Sutherland—"That the following gentlemen be requested to act as Officers for the Melbourne Mechanics' Institution, being *ex-officio* members of the Committee:—President, Captain Lonsdale; Vice-Presidents, H. F. Gisborne, Esq., J.P., F. M'Crae, Esq., M.D., H. Yaldwyn, Esq., J.P., T. Wills, Esq., J.P., Captain Smyth, J.P., George Porter, Esq., A. Thomson, Esq., Rev. J. Clow; Treasurer, J. Gardiner, Esq.; Auditors, W. Highett, Esq., D. C. McArthur, Esq.; Secretary, Rev. James Forbes, M.A.; Assistant Secretary, Mr. W. Morrison; Curators of a Museum, Drs. Holland and Wilkie; Librarian, Mr. Thomas Burns."

Moved by Mr. George Coulstock, seconded by Mr. George Say—"That the following gentlemen form the Commitee for the ensuing year:—Messrs. Anderson, Beaver, Best, Bodecin, Brown, Burns, Caulfield, Dinwoodie, Graham, Kibble, Mayne, Murphy, McArthur, Hurlstone, Peers, Rankin, Rattenbury, Rushton, Russell, Sim, Stevenson, Strode, Sutherland, Wintle, Brewster, Craig, Reeves, Rucker, Welsh, and Williams."

Moved by Mr. John Sutherland, seconded by Mr. P. Bodecin—"That the payment of an annual subscription of £1, with an entrance fee of £1, shall constitute membership, and shall confer all the privileges of membership; and that a donation of £25 shall constitute membership for life, without annual subscription."

Moved by Mr. Rushton, seconded by Mr. Anderson—"That the Committee shall exclude all such works from the library as contain polemical, divinity, or other matter which the Committee may deem objectionable."

Moved by Mr. Bodecin, seconded by Mr. Peers—"That the Committee be appointed to draw up a code of laws for the government of the Institution, subject to the approbation of a general meeting of members on an early day; and that ten form a quorum."

An amendment "That five form a quorum" was carried.

The First Lectures in Melbourne.

The Committee set to its work zealously, and prepared an elaborate code of rules in which the object of the Institution was defined to be the "diffusion of scientific and other useful knowledge among its members and the community generally." After considerable difficulties, an Inauguration Lecture was delivered on the 16th April, 1840, at the Scots' School, Collins Street East, by Mr. J. H. Osborne, a retired Presbyterian Minister, attached to the Synod of Ulster. The admittance was free, and the subject

selected was "The Advantages of such Institutions." Mr. Osborne was appointed joint Secretary with Mr. Morrison, who some time after retired. The second lecture was delivered on the 1st May, by Mr. Redmond Barry, who produced a very learned and ornate discourse upon "Agriculture," its only fault being that the theme was not sufficiently popularized, for it was, in fact, an accomplished, scholarly, and recondite essay. The Rev. James Forbes, Presbyterian Minister, followed on the 15th May to a crowded audience and in the presence of Superintendent Latrobe. He spoke on "Colonization," and his address was a deliverance of remarkable interest, and eloquence. On the 29th, Mr. George Arden, the Editor of the *Gazette*, gave an exposition of "The Mechanical Agency of the Press in the Dissemination of General Knowledge." Dr. Greeves lectured on "Geology," 12th June, and was succeeded on the 26th by Mr. Edward Sewell, a Solicitor, who discoursed very interestingly on "Heat." The Rev. P. B. Geoghegan, Roman Catholic Pastor, appeared 10th July as the expounder of "The Existence of a Deity, judging from Reason and Nature alone." As a speaker of rare gifts, he was at home alike in the pulpit and on the platform. On the 7th August, Dr. Wilmot, the Coroner, lectured on "The Science of the Present Day." Mr. Osborne followed (4th September), on "Phrenology," and Mr. Barry wound up the session on the 2nd October by a second essay on "Agriculture."

An application to the Government for a grant of land on which to erect a suitable building, and for pecuniary aid towards it, was refused by Sir George Gipps, considering the infancy of the movement, but if a building were commenced, and likely to be well supported, a contribution of £300 would be forthcoming. This qualified promise was not acceptable, and the promoters decided for the present to trust to self-reliance and public confidence to speed them onward. In neither of these allies were they disappointed, for at the close of the year they had 241 members on the books, and under one of their rules they were empowered to confer "honorary membership on persons in any part of the world, who have distinguished themselves by their researches or attainments in Science, Literature, and the Arts, or who might in any way have conferred signal benefit on the Institution." To secure a sufficiently central site for a building, and make a little money by the bargain, the Committee determined to purchase two allotments at a Government land sale, one whereon to erect the Institute, and the other to be re-sold at a favourable opportunity. This was done on the 13th August, 1840, and an old map of Melbourne shows the name of J. H. Osborne as buyer of lots two and three, of block eleven, extending from Collins to Little Collins Street, for £142 10s. each. This space adjoined eastward the reserve afterwards given to the Corporation for a Town Hall, and a portion—66 feet frontage by a depth of 155 feet was at once marked off for the Mechanics' Institution, and the remainder afterwards sold at a large profit. The Scots' School was used as a place of meeting until December, when a small brick house was rented in Bourke Street, where a library was commenced, which at first consisted mainly of free gifts of books. Tenders were called for the erection of a building not to exceed £2000, but no available offer followed.

In the course of 1840 the honoiary sinecure of Patron was created, the eight V.P.'s were compressed into two, and the Committee reduced by 50 per cent, *i.e.*, from 30 to 15. One Treasurer was considered a sufficient guardianship for the funds, and as the Museum was yet a myth, with *nil* to take care of, it was evidently useless to have one Curator helping another to do nothing, and one of those ornamental appendages was knocked off. At the commencement of 1841, the Board of Management, the first virtually of its kind, was thus constituted:—PATRON—His Honor C. J. Latrobe. PRESIDENT—William Lonsdale, Esq. VICE-PRESIDENTS—The Rev. James Clow, and Farquhar M'Crae, Esq., M.D.—TREASURER—William Highett, Esq. SECRETARY—The Rev. J. H. Osborne. CURATOR OF MUSEUM—David E. Wilkie, Esq., M.D. COMMITTEE OF MANAGEMENT.—Messrs. Joseph Anderson,* Redmond Barry, John Caulfield,* George Beaver,* J. M. Chisholm, Patrick Mayne,* J. R. Murphy, D. C. M'Arthur, A. M. M'Crae, Alexander M'Killop, J. J. Peers,* Robert Reeves, Thomas Strode,* John Sutherland, and P. W. Welsh. AUDITORS—Messrs. John Carey, and D. C. McArthur. There was also a Librarian, Mr. Thomas Burns. and a Collector (of cash, not specimens, it is to be presumed), Mr. F. Hitchins.

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* The "Trades" element was rather considerably eliminated from this Committee, for only the names asterisked could be in any sense put down as representative of the mechanic or artisan stratum of the community. The Committee, however, included much of the spirit of the day, and the influence and social position of the majority of its members helped on an undertaking of no ordinary difficulty, and which would in other hands have gone down in the surf of financial troubles which soon after burst upon the Province and kept it in tribulation for some years.

In 1841, Mr. Osborne was obliged by the pressure of private business to withdraw from the Secretaryship, in which he was succeeded by Mr. J. Stephen, the reverse of an improvement. Great exertions were made to push on with the contemplated building, and tenders were at length accepted, in February, 1842, for its erection for £1920, the contractors—Messrs. Donovan and Crosbie. It was a hazardous venture, but the available funds were £1472. On the 6th June, 1842, an important meeting was held at the *Royal Hotel*, Collins Street, presided over by Mr. James Simpson. A liability of £1921 had been incurred for the building, and the assets from all sources were estimated to yield £1569 3s. 3d. This included about £600 unpaid donations and subscriptions. Loans had been offered by the Freemasons and the Melbourne Debating Society, and it was the Committee's opinion that it would be more advisable to borrow £1250 on mortgage in the ordinary way of business. The building was mortgaged for the sum required at 12½ per cent interest, and pecuniary obligations were incurred which it was afterwards at times difficult to provide for. The edifice, early in 1843, was occupied by the members. It was a substantial two-story brick building, some feet from and above the street level. It was reached by several steps, and during the winter season the footway and street approaches were in a terrible state of mud and puddle. Yet in those primitive times the progress of the erection was regarded with much interest, and not only the people, but the newspapers, actually felt a pride in it as one of the coming constructive wonders of the Antipodes. One of the latter thus gushingly referred to it:—"The Hall of Arts is nearly complete, and will be ready for occupation in the course of a few days; the size, arrangements, and architectural proportions of the building will make it, when finished, the noblest edifice in the Province." On the ground-floor were the Library and Reading-room, and for years the Town Clerk had his official quarters in another portion of the building. The meeting place for the Town Council was upstairs in the large room. This larger apartment or "hall," as it used to be grandiloquently styled, was one of the most historic places in Early Melbourne, for here were held some of the most important gatherings in Port Phillip—social, charitable, and political.

A small grant was ultimately obtained from the Government, and Mr. George A. Gilbert was, in June, 1844, appointed Hon. Secretary, *vice* Stephen, who was never suited by industry or habits for the post. Mr. Gilbert was professionally a drawing-master, possessed considerable talent of a general kind, was fluent of tongue and facile of pen, with a plausible, gentlemanly manner, which made him a favourite. In the middle of this year the Library contained 600 volumes, and the Museum began to exhibit faint signs of life. The lectures were renewed with much vigour, and in October a welcome present was received in the form of a twenty-guinea cheque from Mr. Benjamin Boyd, a Sydney merchant, who made a political swoop upon the district, and picked up one of the locally little valued prizes--a seat in the Legislative Council of New South Wales. In November intimation was received that the Governor would sanction a grant of £150 a year towards the undertaking, and in March, 1845, the Management got the first taste of the so-much-wished-for, but long-forbidden State-aid. Mr. William Roycroft was appointed Assistant Secretary at a remuneration of £50 per annum and quarters. In the report submitted to the annual meeting in January, 1846, the total debt due on the building was £1400, the income for 1845 slightly exceeded £500, and the number of members 129. A great effort was made "to raise the wind," and in a few months £416 accrued from donations and subscriptions. In 1846 the Members' Roll went up to 204, and in June, 1847, to 220.

In September, 1847, Mr. Redmond Barry again appeared at the lecturer's desk, and read a masterly paper on "Sculpture, Painting, and Architecture." Mr. Barry delivered another lecture (24th October) on "Music and Poetry." The subject was handled in an eloquent and artistically able style, was deemed a masterpiece, and had a good circulation as a pamphlet, in which form it was (as well as in some of the newspapers) published. At the annual meeting in February, 1850, the receipts for the past year were £586 17s. 4d., and the expenditure £494 10s. 2d., whilst the income of the current year was estimated at £766 17s. 2d. This year was distinguished by the appearance of some new faces as lecturers, the first being the Rev. W. Trollope, M.A., an Episcopalian Minister of high Academic attainments, and a writer of much power, but with too great a tendency to personal and sectarian acrimony. He delivered a course of lectures on "Mechanics," and though marked by much ability, his audiences were more select than numerous. On the 27th February Mr. David Blair, so well and deservedly known in after years as a public speaker and writer, made his *début* before a Melbourne public, with a lecture on "Poetry and its Influences." He was

announced in the newspapers as a *protégé* of the Rev. Dr. Lang, and had only lately arrived from England in the ship "Clifton." Mr. Blair, then a young man, displayed great ability and research in handling a subject which he seemed to have, not at his fingers' but at his tongue's end, and most unmistakably evidenced the possession of those powers with which Victorians have since been well familiarized.

At this time, the first Melbourne Gas Company was in embryo, and its projectors were making great efforts to bring it favourably before the public, to help which some interesting lectures were delivered, one by the Rev. John Allen, on the 5th July, "On the Manufacture and Employment of Gas, to be considered more especially with reference to its introduction in Melbourne." The Rev. A. Morrison followed with a brilliant dissertation on "Astronomy;" Mr. C. A. Gilbert on "Mesmerism;" and Mr. W. S. Gibbon on "Physiology and the Circulation of the Blood."

On the 29th January, 1851, the annual meeting was held under the Presidency of Mr. D. C. McArthur. The number of members was 451. The receipts showed £721 16s., which included £51 17s. 2d. from previous year (1849). The expenditure (including £200 paid off the mortgage) was £715 11s. 4d., leaving a balance in hand of £6 4s. 8d. The revenue of 1850 had exceeded the estimate by £66 2s. 6d., and the mortgage debt was reduced to £600. During 1850, the Library had received an accession of 348 volumes by purchase, and 33 by donation, and now consisted of 4055 volumes. The Reading-room was well supplied with periodicals and newspapers, but the Museum was rather stationary.

In 1851, the Rev. W. Trollope, Mr. T. T. A'Beckett, and others lectured at intervals. In the first Session of the First Legislature of Victoria, a vote of £500 was passed in aid of the erection of a "Theatre" wherein lectures might be delivered, in addition to £150 for maintenance for 1852.

The probable incomings for 1852 were put down at £720, but the working expenses would be increased in consequence of the gold discoveries. During the year 381 standard and scientific works had been added to the Library, *i.e.*, eleven by gift and the rest by purchase. There were now 4436 books in the Library, and the Reading-room was well supplied with Home and Colonial magazine and newspaper literature. The contemplated Theatre or Lecture-hall could not be put up for less than £1000, and to claim the Government moiety another £500 who have to be raised by private contribution. Already £300 of this had been subscribed. The Museum remained in a state of coma in consequence, as was alleged, of want of room. A Music Class had been formed, for which all the available talent in Melbourne had been obtained. Weekly concerts were held with success, and the funds of the Institution had been thereby increased.

Of what the future effected for the Institution, some notion may be obtained by a perusal of a few of the facts disclosed by the Report of the Committee of Management for 1881:—(1.) "The total revenue amounts to £2643 15s. 9d. The expenditure for ordinary purposes of the Institution is £2220 0s. 4d. (2.) The payment on account of the mortgage has reduced the original debt of £7000 to £5500, and this reduction has been made within the last three years. The mortgagee, Mr. T. B. Payne, has agreed to reduce the rate of interest on the unpaid balance to 5 per cent. per annum from 8th June, 1882. (3.) The number of members is about the same as last year (1400), for although since the date of the last Report 326 new members joined, almost as many ceased membership. (4.) The number of books added to the Library during the year is 552. About £350 has been spent for books and magazines, £213 for newspapers, and £82 for binding. (5.) The Reading-room and the News room have been well attended. The number of issues of works from the Library exceeds 34,000. The total number of visits to the Institution may be roughly estimated at 165,000, exclusive of those to the halls and class-rooms."

The Report of the Committee for the year 1887 contains the following:—"In presenting their Report for the past year, the Committee have great pleasure in congratulating the Members on the continued progress of the Institution.

"The gross Receipts for the year amount to £4134 8s., and the Expenditure to £3333 14s. 3d. The following are the details of the Receipts:—Subscriptions, £1561 1s. 6d.; Front Shops, £1080 10s. 9d.; Large Hall, £882 19s.; Small Hall, £383 2s.; Rooms, £198 12s. 10d.; Sales, £28 1s. 11d.

"Among the items of expenditure there is the large amount of £990 for interest on the loan of £18,000. This item will be considerably lessened when the term of the present mortgage expires, as your Committee have commenced the formation of a sinking fund for that purpose, which already amounts to £1250, and is bearing interest almost equal to that paid on the mortgage.

"After deducting from the gross Expenditure the sum of £990 for interest on mortgage, and £78 6s. 6d. for new catalogue, we have £2265 7s. 9d. left for ordinary expenditure. The principal items in this are :—Salaries and Wages, £939 15s. ; Books, Magazines, and Newspapers, £591 15s. 5d. ; Gas, £243 13s. ; Repairs and Furniture, £122 12s. 10d. ; Binding, £83 3s. 4d."

The number of books added to the Library was 613. The total number works issued to the Subscribers was 28,241, and 7150 magazines.

The number of Subscribing Members is 1568.

Mr. H. J. P. Curtis is Secretary to the Institution, and Mr. William Smith, Librarian (1888).

CHAPTER XXXII.

THE BOTANIC GARDENS; AND THE YARRA BEND.

SYNOPSIS.—Past and Present Botanic Gardens.—Curators, Messrs. Arthur, Dallochy, Von Mueller, and Guilfoyle.—The Yarra Bend Asylum.—Captain Watson, First Superintendent.—Opening of the Institution.—Lunatics Returned by New South Wales.—A Chained Lunatic.—Pastoral, Agricultural, and Industrial: The First Bucolic Society.—Its Prospectus.—Initiatory Dinner.—Post-prandial Prayers and Toasts.—The First Show.—The First Farmers' Society.—The Victoria Horticultural Society.—Mr. Fawkner Its Promoter.—Its First Board of Management.—Its First Exhibition, 16th March, 1850.—Awards.—The Second Exhibition, 30th October, 1850.—The Third Exhibition, 30th September, 1851.—Planting of the First Vines.—Making of the First Wines.—Industrial Resources of Port Phillip:—Formation of the Victorian Industrial Society.—The First Board of Management.—The Society's First Exhibition, January, 1851.—Second Exhibition, September, 1851.—Gunpowder Explosions and Powder Magazines: The First Explosion.—Blowing Up of the "Sporting Emporium."—Five Persons Killed.—The Collins Street Explosion.—The First Powder Magazine.—Early Closing Movements:—First Early Closing Association.—Election of Officers.—Collapse of the Association.—Building Societies:—The Melbourne Building Society.—Formation of Committee.—Election of Board of Management.—The Co-operative Land Society.—Presentation to Mr. J. P. Fawkner.

THE GARDENS.

THE assertion that the first site for the Melbourne Botanic Gardens was the Spencer Street Railway Station, will be heard with almost general incredulity. When Batman decided upon the location of a township on the south side of the River Yarra he designed the northern portion, known as Batman's Hill as a reserve for public recreation. This idea remained fixed in the public mind so far, that in the early part of 1842, the Superintendent of the Province directed Mr. Hoddle, head of the Survey Department, to mark off fifty acres of the place for the purpose of a Botanic Garden. This was done, and the boundaries were defined to be from the River Yarra to Little Collins Street, and in a line westward; and from a fence surrounding the Survey Office, at the north-east corner of Collins and Spencer Streets, and on the west side by the declivity of the hill sinking into the Swamp. It comprised the land flanked on three sides, viz., by the river, by Spencer Street, and by a prolongation of Little Collins Street, to the verge of the Western Swamp, and was actually the romantic she-oak hill and the broad green selvage that surrounded it. Meanwhile the shipping trade increased, and a vilely-smelling row of slaughter-houses jumped up along the river banks near the (now) Gas-works, commencing that Yarra pollution which has grown into a huge and almost irremediable abomination. A couple of private docks next appeared, and then the rude, shaky-looking chimneys of boiling-down establishments, candle-making factories, and other kindred industries began to puff and poison the atmosphere. Doubts began to be entertained whether after all, Batman's Hill was the most desirable locality for the Garden, though it possessed the great advantages of diversity of soil, variety of surface, and convenience of access. Other sites were suggested, *i.e.*, beyond the Flagstaff, adjacent to the (now) Benevolent Asylum, the present Fitzroy Gardens, and the western end of the Government paddock (now Yarra Park). Each spot had its adherents and detractors, actuated mostly by personal considerations. All four places indicated were alike unprotected on every side from the winds, hot and cold. The subject had been several times ventilated in the Town Council; a committee of selection was appointed, and there were several inspections of the sites proposed, and hunting up new sites, until December, 1845, when the Council Committee recommended the present site, then a small beautiful valley. This place was, in part, used by the Government as a sort of Missionary school site for Aboriginal children, from 1836 to 1841. The first wholesale meat establishment was located there. At the commencement of 1837, the Hawdons arrived overland from Sydney, to take up land for the depasturage of herds and flocks,

and they opened a slaughter-house there. The primitive retail victuallers of the period were four individuals known respectively as Paddy Smith, Jim Cawley, Dick Tancred, and Bob Fleming (after whom Flemington was named), and these "cleaverites" purchased the Hawdon beef at 8d. per lb, and re-sold it for a shilling. After much discussion in the Council Chambers, and opposition from Councillor J. P. Fawkner, who stuck "as a limpet to a rock" to the Batman Hill locality, the recommendation was approved and transmitted to the Superintendent. It was confirmed by His Honor, and in February, 1846, the reservation of the present site was announced. Mr. John Arthur was appointed head gardener, and the undertaking progressed so well under his watchful care, that in May, 1847, the Garden was in excellent condition, and a welcome walk from Melbourne. Mr. Latrobe would not consent to the Town Council having anything whatever to do with the Garden management, and the Reserve remained under the direct control of the Government, subsequently passing into the surveillance of the Public Works Department, as represented by Mr. Henry Ginn, the Colonial Architect. In January, 1849, Arthur died, and Mr. Daniel Bunce, a well-known botanist applied for the post without success. The Garden reflected credit upon Arthur's skill and industry, considering his limited means and appliances. A Mr. John Dallochy was, subsequently, appointed Curator, and under his *régime* the Garden so progressed, that at the end of 1851 it was made the subject of a progress report submitted in November of that year to the first Session of the first Legislature of Victoria. A portion of the lagoon had been excavated, the margin formed with a line of borders 1800 yards long, and planted with shrubs and flowers. A rustic bridge was ornamented with plants. Walks had been extended and new ones formed. There were about 5000 varieties of exotic and 1000 indigenous plants. Packets of seeds had been sent from Ceylon, Bombay, Madras, Singapore, Calcutta, England, and other parts of the world. The attractions of the Garden were proved by the numbers which daily frequented it, especially on a Sunday, when an average of upwards of 800 visited there. Two Shows of the Horticultural Society had been held there, and attended by over 700 persons.

The estimated expenditure for the year 1852 was as follows:—Superintendent, £100; two Gardeners at £50 each per annum, £100; two Under Gardeners at £1 1s. each per week, £109 4s.; Carter, £52; eight Labourers at £1 each per week for six months, £208 0s. 0d.; Contingencies, £491 12s.—Total, £1060 16s. And now having written thus far I drop my pen, for it will tax a more fluent hand, and more picturesque style than I can command, to depict in sufficiently glowing colours the botanical reigns of the Baron von Mueller, and the present ruling Curator, Mr. Guilfoyle.

The Yarra Bend Asylum.

Originally the provision made for the unfortunates afflicted with insanity was, after committal by the Police Bench, to be immured in some part of the wretched gaols of Melbourne, sometimes separately, but oftener mixed with the other *prisoners!* When the incommodious brick prison (before referred to) was erected in West Collins Street, a small wooden apartment was attached to it as a lunacy ward, where unfortunate patients would be stowed away to live or die, or recover, according to chance, for anything like proper nursing or attendance was out of the question. But in the old times the death rate in the Melbourne "Bridewells" was of an infinitesimal character, and spoke volumes for the skill of Cussen, the Colonial Surgeon, and the humanity of Wintle, the first Gaoler, and his wife, the first Matron. In the course of time, a watch-house built in the Eastern Market, occasionally served as a temporary asylum. Violent or incurable lunatics were sent to the Tarban Creek Asylum, the public hospital for the insane near Sydney. The Superintendent of Port Phillip, though nominally the Governor of the Province, could not move a finger without orders from headquarters, and there was as much circumlocution, and far greater delay, in procuring the necessary passport for the transfer of an insane prisoner, as in issuing a warrant for the execution of a malefactor. In 1847, £1,000 was voted, and a movement made towards the erection of a small wing of a projected new building. The romantic bend of the river at Studley Park was selected as the site, and this beautiful spot, for centuries a favourite haunt of the Aborigines, was reserved for the establishment of an infirmary. Insanity was a malady quite unknown amongst the Blacks, though essentially a concomitant of civilization. The first Superintendent of the "Yarra Bend" was a Captain Watson, a

retired military officer, who had been for some years employed as a clerk in the Colonial Asylum at Tarban Creek. He was appointed in June, 1848. The opening day of the Institution was the 5th July, on which occasion ten lunatics were transferred under a police escort, from the Melbourne Gaol to the "Yarra Bend." But though there was now the desideratum of a Provincial Asylum, no provincial power existed to open its doors for the reception of patients, and up to July, 1849, it was necessary that passes should be issued from Sydney. An amended Lunacy Act was then passed, by which the Superintendent was empowered to sign orders for admittance. The accommodation for the female patients was still so insufficient that the Eastern Hill lock-up had to be used to ease the pressure.

In December, 1849, the New South Wales authorities had the inhumanity to return fourteen lunatics from Tarban Creek, and a number of the patients were placed under canvas. The first scale of payment for non-pauper patients was fixed at the exceedingly moderate rate of 1s. 4d. per diem, the amount to be secured by the bond of two respectable persons. The place was gradually enlarged, and though Captain Watson was no greater success than some of his successors, he did well under the difficulties in which he was placed. Even up to the gold discoveries in 1851, the Asylum did not give promise of becoming the overgrown mammoth of future years. The provision made for its maintenance for 1852, was only £2,138 2s., of which £1,492 2s. went for contingencies.

In connection with the melancholy subject of Lunatic Asylums, we frequently hear and read of the abnormal wanderings of the human mind which generate the strangest delusions and prompt the most irrational actions; but the following narrative, which I have received from a gentleman, the second actor in the ghastly, grotesque scene, is worth publishing:—"On a fine Sunday afternoon, Mr. Edmund Ashley, of Victoria and Madeline Streets, Carlton, was returning from a walk to the Merri Creek, and in traversing the portion of the bush now appropriated as College reserves, north of the University, he observed smoke issuing from what he thought to be the stump of a large tree. Curiosity tempting him to approach closer, he was astonished to behold thrown up near a blazing log a shelter of boughs like a blackfellow's gunyah, and lying in this lair was a man with a chain padlocked round his waist at one end, while the other was firmly stapled into the tree trunk. The man looked gaunt and hungry, and in reply to some questions, declared he had voluntarily settled himself there, where he had been, without breaking fast, for three days, and intended to so remain whilst he lived, which he did not expect to be very long. He shewed no wish to be released, and from his manner there could be little doubt of his insanity. Ashley hastened into town, and on communicating with Chief-Constable Sugden, the recluse was unchained, and near the place was picked up the key of the padlock, which, after he had made himself fast, had been thrown away. In the madness there was sufficient method to effectually carry out the conceived scheme of self-destruction, so Providentially frustrated. The emancipist was taken to the lock-up, and on medical examination, found to be so demented, that he was transmitted to the "Yarra Bend" Asylum.

"One day, twenty years after, Mr. Ashley took his wife and Mrs. Richard Heales to see the Asylum, and when shown over the place by the then Surgeon-Superintendent (Dr. Bowie), his notice was specially attracted by the antics of a man amusing himself with some bits of paintings of a theatrical character. On addressing him, Ashley recognised in the lunatic, the identical individual found so long before chained up under the tree. He had a vivid recollection of all that happened on that fine Sunday, 'twenty golden years ago,' and assured the visitor that he had been very happy and comfortable since their last interview. Mr. Ashley never saw him since, and whether he still survives (not likely) is not known."

Pastoral, Agricultural, and Industrial.

The early colonists were not long located in Port Phillip before they turned their attention to the adoption of means for the development of its supposed exhaustless resources. The original inhabitants were very enterprising on paper. It took a few of the more energetic spirits little time to launch a Society or a Company for any conceivable purpose; but several of the projects never passed beyond the initiation. One of the most pretentious of such undertakings was started with a loud flourish of trumpets, and beating of drums, though, after a very big dinner and one little show, it collapsed. At a public meeting on 2nd January, 1840, the following aspiring prospectus was issued:—

PASTORAL AND AGRICULTURAL SOCIETY,

President—William Mackenzie, Esq., of Kinlochewe.

Vice-President—Farquhar M'Crae, Esq., M.D., J.P.

Directors—Rev. J. Clow, Captains D. M'Lachlan, G. B. Smythe and B. Baxter; Messrs. S. J. Brown, Alexander Thomson, Thomas Arnold, Joseph Hawdon, R. H. Browne, James Simpson, J. D. Hunter, F. A. Powlett, W. Ryrie, J. D. Baillie, C. Williams, W. F. A. Rucker, D. S. Campbell, P. W. Welsh, J. Aitken, G. D. Mercer and P. Snodgrass.

Treasurers—The Port Phillip Bank.

Secretaries—Messrs. Andrew M. M'Crae and William Kerr.

The Pastoral and Agricultural Society of Australia Felix, on the principles and with the objects of the Highland and Agricultural Society of Scotland, was founded in January, 1840.

The Society's Annual Show of live stock, samples of wool, implements of husbandry, agricultural and horticultural produce, etc., which it is intended to hold on alternate years at Melbourne and Geelong, will be held in Melbourne on the first Wednesday in March of this present year; and the annual meeting for the election of President, Vice-Presidents, etc., will be held immediately after the Show.

In those times it was a cardinal tenet of popular belief that no enterprise could prosper unless set going by a good dinner, a blended baptism of post-prandial grog and oratory, and so to work the "undertakers" went to get up a convivial celebration accordingly. It was at first intended to hold it at the *Lamb Inn*—grandmother of the now *Scott's Hotel*—where there was a tolerably large room for the time, but on measurement this was pronounced to be not sufficiently commodious, and a recently-erected store of Mr. Rucker's, in Market Street, between Collins and Little Flinders Streets was finally selected as the feeding-ground. This was the first Public Dinner in the colony, and it came off on the 15th January. Mr. M'Kenzie, the President of the Society, arrayed in the "breekless" costume of a Highlandman, performed the duties of Chairman in a manner highly satisfactory. The Rev. James Clow, one of the Directors, invoked a blessing. Amongst the best speakers of the jolly evening was another clergyman, the Rev. James Forbes, the first Presbyterian minister. I believe this to be the only festivity of the kind in the colony where the American plan of wedding sentiments or prayers to the toasts was adopted, and judging from the following samples, the selections were not inappropriate, viz.:—

"The Queen—Bless her. May she ever be proud of Australia Felix, one of the brightest gems in her diadem."

"His Excellency Sir George Gipps, Governor-General of Australasia, and may the inhabitants of Australia Felix ever find in him a just advocate and protector of their rights."

"His Honor C. J. Latrobe, our much and justly respected Lieutenant-Governor, and may he long continue to watch over and advocate the interests of this colony."

"The Advancement of Religion and Education in Australia Felix, and may these necessary advantages to the well-being of all civilized society go hand in hand with the advancement of the colony."

"Old England, and may the Sons of Australia ever be proud of their noble Mother Country."

"Erin-Go-Bragh, and good luck to her."

"The Land o' Cakes, and may she long continue to give her hardy and intelligent sons to Australia Felix."

"Hoofs, Horns, Wool, and Corn, and may God speed the Plough."

"Mrs. Latrobe and the Ladies—may God bless them."

In replying to the compliment to the fair sex, the gallantry of Captain Bacchus found vent in this spontaneous outflow of eloquence:—"Let them talk of their Durham and their Devon bulls as they please, but I would rather at any time see a lovely female emigrant landed at Melbourne, than a hundred of the finest Devon bulls England could produce."

There were some minor toasts, without any accompaniments, the most notable being "Breeding in all its Branches," and "The Press." Possibly they considered these two well able to take care of themselves without any precatory well-wishing.

The dinner was productive of another American ingredient not calculated upon—"bunkum;" for after all their "tall talk" very little grew out of it. The Association was born several years too soon, and it was not surprising that the premature bantling should be an abortion. Annual exhibitions were promised at Melbourne and Geelong, but the materials did not exist in the Province to produce such unconsidered results.

The First Show.

Took place on the 3rd March, 1842, and it was a failure. It was held in the Melbourne Cattle Market (intersection of Elizabeth and Victoria Streets). The exhibits were a vast disappointment, and in the element where success might be reasonably expected, the deficiency was most marked, for the display of horned cattle was a most meagre turn-out numerically and otherwise.

Prizes were awarded for horses to Messrs. Watson and Hunter, J. Carmichael, H. Jamieson, J. Purves, and Captain Smythe; for cattle, to Messrs. Watson and Hunter, J. Thompson, Cooper, Carmichael, and Bolden; for wheat, to a Mr. Coulstock; water-melons, Mr. Bolden; and vegetables to Captain Smythe.

On the following evening the members consoled themselves over a dinner, much less enthusiastic, gushing and prayerful than the inauguration one.

The Port Phillip Farmers' Society

Was established in 1849, and an Anniversary Ploughing Match and an Exhibition came off on the Queen's Birthday of 1850, at the farm of Mr. John Grant, of Campbellfield, a few miles from Melbourne, when the issue was pronounced to be both gratifying and successful. The day was fine, the ground in order, the competitors in high spirits, and the cattle in good condition. Mr. Peter M'Cracken, of the Moonee Ponds, obtained first-class prizes for the best samples of wheat and barley, and Mr. A. Guthrie, of the Salt Water River, for the second. The following prizes were awarded :—Messrs. Forrester and Monteith, of the River Plenty, for the best pair of plough horses. Mr. W. J. Cameron, of the Deep Creek, for the best brood mare, Messrs. Gibb and Robertson, of Campbellfield, for the second best brood mare. Mr. John Cameron, of the Deep Creek, for the best team of bullocks; James Nuttle, in the employ of Mr. Browne, of Heidelberg, for the best ploughing with horses; and Messrs. Gibb and Robertson, Campbellfield (James Anderson, ploughman), for the second best ploughing with horses. The third prize for ploughing was decreed to Mr. Dugald M'Phail, Salt Water River (R. Murdoch, ploughman). In bullock ploughing, Mr. Grant, of Campbellfield (ploughman, George Greeves), was successful as a first prize man, whilst the second place was assigned to Mr. John M'Phail (Neil M'Carthy, ploughman), and the third to Mr. Alexander Guthrie (John M'Bean, ploughman).

The day wound up with a spread at *Somerville's Hotel*, Mr. John Crowe, presiding.

A Ploughing Match came off on the 13th June, 1851, on the farm of Mr. A. C. M'Cracken.

The three Judges were Messrs. John Nicholson, John Dick, both of Salt Water River, and D. Lawson, Moonee Ponds. Their awards were thus :—

HORSE TEAMS.

No. 4—Owner Mr. John Robinson, Moonee Ponds; ploughman, David Anderson—2nd class prize of medal, worth £3.

No. 6—Owner Mr. M'Phail, of Spring Hill; ploughman, George Marshall—1st class prize of a gold medal, worth £5.

No. 10—Mr. John Wippel, Moonee Ponds; ploughman, Thomas Brownlow—3rd class prize, of medal, worth £2.

BULLOCKS.

No. 5—Owner, Mr. Myers, of Merri Creek; ploughman, John M'Farland—2nd class prize of medal, worth £3.

No. 6—Owner Mr. M'Phail, Middle Bank; Neil M'Carthy, ploughman—3rd class prize of a medal, worth £2.

No. 7—George Green, of Campbellfield, ploughed by himself—1st class prize, a gold medal of £5 value.

By a happy notion, the occasion was made a double debt to pay, by uniting it to a Farming Industrial Exhibition at the same place and time, prizes only to be given for exhibits, the property of subscribers to the funds of the Association. The show of stock and produce was consequently limited, but the result was not the less encouraging.

At five o'clock the Judges of this branch of the day's proceedings, Messrs. Hassell, Brown, and Wippel, announced their decision to be—

FOR WHEAT.

The best sample, a gold medal valued at £5, to Messrs. Forrester and Monteith, of the River Plenty.

The second best sample of wheat, a silver medal value £3, to Mr. P. M'Cracken.

The best sample of barley, a gold medal, to Messrs. Forrester and Monteith.

The best sample of oats, gold medal, Mr Dougal M'Phail, of Spring Hill, Saltwater River.

STOCK.

The best team of horses, gold medal, of £5, to Messrs. Forrester and Monteith.

The second best team of horses, silver medal, to Mr George Green, of the Merri Creek

The best two-year-old filly, silver medal, to Mr. Armstrong, of the Moonee Ponds.

The best mare, gold medal, to Mr. John Brown, of the Plenty River.

The second best mare, silver medal, to Mr. John Nicholson, Keilor.

The best team of bullocks, a silver medal, to Mr. Myers, of the Merri Creek.

The attendance was almost exclusively confined to those interested in agricultural pursuits, and the day's proceedings evidenced the vast advance made by the Province.

The day closed with a spread at the *Flemington Hotel*, under the superintendence of Mr. John Yewers, a noted Melbourne caterer.

The Victoria Horticultural Society.

This Society was mainly inaugurated by Mr. John Pascoe Fawkner. The meeting at which it was formed was held on the 25th November, 1848, in a long-vanished tavern, known as the *Queen's Head*, situated at the western side of Queen Street, mid-way between Collins and Little Flinders Streets. The attendance was more select than numerous, and Mr. Fawkner acted as chairman. A resolution was adopted "To establish an Association, to be called The Victoria Horticultural Society," and Messrs. J. P. Fawkner, King, G. Cole, D. Duncan, J. Cole, Barrett, and O'Neill were appointed a Provisional Committee to report progress to an adjourned meeting on 9th December. The projected Institution evidently found much favour, for at its first election of officers His Honor the Superintendent was elected Patron, the Mayor (W. M. Bell) President, and Mr. Redmond Barry, Vice-President; Hon. Secretary, Mr. J. P. Fawkner; Treasurer, Mr. D. C. McArthur; and Auditors, Messrs. Henry Ginn and William Hull. Work was at once commenced, and the rules were prepared and printed; yet the Society during the year 1849 partly dropped out of the public mind. A reaction set in, and the Secretaryship changed hands from Fawkner to Ginn, evidently to the advantage of the Society. The first annual meeting was held on the 5th January, 1850, at the Mechanics' Institution, presided over by the Patron (Mr. Latrobe). Some alteration in the rules were approved of, and the following Board of Management (practically the first) was appointed :—Patrons, their Honors the Superintendent and the Resident Judge (A'Beckett); President, the Mayor for the time being; Vice-Presidents, Messrs. Redmond Barry, William Firebrace, and James Simpson; Auditors, Messrs. Archibald M'Lachlan and P. Stevenson; Treasurer, Mr. William Hull; Honorary Secretary, Mr. Henry Ginn; Committee, Messrs. J. D. Pinnock, Barrett, D. C. McArthur, J. Jordan, Dallochy, J. Hawdon, H. G. Ashurst, T. Dickson, H. Moor, C. Hutton, Drummond, and D. Ogilvie.

The First Exhibition

Was held on the 16th March, 1850, at the Botanic Gardens. As a beginning it was on the whole encouraging. There was an excellent show of fruit, and some apples from the garden of Mr. John Orr, of Abbotsford, could scarcely be excelled, though they were entered too late for competition. The flower display was much admired, and there were some exquisite bouquets. Though not coming within the category of horticulture, some latitude was permitted in exhibiting anything special, either manufacturing or mechanical. The Mayor made special mention of the wine from the Geelong vineyards, and the ribston pippins from the garden of Mr. Barrett on the Merri Creek. From their excellence the judges complimented this fruit by designating it the Victorian pippin. Some acorns shown by Mr. George James induced a belief that a day would come when Victoria would grow her own oak trees. The introduction of madder by Mr. Edward Wilson (of the *Argus*) was deemed of vast importance by the judges, by whom also particular allusion was directed to some French sorrel and onions presented by Mr. Redmond Barry. Prizes of the first class were awarded to Mr. James Sandilands for table grape, red Frontignac, and wine grape—black Pineau; to Mr. Barrett, gardener, Merri Creek, for ribston pippins (table) and codling seedling (cooking); to Mr. George Denham, market gardener, for long spine cucumber; and to Mr. Joseph Raleigh, for early-horn carrots and long red mangel-wurzel. Wine prizes were given to Messrs. Brequet and Amiet, of Geelong—*i.e.*, a first for Burgundy and Claret, and a second for Champagne. From the catalogue it may be interesting to pick out the names of a few old colonists well known and useful in their day. Amongst the first appears the late Sir Redmond Barry, Messrs. Jackson, Rae and Co., Mr. Henry Ginn, Captain Cole, Mr. William Overton, Mr. Edward Wilson, Mr. George James, Dr. Greeves, Dr. G. Howitt, Mrs. Hobson, W. M. Bell, Mr. James Rule, Mr. A. McLachlan, Mr. G. A. Robinson, Mr. J. Raleigh, Mr. John Orr, Mr. C. Jordan, Mr. R. A. Balbirnie, Major Davidson, Mr. Owen, Mr. Fisher, Mr. Brequet, Mr. Aimet, and R. Charles and Co.

The Second Exhibition

Was held in the same place on the 30th October, 1850, which happened to be a very hot day. It was a much more pretentious turn-out than its predecessor.

His Honor, the Superintendent and family, most of the officers of the Government and their families, and the principal gentry of the city and its environs, together with many country gentlemen and their families, crowded the tents and marquees; and, notwithstanding the intense heat, parties of ladies and gentlemen promenaded the walks of the garden during the performance of Mr. Hore's Saxhorn Band.

The following gentlemen were appointed judges, namely:—Messrs. F. Bryant, Redmond Barry, D. C. M'Arthur, James Simpson, Henry Ginn, Thomas Barrett, and David Boyle.

FLOWERS.

There were several elegant floral contributions, for exhibition only, from the gardens of the Superintendent, Mrs. Howitt, Mr. Henry Ginn, R. Barry, Judge A'Beckett and D. Ogilvie, and medals were awarded as follow:—Gold ones to Mr. James Rule (Richmond) and Major Firebrace, and silver medals to Messrs. Rule, William Hull, G. P. Ball, James Jackson and David Boyle (gardener to Mr. D. C. M'Arthur.)

FRUIT.

Silver medals to Mr. J. Orr, of Abbotsford.

Mr. Wm. Hull, of Richmond, exhibited gooseberries, and Mr. Hollick seedling Muscatel vine from a dried raisin, in the pot, in November, 1849.

VEGETABLES.

Mr. John Rule, of Richmond, silver medal; Mr. Charles Jordan, certificate of merit; Mr. John Orr, silver medals; Mr. John Duerdin, silver medal; Mr. G. P. Ball, silver medals.

WINES AND SPIRITS.

In this department several prizes were bestowed, viz.:—Mr. Edward Willis, Geelong—Burgundy, gold medal; Frontignac, silver medal; Brandy and Champagne, also a silver medal.

Messieurs. Briquet and Aimet, of Geelong, Vin d'Etoile, made in March, 1849 (product of vine black cluster), gold medal; Australian wine of 1849, made from Pineau gris, silver medal; Muscadine wine of 1850, musca blanc, silver medal: Pineau of 1850, made from Pineau gris et noir, silver medal; and Mr. John Bear, of Collingwood, Victoria wine, 1849, silver medal.

Mr. William Barrett of Richmond, exhibited White wine, 1848, Rhubarb wine, 1849, made with moist sugar.

MISCELLANEOUS EXHIBITS.

Some basket-work was on view by a Mr. Arnold, a Melbourne manufacturer, amongst which was a fire-screen, of very beautiful colonial material and workmanship, fully equal to the imported basket-work, and ought to supersede it.

A very pretty glass bottle was sent by Mr. W. Overton, of Collingwood. The glass was very clear, and free from specks, and it was expected that such an industrial beginning would soon obviate the necessity for bringing such articles a distance of some thirteen thousand miles.

A lot of very finely-worked red clay flower-pots were also exhibited, manufactured by Mr. Arend, of the Merri Creek, and forwarded by Messrs. Helm and Co.

There were some very tastefully arranged bouquets. One sent by Major Firebrace contained no fewer than 60 sorts of flowers, and a very handsome one, arranged by D. Boyle, gardener to Mr. D. C. McArthur, contained 143 varieties. A bouquet of mixed geraniums, also from Mr. McArthur's garden, and some very fine fuchsias and geraniums, sent by Mrs. Howitt, attracted much admiration. The Superintendent, Mr. Redmond Barry, Mr. G. P. Ball, and Judge A'Beckett also contributed.

Fruit was but scantily represented, Mr. W. Hull and Mr. John Orr being the only exhibitors. The wines were well spoken of. Willis' Burgundy was full-bodied and richly-flavoured; the Geelong article good, but with scarcely sufficient body for keeping; and Bear's was a very superior full-bodied, sweet article.

In June, 1851, the Superintendent granted to the Committee, on a seven years' lease, at a pepper-corn rent, thirteen acres of land in the Richmond Paddock, opposite the Botanic Gardens, as an Exhibition ground.

THE THIRD EXHIBITION

Was held at the Botanic Gardens on the 30th September, 1851, amongst the incipient symptoms of the gold discoveries. Each branch was this time placed under the jurisdiction of a separate bench of judges. For flowers—Messrs. D. C. McArthur, John Dallochy, and Thomas Barrett. Fruit—Messrs. J. Rule and R. Barry. Vegetables—Messrs. C. Hutton, F. Bryant, and A. McLachlan. There was a great falling off in the display, and the prizes were thus awarded:—For flowers, to Messrs. J. Rule, J. Duerdin, J. Jackson, John Orr, G. P. Ball, J. Plumridge, and Major Firebrace. Fruit—Messrs. Thomas Barrett, John Orr, and John Jackson (lemons and oranges). Vegetables—Major Firebrace, Captain W. Buckley, Messrs. John Orr, D. S. Campbell, T. Barrett, J. Duerdin, and Joseph Raleigh.

For exhibition only, a beautiful assortment of flowers was presented by Mr. Henry Ginn. Bouquets, Captain Buckley and Mr. McArthur; violets from Mount Gambier, Mr. William Hull; fuchsias, Mrs. G. Howitt and Mr. J. Jackson.

THE FIRST VINE AND WINE.

The planting of the first vines in Port Phillip has been erroneously assigned to Captain Lonsdale, Mr. J. P. Fawkner and others. Mr. Robert Russell kindly undertook to hunt up some reliable information on the point for me, and a letter received by him settles the question. The writer, Mr. Donald Ryrie, (one of two brothers who were amongst the earliest of our settlers) occupied a large portion of the Upper Yarra as a "squatting" ground, and a once well-known paddock bearing their name, embraced an extensive

section of Collingwood, and is now cut up into a network of streets, one of which was named "Ryrie." The communication is dated from Kalkite, Lindabyn, New South Wales, 2nd August, 1882, and the following extract cannot be now perused without exciting much interest, especially when the present and future prospects of the Victorian wine producing industry are taken into consideration—"Looking over some old papers I find that vines were first planted at Yering in August, 1838; for my brother William and I, in May, 1838, left Arnprior, on the Shoalhaven River, near Braidwood, with sheep and cattle. We had a punt on one of the drays, which we required to use at the Murrumbidgee, Hume, Ovens, and Goulburn Rivers. The vines planted, taken from Arnprior, were the black cluster or Hamburg, and a white grape the Sweetwater. We afterwards had sent from Sydney other vines taken from McArthur's vineyard, at Camden. The first wine made was in March, 1845—a red wine resembling Burgundy, and a white wine resembling Sauterne, and both very good. Dardel, a Swiss, who had afterwards a vineyard in Geelong District, and perhaps has it now, used to come to Yering to prune the vines, and he also put us in the way of making wine." Up to and including 1851 the export of wine was so trifling as not to exceed £50 in value for any year. It could hardly be said to have regularly commenced until 1852, during which 22,531 gallons, estimated at £6350, were exported. In 1849, 108 acres of land were under vine-growing, from the produce of which 6306 gallons of wine and 100 gallons of brandy resulted. There are no returns for 1850, but in 1851 there were 161½ acres of vine land, whilst produce fell to 4621 gallons, and the brandy increased to 286 gallons. The then incipient gold discoveries had doubtless something to do in the matter.

Industrial Resources of Port Phillip.

On the 1st April, 1850, there was held at the *Royal Hotel*, Collins Street, a public meeting to consider the development of the resources of the district. The idea originated with Mr. C. J. Griffiths (long deceased), a gentleman of much culture and acquirements. The attendance was influential and representative, and Mr. Griffiths was voted to the chair. "The Victorian Industrial Society" was *pro forma* inaugurated, and a Committee appointed to prepare a code of rules. The members' annual subscription was £1; £5 conferred a Life Membership; and proxy voting was to be allowed. The objects of the Society were to hold periodical exhibitions of live stock and agricultural produce, combined with ploughing matches; improved farming implements; prize essays on important subjects; an experimental farm, in which foreign grasses and plants could be introduced and their fitness for this climate tested; an improvement in pastoral exports, such as wool, by the exhibition of rams, and superior samples of fleece; attention to the breeding of cattle and the packing of tallow, whether in hides or casks; what indigenous woods were best adapted for cooperage; and the extraction of gelatine or preserved meats. Special attention was to be devoted to agricultural resources, such as the production of the vine, olive, and mulberry; the brewing of good beer; the manufacture of leather, parchment, glue, starch, soap, earthenware, etc., and the growth of hops, madder, and flax. It was also stated that indications of gold, coal, copper, iron, tin, lead, and other minerals had been found.

On the 13th June, a meeting of the subscribers to the Society was held at the Mechanics' Institute, the Mayor (Mr. W. Nicholson) presiding. Mr. C. J. Griffiths submitted a Report from the preliminary Committee, in which it was proposed to invite Prince Albert (the Consort of the Queen) to accept the office of Patron, and His Honor, Mr. Superintendent Latrobe, that of Vice-Patron. It was also recommended that the Society's Exhibitions be held alternately at Melbourne and Geelong. The adoption of the Report was moved by Mr. Redmond Barry, seconded by Mr. James Moore, and agreed to. Rules were adopted, and the election of the first Board of Management was fixed for the 1st September. It was resolved to invite Prince Albert, and the Superintendent, to accept the offices assigned to them by the Report. A bottle of Victorian wine was exhibited by Mr. John Bear, the product of his vineyard on the River Plenty, a sample of which would be sent to London for the Grand International Exhibition to be held there in 1851.

On the 27th July the Committee selected as Secretary, from 22 candidates, Mr. William Le Souef one of the original Assistant Protectors of Aborigines in the settlement, at a salary of £100, and £25 for keep of horse, per annum, with an assurance that the former would be augmented to £200 if the Society prospered.

The Society met on the 1st September, with the Mayor as Chairman, and the following officers were elected :—

PRESIDENT.—Mr. Charles J. Griffiths.

VICE-PRESIDENTS.—Messrs. John Carre Riddell, William C. Haines, John Aitken, William Rutledge, William Firebrace, James Moore, James Austin, J. Stanley Carr, and Thomas Learmonth.

DIRECTORS.—Messrs. Redmond Barry, William Westgarth, William Stawell, Augustus F. A. Greeves, Francis Bryant, Claud Farie, Colin Campbell, Rawdon F. Greene, William T. Mollison, John Bear, A. C. Wallace Dunlop, and Alfred J. Thompson.

TREASURER.—Mr. Charles Bradshaw.

THE VICTORIAN INDUSTRIAL SOCIETY'S FIRST EXHIBITION

Was held on the 29th and 30th January, 1851. It was divided into two branches, viz. :—Manufactures and products were shown at St. Patrick's Hall (Bourke Street), and live stock at the Auction Yards of Messrs. Bear and Son, Station and Stock Auctioneers, situated at the south-eastern corner of Bourke and Queen Streets. Hore's Saxhorn Band was there in full blast, and there was a large attendance of the public. The hall presented an extensive display of exhibits, if times and circumstances are taken into consideration, and some of the articles were well worthy of special notice. The establishment of Mr. Rolleston exhibited a locally built phæton made to order for £150. Mr. McCracken exhibited a turn rest plough, specially adapted for land on the slope of a declivity, as the share turned on a rotary axis, thereby facilitating the veering of the plough. There were some excellent samples of leather from the tannery of Messrs. Smith and Kirk, flax seed grown by Mr. Joseph Raleigh, and a pocket of hops by Mr. H. James. Messrs. Raleigh and Fyfe, and Messrs. Watson and Wight, showed some prime tierced beef; that belonging to the latter firm, though cured in 1849, was in a state of good preservation and sweetness. The most admired exhibit was a tableaux by a lady (no name) of a beautiful bouquet of flowers wrought in Berlin wool, and most artistically framed by Mr. Shotfort, of Geelong. The gem of the Exhibition was, however, a marvel of ingenious handicraft by Mr. William Broughton, a Collingwood mechanic. This was a writing desk composed of the following eighteen colonial woods :—He-oak, tartarra, honeysuckle, sassafras, Murray pine, Huon pine, forest oak, blackwood, box, teak, musk, tulip-wood, silk-wood, red-gum, dog-wood, Cypress pine, cherry-tree, and myall. It was purchased by Mr. Henry Moor as a Melbourne curio, and sent to England. Another Collingwood man, a German, named Frietzon, was very successful in earthenware. As this was the first attempt of the kind in Victoria, it may not be uninteresting to quote from the official catalogue the prize adjudications :—

CATTLE.

Gold medals for best imported bull, and best colonial bred cow, Mr. R. M'Dougall, of Glenroy; home-bred cow for dairy purposes, Mr. Thomas Miller.

Silver medals for best colonial three years heifer, Mr. R. M'Dougall; best colonial three-year-old steer, Mr. James Robertson, Keilor.

PIGS.

Best boar of any age—Mr. R. M'Dougall, gold medal.

Best sow—J. Kyle, silver medal, the same to Mr. T. H. Power, Yarra, for best hog.

HORSES.

Imported stallions—Premier—Mr. Jeffries, gold medal.

Colonial best mares—Miss Letty—Mr. T. H. Power, gold medals.

Imported cart stallion—Mr. Ryan; Colonial bred cart stallion—Mr. Rawdon Greene, gold medals.

Cart mares—Mr. James Austin, and Mr. Rawdon Greene, gold medals.

SHEEP.

Best pen of sheep—Mr. William Campbell, Strathlodden, gold medal.

SUNDRIES.

Gold medals were awarded for the following:—Best tierce of salted beef—Mr. Francis Clark, of Collingwood.

Best cask of mutton tallow—Messrs. Raleigh and Fyfe.

Best cask of beef tallow—Messrs. Raleigh and Fyfe.

Silver medals:—For the best tallow candles—Messrs. Raleigh and Fyfe.

Best white soap—Messrs. Watson and Wight.

Best brown soap—Kildare Soap Works, Geelong.

Best fresh butter, 3lbs.—Mr. Balbirnie, South Yarra.

LEATHER.

Large silver medals (5) for the best bale of kip, calf, sole, harness, and kangaroo skins—Messrs. Smith and Kirk.

AGRICULTURAL PRODUCE.

Best sample of velvet wheat—Mr. Collier Robertson, of La Rose, silver medal.

Best sample of early potatoes—Mr. Jordan, gold medal.

Best sample of madder—Mr. Edward Wilson, of Collins Street, gold medal.

WINES, SPIRITS, ETC.

Two gold medals for wines of colonial growth were awarded to Mr. John Bear, of Queen Street.

MANUFACTURES.

Best specimen of pottery—Mr. Fitzell, silver medal.

Three casks made of colonial staves—Mr. J. F. Born, Collins Street, gold medal.

Three casks made of colonial staves—Mr. Purnell, Elizabeth Street, silver medal.

Best carriage—Mr. Rolleston, Melbourne, gold medal.

Desk made of colonial wood—Mr. Broughton, of Collingwood, silver medal.

Best case of mathematical instruments—Mr. White, of Collingwood, silver medal.

Best fire screen—Mr. Strafford, of Geelong, silver medal.

Best set of harness—Mr. Smith, of Collins Street, silver medal.

Best specimen of hat of colonial manufacture—Mr. R. F. Bickerton, gold medal.

Best six pairs stockings, and six pairs socks—Mr. James Robertson, of Keilor, silver medal.

Best agricultural roller—Mr. Addis, of Geelong, silver medal.

Best sample of blacking—Mr. Heffernan, silver medal.

Best sample of wax candles—Messrs. Raleigh and Fyfe, silver medal.

Best sample of neats'-foot oil—Messrs. Raleigh and Fyfe, silver medal.

MISCELLANEOUS.

Best skip of honey—Mr. Jordan, silver medal.

The judges also highly commended the following exhibits:

Crayons by Mr. G. A. Gilbert, embracing well-known views in the vicinity of Melbourne and Geelong.

Superior copperware by Mr. Cunningham.

Three casks made from colonial staves, by Mr. Mooney.

Two hats, one from the fur of the opossum, and one from wool, Mr. Penzel.

A church tablet, Mr. Warble.

Two specimens of wicker work, by Mr. Gummer.

An application was made to the Government for a site as a Show Ground, and in August, four acres of land off the Sydney Road, and opposite the University, were given on a ten years' lease. The members numbered 400 and the movement had been much enhanced by the establishment of a Geelong Committee of Management. The medals were not procurable in Melbourne, which made it necessary to order them from Hobart Town. The first year's receipts were £364 8s. 6d.; and the balance in hand was £69 6s. 2d. The liabilities were £127, and when discharged would leave a balance of £22 13s. 2d. Thanks were offered to the Lieutenant-Governor for his grant of a Show Ground and promise of medals and money.

The Second Exhibition

Was held at Geelong on the 24th September, 1851, and though not the success anticipated, was far from being a failure. Amongst the articles displayed were some specimens of polished marble obtained at Lime Burners' Point, by Mr. Reynolds; several boxes of minerals collected by Dr. Bruhn, and a model bird-cage by Mr. Hardwick. A Mr. Stratford was awarded a gold medal for a curiously exquisite work table, the top of which consisted of 291 pieces of colonial woods, of twenty-four sorts, exclusive of the border fashioned out of colonial myrtle. It was much admired and purchased for £18 by Mr. Gore, who forwarded it to England.

The other prizes were thus adjudged :—

HORSES.

Gold medals :—Mr. Mercer, for best thoroughbred imported stallion.

Mr. Thomas Austin, for best thoroughbred colonial mare.

Mr. C. J. Dennys, for best imported cart stallion.

Messrs. Drysdale and Newcome, for best colonial bred cart stallion.

Mr. James Austin, best for colonial bred cart mare.

Large silver medals :—Mr. Moore, for second best colonial bred cart stallion.

Mr. David Fisher, second best colonial bred cart mare.

CATTLE.

Gold medal to Mr. James Austin, for best colonial bred cow for grazing; and large silver medal to Mr. Cumming for best colonial bred cow for dairy purposes.

RAMS AND EWES.

Gold medal to Mr. Thomas Austin, for the best four rams in their wool, imported from Europe; and large silver medal for the second best sample. Gold medals to Mr. W. C. Yuille, for pen of 15 best colonial bred rams in their wool, and for like sample of ewes. A gold medal was recommended to Mr. Otto Newhauss for an imported ram.

Mr. Cumming obtained one large and one small silver medal for the first and second best exhibits of domestic fowls.

LEATHER.

Two large silver medals to Messrs. Smith and Kirk, for the best bale of calf and kangaroo skins.

ANIMAL PRODUCE.

Large silver medals to Mrs. Fisher, for the best butter; Messrs. Trotter and Wood, the best two flitches of bacon; and Messrs. Jackson, Rae and Co., the two best samples of brown soap and candles.

MANUFACTURES.

Gold medals to Mr. Robert Stratford, for the best article of furniture; Mr. Marsh, the best saddle; and Mr. William Turner, colonial tobacco. Large silver medals to Mr. Gundry, for best colonial made pottery; and the Messrs. Drysdale and Newcome for superior samples of linseed and cayenne pepper.

Some very excellent samples of vegetables were shown by Mr. Lewis, but they were overlooked for prizes in the programme.

GUNPOWDER EXPLOSIONS, AND THE FIRST POWDER MAGAZINE.—THE FIRST EXPLOSION.

When Fawkner vacated his original "groggery," pitched at the rear of the Custom House, off Flinders Street, the wooden materials of which it was constructed were re-erected at the eastern side of the Market Reserve, facing what is now Market Street, which had not then an existence. In 1839 Fawkner's second hotel, at the south-east corner of Collins Street, and the same embryo Market Street, was occupied as the Melbourne Club House, and at a distance of some yards South of it, with only a narrow right-of-way intervening, stood the ex-Fawknerian hostelry, recently furbished with a profusion of painting, and known as "The Sporting Emporium." It was kept by a Mr. John Blanch, the only gun and ammunition dealer in the town. Next door resided John Macecknie, a recently arrived Scotch emigrant, the first regular tobacconist. On the 17th December, 1839, "The Sporting Emporium" blew up with a terrible loss of life, and though I have searched in every possible way for any printed narrative of the shocking occurrence, I have been unsuccessful. I have conversed, however, with half-a-dozen individuals, some of whom actually witnessed the explosion, and all were on the ground immediately after the occurrence, and from these I have obtained such irreconcilable versions of the calamity as induce me to thoroughly sympathise with Sir Walter Raleigh's idea as to the impossibility of writing history under even the most favourable circumstances. The following, however, will, I believe, present a substantially correct version of the disaster:—Two brothers named Griffin arrived as immigrants, per the "Westminster," from England, and put up at one of the town hotels. It was their intention to start for the bush, but they thought it desirable to supply themselves with firearms and ammunition. The waiter at the hotel accompanied them to Blanch's. Accordingly, the three started on their mission, two of them little dreaming that it would be their last walk upon earth. Blanch was in the shop, whilst his wife was in an adjoining room, and sitting near a cupboard in which was stored a quantity of powder. In one corner of the shop also there was a bag of powder and some open powder on the counter. The tobacconist had just stepped in to have a friendly cigar and chat with his neighbour, and during the process of puffing and talking, the Griffins and their cicerone, who was simply known as "Charles," entered. The intending bushmen were inspecting a particular piece which Blanch was strongly recommending, and one of the Griffin's placed a cap on the nipple and pulled the trigger, when an explosion followed very different from what was expected, for the whole establishment was sent with a tremendous detonation into the air. The cap in exploding, it was thought, had ignited some of the loose powder on the counter, and it is supposed that in the immediate consequences, the bag of powder in the shop was included, and hence one of the most shocking events that ever happened in Melbourne. When the smoke cleared away, Blanch and his wife were found shockingly mutilated amongst the ruins, the two strangers were propelled into the Market Square, and the tobacconist and the waiter lay close by the dismantled house. A crowd quickly gathered, and amongst the first to render assistance were Mr. T. F. Hamilton (now residing in Scotland), Lieutenant D. Vignolles, and Ensign M'Cormick, connected with a military detachment then in Melbourne. Captain Benjamin Baxter (still in the Colony) was riding into town, and on reaching the crown of a not very passable hill, near the late site of the statue of Burke and Wills, in Collins Street, he heard the explosion, and quickening his pace was also in time to lend a helping hand. Dr. Cussen, the Colonial Surgeon, and Mr. D. J. Thomas, a well-known medical practitioner, were promptly in attendance; but very little could be done. Blanch and his wife were shattered and partially dismembered, and were removed by wrapping them in a quantity of wadding and tar. Unfortunately, there was no public Hospital then in town, and all the poor creatures had to be taken to places in the neighbourhood. Blanch was carried to a druggist's shop kept by Dr. Barry Cotter, at the North-east corner

of Queen and Collins Streets, where he lingered in intense agony until the following morning. Mrs. Blanch was conveyed to the Police Office, on the other side of the Market Square, and died almost immediately after. She was in such an advanced state of pregnancy that the unborn babe was actually seen alive for a few moments by the medical attendants! The two strangers were humanely taken in by a Mr. Shaw, the keeper of an hotel in Little Flinders Street, where they were skilfully and kindly ministered to for a fortnight, when they died. Shaw afterwards applied ineffectually to the Government for some remuneration for the trouble and expense to which he had been put. Macecknie, the tobacconist, whose house sustained no injury, was attended to at home; but he also expired on the 29th December, and on the last day of the year was buried in the Presbyterian subdivision of the Cemetery. He was a favourite with his countrymen from "The Land o'Cakes," and his funeral was attended by nearly every adult Caledonian settler in and about the town. But a most extraordinary fact remains to be mentioned with respect to "Charles," the waiter, and only survivor. With only a blackened face he was removed to where he was employed, and having sustained no vital injury, he soon became all right. Up to the accident his face was deeply pock pitted, but during the process of recovery, with the disappearance of the discoloration, a new skin grew like a mask over his face, rendering the pock marks invisible; and when convalescent he appeared before an astonished public with a fair and smooth face, and lived in Melbourne for many years after. The Blanches left five orphan children, who were at school at the time of the mishap, and a sum of money was raised by public subscription for their assistance. One of my informants was an eye-witness of the occurrence, and declared that at the time of the explosion a Mrs. Jackson was sitting in an upstair room, and was blown under a sofa, but not injured. I have no doubt such was his impression, however formed, though an event of the kind could hardly be possible, considering the whole house, except part of the roof and outer timber partitions was blown away, and even these were on fire until it was put out through the daring gallantry of Ensign M'Cormick, who went aloft for that purpose at no small risk to his own safety. Blanch's stock of powder was rather limited, and if it had been larger, the Club House would have come to grief, and with it some colonists who did good service in after years, viz., Messrs. C. H. Ebden, T. F. Hamilton, Peter Snodgrass, and three or four other notabilities, who would have gone to glory. Singularly too, after all the harm was done, a small keg of powder was found untouched in a corner of the demolished shop. The frightful occurrence naturally created a profound sensation, and was talked over with a shuddering feeling of deep commiseration for the hapless victims; and it still lives a terrible spectre in the traditions of the colony. It supplied the newspapers with a potent reason to call loudly for the erection of a powder magazine, and the enforcement of stringent regulations for the custody of gunpowder, but it was several years before the Executive took any steps in the matter.

Another Explosion.

On the 19th July, 1849, the portion of the Eastern Hill in Collins Street, in front of the *Argus* office was being lowered, and a formidable ledge of rock lay in the way. This the contractors (Messrs. Gavin and Roberts) had to blast. Mr. Samuel Crook had an undertaker's and carpenter's establishment on the site of the present Victoria Coffee Palace opposite. The quarriers sprung a blast, when the explosion was such that some of the stony projectiles dashed through the windows of Crook's show-room smashing ten squares of glass. One heavy block passed through the roof of a work-shop several yards rearward of Crook's, and the windows of the shop of Mr. Cracknell, a turner, were dashed in, but no damage was done to life or limb. There was much consternation over the occurrence, for the blasting operations were heedlessly conducted in the middle of the day, and without any intimation to the public.

The Storage of Gunpowder

In Melbourne was utterly disregarded, notwithstanding the explosion of 1839, and the well-known fact that powder was kept in considerable quantities in some of the shops and stores in Melbourne. It was imported, and often brought up to Melbourne promiscuously with other cargo, and landed at the wharf regardless of consequences. The people were alarmed, and the newspapers denounced such a gross disregard of the public safety, but an apathetic Government closed its ears, and heard—or pretended to hear—

nothing. There was an old hulk in the Bay to be had for a few pounds, and the Government was vainly entreated to purchase this as a powder store. On the 7th May, 1844, the "Joseph Cripps," schooner, arrived from Launceston with twenty large casks of gunpowder; and when the craft anchored in the Yarra there was no responsible person to accept delivery of it. The captain begged of the Customs officers to take the dangerous customer off his hands; but they laughed at him, and told him to keep it, for they would have nothing to do with such a ticklesome entry. Returning on board, the indignant skipper coolly had the combustible twenty tumbled out on the wharf, where they remained for several days. Superintendent Latrobe felt himself at length constrained towards the exercise of some supervision of imported powder, and for some time that article was directed to be taken ashore at Williamstown, and there, reposing in a tent, was honoured with a military guard.

The First Powder Magazine.

Governor Sir G. Gipps occasionally entertained good intentions towards Port Phillip; but they were of the same materials as those with which a certain unnameable place is said to be paved. He was seized with a fit of this kind when he visited Melbourne in 1841; but the notion then conceived evaporated on his departure. One of his good intentions was the erection of a powder magazine on the beach near Albert Park, and he actually fixed upon the place where the building was to be put up, but nothing further was done in the matter. In the course of years it was determined to have the magazine erected on the western side of Batman's Hill, which has since bodily disappeared from the face of creation; and here, during 1847, a small stone building was erected at a cost of £2000. It was opened on the 22nd January, 1848, when the gunpowder at Williamstown was deposited therein. In July, a Captain Sutherland was appointed keeper. This magazine, and the hill under which it stood, rendered good service in their day, until the exigencies of changing times caused the dismantling of the one, and the levelling of the other.

Early Closing Movements.

It is interesting to note how early in the colony efforts were made to ameliorate the condition of a very deserving section of the community, whose claims upon public co-operation and sympathy have never been adequately recognized. So long ago as 1841, a movement was organized for "The early closing of the shops in Melbourne," and the drapers then, as at all times since, were the first in endeavouring to introduce a usage which, if honestly carried out through all grades of retail business, would be productive of vast benefit to both *employés* and employers. The negotiations were started by some of the young men familiarly known as "counter-jumpers," and so promptly responded to that the following advertisement was inserted in the three Melbourne newspapers—The *Gazette*, *Patriot*, and *Herald*:—

PUBLIC NOTICE:—

> WE, the undersigned, Drapers of Melbourne, do comply with the wishes of the young men of our respective establishments, and agree to close our houses of business at eight o'clock precisely, Saturday excepted, from Monday, February 22nd, 1841.—M. Cashmore and Co., Donaldson and Munroe, Isaac L. Lincoln, E. and I. Hart, D. and S. Benjamin, F. Pittman, M. Lazarus, J. Simeon, J. M. Chisholm, William Empson, Harris and Marks, R. Whitehead, C. and J. S. Beswicke, A. Ashman.

This small roll included the whole of the trade then located in Collins and Elizabeth Streets, whose excellent example was followed in a few days by the grocers for a similar privilege for their "helps." But the good work was not of long duration, for one shop infringed the compact, and then another, and so on. Spasmodic efforts were occasionally made for a revival, but with indifferent success. In April, 1846, all the Melbourne drapers, save one, agreed to shut up shop at seven p.m. in winter, and eight p.m. during the summer months, except on Saturdays; but the dissentient drove such a roaring trade that the others were compelled in self-defence to withdraw from the treaty, and the arrangement consequently fell through. At a public meeting held in the Temperance Hall, Russell Street, on the 19th September, 1851, the chair was taken by Mr. Richard Heales, and the matter ventilated in addresses by Messrs. N. Kinsman, J. A. Marsden, P. Virtue, and others. The result was the formation of

The Young Men's Early Closing Association,

And a Provisional Committee was appointed, consisting of Messrs. Peter Virtue, T. H. Lightfoot, H. and J. Kerr, J. A. Marsden, J. Morris, B. Coslin, J. Lush, N. Kinsman, T. Moubray, Bridge, and Jarrett. The movement secured some influential sympathizers, and on the 2nd October the election of the following office-bearers took place:—Mr. William Nicholson (the Mayor) accepted the Presidency. Messrs. William Williamson and Robert Campbell, Vice-Presidents; Messrs. Thomas Moubray and A. M'Callum, Auditors; Mr. T. Lightfoot, Treasurer; Mr. R. G. Benson, Secretary, at a salary of £10 per annum. The principal shopkeepers pledged themselves to close their places of business at seven p.m., except on Saturdays, so long as they found it "conducive to the well being of those they had in their employ." For some time the majority of the retailers scrupulously kept their word, but as anything like durable unanimity became hopeless, the praiseworthy object was frustrated, as it has often been since, and will continue so, until the Legislature shall think proper to interpose, and render Early Closing compulsory.*

It is difficult to apply Parliamentary action to a social subject of this kind, but nothing will ever be permanently effected without it. An Early Closing Movement dependent solely upon voluntary effort seems to me a continuous impossibility, because absolute unanimity is so essential, and so difficult—not to obtain, but to keep. This is the weak point, and so long as it remains unremedied the movement resembles a chain made of strong links, with an unsound one here and there, which may snap at any moment.

Building Societies.

Through the agency of Mr. J. F. L. Foster, one of the Provincial Members of the Legislature of New South Wales, there was passed in September, 1847, an Act of Council for the Regulation of Benefit Building Societies in New South Wales. The system had been found to work well in England, and one had been already established in Adelaide. A preliminary meeting was convened at Anderson's *Commercial Inn*, Collins Street East, on the 27th September, to consider the measure as applicable to the Town of Melbourne. Mr. William Clarke, Hon. Secretary and Town Councillor, officiated as Chairman. The expediency of starting a Building Society was determined on, and initiated under the designation of the Melbourne Building Society, the shares to be £120 each; the payments, 5s. entrance per share, 10s. monthly subscription, with 6s. per month redemption fee on borrowed shares. A committee, consisting of Messrs. William Clarke, William Nicholson, C. Laing, J. C. King, L. Rostron, N. Guthridge, J. J. Peers, J. A. Webster, Wm. Thacker, and Wm. O'Farrell, was appointed to prepare the necessary rules, and report to a future meeting. In a few days there were fifty-two enrolled members, and at a meeting held the following week the rules were approved and transmitted to the Attorney-General at Sydney. The following Board of Management was also elected:—President, Mr. William Clarke; Trustees, Messrs. J. C. King, L. Rostron, J. T. Smith, J. A. Marsden, W. H. Buckley; Treasurer, Mr. Charles Vaughan; Stewards, Messrs. C. J. Mills and John Hood; Committee, Messrs. W. Nicholson, J. J. Peers, N. Guthridge, A. J. Webster, Henry Crossley, James Barwick, J. Webb, John Bland, and John Bullen; Surveyor, Mr. Charles Laing; Solicitor, Mr. J. Bowler; Secretary, Mr. Charles C. Dunn.

This Society so far succeeded that three others followed in quick succession, and in 1849 one was started at Geelong.

In January, 1850, Mr. Edmund Ashley conceived a design of establishing an undertaking of a somewhat analagous nature, excepting that instead of putting people in their own houses, its object was to place them on their land. Mentioning his intention to Mr. J. P. Fawkner, the latter rapidly "jumped" the notion, made it his own, and forthwith launched it. It was called the Co-operative Land Society, and Fawkner stuck so well to the work that, in a year, some £6000 had been subscribed and invested. The shareholders were so well pleased with Mr. Fawkner's exertions that they procured from England a handsome silver service as a presentation to their benefactor. It consisted of tea-kettle and lamp complete (weighing 82 ozs.), with coffee and tea pots, cream ewer and sugar basin, and what certainly was

*The Factories and Shops Act, 1887 has become law since the above was written, and ostensibly grants some of the privileges so ardently longed for by the author.—Ed.

not the least pleasing to the recipient this flattering inscription :—"Presented to John Pascoe Fawkner, of Pascoe Vale, the founder and manager of the Victoria Co-operative Freehold Land Society, for his ability in originating, and his philanthropy and perseverance in maturing, the above Society, and for his diligence in putting each member into full possession of a landed estate at the lowest possible cost, viz., £1 per acre. The shareholders gratefully present this Testimonial of their high approbation, and with their best wishes for his temporal and eternal happiness. Province of Victoria, Melbourne, 1851." As an evidence of the wonderful fecundity of the germ from which the first Building Society was evolved, six-and-thirty years ago, it may be stated that, at the end of 1880, little more than thirty-two years, there were in Victoria forty-seven building societies, numbering 18,052 members, with a yearly income of £1,040,926, assets at date of balancing £2,804,295, and £2,352,808 liabilities. The advances during the year amounted to £564,411, and the societies had £829,941 in moneys on deposit.

The Victorian Year Book, 1886-7 (Hayter's Tables), gives the following statistics anent Building Societies :—Number of Societies, 60; Number of Investing Members, 19,907; Number of Borrowers, 16,250; Value of Landed Property, £391,698; Amount of Paid-up Capital, £2,502,799; Amount of Deposits at end of the year, £2,910,792: Advances under Periodical Repayments during the year, £2,358,729; Repayments by Instalments during the year, £1,526,221.

CHAPTER XXXIII.

BLACK THURSDAY.

SYNOPSIS:—The Eventful 6th of February, 1851.—Dandenong Race Meeting.—Burning of the Course.—Narrow Escape of Doctor Ronald and Family.—Death of Edward Doversdale.—Destruction of Messrs. Williamson and Blow's Station.—The Loddon Country Ablaze.—Darkness in Gippsland.—Mr. Thomas Earle's Wedding.—"Dick" Ryan and the Magistrate.—Shocking Tragedy at the Plenty.—Mrs. M'Lelland and Five Children Burnt to Death.—Relief of the Sufferers.—Mal-Appropriation of Relief Funds.—Indignation Meetings.—Insurance Companies: Formation of the "Fire and Marine Insurance Company."—Mr. James Smith, Manager.—The First Fire Brigade.

THE day following the Easter Sunday of 1351 is commemorated in English History as "Black Monday," because, in the language of the quaint old Chronicler Stowe, it "happened to be full dark of mist and hail, and so cold that many men died on their horses' backs with the cold," and by an extraordinary providential contrast, five hundred years after (6th February, 1851) there was a Black Thursday in Port Phillip, so called from the country being overwhelmed with fire and smoke, as if a destroying angel had winged its way through the air, scattering firebrands far and wide; its wake lit up with flaming forests, the fire and smoke, as if waging a war with each other, spreading consternation and dismay throughout the length and breadth of the Province.

From an early hour in the morning a hot wind blew from the north-north-west, and as noon approached, vast gusts of dust enveloped the town to such an extent as to obscure the rays of the sun. The atmosphere became so dense as to render out-door life almost intolerable, for every mouthful of air was like flame puffing out of a furnace, which, added to a strong stifling smell of smoke, reduced anything in the form of physical work or exercise to nearly an impossibility. Short, hot, blinding spurts of wind whizzed into the wayfarer's face, so stunning in their effect as to make him imagine himself ablaze, an illusion dispelled only when he felt and found his clothes unburned and his hair unsinged; and when the dust got a chance it half-choked him. Not only out-door, but mostly all in-door avocations were suspended for three or four hours in the mid-day, and the Supreme Court was compelled to strike work by adjourning the business, and giving lawyers and suitors a half-holiday. At 12 o'clock the thermometer of Fahrenheit was 110 degrees in the shade and 129 degrees in the sun at the shop of Brentani, a jeweller in Collins Street. At 11 o'clock in another place it was 117 degrees in the shade; at 1 fell to 109 degrees; but at 4 p.m. went up to 113 degrees. In the evening a reviving southerly breeze began to blow, before which the pestilential exhalations of the day vanished, and a grateful feeling of relief was the result; whilst later on some showers of deliciously refreshing rain fell like manna from the heavens. There was then not only no electric telegraph communication, but scarcely any communication, unless a slow and scattered course of post, so that it was not possible for the townspeople to obtain any intelligence from even a few miles in the country until next day, and the citizens accordingly strayed forth in small groups to the Flagstaff and Batman's Hills to look about them, in the expectation of beholding some distant indications of anything that might have happened in the interior. All that was observable was a reflected glare from the south and south-east, and an occasional temporary illumination—a sudden flare of light like a house on fire a few miles from town, which immediately disappeared. This was afterwards ascertained to be about Dandenong, where great preparations had been made for a Race meet that day; but a bush-fire rushed the course, causing both sport and sportsmen to decamp without ceremony, and doing such general damage that the inn was about the only house left standing in the neighbourhood. Three newspapers were issued the next morning, and, singular to record, only a tame six-line paragraph referring to the day before appeared in the *Herald*, the *Argus* observed a solemn silence, whilst the *Daily News* exploded in the following hyperbolic

style:—"Yesterday was the most oppressively hot day remembered in the colony. The sirocco that prevailed during the day was as hot as the blast of a furnace—really scorching; clouds of dust accompanied by stifling heat penetrating every building in the city. People going out on business were like millers dealing in very dirty flour. If readers can imagine the atmosphere of dust, ashes, steam, heat and suffocation that one might experience in looking into Mount Etna immediately after its being extinguished by a waterspout, they can form a tolerably fair idea of Melbourne on the 6th February, 1851." If the volcanoism and waterspouting be excised from the above, there is a strong substratum of reality in it.

But it was not long before accounts of woe and desolation came trooping into town, and for a week after every wind that blew bore upon its wings tales of general ruin, individual losses, and suffering that harrowed those who listened to them. East, west, north, and south joined in the same refrain of the ravages caused by the bush conflagrations. Amongst the Plenty Ranges the calamity was hardly capable of description. The fire had, it was said, originated in that quarter through the carelessness of two bullock-drivers, who had camped on the Wednesday evening by the Diamond Creek, and left some logs burning when they went away next morning; these setting fire to the long drought-parched grass, the flames spread everywhere, and fanned by the hot winds fired the bush in every direction. The conflagration sped along to the surrounding ranges, and the whole country side was so rapidly turned into a billowy ocean of fire, that the few settlers looked on half dead with fear, and, in the words of one of them, "thought there was an end of the world." The fire kept enlarging its orbit, rolling about like some huge monster, destroying everything it touched, its track marked by charred timber, embers and ashes, cries and lamentations. Not content with dashing along the ground, it ran up the highest trees, and the flames leaped in monkey fashion from tree to tree. The scrub and brushwood were ignited as if by the wind, which acted as an *avant courier* in piloting the course of the fiercer element. The fire also glided swift as lightning along the margins of the several creeks up one side and down another, and some of the people ruined by its operation, never even saw it until it crashed in about them with a crackling and roaring clamour positively astounding. A shepherd in the employ of Dr. Ronald saw a large column of fire appear suddenly on the top of a hill opposite to where he was, deploy, and make rapidly towards him, when he rushed to his hut to warn his wife, who, with their child, had just time to save themselves by taking refuge on some burned ground over which the blaze had passed. All the chattels they recovered was half a blanket, and some of the personal effects which sought to be rescued were burned in the man's arms. The damage done in the Plenty district was considerable. An unfortunate settler named M'Lelland lost his wife, five children, home and 1100 sheep. Mr. John Bear suffered much by the loss of cattle, and more than 100 persons were left homeless and penniless. A farmer named M'Pherson left home on the Thursday morning to borrow a threshing-machine, but on returning in a couple of hours he found all his worldly property a heap of ashes. Everyone about there was more or less a loser, and there was nothing talked of but the fire and its horrors. Mr. John Harlin was nearly quite burnt out. Every inch of the fencing at his place was destroyed, and four men in his employ only saved themselves by plunging into a waterhole. One Edward Doversdale was with a mate herding cattle when the flames suddenly encircled them. The mate escaped to an eminence clear of timber and grass within a short distance, and Doversdale jumped into a creek, where he was afterwards found so maimed that he was conveyed to the Melbourne Hospital, and died after lingering in excruciating agony for a week. Every place was a scene of misery and lamentation; the dead carcasses of sheep, horses and cattle blocked up the waterways and thoroughfares; and an excursion such as I made in that quarter two days after was a sickening trip to take. In one portion of the Diamond Creek was a pile of sheep and bullocks, most of them dead, but some of the bullocks were in the last agonies of life; and when anything was seen to approach some of the poor creatures would emit a yell enough to freeze the blood in one's veins. Amongst them was a valuable mare, alive and otherwise uninjured, except being rendered stone blind from the effects of the fire. About twenty bullocks were blind and half roasted, though alive and writhing with torture, and moaning in a heart-rending manner. Another remarkable occurrence was the finding in several places of hundreds of dead opossums and snakes, some of the latter several feet long. From the Plenty head to Diamond Creek was one vast area of desolation; and had not the wind changed at a critical period of the day, many believed that the ruin would have travelled along the Yarra to Heidelberg,

and thence by the Merri Creek to the Moonee Ponds. The country between Geelong and Ballarat suffered extensively, and much property was destroyed for miles around Geelong, especially on the Barrabool Hills, the western side of the Moorabool, and the Leigh. At the Barrabool Hills one James Bowman was burned to a cinder whilst endeavouring to extinguish a fire; Phœbe Horslop, a young girl, was severely burned; and Stephen Hopper, a farmer, had to run for his life. Dr. A. Thomson declared that not one house in ten was left on the Barrabool Hills, and all the small farmers were either burned out or ruined. The quantity of hay lost there and around Geelong was put down at 3000 tons, and the wheat at 50,000 bushels. Ballan, and Bacchus Marsh also suffered, and Buninyong forest was for several days in a furious blaze. Messrs. Williamson and Blow, of the Pentland Hills, had a station completely destroyed—everything consumed save the clothes worn by the people there, and Blow was obliged to come to Melbourne to procure a supply of covering for them. At the Werribee, 4000 sheep belonging to Mr. Inglis perished, and his whole loss including crops and wool was estimated at £4000, whilst the hands employed on the station were unable to save their wearing apparel. Mount Macedon was lit up in numerous places in a style that would gladden the hearts of the Druids of antiquity, in whose worship the old Baal-fires were instituted, and three men were known to have perished there; whilst along the overland route to Sydney commencing at Campbellfield, and on by Kinlochewe and Donnybrook, much injury was done. Mr. R. H. Budd, an innkeeper, was in Melbourne, and on returning home found himself a poorer man by a thousand pounds. His wife and several children had had hair-breadth escapes. Attached to the premises was a dairy sunk six feet in the ground, and when the flames closely menaced the place the mother thought the youngsters might be safely stowed away in the butter-vault, and there they were planted accordingly, but it was soon apparent that if left in their hiding-place they would be baked to cinders, so they were, after much difficulty, safely extricated, and the family safely got away. The fires reached northward as far as the Goulburn, where the sheep on several stations were considerably thinned, Mr. H. N. Simson alone losing 7000. As to Kilmore, how it escaped was inexplicable, as the country for a circuit of miles in every direction was a black burned-up desert, in the midst of which stood the township, with several large ricks of wheat and oats scattered about, and the grass destroyed almost to the corn-steads. If this had not been verified by ocular evidence it would be incredible. The neighbouring ranges were on fire early on the Thursday morning, caused, it was reported, by two men engaged in burning some stubble not far from the town. For some time it was in imminent peril, fifteen farmers in the vicinity being ruined, and 10,000 bushels of corn destroyed. The small townships of Seymour and Honeysuckle luckily escaped—though they were like islets in an ocean of flame for some days. The creeks were crammed with festering carcases of working bullocks, through the famished animals rushing into them for a drink, and finding no water, being unable to get out, they perished. No quarter of the district escaped, for the conflagration might be said to be general, from Gippsland to the Murray, and from the Plenty to the Glenelg. At the Pyrenees, for a distance of fifty miles, the fires skipped along in every direction, playing some curious pranks, skirting a marked-out road or small creek in their courses, and not crossing them; then suddenly jumping over, disdaining to meddle with small trees, and when they were impeded by one of uncommon height or width, clutching it without mercy, and choking it off with an explosion like a gun-shot. The Loddon country was fire-swept over a large portion of its superfices, and for six days the conflagration held high revel on the Wimmera. Colac was not spared, and disastrous intelligence was received from the "far west." Over what was then known as the "Portland country," the bush was on fire in every direction, and creeks and waterholes were never known to be so low. Amongst the suffering squatters was Mr. Neil Black, to the tune of 4000 sheep. At Mount Gambier, near the Glenelg (the South Australian boundary), the township was almost completely extinguished.

The Western Port District and the wild Gippsland country, then nearly a *terra ignota*, were not spared. The Dandenong division was devastated by fire in such a manner that every vestige of tillage or verdure was burned from off the ground. The homestead of Dr. Bathe, of Western Port, was besieged by the flames, and Mrs. Bathe had the presence of mind to rush to the stable and release the horses, which flew out, but, terrified by the burning, returned to their shelter, and perished. Mrs. Bathe herself took to the bush, and escaped. Dr. Bathe was reported to be a heavy loser, and it was said a sum of £300 in bank notes had been destroyed in the house.

In Gippsland there was luckily no loss of life, and the destruction of property was trifling, owing to small population and sparse settlement. But the fiery tempest there lost none of its fury, and was even more awe-striking, as may be imagined from the following extract, printed about a fortnight after in the *Church of England Messenger*:—

"DARKNESS IN GIPPSLAND."

"Among the effects of those terrible fires which will make the 6th of February memorable in the annals of this colony, was one of which very little notice has been taken, and which is perhaps almost unknown to the public generally, but excited the greatest awe, and even terror, in the minds of many who witnessed it. We allude to a total darkness which overspread the whole of Gippsland, and literally changed day into night. This darkness, according to the accounts which we have received of it, began to be perceived about one o'clock in the afternoon, and gradually increased until it became so intense as to hide from sight even the nearest objects. Settlers were obliged to feel their way from their out-houses to their huts. One gentleman told us that in unsaddling his horse he actually could not see the animal while he was standing close beside it. Throughout the remainder of the day it continued perfectly dark, and many went to their beds fearful lest they should never see the break of day again. Such a phenomenon was indeed calculated to inspire in all a vague and undefined dread of some impending evil. For the smoke, which, carried by the north winds from the burning forests on the ranges over the plains below, totally intercepted the sun's light, was so high as scarcely to be perceived by the smell, and to produce none of that suffocating sensation which might have been expected, and hence few conjectured the real cause of the sudden and complete darkness in which they were enveloped. We do not wonder, therefore, that thus, unaccountable as it appeared to them, accompanied moreover by the rolling of distant thunder and occasional flashes of lightning, deepened also, rather than relieved, in many places by the blaze of the fires which were crackling in the neighbouring woods, running with a fearful rapidity through the open country, or perhaps threatening their home-stations with destruction, it should have suggested to many the thought that the end of the world was at hand, and that many trembled under the expectation of the immediate coming of the Lord to Judgment. That expectation was indeed groundless. On the following morning the sun rose in unclouded brightness, and the terrors of the preceding day were dissipated." Some of the Gippsland aborigines, who had acquired a small smattering of the English vocabulary, accounted for the physical phenomenon in a very matter-of-fact way, by sagely wagging their curly heads and declaring that "bright fellow (pointing towards the sun) had got the blight in his eye." Throughout the country generally traffic was temporarily suspended, and the carriers of several of the inland mails were intercepted by bush fires. The coasting vessels at sea so perceptibly experienced the immense heat blowing from land, that several passengers were oppressed with mingled feelings of sleepiness and incipient suffocation. Even twenty miles from shore flakes of fire were seen shooting about, and the air was filled with cinders and dust, which fell in layers on the vessels' decks.

There are not many now in the colony who had actual experience of the horrors of the Black Thursday of 1851, to whom one can apply for any written recollections of the calamity. From a kind friend (Mr. A. C. Le Souef, Usher of the Legislative Council) I have received an extremely interesting communication corroborating some of the particulars embodied in my narrative. From this document I transcribe the following sombruous, eloquent extract:—"For some days before, the weather was exceedingly hot, and bush fires were burning in several directions. The sun in the morning rose like a ball of blood, and an intensely hot wind blew from an early hour, which, as day advanced, fanned and spread the fires already burning. By eleven the heat was almost unbearable; a fierce, scorching, and blasting wind withered all before it. Dense volumes of smoke, rising in all directions, enshrouded portions of the country in partial obscurity. The fires extended from Cape Otway to Cape Schanck; and northwards to the Murray. In viewing it from an eminence all Victoria appeared a vast conflagration. Vessels fifty miles at sea had their decks covered with leaves and ashes. Going over the big hill on the Sydney Road after dark was a sight I shall never forget—the whole forest lighted up with a most indescribable unearthly glare—the lofty trees burning to their very tops with a sullen, angry roar—while above hung a dense canopy of heavy

lurid smoke. As we rode along on our trembling horses the trees crashed down close to us, and on one occasion the burning leaves struck in our faces as a huge old tree—a species of the stringy bark—came thundering down, a mass of fire and flame. Every now and then some cattle or horses, stupefied or maddened by the fire, would gallop wildly by. As we entered the open ground near the township of Kilmore, the surrounding hills, burning from base to summit, presented a grand and terrible sight."

But, in chronicling all the saddening consequences of this day of terrors, the writer cannot overlook two amusing incidents that occurred in Melbourne, one at each extreme in the City—two separate and distinct acts in the drama of life—the one flashing like a small gleam of sunshine, a sparkling bit of comedy; and the other a queer black mark, a scrap of bouncing farce. The first refers to the moral courage evinced by a lady and gentleman who, disregarding all the inauspicious omens of the clerk of the weather, rushed from the sweltering heat of Melbourne into the Hymeneal Sanctum, and contracted a life partnership, which it is to be hoped made them happy ever after. This auspicious event is thus announced in the *Daily News* of the 7th:—"Married on Thursday, 6th February, at St. Peter's Church, Melbourne, Mr. Thomas Earle, late of Hull, to Miss Hortensia Howes, daughter of Captain John Howes, of Cliff House, Gorleston, Suffolk." It is evident from this that "Black Thursday" was a "white" day for one "happy pair" of Melbournians, at all events; and that the presence of mind necessary for setting sail on the ocean of wedlock under such Simoon discouragements ultimately found its reward is evidenced by the fact that the two, now old Earles, are still alive and prosperous—the gentleman filling a responsible position in a leading wool warehouse, and the lady the centre-piece of a family ring of nine young colonists.

Whilst the nuptial knot was being tied on the Eastern Hill, the Police Court on the Western Hill was solemnly engaged in the untying of a different complication. Mr. Edward Bell, J.P., and Private Secretary of Mr. Latrobe, the Superintendent, and Mr. Richard ("Dick") Ryan, a squatter, were having some personal altercation. "Dick" somewhat unpolitely informed Mr. Bell that "he did not care a d—— for him, or for all the Magistrates in the country," and for this heinous offence a summons was taken out against him of the unruly tongue. The charge was laid as "cursing," though it is doubtful if the phrase complained of could bear that interpretation, as it was simply communicating an item of intelligence, and not conveying either invocation or imprecation. However, the case was investigated by a Bench of Magistrates, who, either from the lassitude provoked by the atmospherical condition of the weather, or the legal difficulty involved in the issue, reserved judgment for a week, and in the end "Dick" was fined one shilling. As to this defendant cared neither a "d" nor a dump, and could well afford to laugh at such a trifle, for, outside the restricted circle of the Melbourne Club, he was accounted a better fellow than his prosecutor. And such were the two odd episodes—the two comic flashes that shot up like rockets amidst the general gloom.

On the Friday rain fell lightly in several parts of the interior, and on Sunday, the 9th, prayers for rain were offered in several of the Melbourne churches.

Shocking Tragedy at the Plenty.

All the smoke and fire, the crashing of burning forests, the lands laid waste, and the pyres of sheep and cattle carcasses festering in the broiling sun, sink into insignificance beside a horrible incident which occurred at the Plenty, where a mother and five children were killed by roasting and suffocation. The deceased woman, before referred to, was Mrs. M'Lelland, wife of George M'Lelland, a thriving and industrious settler, residing on the banks of the Diamond Creek, a tributary of the Plenty. Their family consisted of five children, of ages varying from one to eight. Their names were John, James, Joseph, Mary Anne, and William, and these with their mother were the victims of the terrible catastrophe. Their homestead was situated near what is termed "The Ranges," and about thirty-five miles from Melbourne. M'Lelland was what is known as a well-to-do man, worth about £800, and gradually bettering his condition until crushed by this overwhelming misfortune. On the day of the occurrence M'Lelland and his family were in their hut, little thinking of the destruction which was hurrying upon them with lightning speed from the mountains. Mrs. M'Lelland looked out from the door,

and feeling the effect of the fiery wind sweeping along, she hastily re-entered, declaring it was like the Day of Judgment. In a few minutes a crash was heard as of a peal of thunder, and instantly the hut was a sheet of fire. The horror-stricken inmates endeavoured to break through the flames, the father madly trying to save the children. All, however, he could do was to take the boy Johnny, his pet child, eight years old, and dash out with him through the furnace. A creek of water was close by, and almost surrounded the hut, and for this M'Lelland made; but short as was the distance, it was too much for the little boy, who faintly begged his "daddy to lay him down," and, with the words, died from heat and exhaustion. M'Lelland then placed the body on the ground, and, maimed and half dead himself, succeeded in reaching a creek about 100 yards off, into which he plunged, and, buried to his neck in the water, was able with much difficulty to keep alive until the worst was over. The wife and the other four children forced their way out of the hut after the father, but died a few yards away in the bush. The six corpses, or what remained of them, were collected, placed in a bullock dray, and sent to Melbourne, and they arrived at Fitzroy about 9 o'clock on Saturday evening. The husband was brought in about half-an-hour after, and was an object of deep commiseration. He was so severely burnt and weakened that there were but faint hopes of his recovery. One of his arms was little more than a charred bone. Where the King's College now stands in Nicholson Street, facing Faraday Street, there was a rakishly rigged-up hostelry known as the *Traveller's Rest*, and here the bullock team with its load of roasted corpses pulled up, and the dead were moved inside. Dr. Wilmot, the Coroner, decided upon holding the inquest there the same night, and this having become generally known, there was a large exodus of people from Melbourne to the place. It was moonlight, and the moon has hardly looked upon a more ghastly spectacle from that day to this. It was my painful duty to be present, and the impression engraven on my mind has never been erased. Stretched on a bed was the invalid husband, writhing and groaning piteously; and though his evidence was considered desirable, to use him as a witness was out of the question. Laid out on a tarpaulin in an outhouse were the six corpses, unshapen masses of blackened bones and grilled flesh; all except the poor mother unrecognizable, and the baby more than half consumed. A jury was empanelled, and after the sickening though necessary ceremonial of "viewing" was gone through, Alexander Miller, a shepherd in M'Lelland's employ, was examined, and his testimony disclosed as additional facts: That, though there were fires in the Ranges for some days before, they did not approach nearer than ten miles to M'Lelland's place until the Thursday morning. He was out driving his sheep to water when he saw the flames coming rapidly towards him through the bush with a loud hissing, crackling noise; and getting alarmed he hurried the sheep back towards the homestead to have them as much as possible out of danger. On arriving there about noon the place was on fire, and he shouted loudly but received no answer. The fire now began to press him so closely as to compel him to abandon the sheep and run for his life, the flames almost up to his heels. With his utmost speed and much difficulty he kept ahead until he arrived at the creek, into which he plunged head foremost, and remained there with only his chin upward above water, scarcely daring to move, and not emerging from his unpleasant bath until dark, when he crept forth and approached to where he had left the hut; but there was not a trace of it remaining. Going back to a portion of the creek from which the family used to fetch water, he there found M'Lelland up to his neck, and helped him out. Inquiring after the woman and children, he was told they were all dead, and both he and his master then lay down on the bank of the creek, remaining there until the morning, when M'Lelland proposed that they should go in search of the bodies; but the witness strongly advised that before doing so they should proceed to the station of Dr. Ronald (about three miles distant) for assistance, and this they did. Here M'Lelland, who was unable to travel further, remained, and Miller procured at the *Bridge Inn* a bullock team and dray, and returned to M'Lelland's, where he found Dr. Ronald, Peter Hunter and John Parish. He was then shown, lying with their faces to the ground, the six dead bodies or what remained of them. They were found some twenty yards from the hut, and had not been moved. The eldest boy was about a dozen yards from the others. Not a scrap of clothing remained on any of them. They were stark naked, black, and burnt. A verdict of "Accidental Death" was returned. Next day, Sunday, all the burnt remnants were coffined and interred in the Melbourne Cemetery, and M'Lelland was transferred to the Hospital, where he slowly recovered, and lived for a few years.

THE RELIEF OF THE SUFFERERS.

It was the *Geelong Advertiser* that first designated the 6th February "Black Thursday," and to the credit of Geelong a movement to raise funds to alleviate the distress occasioned by the misfortunes of the day, was commenced in that town, where the considerable sum of £1100 was soon raised, and it was subsequently augmented to £1500. On the 18th February a public meeting of the citizens of Melbourne was held at the Mechanics' Institute, to devise means for the relief of the Bush-Fire Sufferers, but the attendance was not so numerous as one would have expected from the nature of the object. The Mayor presided, and addresses were delivered by Messrs. J. P. Fawkner, J. F. Palmer, Wm. Westgarth, N. L. Kentish, John Hodgson, J. T. Smith, Abel Thorpe, T. M'Combie, and J. C. King. Resolutions were passed (1) "Declaring the movement to be one deserving of the hearty support of all persons who have under Divine Providence been exempted from the ruinous losses occasioned by the late dreadful conflagrations, and that by liberal contributions in money or kind to aid in the alleviation of the misery and distress." (2) "That subscription lists be immediately opened, and all be asked to subscribe to meet the emergency of the case;" and (3) "That the Clergy of every denomination be solicited to grant their aid and assistance in promulgating the views and objects of the meeting, and stirring up their congregations to co-operate." The following Committee was appointed to take the steps necessary to effect the purposes contemplated:—viz., the Mayor, Messrs. J. F. Palmer, John Bear, J. B. Bennett, G. S. Brodie, J. Dinwoodie, J. S. Griffin, Robert Kerr, M. O'Connell, N. Guthridge, John Lush, A. F. Greeves, Peter Davis, Abel Thorpe, Dalmahoy and D. S. Campbell, J. R. Pascoe, J. Dunbar, W. U. Tripp, T. Lane, M. Lynch, J. P. Fawkner, J. T. Smith, David Young, Joseph Raleigh, Captain G. W. Cole, and Major W. Firebrace. The Mayor and Mr. Charles Bradshaw were nominated co-Treasurers, and £301 6s. was subscribed in the room, the Chairman, Mr. W. Nicholson, heading the roll with a cheque for £25.

A meeting of the subscribers was held on the 22nd April, with Dr. Palmer as Chairman. The Committee's report showed the total receipts at £1671 17s. 8d., viz., £1603 4s. 8d. subscriptions, and £68 13s. donations from the newspapers in account for printing and advertising. The expenditure consisted of—Various Grants, £633 12s.; To Kilmore Relief Committee, £281 5s.; Incidental Expenses, £9 17s. 4d.; Commission for collecting, and grant to Secretary, £20; Balance, £727 3s. 4d.—£1671 17s. 8d. The balance would be reduced by some outstanding claims to £658 10s. 4d., and this the Committee, not deeming there was any further relief use for it, thus appropriated—£250 each to Melbourne Hospital and Benevolent Asylum, £40 each to the Friendly Brothers and St. James' Visiting Societies, £30 each to St. Peter's Visiting and the Strangers' Friend Societies, and £18 10s. 4d. to the Ladies' Society, established in connection with the Church of England—the uncollected balance when received to be distributed, *pro rata*, to the same purposes. The report declared that the damage supposed to be suffered, fell considerably short of general expectation. The losses sustained by persons who had been relieved were much over-estimated, and amounted to £6502 5s. 5d. The returns as furnished by a Relief Committee appointed at Kilmore amounted to £3145, and the Plenty £2360, or an aggregate of £12,007 5s. 5d. The number of individuals, inclusive of children, relieved by the Committee was 255, and the amount £914 16s. Separate collections had been made for the Plenty and Kilmore, and for the latter, £281 5s. had been given to purchase seed corn, whilst the Plenty had £131 12s. for the like purpose. The relief was administered upon certain principles determined by the Committee, and to be regulated by the losses and position of the sufferers.

Such a summary appropriation (or mal-appropriation, as many preferred to term it), evoked much dissatisfaction; but as the Committee had not only disposed of, but actually paid away the balance to the several Charities there was no alternative but to grin and bear it. The credit, or discredit of the "sharp practice" was accorded to Dr. Palmer, who had an unhappy knack of often doing a good thing in a wrong way; but there is no doubt that he was freely aided and abetted by three-fourths of his co-Committee men, who were members of the Directories of the several Institutions so pecuniarily benefited.

The surprise and dissatisfaction prevailing amongst the general body of subscribers found vent at a public meeting, held in the Mechanics' Institute, on the 6th May, presided over by Mr. Thomas M'Combie. Here a letter was read from the Rev. A. M. Ramsay, Presbyterian Minister, expressing strong disapproval

of the action of the Committee. Addresses vehemently denouncing the unauthorized alienation of a fund contributed for a special purpose were delivered by the Chairman, Messrs. John Hodgson, John Hood, N. Guthridge, J. S. Johnston, J. P. Fawkner, and W. R. Belcher. A personal encounter took place between J. P. Fawkner and N. L. Kentish, which was prevented from ending in a pugilistic "set to" only by the strong personal interposition of some of the parties present. Mr. Guthridge stated that M'Lelland, who had lost, wife, family, and all he had in the world by the conflagration, all he received was £40. Resolutions were passed (*a*) strongly censuring the Central Relief Committee for alienating to other purposes funds collected for the relief of the sufferers by the bush fires; (*b*) declaring that a gross breach of faith had been committed; and (*c*) appointing Messrs. R. Grice, N. Guthridge, T. M'Combie, W. K. Bull, J. Hood, J. R. Pascoe, S. Croad, E. Sayce, W. R. Belcher, M. Cantlon, R. Duff, J. Bennett, and R. Kerr, a Committee to carry out the intention of the subscribers, and to apply to the several Charitable Institutions specified to refund the money wrongfully paid over to them.

As might be supposed the several applications so made met with refusals, and not a farthing was paid back, for which the several Charities were not to be blamed; for, so far as they were concerned, the cash reached them in a regular way, and they did right to stick to it.

The next course adopted was the presentation of a requisition to the Mayor to convene another indignation meeting, which he declined to do. It was held, however, without his co-operation on the 27th May, when the proceedings were stormy, recriminatory, and very unedifying. A resolution was, however, affirmed insisting in strong terms that the Fire Relief Committee should make restitution of the £658 10s. 4d. so misapplied, and a Committee was appointed to urge the demand accordingly.

The demand was made, and treated with contemptuous silence. No one anticipated any other result, and this was the last publicly heard of a transaction, the undoubted irregularity and injustice of which could not be defended on any honest or rational grounds.

Insurance Companies, and the First Fire Brigade.

Insurance.

The delay and uncertainty entailed in effecting insurances through Sydney and Van Diemonian agencies, suggested the formation of a local Company; and accordingly at a public meeting in the *Lamb Inn*, on the 6th April, the project was started and the following prospectus adopted:—

Fire and Marine Insurance Company.

Directors: R. H. Browne, Esq., S. J. Browne, Esq., Rev. J. Clow, John Gardiner, Esq., Arthur Hogue, Esq., Charles Howard, Esq., D. C. McArthur, Esq., W. F. A. Rucker, Esq., James Simpson, Esq., R. S. Webb, Esq., P. W. Welsh, Esq., W. H. Yaldwyn, Esq.; Auditors: Skene Craig Esq., and William Highett, Esq.; Surveyor: Robert Russell, Esq.; Solicitor: William Meek, Esq.; Secretary: J. Smith, Esq. Capital, £50,000 in 1000 £50 shares.

The shares were in tolerably good demand, and another meeting was held on the 2nd August, when the first Annual Board of Management was elected; the difference between it and the Provisional Directory being the substitution of Messrs. G. B. Smyth, F. A. Powlett, Alex. Thomson, R. Jamieson, J. O. Denny, and C. Williams, for Messrs. S. J. Browne, John Gardiner, W. F. Rucker, J. Simpson, P. W. Welsh, and W. H. Yaldwyn. Further changes in the *personnel* were subsequently made.

The manager was the same Mr. James Smith who so assiduously watched over the infant destinies of the Savings Bank. Whatever he undertook he stuck to with a zeal and perseverance not to be excelled. Though slow, he was sure, and honest as the sun, and any project with which he was responsibly associated, if it did not rise to an absolute success, never descended to a dead failure. The Insurance Company was conducted in the same offices as the Savings Bank, in Collins Street West; and, though it never did a large share of business, it contrived to pay a dividend. It was not fated to enjoy a long life; but when it died it gave up the ghost with a clear conscience, for it had not much to answer for. There had been few fires, and the working expenses of the concern were very small, for outside the managerial expenses no outlay was

incurred, except for a few buckets and ladders (not to be found when wanted) and a moderate remuneration to the water-carters on duty. There were six classes of risks, at premiums ranging from 5s. 6d. to 42s. per cent. Loose straw, hay, or any kind of dry fodder knocking about the yards or street corners, was a constant source of terror to the manager for fear of a fire accident; and if he saw a haystack within a dozen yards of any premises insured, it assumed the proportions of a terrible bogie in his eyes. To make it worse, the townspeople were careless in this respect, and the innkeepers and others used to pile up hay and straw in the enclosures near their houses. In March, 1840, Mr. Smith persuaded his Board to issue a notice "declaring the existence of one or more ricks of hay or straw in the immediate vicinity of a building or other property which has been previously insured by the Company, if not duly notified and additional premium paid, to be a violation of the policy, and no such risks would in future be accepted." The rates of premium on marine risks graduated from 1½ per cent. to Launceston, to 3 per cent. to England. Towards the close of 1842 there were two extensive fires in Collins Street, which gave the Company such a twist as it never got over, and the next year it shut up. It was said to be the only one of the early companies that was able to return the capital invested.

In 1840 there was established in Melbourne a branch of Lloyd's Agency, with Messrs. Arthur Willis and Co. as its representatives, and Mr. David Goodsir as Surveyor.

In 1841 the Australian Trust Company, incorporated by Royal Charter, with £1,000,000 capital, and a Colonial Board of Directors at Sydney, appointed Messrs. Montgomery and M'Crae as its Melbourne Solicitors.

In 1840 there was started in London the Australasian Colonial and General Life Assurance and Annuity Company, with a capital of £200,000; and in 1841 it opened an agency at Melbourne under the control of Mr. Alexander Andrew, with Dr. E. C. Hobson as its local Physician. Its leading features were described as participation in the profits, and lower rates of premium than those of most Societies which do not give profits to the Assured.

The Melbourne Fire and Marine Insurance Society was started in April, 1847, with the following Provisional Committee:—Messrs. James Simpson, Edmund Westby, Joseph Raleigh, W. F. Splatt, George Annand, Henry Moor, Charles Williamson, James Jackson, F. G. Dalgety, Isaac Buchanan, F. D. Wickham, and Dr. Thomas Black.

It issued a preliminary address, in which it was declared as a reason for its establishment that there are at present about 2536 houses in the Town of Melbourne; and it appears by the late Census, taken in February, 1846, with the increase since that period, that the population of Melbourne exceeds 12,000 souls, with every prospect of a rapid extension of the Town and suburbs. For some years the only means of effecting Insurances was in the Cornwall Fire and Marine Insurance Company, established in Van Diemen's Land, which derived annually a large profit from its operations in Port Phillip. The capital of the Company was to be £50,000—namely, 1000 shares of £50 each, on which £10 per share was to be paid on allotment.

Though this undertaking was inaugurated under the auspices of some of the best business names in Melbourne, it collapsed in a few days, as only 15 persons applied for shares—in all 405—and the Preliminary Committee determined not to go on unless the whole thousand were taken up.

The Victoria Fire and Marine Insurance Company.

In October, 1848, another, but successful, effort was made to float a local Company under the above designation, and on the 11th a preliminary meeting was held at the *Royal Hotel.* The capital was to be £100,000 in 4000 £25 shares, and the chief projectors were Messrs. C. H. Ebden, Henry Moor, F. D. Wickham, Henry Condell, W. Meek, and W. Mortimer. A further meeting followed on the 12th January, 1849, when it was announced that 3000 shares had been subscribed, but dissatisfaction was expressed that the name of the Chairman (Mr. Ebden) was not down for any. The following Provisional Committee was appointed to promote the object contemplated, viz.:—Messrs. J. R. Murphy, Henry Moor, William Highett, A. M'Lachlan, George Annand, J. W. Howey, Henry Miller, George James, Hugh Glass, Matthew Gibson, George White, and W. B. Burnley.

A special meeting of shareholders was convened at the same place on the 9th March, Mr. M'Kenzie (the Deputy Sheriff) in the chair. A report from the Provisional Committee disclosed the fact that 3653 shares had been allotted to 370 applicants, of which 3150 were paid for; and of the applicants 300 had signed the deed of settlement. Shareholders of twenty shares were qualified for the Directorate, and there were twenty candidates for the dozen seats of which it was to consist. The election was at once proceeded with, under the scrutiny of Messrs. D. S. Campbell, Frederick Cooper, and Samuel Thorpe. The ballot showed the following result:—Henry Moor, 431; A. M'Lachlan, 416; J. R. Murphy, 413; A. M'Kenzie, 407; Henry Miller, 368: F. D. Wickham, 360; William Highett, 359; George Annand, 322; J. W. Howey, 320; W. B. Burnley, 288; E. B. Greene, 285; M. Gibson, 281. These twelve, as the pollers of the highest numbers, were declared to constitute the first Board. Appended are the unsuccessful aspirants:—George James, 251; J. T. Smith, 162; Hugh Glass, 148; Joseph Hall, 139; John Watson, 109; David Young, 85; Thomas Black, 83; Robert Robinson, 58.

For the Secretaryship there were three candidates, in which contest George Frazer received 187 votes; James Damyon, 173; and Edward Courtney, 156. Frazer continued for several years as Chief Executive Officer of the Institution. Messrs. J. B. Bennett and J. H. Ross had a fight for the Solicitorship, but the first-named won by nearly two to one, the voting being—Bennett, 318; Ross, 190. Subsequently the Board of Management nominated Messrs. Charles Laing and James Ballingall to be House and Marine Surveyors respectively. Such is the origin of a Company which prospered in its work, and continues in its thriving condition to the present.

Geelong.

An attempt was made in 1847 to start the Australia Felix Fire and Marine Insurance Company at Geelong, with a capital of £100,000 in 2000 shares of £50 each. A prospectus was issued, and a small, though substantial, Provisional Directory named; but the time had not arrived for the thorough development of such an enterprise.

In August, 1850, the Geelong and Western District Fire and Marine Insurance Company was initiated on a proposed capital of 4000 £25 shares (£100,000). On the 23rd January, 1851, a meeting was held at *Mac's Hotel*, with Mr. Charles Nantes as Chairman, when the following Directors were elected by ballot:—Messrs. C. J. Dennys, C. Nantes, Silas Harding, G. A. Lloyd, and Edward Willis. Mr. J. S. Hill was appointed Manager; Mr. J. A. Gregory, Solicitor; and the Bank of Australasia, Bankers.

The First Fire Brigade.

The occurrence of several fires in Melbourne and notably the one at Condell's Brewery, in Little Bourke Street, in July, 1845, quickened into activity a long slumbering desire for the formation of some recognized body outside the military and police to assist in the extinction of fire. To effect this purpose a public meeting, convened by the Mayor (Moor), was held at the *Royal Hotel*, Collins Street, on the 21st July. The result was the formation of a "Fire Prevention Society," to be supported by voluntary subscriptions. In September the Society made the following appointments, viz.:—Inspector: The City Chief-Constable (Mr. W. J. Sugden). Foreman: Mr. Jeremiah Dalton. Firemen: Henry Rankin, Peter Wartmough, Daniel M'Intosh, John Cross, Robert Knox, and William Jordan. It was bitterly complained that the public, support was not accorded as liberally as it ought to have been, for the maintenance of such an institution, and it was mentioned as a reproach upon the public spirit of the time that out of a town population of 12,000, only 204 persons opened their pockets in the good cause. The Directors of the Victorian Insurance Company, in February, 1851, took the concern under its wing, and reformed it very considerably. In its reconstructed condition it thus appeared:—Superintendent, Chief-Constable Bloomfield; Foremen Jeremiah Dalton, and Daniel O'Reilly; Firemen, Michael Lynch, J. W. Roberts, R. Williamson, D. M'Carthy, John Ryan, P. Ryan, M. Heaphy, M. Doolan, Oliver Johnstone, and David Rosier.

CHAPTER XXXIV.

THEATRICAL AND KINDRED ENTERTAINMENTS.

SYNOPSIS:—The Pavilion Described.—Hodges the Moving Spirit.—Hodges' Misfortunes.—Collapse of the Pavilion Management.—First Amateur Theatrical Association.—First Theatrical Performance.—The Theatre Royal.—Death of Mr. Richard Capper.—Attempted Abduction of Miss Sinclair.—A "Green-room" Fight.—Entr'Acte Amusements.—Attempt to Capsize a Theatre.—"The Crib."—"Captain of the Guard."—The Royal Victoria Theatre.—Hodges in the Insolvent Court.—Collapse of the Amateur Dramatic Association.—Formation of an Amateur Club.—Batters, the Tinker.—First Professional Playbill.—Storming the Dress Circle.—"The Ghost" Ceased to Walk.—Death of Mr. Knowles.—New Arrivals.—A Theatrical Riot.—Demolition of the Pavilion.—Smith's Queen Street Theatre.—Opening of the New Theatre Royal.

THE PAVILION.

THERE was a time (not very long ago) when taverns, though unlike angels, were, like angels' visits, few and far between, in Bourke Street, and towards the end of 1840, there were only three licensed victuallers in all that now throbbing thoroughfare. Where the big *Bull and Mouth* fattens and flourishes on public favour, there nestled a small single-floored, weather-boarded, shingle-roofed, cottage-like hostelry called the *Eagle Inn*, a drinking rendezvous of some note, kept by a Mr. J. Jamieson who though he reigned, did not govern, for its constitution was an absolute gynocracy, administered by the hostess, known far and near as "Mother Jamieson." The establishment was specially patronized by a not very fascinating, though lively, Cyprian, named Jenny M'Leod, and acquired a questionable popularity. The barman was a Mr. Thomas Hodges, much given to boasting of the confidential relations that subsisted between him and the elder Charles Kean in the Mother-country, and by all accounts Hodges had, at some time, rendered himself useful to the great tragedian by polishing his boots, brushing his coat, or in some equally necessary domestic offices. Whilst engaged in such menial attentions, either brush or boot-jack might have communicated some germs of contagion, for Hodges became partially stage-struck, and began whispering some of his theatrical musings in the ear of Jamieson. There was a certain method in his madness, for he succeeded in making Jamieson believe that in the establishment of a theatre he should discover a mine that would open to him a door to untold wealth. The project was fully considered at several "cabinet" meetings attended by the landlord, "Mother" Jamieson, Jenny, and Hodges, and it was at length resolved to start a theatre—Hodges to be the ostensible proprietor, and Jamieson to supply most, if not the entire, sinews of war. In January, 1841, it was publicly announced that a wooden theatre, or pavilion, was to be erected. Its dimensions were to be 65 feet by 35 feet, the sum of £1000 was to be expended on its construction, and it was to be completed in two months; but it was not until the end of February that the foundation was laid. The finishing touch was at length put to the Pavilion, which stood on the centre of the ground now occupied by the Spanish Restaurant and Hosie's Scotch Pie Shop, and it was one of the queerest fabrics imaginable. Whenever the wind was high it would rock like an old collier at sea, and it was difficult to account for it not heeling over in a gale. The public entrance from Bourke Street was up half-a-dozen creaking steps; and the further ascent to the "dress circle," and a circular row of small pens known as upper boxes or gallery, was by a ladder-like staircase of a very unstable description. Internally it was lighted by tin sconces, nailed at intervals to the boarding, filled with guttering candles, flickering with a dim and sickly glare. A swing lamp and wax tapers were afterwards substituted, and the immunity of the place

from fire is a marvel. It was never thoroughly water-proof, and, after it was opened for public purposes, in wet weather the audience would be treated to a shower bath. Umbrellas were not then the common personal accompaniment they are now in Melbourne, but such playgoers as could sport a convenience of the kind took it to the theatre, where it was often found to be as necessary within as without. The expanded gingham would, of course, very considerably incommode the comfort and view of the adjacent sitters, but that was a consideration so trifling as to be scarcely thought about.

Hodges now looked upon the realization of his fondly-cherished hope, and was a happy man; but his happiness was of brief duration, for the Pavilion brought to him and Jamieson a series of tribulations. One difficulty followed another until the Insolvency and Equity Courts ultimately stepped in, curing the one of his dramatic craze, and, though not reimbursing the other for his outlay, teaching him a bitter lesson which might have done him much good had it come earlier. On one important point the promoters of the scheme had singularly reckoned their chickens before they were hatched, for the first hitch cropped up in the obtaining a license. An application was made to the Police Court, and was refused because (1) the Magistrates were in doubt as to whether Melbourne was then sufficiently ripe for such a species of amusement; and (2) there was no reasonable guarantee that the place would be properly conducted. This unexpected rebuff threw Hodges on his beam ends, and the result was that the Pavilion was opened with a musical performance, but of a very equivocal description, spiced with low buffoonery, ribaldry, and interludes of riot and confusion.

The police were obliged to interfere, and the disreputable doings having been brought under the notice of the Police Magistrate, he peremptorily ordered Hodges and his Pavilion to shut up. The arrival of a Mr. George Buckingham, from a Dramatic Company at Adelaide, brought a little sunshine to the heart of poor Hodges, who induced the new comer to memorialize the police bench for a license; but the document was not considered to be respectably signed, and there was a second refusal which sent the Pavilion to the auctioneer's hammer; but no one could be found fool-hardy enough to knock it down, and it was bought in for £700. After this, occasionally, the authorities, from motives of compassion, winked at the giving of a public concert now and then, but no application for a regular license would be listened to. One evening in January, 1842, a so-called concert was given, but of such a very low class as to outrage all the proprieties. Hodges was consequently summoned by the Chief-Constable for breach of the Act of Council 9, Geo. IV, Sec. 2, regulating places of public exhibition and entertainment, convicted and fined £50 or six months' imprisonment. He was still able to raise the wind sufficiently to keep out of gaol, for the fine was paid.

It was suggested that the Pavilion might be temporarily utilised for a course of amateur performances, in aid of an Hospital then in course of projection. A theatrical license could only be recommended by the bench of Magistrates, its issue lying with the Colonial Secretary, at Sydney, but the sanction of the local bench obtained, the other followed almost as a matter of course. Six gentlemen accordingly enrolled themselves as an Amateur Theatrical Association for charitable and benevolent purposes, and as their position supplied *prima facie* evidence that any licensing privilege conceded was not likely to be abused (an erroneous supposition), the recommendation of the local bench of magistrates was easily obtained, and so, in the beginning of 1842, the Sydney authorities granted permission to open the Pavilion for theatrical representations for one month. The half-dozen obtainers of the temporary license constituted a Board of Stewards, and as they comprised a barrister, an attorney, three newspaper editors, and an assistant editor, they exercised considerable influence. Kerr, of the *Patriot*, had obtained some reputation for his private rendering of Scotch characters, his great hit being an impersonation of *Bailie Nicol Jarvie*. Gilbert Beith, the first Town Treasurer, was quite at home in the *Dugald Creature*. Mr. George Cooper, a big black barber, possessed some small dramatic ability, overlaid by a tremendous quantity of assurance; and Mr. Michael Cashmore, Inspector of the Meat Market, felt himself equal to anything, from *Hamlet* or *Shylock* down to executing a hornpipe. Then there was old "Jemmy Warman," the owner of two dashing daughters; and Messrs. John Davies, reporter for the *Patriot*, and G. D. Boursiquot, of the *Gazette*, smart, wide-awake, self-possessed "gents," who responded to the call made upon their good nature freely, and so matters moved swimmingly. A five-guinea prize was offered for the best inauguration ode or poem, but there was no response.

THE FIRST THEATRICAL PERFORMANCE

Was an event looked forward to with hopes and misgivings, and the following "bill" was a novelty in its way :—

THEATRE ROYAL, MELBOURNE.

By Special Permission from the Colonial Secretary.

The Public is most respectfully informed that the Amateur Performance, in aid of the
MELBOURNE HOSPITAL FUND,
will take place on
MONDAY EVENING, 21ST FEBRUARY, 1842,
At the Theatre in Bourke Street.

Previous to the commencement of the Performance, the Band will play the National Anthem of
GOD SAVE THE QUEEN.
To be followed by an appropriate Address, to be delivered by MR. ARDEN.

The Performance will commence with the Laughable Petite Comedy, entitled
THE WIDOW'S VICTIM.

After which, A Sailor's Hornpipe (in character)—Master Conlan.
Song—Master Eyles. Highland Fling (in character)—by a Gentleman Amateur.
"The Steam Arm"—Mr. Buckingham.

The whole will conclude with the Laughable Farce, in one Act, called
THE LOTTERY TICKET; OR THE LAWYER'S CLERK.

Tickets for the Pit or Boxes, 7s. each, to be procured from either of the Stewards.
Gallery Tickets to be obtained at Holme's Stationery Warehouse, Collins Street, and at the Bar of the Albion Hotel, Bourke Street.
☞No money will be taken at the Doors.
Doors open at Six o'clock, and the Performance will commence at Seven o'clock precisely.

J. E. Murray, George Arden,
George. Cavenagh, William Kerr,
H. N. Carrington, John Stephen. } Stewards.

The Stage Management under the Direction of MR. BUCKINGHAM.

Financial and other difficulties in a short time led to the retirement of Arden and Carrington, to be replaced by Messrs. C. H. Ebden, and B. Baxter. As events worked they were heavily mulcted by being, with Cavenagh, as the most solvent partners, obliged to contribute the major part of certain pecuniary obligations, the theatrical treasury being empty. Out of this original amateur brigade, there only survive (in 1883), Baxter, the phlebotomised steward, and Cashmore, the universal genius.

At length the all-important evening arrived, when there was a bumper house, and owing, as was thought, to Buckingham's judicious management, everything passed off well, and without even the "smallest hitch," in the newspaper phraseology of the day.

The overture to the "Bronze Horse" was executed with talent and effect; but Arden, the Editor of the *Gazette*, who was to have delivered the opening address, being in gaol under commitment by Judge Willis, was not a Sir Boyle Roche bird, and could not be in two places at one time; so Kerr of the *Patriot* officiated as his brother Editor's proxy by merely announcing the "postponement" of the recitation. Cheers were given for the imprisoned absentee, intermingled with hisses for the Judge. The scenery painted by a Mr. Southall was described as highly creditable to that artist. In "The Widow's Victim" the lady performers were Mrs. Avins and Miss Sinclair (professionals) as *Jane*, and *Mrs. Rattleton*, Miss Taylor as *Mrs. Twitters*. Messrs. Davies and Boursiquot (reporters of the *Patriot* and *Herald*) took *Jerry Clip*, and *Mr. Twitters*, whilst the part of *Pelham Podge* fell to Buckingham. Master Conlan danced a

Sailor's Hornpipe (in character), acquitting himself so well that he was punished by an *encore;* whilst an amateur (Joseph Harper, a dancing-master), footed it in a Highland Fling. A Mr. Mossman next "did" the overture to Fra Diavolo in such a way as "to electrify the audience;" and a Master Eyles sang sweetly, "I've Journeyed over Many Lands." The entertainment wound up with "The Lottery Ticket," Mr. Winter playing the *Lawyer's Clerk*, Mr. Miller as *Capias*, and Mrs. Avins as *Susan*. The beginning so made was highly encouraging, the proceeds amounting to £98. Two other performances were subsequently given and paid well, the experiment resulting in a handsome contribution to the Charity interested.

An extension of the license was obtained, and the Pavilion was designated "The Theatre Royal." The performances were continued at short intervals—Buckingham remaining stage manager, and a few professionals being paid. Mr. Southall as scene painter is said to have "done wonders," and the pieces produced included "Rob Roy," "The Queer Subject," "Our Mary Anne," "The Carnival Ball," "The Two Gregories," "The Denouncer," "The Three Mrs. Weggins," "The Heir-at-Law," etc., etc. On one of the nights some of the gentlemen scamps of the period amused themselves by letting off fireworks in the house, causing much alarm and risking conflagration. Legal proceedings were threatened next day, but a compromise was effected by an ample apology and a liberal consideration, the Press magnanimously not disclosing the offending names. The place soon after was known as "The Amateur Theatre." As the novelty began to cool, the charges for admission were reduced, cash was taken at the doors, and for the exclusion of disreputable characters, ex-Constable Waggoner, who knew every man, woman and child, good, bad and indifferent in the town, did duty at the box entrance. On the 16th May, Buckingham was given a benefit as stage manager, and his caste included "The Grand Eastern Spectacle of Married and Buried; or, the Shipwrecked Cockney." The scenery is declared to have been "beautiful," the dresses appropriate, and the stage grand; yet the badness of the times acted very prejudicially upon the attendance. Buckingham appeared as *Benjamin Bowbell*, Davies as *Dr. Alibujau*, Messrs. Smith, Wise, Avins, Jones, and McMillan assumed various characters, whilst the lady parts were apportioned amongst Mrs. Avins, and the Misses Southall and Sinclair. The after piece was "Hercules; or, Tim of Clubs." One night in June "Jack" Davies, the journalistic amateur, secured a benefit in return for his past gratuitous services, when something approaching a great uproar occurred in consequence of some of the audience hissing Buckingham just as he was about to stab *Therese* in the "Orphan of Geneva." Buckingham turned round, and brandishing his dagger in the face of the enemy threatened to make mince-meat of any number of them. A burly loon in the front of the pit declared he would punch Buckingham's head, and the enraged actor solemnly vowed "he would leap dagger and all down the other fellow's throat."

The pit-man was seconded by a companion, who sang out—"I have heard of conjurers swallowing knives afore, but I never ha' seen a cove yet as could put another fellow outside him; it would take two to do that, my balmy bloke." After much recrimination over the footlights, order was restored, but only for a short time.

The after-piece was "The Middy Ashore," in which Boursiquot, the other Press amateur, had a leading part, which he interlarded with some gagging of so grossly an indelicate description, as to occasion much dissatisfaction, and the proceedings were brought to a premature close. For his misbehaviour the stewards prohibited Boursiquot from ever again appearing on the boards.

There was a very inefficient town band, which cost the theatre ten guineas per week; and when the season closed it was found that the stewards were £200 out of pocket, though it was alleged they had given £75 for charitable purposes. The deficit was supposed to have been caused by the cost of fittings up and providing a wardrobe.

Under the circumstances, it would be surprising if the theatre speculation had any other result. However, in July the license renewal for twelve months arrived from Sydney, and an effort was made to re-open the theatre upon a paying basis. Buckingham was to continue stage manager, and Mr. Richard Capper was appointed mechanist. He had recently arrived in Melbourne, and was destined to outlive his contemporaries by a Victorian stage connection, during many years. At the period of my writing this sketch (1883) Mr. Capper has retired to settle down, and enjoys a placid old age in the vicinity of Melbourne. He is a member of the Old Colonists' Society, the "Father" of the Melbourne stage, and is

respected by all who have the pleasure of his acquaintance.* The theatre was to undergo a general overhaul, the stage and pit were to be lowered three feet, and the pit and box entrances were to be separated and distinct, promises considerably curtailed by realization. The prices were to be 7s. 6d. boxes, 5s. pit, 3s. gallery, and no half-price. The performances as resumed upon the new system were tolerably well attended, and the newspapers wrote approvingly of the management.

Attempted Abduction.

"Catching an Heiress" most of us have seen acted at some time, but forcibly abducting an actress remains to be written. A dramatic burlesque of this kind was improvised on the evening of Saturday, 3rd September, during the rehearsal of the not inappropriate piece the "Wood Demon." Miss Sinclair, a lady *attaché* of the theatre, was possessed of some personal attractions, of which a Mr. Montague Charles Greaves was terribly smitten. The fair one gave the cold shoulder to his addresses, and he determined to have her *vi et armis*, if necessary, or perish in the attempt. Taking counsel with a Mr. William Raymond, a Justice of the Peace, they got together a small but "select party of roughs," and proceeded to besiege the theatre at a time when they were assured the lady was there. Getting round to the rear of the building they burst in a door, invaded the sanctity of the green room, and peremptorily demanded that Miss Sinclair should be surrendered to them.

Buckingham indignantly refused to be guilty of such unmanliness, and mustering his forces, called upon each

> "To set the teeth, and stretch the nostrils wide,
> Hold hard the breath, and bend up every spirit
> To his full height;"

And forthwith a brisk hand-to-hand encounter commenced. The theatrical people were in full force, and fought well, Davies showing himself a prodigy of valour; and after some smart pummelling the attacking party was ejected, and the lady so far preserved. The Greavesites then retreated to the *Prince Albert Hotel*, close by in Swanston Street, where an extensive "liquoring up" ensued, and several recruits were obtained; so the stormers, re-animated by "nobblers," and increased numbers, returned to the field of battle, re-entered, and the hammering re-commenced. The garrison had also secured reinforcements, stood bravely to its guns, and bouquets in the shape of black eyes and sanguinary noses were pretty equally distributed. Again the fortune of war favoured the theatricals, and the others were again repulsed, but so roughly that Greaves and Raymond, who were the last to turn tail, had to run for it; but in their exit, both coming together upon an old trap door, the fastenings gave way, and the two heroes disappeared into an infernal region, where they were trapped like a pair of rats, when the police appeared and marched them off to the lock-up. Next morning they were charged before the Police Court, but, through some unaccountable leniency, Raymond, the brother magistrate, got off with half-a-crown fine, and a penalty of only 40s. was inflicted upon Greaves, who paid rather dearly for his whistle in another way, as he was dismissed from a clerkship he held in the Bank of Australasia. Sometime after, Miss Sinclair gave up the

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* In referring to Mr. Richard Capper, one of our earliest players (since dead in 1884), I pronounced him in 1883, to be the living "Father" of the Victorian stage. I was then unaware that there was a "second (and the rightful) Richard in the field;" and the following professional record of this individual will not be uninteresting:—"In 1830 Mr. Richard Winter commenced his professional career by joining a suburban London Company, to play low comedy for sixteen shillings per week. This he regarded as a step in life, which would ultimately land him on the boards of Covent Garden or Drury Lane. But his castle-building mania was considerably cooled by the fact that after six weeks' hard work, certain treasury complications intervened, through which, instead of pocketing £4 16s, he fingered only 1s. In other minor engagements he had more success, and in 1883 wound up a six months' spell at the Pavilion Theatre, London, as *Carlitz* in 'Love in Humble Life.' He then signed a more important compact—a hymeneal contract,—emigrated and arrived in Sydney, anno 1834, where he made his colonial *début* at the Theatre Royal, George Street, in the part of *John Lump* in the 'Review.' He saw the close of this place of amusement, and passing over to The Victoria, performed for the first season there, and then, joining a partial rush that set in for Port Phillip, arrived at Melbourne in January, 1841. He formed one of the first Company of the first Theatre opened westward of the *Bull and Mouth Hotel*, Bourke Street, his first appearance being as *Wormwood* in the 'Lottery Ticket.' Remaining there until the establishment shut up he accepted an engagement from the then well-known Mrs. Clarke, of Hobart Town, with whose theatre he continued until business got very quiet, when he returned to Melbourne, and was employed at Smith's Queen Street Theatre, after Coppin had severed his first connection with it. The gold discoveries of 1851-2 induced him to think that he could do much better in other pursuits, and he acted accordingly, his only appearance since being in 1858, for the benefit of the Manchester Unity Order of Oddfellows, when he closed as he opened in Melbourne, by representing the character of *Wormwood*. In June, 1883, he figured as one of the two principal personages in that rarely enacted trifle of domestic Comedy known as the "Celebration of a Golden Wedding." I met him just prior to his death in 1885, and his reply to a friendly inquiry was, 'Quite well, thank you. Right as a trivet; but at my age one must sometimes think of the time when the prompter's bell will ring the curtain will fall, and then—the secret.

stage, and took to selling fancy snuffs and scented cigars, in a small nest of a shop in Collins Street, and it was afterwards said that she had made a conquest of a rather conceited and superficial swell, connected with one of the Melbourne newspapers.

Towards the end of the year a Miss Vincent joined the theatre company, and was advertised as a great acquisition; but the critics did not take kindly to her, and one of them (an Irishman himself) coolly recommended her not only to study, but to accomplish the impossibility of "getting rid of her brogue," which sounded strangely to English ears.

This Miss Vincent was for some time connected with Melbourne theatricials, and, though a mediocrity, was a very passable and useful one.

"Entr'Acte" Amusements.

During almost the whole time that this wooden so-called theatre was open certain minor performances not in the bills were enacted before the curtain, which provided much more spicy entertainment than the regular programme; and the majority of the playgoers enjoyed such interludes with more relish than the legitimate pieces put upon the stage. The boxes, or, as they were occasionally designated, the "reserved seats" or "dress circle," were placed so low and contiguous to the pit that their occupants by leaning over and depressing their hands, could "bonnet" those below them, and both male and female pittites would be "bonneted" frequently. The most consummate blackguards present were generally the three-quarter or wholly-drunken swells, who reeled in nightly from club or tavern, and so misbehaved by smoking, exploding crackers, or otherwise, that scenes of confusion ensued, often terminating in fisticuffs, or the summoning of the police, and the removal of some of the offenders. Though smoking was nominally prohibited, the rule, when not connived at, was openly defied; and, after all, the old times must not be too severely censured by modern taste in this respect, for such a disgusting practice as the use of tobacco was once (presumedly) so prevalent even in the British House of Commons, that a "standing order" (still unrepealed) was made not simply against smoking, but "that no member do take tobacco," from which it may be inferred that the narcotic weed was not only smoked, but otherwise "taken" there, whatever the term may mean. In England there was a period when the pupils attending public schools were compelled to smoke as a specific against epidemics, and even at the present day the obnoxious habit of smoking cigars and cigarettes is getting into vogue at public dinners. However, the Pavilion would be at times turned into a smoking saloon, and even when some of the more mannerly persons in the pit would take off their hats and place them on the floor, the bell-topper, cabbage-tree, or pull-over, whichever it was, would be utilized as a spittoon for shots expectorated with sure aim from the dress circle. If any of the unhatted individuals happened to present a bald pate, the spot was regarded as a justifiable target for hitting at short range, and terrible would be the indignation with which an unoffending spectator, somewhat sparse in hair, would find himself patted on the bald crown-piece with something analagous to a molluscous substance "shelled" at him from one of the side boxes. In hot weather or cold the moist application was an unpleasant sensation, and naturally resented. The person so "potted" would pull out his handkerchief, wipe his head, jump up, and "rush the batter," whence he would be probably repelled with a black eye or enlarged nose. The onslaught would on occasions be successful, and backed from others from below, the fortress would be escaladed, and no quarter given or taken. Unless on particular occasions, few or no ladies would be in attendance, and seldom an evening passed without a row of some kind. The interruptions and insults to which the performing company were subjected, were saturated with unmitigated ruffianism. They would be not only hissed and howled at, but pelted with oranges, apples, penny pieces, and even worse missiles; but, with one exception, no injuries were inflicted. During the progress of a part, or the singing of a song, exclamations would break forth of a nature unfit for publication, and the undisguised indelicacy of some of the expressions employed was such as to deprive them of even the slightest pretension to be accepted as equivoque. As a rule the upper boxes and pit exhibited much more regard for the ordinary decencies of society than the "dress" tier, though the reverse might be expected. Contused faces and eclipsed optics were of weekly, if not nightly, occurrence. Still few complaints were carried to the police office, for the authorities of the house exerted all their influence to "square" the consequences of the skirmishes out of

Court, in which they were materially helped by the aggressive rowdies, who were rarely at a loss in finding hush money, or a bank-note sticking plaster, as a sanative for a battered phiz or cut head.

To avoid a future digression, it may be convenient to introduce here one of the most grotesquely comical outrages imaginable, attempted on a dark night during the winter of 1843. It was nothing less than a wild Quixotic

Attempt to Capsize the Theatre.

If a band of high or low-bred larrikins at the present day not only proposed, but attempted to impede a railway train freighted with a pleasure party, it would raise a thrill of horror through the community, and no punishment would be deemed sufficiently condign for such an outrage. Yet in intent, at all events, the meditated overturning of a performing theatre is no less heinons. In the attempt now recorded the project was not only preposterous, but impossible, and the whole thing eventuated in a most hair-brained *fiasco* At the time I am writing of there was a remarkable tenement rearward of the now Australian Club House, in William Street, known as "The Crib," and hither invariably wended their way certain *habitués* of the Melbourne Club, when they attained to the stage of inebriety, pugnacity, or mischief-making, which unfitted them for quarters where even the line of licentiousness was never too tightly drawn. On the evening in question there was the unusual theatrical attraction of a black boy, or servant, brought from Sydney by Mr. C. H. Ebden, and this darkey was A1 at singing a nigger song, or dancing a Yankee breakdown. It was thought he would draw a full house, though he did not, in consequence of the wetness of the weather.

About 10 p.m. there sallied forth from "The Crib" some dozen young swells, in the heyday of hot blood, and skin full of more pungent *spiritual* influences than are to be found patronizing table-rapping *séances.* They were out on the "ran-tan," determined to signalize the occasion in some remarkable manner. Night-watchmen and "bobbies" they had already bobbed about to their hearts' content; door knockers had been abstracted, church bells had chimed, window shutters were removed, and such commonplace exploits found no further favour in their sight. Alexander sighed for a new world to conquer, and these night birds hiccuped out a desire for some unprecedented freak to offer, in which they might find some complete change of amusement. They held a council of war by the fence of St. James's Church Reserve, and in a flash of lucky inspiration one of them suggested that to upset the old Pavilion would be "capital fun." The proposition was received with a hilarious shout of approbation, and instantly nominating a leader they started off on their mad-cap expedition. Approaching the scene of action, they slackened pace, and at the now Beehive Corner, settled the plan of campaign. They then separated, and approached stealthily to the theatre, when they got without difficulty through the foundation piles, and were placed at their several points of duty by the leader, who was to chaunt the heaving signal, in the manner of sailors working aboard ship. The "*generalissimo*" was either a stupid strategist, or, when the wine, or something stronger was in him, the wit was out, for instead of posting his men all on one side, he distributed them promiscuously between the earth and the theatre flooring, so that when the tug of war came, it was a bootless trial of general strength, for each of the fellows practically counteracted what the others did, by virtually working on opposite sides. Of course, it was ridiculous to suppose that even were they a dozen full-haired Samsons, they could produce any effect; yet they succeeded in causing the superstructure to creak. They tugged, and shouldered, and hove away for some time, in obedience to the loud "yeo-ing" of their skipper, until some of the theatrical people, astonished by the loud intermittent uproar underneath, obtained the services of two or three constables, who secured the leader only. As he was, in appearance at all events, a gentleman, and doubtless well-known to them, he was spared the indignity of the handcuffs. At the intersection of Collins Street, then known as Cashmore's corner, there was a large pool of stagnant water, not sufficiently deep to drown a man, but quite sufficient to half do it. Just as they approached within a short distance of the water, the prisoner suddenly and firmly gripped a custodian at the back of the neck with each hand, and shot them both into it and took to his heels. Nothing further was heard of the matter, and there was no report of the affair in the Police books of the following day. Probably it was "settled out of Court" by the "squaring" process then so much in fashion.

It did not even creep into any of the newspapers; and this almost incredible attempt to overthrow the first theatre in Melbourne, is now detailed to the world for the first time. I may add that my informant, no less a personage than the "Captain of the Guard" himself, is still alive and jolly, and laughs heartily when he recalls to memory the particulars of his idiotic escapade of over forty years ago.

To resume my narrative at the point where I broke off, I would mention that the Stewards sometimes pretended to suppress smoking. Occasionally they succeeded, but often failed, and got not only roundly abused, but pummelled into the bargain. A notable instance of this kind occurred one night, when Mr. George Gordon Wyse, the second clerk at the Police Court—a self-sufficient, under sized specimen of humanity, refused point blank to conform to an anti-smoking regulation conspicuously posted up, but more honoured in the breach than the observance.

In a dress circle seat, with his short legs dangling over the heads below, and a huge cigar between his teeth, his jaws worked like a furnace. Mr. George Arden, one of the stewards, insisted he should knock off, when the little cloud-propelling Jove, replied by bunging up one of Arden's eyes. The constables were called in and Wyse was removed, braying and kicking like a mad jackass. He was also so unwise as to be very tipsy at the time, and for his gross misconduct Major St. John (the Police Magistrate) sacked him next day. He soon afterwards turned up as a Sergeant of Mounted Police, and his change from town to country life turned him into a wiser and better man.

In November, Mrs. Arabin, a well-known colonial stager in Hobart Town and Launceston, joined the motley crew, which was also strengthened by Messrs. Boyd, Winter, and Miller as professionals.

The establishment shortly after appeared as "The Royal Victoria Theatre," with more professionals in Messrs. Deering and Mereton, and the latter's wife. This triplet hailed from the Launceston theatre, and there was a short run of good "houses." Though Mereton aspirated his H's so shockingly, the wife was gifted with a "good figure, handsome face, and fine clear voice." To these she added considerable histrionic talent, and played well in tragedy and comedy, especially the former. Deering was a respectable performer, and though his *William*, in "Black Eyed Susan" did not come up to expectation, it was not quite a failure, whilst his *Teddy O'Rourke* was done to the life. The next supposed acquisition to the staff was a Mrs. Murray, but her performances were below the expected standard, and she disappeared in consequence of a tiff with the manager. Hodges' reverses were pressing on him so heavily all this time that by March, 1843, he was only too glad to find refuge in the Insolvent Court, and it was alleged that there was £300 due as arrears of rent.

The performances suffered much from the conduct of the amateurs, and on St. Patrick's Eve the company amused themselves by a free fight behind the scenes, for which some of them were bound over to keep the peace at the Police Court. Buckingham at length retired from the stage management, to make way for Mr. John Stephen and R. Winter as stage managers, a change of front which could only terminate in disaster. Winter was about a week in office when he vacated, to be succeeded by Capper. Before the end of March the Amateur Dramatic Association collapsed, and an Amateur Club was organized with the once well-known Isaac Hind as Secretary, marvellous results being anticipated from the sweep of the new broom.

Mr. Nesbitt, a tragedian of some repute, arrived from Sydney, in April, and negotiations were attempted with him, but as his tariff was £20 per night, the management could not afford to have anything to do with so dear an article, and he went over to Launceston.

Before the month ended, Buckingham, as "Richard is himself again," had resumed the stage management, and the Amateur Club was reported as being in great form. The 12th April was to witness wonderful things. The house had undergone much internal improvement. Every seat and box from the pit to the slips had been washed and brushed. The orchestra board was covered with drapery, and the stage overlaid with a green carpet. A grand new chandelier was swung from the centre of the roof and more brackets for lights nailed on to the side boardings.

The first piece was "The Rich Man of Frankfort," and the novices so acquitted themselves as to astonish a crowded audience. There were some awkward hitches though, but the after-piece, "Why Don't She Marry," made up for any shortcomings. The Mayor, Alderman, and Councillors were there in official rig-out, and there was the largest attendance yet at any theatre in the colony. The Amateur Club continued

to give occasional theatrical representations with varying success, and under circumstances which must have rendered their amateuring the reverse of comfortable.

KNOWLES *et Uxor.*

In August, Mr. and Mrs. Knowles made a flying visit from Sydney, and an application to the Police Magistrate to give one night's performance was acceded to. Hereupon the few professionals at the Pavilion got jealous, and wrote to the Bench threatening a prosecution on the score of illegality. The favour thus accorded to Knowles was not only illegal but unjust; yet, as Major St. John was not the man easily to undo anything done by himself, be it right or wrong, the special performance took place on the evening of the 24th, and as this was the first occasion of the issue of a professional play-bill in the colony, a copy of it is appended :—

ROYAL VICTORIA THEATRE, MELBOURNE.

MR. AND MRS. KNOWLES

Beg most respectfully to inform the inhabitants of Melbourne and its vicinity, that they will have the honour to appear before them, for the first time, on

THURSDAY EVENING, 24TH AUGUST, 1843,

Being by special permission of

MAJOR ST. JOHN, and the Worshipful the Bench of Magistrates, sanctioned by

HIS HONOR THE SUPERINTENDENT.

The performance will commence with a drama of great interest, never before acted here, called

MONSIEUR JACQUES; OR, FATHER AND DAUGHTER.

Monsieur Jacques - - MR. KNOWLES.
Nina - - - MRS. KNOWLES.

With the popular song

"OFT IN THE STILLY NIGHT,"

And a song incidental to the piece, "A NOBLE'S DAUGHTER LOVED TO MADNESS," accompanied on the Pianoforte by MR. KNOWLES.

In the course of the evening, the popular song, "Tell Me my Heart," by

MRS. KNOWLES.

To conclude with a comedy in two acts, entitled

NAVAL ENGAGEMENTS.

Admiral Kingston - - - MR. KNOWLES.
Miss Mortimer - - - - MRS. KNOWLES.

With the song of

"The Banks of the Blue Moselle."

Doors open at Seven o'clock, and the curtain will rise at Half-past Seven precisely.

Mr. Knowles has made every arrangement for the preservation of order, and the stage management will be under his direction.

Families are respectfully informed that the performances will be over at Eleven o'clock, and to secure places early application and attendance will be necessary.

Boxes, 5s. ; Upper Boxes, 3s. ; Pit, 2s.

There was a thronged gathering, and the performance was much superior to anything previously attempted. Mr. and Mrs. Knowles appeared to much advantage and with much effect, whilst the songs were very efficiently rendered, Knowles himself playing the piano accompaniment.

Their second appearance was in "Othello," on the 4th September, supported by Capper, Winter, Boyd and Mrs. Arabin. Knowles performed the part of the *Moor*, and *Desdemona* found a suitable representative in Mrs. Knowles; with Boyd as *Iago* and Mrs. Arabin *Emilia*. Knowles' impersonation was a masterly one; but *Desdemona* did not seem a part in which it was Mrs. Knowles' specialty to excel, as her

forte appeared to be in lighter and more lively character. Boyd is said to have "looked" but did not "play" the villain well. Capper and Perrin as *Brabantio* and *Gratiano* were "below mediocrity," and it is printed of Howard as *Roderigo* that "as usual he made an ass of himself, and ought to be smothered if he ever attempted to appear on the stage again." At the conclusion of the tragedy, Mr. Phil Burgin, a Collins Street confectioner, gave a comic song; and in the after-piece of "Why Don't she Marry," Mrs. Knowles, as *Lisette*, "enchanted the audience," and Winter by his abundant drollery as *Natz Teils*, astonished the Melbournians. *Shylock* and a few other favourites were presented at brief intervals, and the Knowles' *régime* held out hopes of a better time to come.

Meanwhile Buckingham, disgusted with the turn of the theatrical wheel, started on a playing venture to Geelong, where, by the aid of a Miss Horton, he had arranged for a grand commencement. But on the evening of the entertainment, when everybody else was in readiness, there was no Miss Horton. It was decided to go on without her, and in the middle of one of the scenes there was a general smash amongst the audience, by the giving way of the seats of the building or barn. Such was the confusion ensuing, that the performance could not be resumed, and Buckingham cut away at "cock-crow" next morning.

Several new arrivals were reported from Sydney, but their terms were too high to admit of Knowles securing their services. One of them was a Mr. Lee, with a wonderful self-educated animal, known as "the dog of Montargis," and, though he was offered £10 for himself and his dog for one night, he refused to work under £20. Then there was a Mr. with a Mrs. O'Flaherty, the lady being the acquisition; but her hire was either £10 for one or £20 for three nights; and, as Knowles could not afford such a figure, the O'Flahertys took to abusing him in the newspapers, and then took themselves away.

Now began a short and sharp struggle between Knowles and Buckingham for the mastery of the Pavilion. Public opinion inclined towards Knowles, in consequence of the improvements he had introduced, and on Buckingham applying to the Police Court to recommend the issue of a license to him, he was refused. Knowles had better fortune, for he obtained a two months' license in his own name, and the wooden shed was now "The Victoria Theatre." It was opened on the 18th December with a loud trumpeting, and the sensational piece, entitled "The Bandit Host, or The Lone Hut of the Swamp," followed by two farces, viz., "The Rival Pages" and "The Happy Man." The re-commencement was but tolerably successful. The performances were now given three nights in the week, and by all accounts Knowles must have dropped upon anything but "Merrie Christmas" times of it.

On the last Tuesday in December there was an excellent attendance, and the piece on was the *petite* comedy of "The Two Queens, or Policy and Stratagem." It was founded on an incident of Danish History, and had not much to commend it; yet even this little was damned by the inefficiency of the performers, owing probably to the residuum of the Christmas festivities being acted upon by the hot weather. One fellow made at his neighbour, and, butting him like a ram in the "bread-basket," sent him spinning backwards amongst the musicians; and, to add to the confusion, the prompter had either lost his head or taken something that was not good for him, for he joined in the *mêlée*. A musical *mélange* followed, which in some degree restored good humour. Mr. Knowles sang the "Death of Nelson," and Mrs. Murray followed with "Oh! What a Joyous Day."

Batters, the Tinker.

On the evening of the 25th May, a tragedy in real life was very near being enacted on the stage. The piece was "Guilderoy," and a huge turbulent tinker, named Batters, who kept a small tin shop in Collins Street, was cast for the character of *Hardheart*, the gaoler, Boyd playing *Guilderoy*. When the gaoler detects *Guilderoy* rescuing *Logan*, the prisoner, *Guilderoy* is supposed to discharge a pistol at him, and this he did; but there was a miss-fire. Irritated by the baulk, Boyd drew his dagger and stabbed Batters in the right breast, when the gaoler advanced staggering a few steps as if in his *rôle*, and then dropped weltering in his blood upon the stage; thus acting not only to the life, but almost to the death. The utmost excitement ensued, the curtain was hastily let down, and the orchestra struck up quite a lively tune. Dr. Cussen was quickly in attendance, and an examination of the wounded man found that the weapon had penetrated about three inches. He was removed to his home in great agony, and his part

was read during the remainder of the performance. The life was tough in Batters, who soon recovered, and was able to follow his joint avocation of tin battering and stage ranting, until shoved aside by his betters.

Capper's First Benefit.

Capper, about the most useful and indefatigable actor on the early Melbourne boards, having given his services gratuitously for three months, was thought to be entitled to a benefit, which was fixed for the 19th June, and Capper resolved to make as big a thing as he could out of such small room. A real tragedy was to be for the first time attempted in the again dubbed "Theatre Royal," and the occasion was to be under the extensive patronage of "the District electors and the citizens of Melbourne." The piece selected was "The Revenge," in five acts, to be followed by the celebrated song and chorus from the drama of "Jack Sheppard," "Nix my Dolly Pals Fake Away," and "Buy a Broom" (in character), by Mrs. Arabin and Mr. Winter. The whole to conclude with "the well known and truly laughable farce, 'The Mayor of Garrat.'" The public endorsed the compliment by a crowded attendance, and, pecuniarily, Capper had no reason to complain. The orchestra boasted "a full and complete band of musicians," and one of the allurements was the first appearance of Mr. Beverly Suttor, "the Australian poet, from the Theatre Royal, Parramatta." The tragedy proceeded in a barely passable manner, but on its conclusion, the police rushed in, ordered the people to turn out, and the house to be shut up, a mandate which had to be obeyed, as that was the day of the first Legislative Election for Melbourne, and there was rioting in several quarters of the town in consequence of the defeat of the popular candidate.

Storming the Dress Circle.

On the 29th January, 1844, there was a heap of mishaps, which must have tried the Knowles' temperament over-much. Firstly, Batters, the bellowing tinker, was cast for an important part in the opening piece, but was not up to time, so they had to get on without him. Next, there were several visitors in the boxes whose desire for fun became so uncontrollable that they indulged it by "bonneting" those below them in the pit. This bye-play was suddenly interrupted by the sharp-ringing twang of a Caledonian voice giving a comment upon the performance. The offending tongue belonged to Mr. Peter Young, a stalwart Scotch publican from the country, who had been holiday-making in town. He and Mr. William Kerr were together in one of the boxes, and adjourned for refreshment. Young returned without his companion, and from glorious soon became uproarious. Mr. Knowles stepped forward and remonstrated with the noisy commentator, but to no effect, when Mrs. Knowles gave him a talking to; but he only laughed and jeered at such a curtain lecture. Young insisted upon his right of freedom of speech, and was backed up by other jovial spirits nearly as well "on" as himself. The police were sent for, and it was resolved to rush the dress circle—a "forlorn hope," in which Mrs. Knowles gallantly volunteered to serve. The assault was accordingly made, but the rampart was so manfully defended, that it was found impossible to eject the disturbers, and a treaty of peace was ratified, the only condition being that Young and his youngsters should behave themselves. This stipulation was faithfully observed; but the evening's harmony was not of long continuance, for soon after an amateur and a professional disgusted the company with two songs, "replete with indelicate allusions of the most broad description." This *contretemps* led to another storm of uproar, and, taken as a whole, the occasion is described as "a series of the most unedifying scenes."

Knowles still held on—no sooner out of one difficulty than into another—keeping together a very nondescript company until April, when there was a general strike through non-payment of salaries—for, in theatrical parlance, "The Ghost did not walk," occasionally on the Melbourne boards, then, as well as since. Bills were posted through the town denouncing the manager, and the company furthermore presented a memorial to the Police Court praying that Knowles might be compelled to allow benefits all round as a mode of mutual recoupment. Mr. William Hull, J.P., declined to interfere in what appeared to him purely a question of private dispute, declaring there was no precedent for magisterial interposition in the manner asked for. Such a thing, he said, was unknown at Home as a Macready or a Kemble, in the event of a

difference with a theatrical manager, flying to Bow Street for redress. The strikers averred that they would never strike under until they heard the footsteps of the "Ghost," and threatened to start semi-weekly theatricals in the long room of the *Adelphi Hotel* in Little Flinders Street. With reference to the dual ability of the pair of Knowleses, one of the newspapers expressed the opinion "that the Knowleses could go on quite as well without the other performers as they did with them."

Death of Knowles.

The worry and trouble, financial and otherwise, proved too much for the unfortunate Knowles, who was stricken down by a sickness from which he did not recover, and his death on the 19th June, 1844, was signified in the following obituary notice in the public journals:—"Died on Sunday evening last, after a short but severe illness, Conrad Knowles, Esq., son of the Rev. John Knowles, Wesleyan Minister." As the deceased was the first actor of established reputation who cast in his lot with the fortunes of the first theatre opened in Melbourne, and may be said to have sacrificed himself for the Pavilion, a few particulars about him will not, it is hoped, be deemed uninteresting:—In 1831 Knowles arrived as one of the first batch of immigrants at Swan River, where he endeavoured to find some literary employment, but failed. Unfriended, and with a very light purse, he made his way to Van Diemen's Land, and, as he was almost reduced to his last penny, he obtained the appointment of assistant teacher in one of the leading schools of the island. For this he was eminently qualified, as he was competent to give lessons in Greek, Latin, French, and Drawing. Some young lady pupils attended one of the scholastic establishments, and a somewhat romantic attachment sprang up between one of them and the young usher, intelligence of which soon reaching the ears of the girl's parents, they withdrew their daughter, and her lover was sent about his business. Proceeding to Sydney, he arrived there just as a Mr. Barnett Levy, a theatrical *entrepreneur*, was beating up recruits, and Knowles having procured an introduction to him, his engagement followed. Having some Wesleyan connexions in New South Wales, Knowles' intended adoption of the stage as a profession was heard by them with much repugnance, and it was likely he would forfeit their friendship in consequence. For some time he was in a state of indecision, attending rehearsals by day, and joining prayer meetings in the evening. But at length the spirit moved him to cut the Methodistical painter, and he "crossed the Rubicon" by a first appearance. To the stage he thenceforward devoted himself, and contributed much in advancing the interests of his new calling in Sydney. He became a favourite with the play-going public, was an actor of considerable merit, and had a deal of the gentleman in him. Universal sympathy was felt for his widow in her desolate bereavement, and she received the *solatium* of a bumper benefit.

Knowles was hardly cold in his grave when his death was the signal-note for an influx of play people from Launceston, and amongst them were Mr. and Mrs. Cameron, Mrs. Grove, with Messrs. Searle and Watson. Mrs. Cameron had been for years in "leading business" on the Sydney stage, and Mrs. Grove and Mrs. Cameron were possessed of a moderate share of ability. Rival applications for a half-year's license were made by Cameron and Mrs. Knowles, and by a private arrangement the privilege was granted to Cameron. The new management gave its first performance on 9th July, with "The Stranger." Mrs. Cameron's *Mrs. Haller* was a creditable rendering of the character; but Searle was said to have made *Peter* too much of a buffoon. Mrs. Grove's *Charlotte* lacked animation, and Mrs. Murray's *Countess* was not what it should have been. Cameron's *Stranger* was at times strangely at fault. During the last act some of the spectators began to hiss and call for Mrs. Knowles. The disorder continuing, Cameron vehemently protested against such unseemly interruptions, and the drunken rowdies were finally compelled to succumb. The second performance was "Jane Shore," when the Camerons did not do so well as on the preceding occasion, but the lady was suffering from a severe cold. The farce was "The Valet de Sham," and though the condition of the streets made a visit to the theatre a comfortless and perilous excursion, there were a good many persons present.

Cameron next issued a notice announcing the temporary closing of the Theatre Royal for repair, and large promises were made for the future. Rules were to be adopted for the maintenance of peace, order, and regularity. Smoking, hitherto an abomination, was to be boldly grappled with and killed. "It

was not to be tolerated for an instant, on any account, in any part of the house." The new season commenced on 1st August, with tri-weekly performances, and there were perceptible evidences of improvements. For a month matters went smoothly and payingly, until the evening of the 2nd September, when there was a "burst up," compared with which anything that had previously happened was a mere bagatelle.

Breaking up a Performance.

For a week beforehand every dead fence and hoarding in town was plastered with large typically-displayed placards announcing as in preparation "The Grand Dramatic Drama, 'The Jewess, or The Council of Constance;'" and the synopsis indicated as one of the stage incidents "A splendid procession of the Cardinals to celebrate High Mass." This gave much offence to a number of Roman Catholics, who looked upon it as a caricature of one of the most imposingly solemn ceremonies of their religious faith, and it was surmised that the manager had got it up to pander to the malignant fanaticism of an Orange Lodge then in full blast. It was therefore determined to attend the theatre and suppress the performance. The Irish brigade made due preparations for the occasion. Shillelaghs were eschewed as unfit for fighting against actors on the stage; but a "firing party" was told off, and supplied with a very original sort of ammunition, which had accumulated in the tills of some of the Irish publicans. This was a heavy old-fashioned penny-piece of the reign of one of the Georges—a coin then in currency, but now obsolete—a nasty projectile when well thrown; and such was the powder and ball relied upon to punish what was regarded as little less than a "Cameronian sacrilege." Sharpshooters, with pockets filled with the coppers, mingled with the main body, and proceeded to the theatre, which, by the-bye, was crammed. The first act passed without interruption; but when, in the second, the curtain was drawn up and revealed the stage decorated and lighted for the celebration of the Jewish Passover, a burst of disapprobation broke forth, and threatening demonstrations were made. The whole place was a chaos of shouting, yelling, and execrating, in the midst of which Cameron appeared, and with much difficulty obtained a hearing. He declared "that, having had warning of what was to happen, he had taken the precaution of procuring from the Mayor the protection of some Police Constables, who were in attendance, and ready to apprehend any disturbers. As for the piece, it should and would go on." Such defiance only added fuel to the fire. A large proportion of the spectators laboured under intense excitement, and were in a state of extreme tumult. The new game of "pitch-and-toss" commenced from the gallery, and the performers were almost dumbfounded by the metallic fusillade poured in upon them. The penny-pieces were hurled from all points, and one fellow had the top of his nose battered. Others forgot their *rôle*, to duck and dodge the flying mintage; whilst a couple of supers, more cool and cunning than their fellows—reversing the proverb—made hay in the reverse of sunshine by picking up and pocketing the spent pennies. One of the flat bullets hit Cameron on the cheek, leaving a crescent imprint. All this time the performance was going on, but it was only a pantomime of a very incomplete kind, for not a syllable could be heard. Cameron a second time managed to get a hearing, and in a stentorian voice inquired "what was wanted," when thundering yells howled forth, "Change the piece." Cameron replied "that it was now impossible for him to do so, and that he had not the remotest notion of insulting any religious denomination." He declared that the piece had been performed without the least objection or obstruction in England, Ireland, Scotland, and in the colonial theatres. The performance was then resumed, and so was the roaring and groaning accompaniment, diversified at intervals with penny episodes. In the banquet scene occurred the most discreditable "scene" of a most discreditable evening. Mrs. Knowles came forward to sing, when some scoundrel flung a blackfellow's waddy at her, striking her (lightly) on the leg, and she was so terrified that she had to retire. Cameron was by this time infuriated. He rushed out and yellingly offered £5 reward to any person who could point out the waddy slinger, but was responded to by peals of derisive laughter. The Mayor (Condell), who was sitting in one of the boxes, was called upon by Cameron several times to read the Riot Act, but he as often declined to do so. As for the handful of constables in the house, they were utterly powerless. The performance was at length brought to a premature close, and, though the assemblage dispersed without any outside breach of the peace, much ill-feeling was generated by an event which

Cameron should not have initiated, nor the audience resented in the manner described. A further mistake was made by Cameron next day, who, instead of allowing the angry passions of the preceding night to be cooled by time, rekindled them by taking out summonses against some of the ringleaders, identifiable by the police, and the next performance came off in the Police Court on the 5th, where Michael McNamara, Michael M'Colla, Michael Brown, Timothy Lane, David Barry, John Hassett, John and Thomas Connelly appeared to answer a charge of riotously and tumultuously creating a disturbance in the theatre, and damaging the fittings thereof. Mr. Sidney Stephen, a barrister, conducted the defence. There was much discrepancy of evidence as to whether there was an altar, a crucifix, or a chalice on the stage. The waddy thrown at Mrs. Knowles could not be identified. After a lengthy investigation the Bench were of opinion that the disturbance had been caused by the production of an objectionable piece in reference to a particular faith, and dismissed the case, advising Cameron at the same time to change it. Cameron disclaimed any intention to give offence, and assured the Magistrates that the piece had been licensed by the Lord Chamberlain. It was stated in Court that when it was brought out in Dublin a riot took place, the Lord Lieutenant's carriage was nearly destroyed, and an attempt was made to burn the theatre.

Cameron made a great mistake in rendering himself unpopular with an influential section of the community. The theatre was continued, but prosperity did not shine upon it. Cameron seemed to have lost heart, and the concern drifted into mis-management. Some of the performers appeared in a state of intoxication, and one evening the entertainment could not go on because the leader of the band refused to enter the orchestra as he had not been paid his salary. Soon after, on the occasion of a benefit to Mrs. Cameron, an actress is declared to have been "so confoundedly drunk as to tumble head over heels from the stage into the double bass in the orchestra." Extraordinary acrobatic feats have often been described, but it is questionable if any such improbability as the peculiar somersault indicated was ever executed by lady or gentleman, drunk or sober.

Towards the close of the year 1844 the Pavilion found itself in Chancery. Hodges had previously come to grief through pecuniary difficulties. He had sequestrated his estate, such as it was, for the benefit of his creditors, and his trustees filed a bill against Jamieson, asking for accounts for some £1500. An injunction was also applied for to restrain Jamieson or his servants from receiving rents or profits, or continuing in possession of the premises. The cause was duly heard in the Supreme Court, and Mr. Robert W. Shadforth (Judge's Associate) was appointed Receiver. On demanding possession, this officer was treated so unceremoniously by Jamieson, that the Judge had some notion of issuing an attachment, but Jamieson very discreetly "threw up the sponge."

How much Cameron paid or the other received, whether nothing, little or much, is one of the lost secrets of local history never likely to be found.

Cameron still kept on in a precarious state of professional existence until the commencement of 1845, when he applied for a renewal of the license. Winter made a similar application, but the Police Court decided in favour of Cameron, though it was publicly stated that his management had been characterized by the grossest irregularities, misconduct and intoxication behind the scenes. After being shut up for some time the place was re-opened, and Nesbitt arriving from Sydney, made his appearance on the 24th February.

Others besides the Camerons, Hodges, and Jamiesons had reason to regret their connection with the ill-fated speculation, and amongst them was an unfortunate stage manager named Charles Lee. The worries of the establishment upon this poor sinner knocked him up; his wife was completely driven out of her senses, and died a lunatic in the gaol. Still the Pavilion struggled on for existence, a miserable, discreditable hang-dog life, and Cameron played away in a reckless desultory manner, the performances becoming so low as to be beneath criticism. Nesbitt, however, got up a flicker now and then, when his appearance in "Othello," "Richard III.," and "Sir Edward Mortimer," gave some enjoyment to the play-goers, but the end was not far off. On St. Patrick's night, 1845, there were tolerable representations of the "Mountaineer," and "The Unfinished Gentleman," when the clever amateur Davies made a great hit as *Jem Miller*. One evening shortly after there was great fun, and something near a murder amongst the "gods" in the gallery. A Mr. Charles Henry Seymour Wentworth, a broken-down swell, known about town as "The Doctor," treated a woman, said to be his wife, to an outing, and he took her up to "Olympus." Both were in a very forward state of beer, and in the midst of the play a commingled shouting and

screaming completely drowned the mimicry on the stage. "The Doctor" and his lady got up a very pretty quarrel on their own account, and the surrounding "gods" took good care not to over-exert themselves as peacemakers. Wentworth set to thrashing the fair one, and she nailed him, like a wild cat, about the throat. He was half choked, and to ward off death by asphyxia had her up on the parapet in the act of pitching her over into the pit, when he was pounced upon by Chief-Constable Sugden, and the pair were cooled by a night's sojourn in the watch-house. They were charged with vagrancy before the Court next morning, when Wentworth by his eloquence convinced the Magistrates that he was possessed of "lawful and visible means of support as a commission agent," and the prisoners were discharged with a caution.

The 24th of April, 1845, beheld the last of the Pavilion as a theatre, and "the Ghost" walked there never more. Several subsequent attempts were made to obtain a license, but to no purpose. The name underwent a further change, for the place was styled the "Canterbury Hall," where low class concerts, and an occasional pulpit meeting were held; but its doom was sealed, and in a short time it was pulled down, and Bourke Street knew it not again.

The Queen Street Theatre.

But though, to all intents and purposes, the existence of "The Pavilion" was an unmitigated evil, it established a belief that a theatre conducted with some claim to respectability, and sustained by even moderate ability, would obtain a remunerating ratio of encouragement. Indeed as early as the 11th May, 1843, I find Mr. John Thomas Smith, then the landlord of the *Adelphi Hotel*, in Little Flinders Street, turning his attention to theatrical speculations. On the 20th May he made formal application to the Melbourne Court of Petty Sessions for a certificate recommending the issue of a theatrical license to him, guaranteeing to have a building erected within four months, the materials to be of stone and brick, 40 feet by 75 feet, and capable of holding 800 persons. The application was granted; but the question was hung up for some time, and it was not until the autumn of 1844 that Mr. Smith really set to work. The site selected for the edifice was a block of land at the south-west corner of Queen and Little Bourke Streets. Plans and specifications were prepared, and as the projector was in no want of cash, he decided upon annexing an hotel to the playhouse, a double speculation which he counted upon reimbursing him amply for what was then a considerable outlay. On the corner house being completed, it was called the *St. John's Tavern*—an intended compliment to Freemasonry—was licensed and opened without delay. In the beginning of 1845 the new theatre was drawing to a finish, and would be ready to open on the coming 25th March, the first day of the races. Smith (having experienced no difficulty in procuring a renewal of the necessary authorization) had already opened negotiations with Mrs. Griffiths, an actress of some character in Sydney, and with the Coppins (Mr. and Mrs.) then said to be "starring" at Launceston. The theatre was a plain, substantial, brick, shingle-roofed building, with no attempt at exterior architectural ornamentation, and would hold about twelve hundred persons.

The Race Day, however, came and the races were run, yet the theatre did not unclose its doors to the public until the evening of the 21st April; and then by way of a "benefit" to Mr. John Davies, the hybrid newspaper writer and amateur actor, who had a ready wit and sharp hand for any chance in the money-making line. This individual prevailed on Smith to allow him the use of the theatre on this very special occasion, and as Davies was what might be truthfully termed a champion "blower," the coming demonstration was heralded with the loudest typographical flourishings, from the glaring poster in the streets, to the prodigiously-displayed advertisement, and the most inflated puffing in the Melbourne journals. As this was the first regular theatre in the town, and as by its subsequent management, travelling over a series of years, it succeeded, to a certain extent, in dramatically educating the public, the republication at this distance of time of its first play-bill may not be devoid of historical interest. Here then is the highly flavoured *pronunciamento* issued by Davies, which shows how well and gushingly he knew how to angle for public favour:—

QUEEN'S THEATRE ROYAL.

The Gentry of Melbourne, its vicinity, and the Public generally, are respectfully informed, that
THE OPENING NIGHT of that SPLENDID EDIFICE,
THE QUEEN'S THEATRE ROYAL,
Is Fixed for
MONDAY NEXT, APRIL 21, 1845,
(By Desire),
And Under the Patronage of His Worship the Mayor, the Aldermen, and Town Councillors of Melbourne.

MR. DAVIES
Has the honour to announce that, through the liberality of Mr. Councillor Smith, who has generously granted him the use of His Magnificent Theatre
TO TAKE A BENEFIT,
Arrangements have been made to Open the Theatre on a Scale of Splendour not to be Surpassed in the Colonies.

In soliciting the patronage of the gentry and public of Melbourne, Mr. Davies begs to assure them that the entertainments selected are of so chaste and moral a nature, that he is led to believe
THE BOXES
On this occasion will be graced by the presence of all the ladies of Melbourne, and in order to ensure the evening's performance going off with *éclat*, he has secured the services of the following efficient *corps dramatique* :—
Mrs. Knowles, Mrs. Groves, Mrs. Boyd, Mrs. Avins, and Miss Vincent; MR. NESBITT, Mr. Davies, Mr. Batters, Mr. Lee, Mr. Boyd, Mr. Miller, Mr. Alexander, Mr. Jacobs, Mr. Searle, Mr. Capper, Mr. C. Boyd, Mr. Cochrane, etc., etc., etc.
The whole under the direction of Mr. Nesbitt.

Several regulations for the good management of the theatre have been established, and six special constables will be in attendance to enforce the same, the particulars of which will appear in the bills of the day.

Previous to the commencement of the drama will be sung the National Anthem of
"GOD SAVE THE QUEEN."

ON MONDAY EVENING, 21ST APRIL,
Will be presented, with new music, scenery, dresses and decorations, a Drama of intense interest, entitled the
BEAR HUNTERS, OR THE FATAL RAVINE.
Caribert ... Mr. NESBITT.
(As performed by him at the Theatre Royal, Liverpool, and Glasgow and Sydney Theatres)
After which
Billy Barlow .. Mr. LEE Song—"Tell me, my Heart" ... Mrs. KNOWLES
Irish Comic Song ... Mr. BOYD Dance—"I and my Double" ... Mr. JACOBS
The evening's performance will conclude with the admired Nautical Drama called
"BLACK-EYED SUSAN."
William ... ... Mr. NESBITT
(As performed by him at the Theatre Royal, Liverpool).

ACT II.—Song—"Black-eyed Susan," by Mrs KNOWLES.

Doors open at half-past six, and the performance will commence at seven o'clock precisely.

Dress Circle, 5s.; half-price, 3s. Upper Boxes, 4s.; half-price, 2s. Pit, 3s.; half-price, 1s. 6d.
Half-price at Nine o'clock.

Boxes may be secured, and tickets obtained at the theatre, from ten to four daily.

Tickets to be had at the following places :—Pullar's Stationery Warehouse, Collins Street; The *Royal Hotel;* The *Commercial Inn; Yarra Steam Packet Hotel;* Mr. M'Namara, Queen Street; and from Mr. Davies.
MR. NESBITT, Manager. MR. CAPPER, Mechanist.
VIVAT REGINA.

No preparations were spared to produce a "stunning" effect at this *début* of the so-much-talked-of new theatre. The interior arrangements were of the rough-and-ready style, but not uncomfortable. The decorating was altogether overdone, and all sense of anything approaching to correct taste was marred by a profusion of loud, vulgar finery, *outré* in design and crude in execution. The proscenium was an elliptical arch, supported on pilasters, and surmounted by the Royal Arms, whilst there was a grotesque attempt to

construct niches, out of which leered figures said to represent Æschylus, Euripides, and a couple of unrecognizable magnates of reputed mythological antecedents.

"Jack Davies," though never popular, was a bustling, pushing individual, and when embarked in any worldly undertaking where ability failed, indomitable "cheek" struck in and pushed him through. In "running" a benefit for himself, it would not be easy to find his equal. Very little could be said in praise of the performance, but the patronizing public were, or affected to be, well pleased with what they got for their money, and as the *bénéficiaire* was sure to pocket the lion's share of it, there could be little doubt of his being pleased too.

The first performance under the direct auspices of the proprietor was on the 1st May, 1845, and Smith in the advertisement notifies "that, having completed arrangements for the opening of

THE NEW THEATRE ROYAL,

He has the honour of announcing to the patrons of the drama, the public generally of Melbourne and vicinity, that he has secured all the available talent in the Province, and is in communication with the neighbouring colonies for the purpose of adding to the strength of his company." The prices were—Dress circle, 5s., half-price, 3s.; upper circle, 4s., half-price, 2s.; pit, 2s. 6d., half-price, 1s. 6d.; and gallery, 1s. 6d., with no half-price. The bills were subscribed "Mr. Smith, proprietor; Mr. Nesbitt, stage manager; Mr. Capper, mechanist." There was a capital attendance on the opening evening, and Nesbitt delivered an introductory address befitting the momentous occasion. He was well received, and this "preliminary canter" of his elocutionary powers brought down the house. The principal joint in the bill of fare was the "Honeymoon," Nesbitt playing the *Duke of Aranza*. The interlude consisted of two songs, viz., "An Admired One," by Mrs. Knowles, and a comic song by Mr. Miller, with, as an afterpiece, the laughable farce of "The Unfinished Gentleman." I have not been able to meet with any critique upon those early performances, but as the people who attended were the reverse of exacting, the novelty of the thing itself went a great way towards satisfying them, so that a limited quantum of ability, served up with some degree of propriety, did the rest. Smith's first regular company consisted of Mesdames Knowles, Cameron, Boyd, and Adams, with Messrs. Nesbitt, Capper, Boyd, Cameron, Lee, Cochrane, Miller, Jacobs, C. Boyd, Jones, and Smith. Mr. John Thomas Smith had now his new venture floated, but "fair winds and blowing fresh" Apollo did not send. On the contrary, some of the *Dii Majores* seemed adverse. As with other and greater men, the elements were unpropitious, and "Jupiter Pluvius" turned on one of his mains, so as to deter only the most ardent playgoers from an after-dark visit to Queen Street, in those times not the most inviting of promenades, sloppy and unlighted, except by a here-and-there groggery lamp, little better than a guttering dip, showing a blear-eyed speck of what could hardly, by the extremest stretch of politeness, be termed a light. The theatre was opened, but poorly attended, two nights in the week (Mondays and Thursdays), with "Richard III.," "The Honeymoon," and "Catching a Tartar," and all the attractive accessories possible, whilst Nesbitt, an actor of sterling merit, made almost superhuman efforts against formidable obstacles—very inefficient professional support not amongst the least. When matters are at the worst they generally mend, and so it was with the new theatre. The rainy season for the time passed by, fine weather supervened, the house began to fill, the performances to improve, and a general brightening up followed.

CHAPTER XXXV.

THEATRICAL AND KINDRED ENTERTAINMENTS *(CONTINUED).*

SYNOPSIS:—George Coppin.—His Arrival in Melbourne.—His Early Career.—Fortune and Misfortune.—Mr. and Mrs. Coppin's Début.—The Melbourne Company.—The Launceston Company.—Coppin "Cock of the Walk."—Queen's Theatre Royal.—Coppin as Ship Owner.—Coppin's "Last Appearance on any Stage."—Francis Nesbitt.—His Short Career and Death.—Smith's Theatrical Company.—Morton (otherwise Mark Last) King.—Batters on "the Burst."—Mrs. Coppin's Death in Adelaide.—The First Local Pantomime.—A Masquerade Ball.—The Yellow Fever.—Addenda: Review of George Coppin.—His Partnership with G. V. Brooke.—First Grand Opera Season.—Cremorne Gardens.—White Swans and Gold Fish.—Wizards and Bell Ringers.—Coppin and King as Members of Parliament.—Concluding Panegyric.—Miscellaneous: First Concerts in Melbourne.—The Melbourne Harmonic Society.—The Philharmonic Society.—Old Town Bands.—First Menagerie.—First Circus.—The First Blondin.—First Ventriloquists.—First Mesmerist.

GEORGE COPPIN.

IN June, 1845, an event occurred which was destined to exercise a powerful influence on the future of the Victorian stage, for it was no less than the arrival of "The Coppins," with a select *corps dramatique.* They sailed in the "Swan" schooner, from Launceston, and landed in Melbourne on the 14th June—a day which should be red-lettered in the Dramatic *Memorabilia* of the colony. And as I have now made the acquaintance of Mr. George Coppin, a few lines of digression, devoted to a brief *résumé* of the earlier portion of his remarkable career will not be considered out of place, especially as he is still (1888) amongst us, at anchorage probably for the rest of his days, essentially an old colonist, who has served his adopted country in various capacities, and has ever proved himself a good man, and a leal citizen.

The son of a father educated for the medical profession, which he abandoned for the stage, young Coppin was born in Sussex (1819), became a violinist at an early age, and as such appeared at intervals with his father's company. On taking an avowed final stage farewell of the citizens of Melbourne at the Theatre Royal on the 9th December, 1881, Mr. Coppin thus sketched an amusing outline of his appearance as a "twinkle, twinkle, little star" of the dramatic firmament, and his gradual progress in the profession:—"The first printed record I have of my first appearance in public, is the bill of a concert given at Peterborough under the patronage of Viscount Milton, on the 14th of November, 1826, in which I am announced amongst the violin players. I was then seven years old, and used to be placed upon a table to play the 'Cuckoo Solo' between the pieces. I remember having coppers and small pieces of silver thrown upon the stage to me, little thinking that I should live to see nuggets of gold wrapped in bank notes thrown upon the stage, as I have done at the old Queen's Theatre in this colony, to the Chambers family. I wonder how I should look now in petticoats upon a table playing the 'Cuckoo Solo.' My next bill is for the benefit of Mrs., Miss, and Master Coppin. I was the Master at the Theatre Royal, Scarborough, on the 9th of October, 1828, under the patronage of Lord and Lady Pollington, in which the comic duet of 'When a Little Farm We Keep,' is announced by Master and Miss Coppin. At that time I had a regular engagement as 'second fiddle' in the orchestra, and child actor in the theatre. The first part I can remember playing was a boy in 'The Hunter of the Alps,' when Mr. Charles Kean came down as a star. I had to strut up to him and say, 'Don't be afraid, sir; I won't hurt you.' He patted me upon the head, gave me half-a-crown, and said that I should be a great comedian. In my father's company I used to sweep out the theatre, trim lamps, deliver bills, lead the orchestra, and play small parts, until he gave up management. I then commenced the world upon my own account, at the age of seventeen, with my fiddle



GEORGE COPPIN

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under my arm, and went through strange vicissitudes that would be considered quite sensational in description. At nineteen I was engaged as 'second fiddle' in the orchestra, and second low comedian at the Woolwich Theatre by Mr. Faucett, and before the season terminated I became his stage manager, and first low comedian at a salary of 21s. per week. My next engagement was with Mr. Davenport (the model of Charles Dickens's *Vincent Crummles*), at Richmond; salary, 25s. a week, upon condition that in addition to my playing in the orchestra, second low comedy upon the stage, dancing and singing between the pieces—I should also teach the infant phenomenon to sing and dance, which I did. I was then engaged for London. Subsequently took Mr. Compton's situation in the York Circuit, at a salary of 30s. a week, when that celebrated comedian went to London. I afterwards visited Belfast, Glasgow, and Dublin. Starred it through Ireland and a portion of England, sailed from Liverpool in the 'Templar' on the 17th November, 1842, and arrived in Sydney on the 10th March, 1843, only 113 days on the voyage, which was considered not so bad at that time. My first sensation in Melbourne was my arrival with a complete company and band, without having made any arrangement for their appearance at the only theatre. I had to rent the large hall at the *Royal Hotel*, and threaten a strong opposition to force the manager of the Queen's Theatre into terms. My next sensation was covering the stage with a piece of drugget for the production of 'The School for Scandal.' It was considered a lavish expenditure, although it did not cost as many shillings as I have since paid pounds for the Theatre Royal carpet. Since that time my motto has been 'Progress.' Having read in some print that Coppin had sung one song 250 times in succession in Dublin, I wrote to him for its name, and was courteously favoured with this reply:—"You sang 'Billy Barlow' 250 times at the Abbey Street Theatre, Dublin, in 1842, local verses, three and four times a night.' Poor Lyster was very fond of relating a singular circumstance. He was a middy on board a sailing ship. The night before leaving Dublin he visited the Abbey Street Theatre, and heard me sing 'Billy Barlow.' The ship put into two or three ports on her way to Sydney. The day after arrival, young Lyster went to the Victoria Theatre, and to his great astonishment heard me singing 'Billy Barlow'—the same dress, &c. He described the feeling as most bewildering, and the impression made on him was so strong that he remembered the local verses, and frequently used to sing them, to the great delight of friends who were favoured with his interesting anecdote."

The "poor Lyster" referred to here is the "Mr. W. S." of that ilk, so well known in connection with the operatic history of Victoria, and whose death in 1881 was universally regretted.

Mr. Coppin shortly after his arrival in Sydney arranged to appear at the Victoria Theatre there upon a share of the profits, and frequently received upwards of £50 a night as his proportion of the takings. He made a little fortune by acting—lost it in publichouse business through inexperience, left Sydney in debt, and made his first appearance in Hobart Town on the 5th of January, 1845. After playing a very successful "star" engagement there, he commenced management in Launceston on the 3rd March, 1845, and encouraged by a prosperous season, engaged (paying all expenses) his company to visit Port Phillip and try his fortune there.

Mr. Coppin remained in Melbourne until August, 1846, when his next move was to South Australia, where he built a theatre in five weeks, and commenced management in Adelaide on the 2nd of November. He also built a theatre at Port Adelaide; made a large fortune—lost it in copper mining by the discovery of gold in Victoria; went through the Insolvent Court; returned to Melbourne; walked to the diggings without sixpence in his pocket; walked back again within a fortnight with blistered hands, a backache, and no gold; played a short "star" engagement, and commenced management in Geelong in 1852, and made another fortune, Monday nights' receipts frequently paying the weekly expenses. Retiring from the management, he revisited his old friends, the Adelaide creditors, who, believing in the man, had, in the midst of his embarrassments, given him free leave and license to leave their colony. He invited them to dinner, and by way of dessert handed to each a cheque for 20s. in the £, a condiment not often found amongst debtors. Returning to Melbourne he was able in January, 1854, to withdraw from business with a handsome competence, and he proceeded to England, after which he returned to Victoria, and carved out for himself a future prolific of many and important results, to some of which special reference will be made before this chapter closes.

THE LAUNCESTON COMPANY,

As it was styled, was the first complete corps of the kind in the colony, and as a curious theatrical relic, I subjoin a document in reference to it, as supplied to me by Mr. Coppin :—

"Copy of Agreement, Theatre, Launceston, V.D.L. March 30th, 1845.

"We, the undersigned, hereby agree to proceed to Melbourne per ship 'Swan' under the management of Mr. Coppin, to perform at the theatre for a season, and to return to Launceston if required, and bind ourselves under a penalty of £25 to be paid to the said George Coppin, that we will not perform at the theatre or any other place of amusement, unless it is under the management of Mr. Coppin, by his free will and consent. (Signed) M. H. ROGERS and wife, CHARLES YOUNG and wife, MRS. THOMPSON, J. E. MEGSON,* E. A. OPIE, J. HAMBLETON and wife, F. B. WATSON, WILLIAM HOWSON,* ALFRED HOWSON,* JOHN WILKS, BEN RAE. Witness: WILLIAM BELL, Captain of 'Swan.'"

Including Mr. and Mrs. Coppin, this little band of dramatists numbered amongst its members some who in after years took a high position in the profession. As for Mr. Coppin himself, it is needless to write anything about him in Melbourne, where he has shone so long and so brilliantly as a fixed "star," and I will only add that he is the last of the old school of actors left in the colonies. His style is Listonian, and when he appeared at the Haymarket Theatre, in London, he was compared to Munden. Mrs. Coppin was the best leading actress, either in tragedy or comedy, that ever visited the Australian colonies. As Mrs. Watkins Burroughs she held a very high position as a "star" actress in London, Dublin, Cork, and Belfast where her first husband was manager for many years.

In reference to some of the others, Mr. Coppin has favoured me with the following interesting memo. :—

"Mr. Rogers arrived in Van Diemen's Land as a common soldier. At garrison entertainments he displayed so much dramatic talent that a subscription was made to purchase his discharge. He then engaged with Mrs. Clark, manageress of the Hobart Town Theatre, with whom he remained until I made up my company for Launceston. After my season there, I brought him over to Melbourne. His parents were so strictly religious that he was never inside a theatre until he arrived in the colonies, and therefore had not the advantages of Mr. Lambert, who studied his profession in the very best English school of acting. He was an undoubted genius. His line of business was old men. Mr. Charles Young was a very versatile actor, and in his early days was equally good in tragedy, comedy, burlesque, and could sing and dance well. He opened with me in Melbourne as *Claude Melnotte* in the "Lady of Lyons." His line of business after leaving the colonies was low comedy and burlesque, etc.—a great favourite in London. Mrs. Charles Young, married in my company, was a Miss Jones, and used to play small parts and dance between the pieces. By study she became a leading actress. Upon one of my visits to England I was present at her first appearance in London at Sadlers' Wells Theatre with Mrs. Phelps in the character of *Julia* in the "Hunchback." She was a success, and afterwards became a very great favourite. She obtained a divorce from Mr. Young, and married Mr. Herman Vezin. She is still playing in London — so is her husband—as one of the very few leading tragedians of the present day. Strange to say, they never play together at the same theatre. Charles Young ended his days some years ago in the Sydney Lunatic Asylum, Mr. and Mrs. Rogers died in Melbourne, and Mrs. Watson, Mrs. Hambleton, and Mrs. Thompson have also passed away."

There were now two dramatic corps in Melbourne—viz., the local and the Launceston, and it was soon publicly intimated that arrangements had been made for the Launceston or Coppin Company to perform on two nights a week for a month; the other to play on alternate evenings, so that an agreeable variety was offered by what might be almost termed the rival companies. As far as the teachings of theatres go, these two companies undoubtedly rendered good service (though possibly less to their constitutents than to themselves), until the changed and improved condition of Melbourne society created a further demand, and consequently increased competition.

* The names asterisked constituted the orchestra.

MR. AND MRS. COPPIN'S DEBUT

Was indicated to the Melbournians by the following announcement :—

QUEEN'S THEATRE ROYAL, QUEEN STREET, MELBOURNE.

The Proprietor is happy to announce to his friends and the public generally, that he has entered into an arrangement with Mr. Coppin and the entire of his Corps Dramatique to Perform alternate nights with the present Company, for one month only, trusting the greatest combination of talent ever witnessed in any of the colonies will receive the patronage and support it will ever be his study to deserve.

ON SATURDAY EVENING, 21ST JUNE, 1845.

The Entertainments will commence with Sir E. Lytton Bulwer's celebrated play in five acts, entitled the

LADY OF LYONS!

Claude Melnotte - Mr. Charles Young. Colonel Dumas - Mr Rogers. Beauseant - Mr Thompson.
Glavis - Mr. Coppin. Mons. Deschappelles - Mr. Watson. Pauline - Mrs. Coppin. Madame Deschappelles - Mrs. Watson.

Previous to the Play and during the evening, the Band will play—
Overture—"Italian in Algero"—Rossini.—Overture—"Fra Diavolo"—Auber.—Quadrille—"Royal Irish"—Julien.

Wreath Dance, by Mrs. Young.—Song—"Should He Upbraid"—Mrs. Rogers.—Comic Song by Mr. Hambleton.
Mr. and Mrs. C. Young will then dance the "Tarantella" in the costume of the country.

To be followed by an entirely new interlude, never acted here, called

THE FOUR SISTERS.

An entirely new Comic Double Irish Jig, by Mr. and Mrs. Charles Young.

The whole to conclude with the very laughable Farce of the

TURNPIKE GATE.

Crack, the Cobbler - - Mr. Coppin. Joe Standfast - - Mr. Rogers.

Nights of performance during the present month :—Mondays, Tuesdays, Thursdays, and Saturdays.

Prices for the season as follow :—The Dress Circle, 5s ; half-price, 2s. 6d. Upper Circle 3s. ; half-price, 1s. 6d. Pit, 2s. ; half-price, 1s. Gallery, 1s. ; no half-price.
Doors to open at half-past Six. Performance to commence at Seven o'clock precisely.
Proprietor, Mr. Smith ; Stage Manager, Mr. Nesbitt ; Mechanist, Mr. Capper.

The acting of the Coppins, the Youngs, and Rogers, was quite a treat to the community, where hitherto anything approaching dramatic efficiency was the exception, whilst Coppin in his *Crack* impersonation made a hit such as was never before known in the Province.

The newspapers of the period were neither profuse nor particular in their critical notices, and I find in one of them this business-like semi-apologetic paragraph referring to the event :—"We intended to-day writing a full critique upon the performances by Mr. Coppin's company on Saturday evening: but the important wool sales and other more "staple" articles compel us to be very brief in our remarks. We have only room to say that Mrs. Coppin is decidedly the best actress by many degrees that ever trod the Australian stage; that her husband in low comedy—his forte, was irresistible, and that his company altogether is very respectable, and worthy of the patronage which, we feel assured, the Melbourne public are ready to award to dramatic merit."

Coppin's first appearance obtained the substantial compliment of a bumper attendance and the reception accorded the newcomers was all that could be desired. Their second appearance was on the 24th, in the comedy of "The Soldier's Daughter"; but Coppin, according to the scribes, "did not show at his best," while Mrs. Coppin was a "tremendous success" as the *Widow Cheerly*. Rogers absolutely stormed the place by his spirited delineation of *Governor Heartall*, and Mr. Young's "acting was far from being as good as his dancing." As for Megson, he had "become musically acquainted with the people, and his violin solo was much admired."

THE MELBOURNE COMPANY

Was now strengthened by a new acquisition, thus flatteringly written of:—"Mr. Falchon, the well-established favourite of both the Sydney and Van Diemen's Land theatres, and whose representations of Irish characters are (take our word for it) rich in the extreme, has arrived from Launceston and been added to the Melbourne Company. There is one song in particular, which we have heard him sing at least fifty times, with bursting sides; we mean, 'Paddy's Wedding;' this song has hitherto been awfully butchered by Burgin. Let those who delight in a genuine Irish song, sung in true character, look out for this treat."

The "butcher" Burgin was first a confectioner, and next a billiard player, who occasionally eked out a few shillings a week at the Pavilion.

On the 26th June the Melbourne Company played to a paying house. This was the first appearance of Falchon, from the Theatre Royal, Sydney, and Hobart Town, the bill opening with "The Mutiny at the Nore." Falchon, as *Jack Adams*, was great; but Nesbitt as *Richard Parker*, was greater; and Falchon's "Paddy's Wedding" was unsurpassable. Then followed "The Secret," and "The Happy Man," wherein Falchon's "Paddy Murphy" sent the audience away in the best possible good humour.

THE LAUNCESTON COMPANY.

Competition is the life of trade, and such was quickly exemplified so far as related to theatrical wares. The Coppin steam was now in full puff, and the following attractive bill (for the first time in Port Phillip) was put forth for the 3rd July:—

THE SCHOOL FOR SCANDAL.

Charles Surface - Mr. Young. Joseph Surface - Mr Thompson. Sir Oliver Surface - Mr. Rogers.
Moses - Mr. Opie. Crabtree - Mr. Hambleton. Sir Benjamin Backbite - Mr. Ray.
Sir Peter Teazle - Mr. Coppin. Trip - Mr. Wilks. Rowley - Mr. Watson.
Snake - Mr. Turner. Mrs. Candour - Mrs. Rogers. Lady Sneerwell - Mrs. Hambleton
Maria - Mrs. Young. Lady Teazle - Mrs. Coppin.

In the course of the evening the band will play—
Overture—Cenerentola—Rossini. Overture—Semiramide—Rossini. Quadrille—Prince of Wales—Julien.
Quadrille—Norma—Weippert. Waltz—Les Roses—Strauss.
After which—"Pas Seul"—Mrs. Young.

To be followed by the admired Vaudeville of
WHY DON'T SHE MARRY.

Sergeant Max - Mr. Young. Natz Teik (a young farmer) - Mr. Coppin. Lisette (Sister to Max) - Mrs. Rogers.
French Soldiers, Male and Female Villagers, etc., etc., etc.
Airs incidental to the piece:—
Song—"My Beautiful Rhine"—Lisette. Song—"Liberty for Me"—Lisette. Song and Chorus—
"Oh, Vive L'Amour"—Max and Soldiers.
Finale,
By the whole of the Characters.

Comic Song - Mr. Hambleton. Pas de Deux - Mr. and Mrs. Young.

The whole to conclude with the laughable farce of
WINNING A HUSBAND.

(In which Mrs. Coppin will sustain eight different characters ! ! !)

Sir Robert Strangeways, (in love with everything except Miss Jenny Transit) - - - Mr. Rogers.
Davy (his man) no philosopher, and yet no fool - - - - - Mr. Coppin.
Lucinda (sister to Sir Roderick, and not quite so fond of romance) - - - - Mrs. Hambleton.
Miss Jenny Transit (in love with no one but Sir Roderick) - - - - - Mrs. Coppin!
Margaret Macmucklecanny (a learned lassie from the Highlands) - - - - Mrs. Coppin!!
Miss Cornelia Clementina Clappergo (a voluminous and voluble literary spinster) - - Mrs. Coppin!!!
Lady Dorothy Dashly (desirous of the marriage state and a fortune) - - - Mrs. Coppin!!!!
Mrs. Deborah Griskin (a pork butcher's widow with more airs than graces) - - Mrs. Coppin!!!!!
Mademoiselle Antoinette Marosquieu (a French Figuarante) - - - - Mrs. Coppin!!!!!!
Bridget Blackthorn (a rustic beauty) - - - - - - - Mrs. Coppin!!!!!!!
Ensign Thaddeus O'Transit (of the Kilkenny Flamers) - - - - - Mrs. Coppin!!!!!!!!

Leader of the Orchestra - Mr. Megson. Scene Painter - Mr. Opie. Prompter - Mr. Watson.

The theatre was crowded and money refused at the doors. Mrs. Coppin, Rogers, and Coppin, unmistakably foreshadowed the reputation they would win, and the many laurels they would gather in after years on the Melbourne stage in connection with the same comedy. The performance was thus noticed in a newspaper of the time :—

"On Thursday evening Mr. Coppin's *corps dramatique* performed to a crowded and highly respectable house; the piece selected for the occasion being Sheridan's comedy, the 'School for Scandal.' The principal characters in this were *Sir Peter* and *Lady Teazle* by Mr. and Mrs. Coppin, both of which were well sustained; indeed, Coppin's personation of a fidgetty, doating old husband, and Mrs. Coppin's coquettish levity, kept the house in an uninterrupted fit of merriment. The characters of the brothers *Charles* and *Joseph Surface*, by Messrs Young and Thompson, were creditably supported; but there is one defect in the Launceston Company, namely, that, with the exception of Mesdames Coppin and Rogers, it is rather inefficient in actresses. In the laughable little piece of 'Why Don't She Marry,' Coppin's mimic powers were agreeably brought into play, and the song, 'My Beautiful Rhine' was sung with great *éclat* by Mrs. Rogers as *Lisette;* but it would appear that all the mirthful faculties of the audience were to be reserved for the concluding farce of 'Winning a Husband,' in which Mrs Coppin's dramatic talent eminently told that it possessed no little powers of versatility—as she sustained eight different characters to admiration, metamorphosing herself from a pork butcher's widow to a 'Highland lassie,' and as quickly taking herself from the Land o' Cakes to the Kilkenny Flamers; and then from a boy of Kilkenny, a dark roving blade, to the impersonation of a Parisian paramour. All these characters she did in a very superior style, and received the enthusiastic greeting of the assemblage. Mr. Rogers as *Sir Robert Strangeways* was very good, as also Coppin himself as the man *Davy*. It gave us pleasure to see that upon this occasion the dress circle plainly showed that a taste for theatricals was not on the decline. In fact it was one of the best attended houses we have yet seen, and the most general satisfaction was rendered."

The Melbourne Company now mustered sufficient courage to procure a Shakespearian tragedy on the 10th July, and as this was the first representation of the piece on Melbourne boards, the cast will be conned over with a curious interest by the theatrical devotees of to-day.

MACBETH.

Duncan (King of Scotland) - Mr. Capper. Malcolm - Mrs. Mereton. Macbeth - Mr. Nesbitt.
Banquo - Mr. Alexander. Macduff - Mr. Cameron. Lennox - Mr. Davies. Rosse - Mr. Jacobs.
Fleance - Master Capper. Seyton - Mr. C. Boyd. Officer - Mr. Edwards. Physician - Mr. Andrews.
First Witch - Mr. Lee. Second Witch - Mr. Mereton. Third Witch - Mr. Falchon.
Lady Macbeth - Mrs. Cameron. Gentlewoman - Mrs. Avins.

The attendance was large, and the work was on the whole moderately well got through, Nesbitt and Falchon being exceptionally good.

On the 26th July Capper took a benefit, at which the Launceston Company appeared. It commenced with the comedy of "The Youthful Queen," with Mrs. Coppin as *Christine*, and was succeeded by a variety of overtures and entertainments, concluding with "The Spectre of the Nile," Coppin representing *Pagnag*, and his wife *Orynthe*. The last scene—the Earthquake, and Grand Fall of the Great Aqueduct at Memphis—was something out of the common. Mr. Richard Capper, though what is techinally known in theatrical "biz." as a mechanist, was a reliable ally in small parts; and having shared in the fallen fortunes of the Pavilion was looked upon as a sort of veteran, so the people came to like him, and his "benefit" was a reality.

Davies, an "artful dodger" in working out benefits for himself, a couple of weeks after induced Smith to let him have another turn, when, with his usual luck, he secured a capital house, chiefly through the instrumentality of the St. Patrick's Society, whose patronage he obtained. The members marched in procession to the theatre with insignia, band and banners, and the Irish music, and the unfurled Irish green drew along with them a crowd which contributed materially to render the occasion a pecuniary success.

Coppin by this time had "taken the measure" of the Melbourne community, and entered into an arrangement with Smith, thus adding to his own the cream of the Melbourne Company, viz.—Nesbitt, and

Mr. and Mrs. Cameron. Falchon and he, it was said, could not come to terms. Davies did not at all relish this "turn of the tide," fancying, probably, that Coppin would prove a tougher customer than Smith in the "benefit" game, so he immediately not only threatened to start an opposition shop, but actually meditated the revival of the Pavilion. He made a special application for a license to the Magistrates, undertaking to put the old shed into a thorough state of repair, and to conduct it creditably. The application was opposed by Smith, who declared he had expended £5000 on the Queen Street premises (theatre and hotel) in the belief that if he established a respectable theatre he should be protected from competition, at least until he could be reimbursed some of the outlay; it was also contended that one theatre was enough for Melbourne, and if a second was then allowed, the inevitable result would be the ruin of both. The Magistrates unhesitatingly refused the application.

The Coppin Management.

And now Coppin was "Cock of the Walk"—the lessee of the new theatre, with the reins solely in his hands. It was no sinecure he had assumed, and he tackled to his work with skill and energy. He endeavoured to place entertainments before the public suited to its taste, and one of his first novelties was a Mr. Howson, "a newly-arrived performer on the violincello," and member of a musical family which came over with Coppin in the "Swan" from Launceston, and some of them (ladies) in subsequent years attained a European celebrity.

But it was not always smooth water or favouring gales for the Queen's Theatre. The attendances were variable; sometimes an overflowing house, and the next night down nearly to low water mark. On the 1st September, though the "Rent Day" was very well performed, there was only one solitary paying individual in the boxes.

Towards the middle of the same month Melbourne was astounded one morning by the terrible intelligence that the "Cataraqui" emigrant ship, from Liverpool to Port Phillip, was totally wrecked on a reef at King's Island, when there was a frightful destruction of human life, the only survivors being the chief mate, one immigrant, and seven seamen. These arrived by a schooner in the Bay, and their heartrending narrative produced the most intense consternation. Immediate steps were taken to raise funds for their assistance, as well as to reward a sealing party stationed at the time on the island, by which the unfortunates were saved from death by starvation. Coppin, though in a certain sense commencing the world, unsolicited offered a theatrical performance in aid of the Relief Fund. This was the first occasion of the proprietor or lessee of a theatre giving a benefit for a charitable purpose in the colony, and it will be interesting after such a lapse of time to read the manifesto by which Mr. Coppin made the announcement:—

QUEEN'S THEATRE ROYAL, QUEEN STREET,

Under the immediate Patronage of His Honor the Resident Judge and His Worship the Mayor.

Upon which occasion the proceeds of the evening's entertainment will be given in aid of the survivors from the late melancholy

SHIPWRECK OF THE EMIGRANT SHIP "CATARAQUI,"

And to reward Mr. Howie's party for their meritorious assistance.

N.B.—The manager does not think it necessary to solicit the support of the public for this evening, feeling assured (from the well-known liberality of the Melbourne inhabitants) the above announcement will in itself—without taking into consideration the attractive entertainment—fill the theatre for the relief of the unfortunate.

On THURSDAY EVENING, 18TH SEPT., 1845,

The entertainment will commence with Sheridan Knowles' celebrated play, entitled,

THE HUNCHBACK; OR, NO MAN'S LOVE.

To conclude with the Nautical Drama of

THE SEA; OR, THE OCEAN CHILD.

The public cheerfully responded to the call, and the house (of course much more restricted in dimensions than our present places of entertainment) was crammed. There were 177 persons in the boxes, 453 in the pit, and 313 in the gallery. The gross proceeds amounted to £91 11s., which (less £25 11s. expenses) brought £66 to the charity—a considerable help as things went then. This timely act of

benevolence was much appreciated, and at a subsequent meeting of the general subscribers to the Shipwreck Fund it was decided that a special letter of thanks should be transmitted to Mr. Coppin.

The theatre now began to fix itself in public estimation, and though Coppin's patience was severely taxed at times, much care and cleverness were bestowed upon the performances, and a reasonably uniform degree of success followed. On the 2nd October, that awkward encumbrance (a mother-in-law) caused the secession of the Youngs from the company, because Mr. Coppin would not pay Mrs. Thompson (Mrs. Young's mother) as highly as her abilities were assessed by her relatives.

From a newspaper of the 18th October I take this notice of the theatrical doings of the period :—

QUEEN'S THEATRE.

"This emporium of public amusement opened on Saturday evening with the drama of 'Robert Macaire; or The Two Murderers of France,' in which Coppin as *Jaques Strop* afforded considerable merriment. Thompson, as *Macaire*, acquitted himself with great credit. Mesdames Coppin and Mereton were not in the back ground, and the latter, in disclaiming the foul imputation of a murderess, and watching the departing spirit of her homicidal husband, was very touching. Black Harry's hornpipe was well received, but the interlude 'The Review,' was the attraction of the night. This was Nesbitt's first appearance in Irish comedy, and he 'came out' in a very creditable way. In adapting himself, however, to the dialect of *Mr. Looney Macwalter*, the real accent would at times break through the one of fiction—not a very extraordinary circumstance, when it is considered that Mr. Nesbitt's *forte* is tragedy. As it was, however, he kept the audience in a roar of laughter; his personification of an insolent Irish servant forming a very agreeable contrast to the pliancy of Opie in *Johnny Lump*. Rogers, as *Mr. Deputy Bull*, gave a good specimen of a doating old fool, while Coppin, as *Caleb Quotem*, showed himself to be a regular business man. His song was first-rate. The evening's entertainment concluded with 'Red Eric; or The Banner of Blood,' in which Mrs. Coppin as the *Witch Glorma*, and Nesbitt as the *Sea King*, were the principal characters. The theatre opened last evening with the 'Rent Day,' under the patronage of the Licensed Victuallers of Melbourne, and the house was well attended. On Thursday his Worship the Mayor will patronise the performance for the last time prior to his vacating the Mayoralty."

On the 24th November Coppin had a slashing benefit, which must have delighted him much, for the house was crammed. The "School for Scandal" was played, Mr. and Mrs. Coppin sustaining the parts of *Sir Peter* and *Lady Teazle* with marked ability. Coppin gave an original version of "Billy Barlow;" his hits about the Mayor and his salary, the Corporation, and other local topics brought forth thunders of applause. He netted £80, and this put him in such high good humour that he lost no time in entering into a fresh agreement with Smith, and declared he should stick to the concern for another season. Nesbitt now struck for higher wages, and as Coppin would not accede to his demand, he cut the connection and left for Sydney.

In December 1845 Coppin began to think that the speculation was not, after all, making him as rich as he anticipated, so he took a notion of going to India, and purchased a schooner called the "Apollo," and until he should be quite ready to set sail, placed her in the coasting trade between Melbourne and Portland. She was commanded by a Captain Loutit, who had occasion to run her at times into some of the small bays for shelter, and from this cause Coppin called one of them Loutit Bay in compliment to his skipper, and a second Apollo Bay, after the schooner. Changing his mind afterwards as to the Indian trip, he sold the craft to the Government for a buoy boat.

POPPING AT COPPIN.

There were elements of fun in the old theatrical times in Melbourne, to enliven the occasionally dull performances, which are altogether absent from the dramatic entertainments of modern days. Smoking then, though nominally prohibited, occasionally caused much trouble and annoyance. Shying coppers was a pleasant variation, and sometimes profitable to the under (and often not) paid actors, who generally had the presence of mind to pick up the shot bullets. It was the lot of George Coppin to be sometimes placed

on a pedestal of Hero-worship—transformed into a sort of William Tell—with this difference, that, instead of sweeping an apple off a fellow's head, Coppin used to be popped at with the apple. And he, to do him justice, never took kindly to this species of by-play. He used to resist it manfully, beard the sharpshooters, whether in pit or gallery, and threaten them with all sorts of pains and penalties. One night some profane urchins, deeming themselves secure in the gallery, imagined Coppin a sort of Aunt Sally, and began to play pitch and toss at his nob. A night or two after they set to "appleing" him, when one of them was caught *flagrante delicto* by a policeman, collared, and dragged off to the watch-house. George appeared to prosecute, and the following report of the case is transcribed from an old newspaper:—"AN APPLE OF DISCORD.—As Coppin was electrifying the audience of the Queen's Theatre on the evening of the 26th March, 1846, and all his dramatic powers were being brought into play, one of the gods hurled a thunderbolt from Olympus, in the shape of an apple, which grazed Coppin's left eye. He (the god) was accordingly given into custody. The prisoner was brought up before the magistrates next morning and admitted the impeachment, but justified his conduct by stating it to be all a lark, especially as on the previous evening a practice prevailed of playing pitch and toss with pence and half-pence at Coppin's head; and if it was legal to fling coppers at a man's head, it could not be much harm to indulge the innocent amusement of apple throwing. In consequence of the complainant not wishing to press the charge, the Bench let off the offender on payment of a fine of five shillings."

As a rule, the Queen's was a paradise of propriety compared with the Pavilion; but on the evening of the 18th May, 1846, however, there was a regular rumpus through the misconduct of

A POLICE PEACE-BREAKER.

Mr. William Dana, brother of the Commandant of Native Police, of which force he was second officer, was, with a boon companion, named Croker, comfortably enjoying a cigar in one of the boxes or dress circle. The "blowing of the cloud" soon attracted the olfactory attention of the proprietor (Mr. Smith), who rushed to the footlights, declared smoking to be prohibited, and requested the offending party to desist. Dana coolly replied, "He would see him hanged first," whereupon Smith invoked the assistance of Sugden, the Chief-Constable, who happened to be in the house, but he declined to interfere until there was a breach of the peace, with which he was soon gratified. Smith, summoning some of the *employés* to his assistance, proceeded to eject Dana, who showed fight, and cuffed and kicked all round, Croker remaining a passive, amused spectator. Smith was very partial to the display of large white shirt fronts, and in the fray one of these fineries was irretrievably demolished. Dana was at length overpowered and cast forth, when he fell into the clutches of another batch of Philistines—the Chief-Constable and some of the police—by whom he was unceremoniously hauled off to the lock-up, but was bailed out during the night. The next morning the case turned up before the Police Court, when Smith appeared to prosecute, and Mr. Stephen (Barrister) was defendant's Counsel. The presiding Magistrates were the Mayor (Dr. Palmer) and Mr. James Smith; and on defendant being ordered to stand forward in the prisoner's dock, he refused point blank to do so. The Justices declared that they could not recognize any distinction of persons charged before them; but, as doubts were entertained as to their power to compel a person accused of making a disturbance to appear in the felons' dock, they remanded the hearing for a few days, and renewed the defendant's bail. The case was resumed on the 25th May, before two other Magistrates (Messrs. Henry Moor and M'Lachlan), when it was proved that, in addition to other improprieties on the evening of the *fracas*, Dana had given a general challenge to the dress circle to fight single-handed all its occupants (ladies and gentlemen) in rotation, and that one man had not only accepted the challenge, but had thrown off his coat preparatory to engaging in hostilities, which the subsequent events prevented. A copy of a printed circular was put in to the effect that no smoking would under any circumstances be permitted during theatrical performances. The defence set up was that Dana was only smoking in the theatre, for doing which he had been roughly treated, that smoking in a theatre was not *per se* illegal, and, *ergo*, the original removal and arrest were illegal. In their decision the Magistrates adroitly evaded an opinion on the point of law propounded, and simply fined the defendant 40s. and costs for resisting the constables in the execution of their duty.

Coppin's Last Appearance on the Stage.

The Coppins took as large a benefit as the house could possibly hold on the 18th June, 1846 (Waterloo Day), and announcements were made that it was to be "most positively the last appearance of Mr. Coppin and his wife on any stage." The pieces produced were "Captain Charlotte," a new production by E. Sterling, and the "School for Scandal." Madame Veilburn and a Master Chambers (new *attachés*) figured fantastically in a new-fashioned polka; and another new version of Coppin's "Billy Barlow" was served out in such a racy manner as more than satisfied everyone.

During the month of August the Coppins left for Adelaide, after making a favourable impression, which the sponge of time has never thoroughly erased from that day to this; and Smith again assumed the joint position of proprietor and manager.

What a singular contrast is presented by a comparison of the cost of working a Melbourne theatre in 1845 and forty years after. In 1845 the Queen's Theatre was opened only three nights in the week, and the entire expenses, taking an average of twenty weeks, were £47 per week, the salaries varying from 15s. to 40s. per week. In 1877 the weekly expenses of the Theatre Royal averaged £420 per week, the salaries being proportionately high. On this subject I quote from a recent communication from Mr. Coppin:—"I cannot give you a better illustration of the progress of the drama than the fact that during my management of the Queen's Theatre my weekly expenses, including rent and a salary for myself, were £45 a week. Ever since the erection of this (the Royal) theatre the weekly expenses have been close upon £400 a week, and I do not hesitate to say that I had leading talent in my company at £45 a week that cannot be equalled at the present time in Australia."

Francis Nesbitt

Was an actor of considerable merit, who never settled down steadily for any time in one place. A theatrical meteor, shooting about between the colonies, of no steadfastness of purpose, bothering himself little as to what the morrow would bring forth; a good fellow and well liked, it was regrettable that one of his undoubted ability should be so deficient in the brain ballast necessary for a fortunate trip through the world. An Irishman by birth, he found his way on the stage at an early age, and was for years a "stock" actor in the Mother-country, his last "Home" engagement being in Glasgow. On reaching Sydney, being unable to obtain theatrical employment there, he was glad to accept the baton of a policeman. In a short time he interviewed Mr. Joseph Simmons, stage manager of the Victoria Theatre. Simmons, who played everything that was good, asked the applicant what he could do, and the reply was "any leading part," but he should like to open as *Rolla* in the tragedy of "Pizarro." Simmons, somewhat scoffingly, rejoined that *Rolla* being one of his own specialities, the Sydney public would not recognize anyone else in it. It was decided, however, that the tragedy should be put up, and Nesbitt to play *Pizarro*. This impersonation is a very showy one, and, set off with Nesbitt's fine manly figure and splendid voice, Simmons, much to his own discomfort, was completely cast in the shade. The contrast between the style of the two performers was such as to exclude any professional comparison. In a few nights after, the public recognition which Simmons fancied he had exclusively for himself, was so impaired that he was not unwilling to change places with the new-comer. He remained for some time at a very moderate salary, but his Australian wanderings soon commenced, and he kept flitting from place to place until his death. On applying to Mr. Coppin for information as to Nesbitt's ultimate fate, he favoured me with the following ray of hallowed light shed over the untombed grave which Brooke found in the Bay of Biscay, when he went down with the "London" steamer on his voyage from England to Melbourne in 1866:—"Nesbitt was of the same school of acting as Brooke, and very like him in voice, manner, and talent. I buried him at my own expense when I had the Geelong Theatre, before going to England. Upon my return with G. V. Brooke, I took him to see Nesbitt's grave, and gave him the history of his countryman. The result was that poor Brooke erected a headstone with the following inscription:—

"Erected in memory of Francis M'Crone Nesbitt, who departed this life 29th March, 1853, aged 42 years, by his fellow countryman Gustavus V. Brooke, as a last tribute to the genius of a brother tragedian.'"

SMITH'S COMPANY

Was not now remarkable for efficiency, yet on the whole the entertainments possessed a tolerable share of attraction, in which a novelty, known as the "Veilburn-*cum*-Chambers dancing" constituted a main feature, and was much appreciated. There was besides an inclement winter, but as spring advanced, the theatrical horizon began to brighten, and towards the close of the year there was an evident change for the better in both management and professional material. Christmas-tide brought Mr. and Mrs. Hambleton, from Sydney, but with the passing away of the holidays, the aspect of affairs was discouraging. On the 11th February, 1847, the St. Patrick Society returned Smith's good turn by crowding the theatre when "The Lawyer's Clerk" and "Paddy Murphy" were played, and £65 taken. But a heavy blow was in waiting for the proprietor, and fate struck it in the early days of April, by inducing Madame Veilburn, the popular *danseuse*, to caper away from the establishment, and Smith put the police after her with a warrant of arrest for a breach of the Masters and Servants Act. In plain language, the "light-legged lady" had struck work and bolted, and the police found her stowed away on board "The Sisters," bound for Adelaide. She was apprehended, and brought up at the Police Office, but the Magistrates held they had no jurisdiction, as a terpsichorean artiste was in no sense a servant, within the meaning of the law. Smith survived the Veilburn defection and plodded away with a degree of quiet perseverance, proving himself the possessor of more stamina than he was credited with. The winter solstice was now on, and winter in old times meant bad business for evening entertainments. The 10th May, was a gala occasion at the theatre, by reason of the "benefit" of a Mr. Searle, an actor moderately clever as an utility man, and a great gun with the Oddfellows. The event was under the patronage of the "Duke of York" Lodge of the Ancient and Independent Order, who made a grand turn out, and the house held £66. The brethren mustered in full force, and the interior of the theatre was so "Oddfellowishly" done up as to give it a novel appearance. A "chaste and beautiful banner," by Opie, the scene painter, was displayed over the stage, and on each side the "Dispensation" and a splendid oil painting of "Justice." The P.G.s and N.G.s and other alphabetically distinguished officials of the fraternity, exultant in satin collars and sashes, trimmed with gold and silver lace, bloomed forth from the central boxes of the dress circle—the minor officers with "plain silk and velvet sashes" in the adjoining boxes, so many sitting satellites within the orbit of greater luminaries. When the curtain rose, the solitary figure of Brother Hambleton appeared in full fig as an Oddfellow, which "produced a most profound sensation;" every seat in the house was filled, and many were glad to obtain standing room. In an interval, Searle's daughter, a seven-year-old, sang "The Swiss Toy Girl" in admirable style. The juvenile was rewarded with a shower of bouquets, transformed during the transit into half-crowns, and the child instead of being scared by the pattering of the metallic hailstones on the stage, had the presence of mind not only to pick them up but pocket them—an ingenuous feat beheld with loud plaudits, in the midst of which the youngster bowed her acknowledgment and withdrew. Hambleton, in about a week after had his turn, when the house took £80, the largest receipts ever known. In June the proprietor changed the evenings of performance to Monday, Wednesday, and Friday, Saturday being exempted in consequence of Smith's desire not to trench upon the Sabbath. A Mr. Saville, from Sydney, introduced as "a near relative of Helen Faucit," was taken on, and a final exit occurred by Mr. G. P. Groves, an actor of much promise, dying one night from *delirium tremens* at the *Rose Thistle and Shamrock*, in Elizabeth Street. The season wound up with a proprietorial benefit, patronised by the Manchester Unity of Oddfellows; and Smith appropriated half the takings of another night, towards the erection of some public lamps, as a commencement of the lighting of the town. In July he advertised for tenders for the erection of 15 lamps in Queen Street, two to be placed at the intersection of each street, as far as Flinders Street, and the rest to be set up about the theatre.

Nothing further worthy of special mention occurred until the evening of the 1st December, when there was a lively time of it. A Mr. Rae took his benefit from an average attendance, but there was some "bilking" of the bill by no means agreeable. It was advertised "that a celebrated American nigger would sing a version of 'Jim Crow' localized by an amateur," but there was neither nigger nor song—a "dark" transaction rowdily resented by the "gods." Lamps were smashed, windows riddled, and pieces of moulding wrenched from the fittings and hurled into the pit and on to the stage. Providentially, however,

no skull was cracked from on high. The Celestials were under the generalship of an unheavenly-looking sample of a mad-drunken bushman named Francis Kimber. He rushed into the *St. John Tavern*, and bellowed out that "he was delighted with having given the place next door such a ——— tearing." Some police dashed after him, when he was overpowered and locked up. As Kimber was leaving the police office after the enquiry, a Mrs. Chapman recognized him as the person who had some ten months previously robbed her husband at their residence near the West Melbourne Swamp, and for whom a warrant was out. Kimber was returned to the watchhouse on a charge of felony, and served a sentence of imprisonment for it afterwards.

There was a good deal of briskness at Christmas, and the Old Year was bowed out by the appearance of Mr. and Mrs. Mereton, from Launceston, and their "celebrated dog, 'Dragon,'" an animal whose gifts lay more in promise than in practice. On the 17th January, 1848, the "Wood Demon" was placed on the stage in a manner believed to be something unapproachable in the way of scenic accessories and effects. The scenery was all new and freshly painted by a Mr. Lightwood, and the mechanical contrivances were the brain and handiwork of Capper. This branch of the establishment was authoritatively pronounced "to have no superior in the colonies—not even in Sydney."

Morton King.

The intimation that Mr. Morton King, a tragedian of established colonial repute, was engaged for a limited number of nights, stirred up the expectations of the play-going community, and he made his Melbourne *début* in Hamlet, on the 23rd February, 1848. At this time Mr. King was believed to be unrivalled in his line on this side of the Equator, and his impersonation of some of the principal Shakesperian characters amply sustained this high reputation in Port Phillip. Still his ability was handicapped by inefficient co-operation, which showed an unaccountable laxity in the management, but succeeded so far as to remove all doubt as to his being an actor of sterling ability.

Morton King was in the silk trade in the old country, but gave it up to follow the dramatic profession, in which he held a very good position prior to emigrating to New South Wales in 1842. Upon arriving in the colonies he joined his brother-in-law (a Mr. Scott) in the timber trade, but subsequently returned to the stage, playing in Sydney and Adelaide. His line was tragedy, and his favourite characters *Hamlet*, *Shylock*, and *Richard the Third*. He was of the Charles Kean school, and though not a first-class one, was a very good actor. Mr. King subsequently returned to Melbourne, and resumed his connection with the stage, which in the lapse of time was abandoned, when he engaged in mercantile pursuits, and prospered for several years. As Mr. Mark Last King he held a seat in the Legislative Assembly of Victoria, and was an M.P. at the time of his death.

As the annual carnival time, the race meeting approached, great preparations were made to present attractive entertainments, and for the first week in April the theatre was opened every night and well patronised. "Ondine" and the "Wood Demon" were the chief pieces, and the Saturday night wound up with a grand musical display. In May a Mr. Ward (a new arrival) appeared two or three times in "Macbeth."

A Mr. Lee with a brace of educated dogs next turned up. This individual and his animals had previously performed at the Pavilion; the dogs knew their business better than their master, who, a quiet little man, was useful as a sort of small change in those old times.

Batters on "The Burst."

Another of those striking episodes which imparted a fillip to the otherwise often tame entertainments of the age, occurred on the 2nd June, the sole cause of which was big "Dick" Batters, the whilom tinker tragedian of the Pavilion. This worthy was in a fully developed state of drunkenness, and butted and "battered" everyone about in the pit. Smith ordered the pannikin-mender to quit the place; and undaunted by the slang and menacing attitude of the disturber, turned out the whole *posse comitatus* of the

stage, and marched against the foe. Batters saw the coming onslaught, and promptly prepared for a vigorous defence. The alarmed and shrieking pitites so crushed all round the upper circle as to leave a clear fighting area in the centre, and into this ring, armed with a chair, Batters jumped and defied anyone to come within weapon's length of him. Smith would not risk a pitched battle, but retreating with his forces to the stage, the proprietor tried to talk over Batters in a fatherly fashion, but the tinker, instead of threats, adopted the admonitory style, and strongly advised Mr. Smith "to go put his head in a bag." Intimation was given that such as wished to leave should have their money returned, but several, especially women, had already left without any return, and such as remained preferred to see the fun out. Batters continued master of the "Central Province," of which he was now the sole representative, and strutted backwards and forwards from form to form with an assumed calmness and self-sufficiency wonderful in a drunken man; but every quarter of a minute the exalted chair would describe some unsolvable mathematical figure in the air, the wild beast would yell, while Smith, from the proscenial citadel, and the midst of a vari-coloured body-guard, vexed in the spirit, groaned resignedly. Sergeant Ashleigh, the head of the detective force, and one or two constables, were present, and though repeatedly requested to capture the infuriated brawler, possibly through dread of the chair, would not attempt to do so. Batters professed himself able, and only too willing, to fight everyone in the house, and challenged and begged and prayed of them to oblige him; but his entreaties were in vain, so long as he had a chair officiating as a "bottle-holder." At length he threw up—not the sponge, but the chair, and rushed roaring into the street. Making a circuit of the outside crowd, he was running back again, when a valorous check-taker rashly barring his way, got a "facer" in return, which floored him. Some of the police, by this time in an ambush, suddenly sprang on the tinker, who was overpowered, tied up, and rolled off on a handcart to the watch-house. The next morning Mr. Bowler, a solicitor, pleaded for him before the Court, when Smith (who knew best the reason why) did not press for punishment. The outrageous delinquent was set at large on his personal recognizance to keep the peace for six months.

The season wound up with another benefit by the St. Patrick Society. In September intelligence was received of the death of Mrs. Coppin at Adelaide, whose short career in Melbourne brought her many friends, private as well as professional.

Mr. Morton King reappeared in the course of October, and subsequently managed the theatre for some time.

In January, 1849, there arrived from Adelaide a Mr. Thomson, "unequalled on the colonial stage as a general utility man." He was soon followed by Mr. Clarkson, "a celebrated acrobat from Batty's Circus, London." King, supported by Elrington and Thomson, Mesdames Mereton and Chester, with a few others, started a round of Shakesperian pieces, and managed to get through "Hamlet" and "Macbeth" tolerably well. Megson's orchestral music was an unfailing attraction. Rowdyism could not be thoroughly stamped out, but apple or orange throwing was the favourite recreation. One night a bottle was flung, striking one of the company without maiming or killing him, but owing to the loyalty observed by the blackguards, *inter se*, a successful prosecution was an impossibility.

In June there was introduced a Mr. Quinn, "the Australian rope-dancer," who went through some clever evolutions.

King's reign terminated towards the close of the year 1849, and now, if ever, something wonderful was to be done. Smith again combined the functions of proprietor and manager, and the new season began on the 24th September. Mr. Charles Young returned from Adelaide, and was appointed acting manager. Furthermore, it was publicly advertised "that the editors and reporters of the Melbourne journals will have free admission to the theatre. The sergeants of the town and the detective police will also be admitted free." Young used to sing nigger melodies with bone castanet accompaniments. Mrs. Young's dancing was always a treat. In October Mr. Jackson, "the celebrated American Serenader," appeared as the "Congo Minstrel," singing the Ethiopian melody of "Dandy Jim from Caroline," and accompanying himself with the Congo bone castanets, "as originally performed by him with two thousand stick approbation."

Mondays, Wednesdays, and Fridays were the entertainment evenings, and there were further accessions to the corps by the annexation of Mr. and Mrs. Deering, Young's returned mother-in-law

Mrs. Thomson), and a colonial actor and author named Belfield, who took a poorish benefit in a piece of his own, entitled "The Rebel Chief."

Christmas Eve, 1849, was very near presenting a tragedy in real life, for Mrs. Thomson went (so saith the doctors) within an eighth of an inch of killing herself. Having to appear in a prominent character in "The Bridge of Sighs," she is supposed to stab herself, and drop to the ground. By mistake the dagger handed for the suicidal *finale* was a sharp-pointed one, and when she delivered the prod it went further than intended, and was nearly fatal. Self-wounded, she tottered and fell on the stage. The blood spurted out, and in the midst of tremendous uproar Dr. Campbell was hurriedly brought. On examination he ascertained that the weapon had penetrated two inches into her body in the immediate region of the heart, and very little further would have ended the lady's career on and off the boards of a theatre. He staunched and dressed the wound, had the patient removed, and after a short laying-up she recovered.

Nothing worthy of special notice occurred until 5th March, 1850, when a grand concert was given by a Mr. Reed. It was under the patronage of the Superintendent (Mr. Latrobe), and was most respectably and numerously attended. Miss Sara Flower made her appearance, and was supported by Messrs. Young, Megson, Thomson, Lord, and Miss Emma Reed. The usual orchestra was reinforced by Hore's Saxhorn Band, and a capital bill of fare, very meritoriously disposed of, wound up with "Julien's celebrated Drum Polka."

The First Local Pantomime

Was produced on 13th May, 1850, when Young took a benefit. The pantomime, entirely new and local, was "written by Mr. Young expressly for the occasion." The introduction of such a novelty—the first home-made composition of the kind—seems in itself of sufficient importance to justify the insertion of the name and characters of the piece. It was entitled—

THE GOBLIN OF THE GOLD COAST;
Or, Harlequina and the Melbournites in California,

CELESTIALS:

Jupiter	Mr. Belfield	Hercules	Mr. Charles
Mars	Mr. Wood	Pluto	Mr. Turner
Neptune	Mr. Thompson	Venus	Mrs. M'Knight
Minerva	Mrs. Deering	Diana	Mrs. Avins

TERRESTRIALS:

Chief-Constable Brodie .. ... Mr. Ward

Dick Batters (the Tinman) ... ... Mr. Montague (In which he will sing an entirely new Parody, written for this occasion, entitled, "HURRAH! HURRAH! FOR THE GOLD.")

Powel Courtier, of Cookshop Notoriety ... ... Mr. Thompson

Bernard Reynolds (on the patriotic principle) ... Mr. Belfield Lumina (afterwards Columbine) ... Mrs. Avins

INFERNALS:

The Demon of Discord ... ... Mr. Deering Gilderkin (the Goblin) ... ... Mr. Hasker

Platina (the Gold King) ... ... Mr. Crisp

Ironspark, Firefly, Pinchbeck, Quicksilver, Virgingold, Copperous, etc., etc.—By a host of Auxiliaries.

There was not much merit in the production, and the "locals" had neither point nor humour to recommend them; but the sound and fury, the jumping and capering, seemed from the uproarious acclamations to afford unstinted gratification to a thronged attendance, and Young and his patrons parted at a late hour mutually delighted with the interview.

For some time Mr. J. T. Smith had ardently ambitioned election to the Mayor's Chair. He was a leading member of the City Council, and so surely did he calculate the probabilities of his election, that he divested himself of the theatrical management, which he held to be incompatible with the office of Chief Magistrate. In October, Messrs. Morton King and Charles Young became the lessees, and declared it was their intention "to introduce all the available talent of the colonies as soon as possible, and to conduct the theatre upon a scale of respectability and liberality." Amongst other so-called improvements the place was decorated with gorgeous Italian scroll-work, painted in a most elaborate and chaste manner by

Mr. J. P. Watts; entirely new scenery by Mr. Lightwood. The entertainments were to be a source of moral and intellectual amusement for all classes;" and any person "smoking, or using bad language" would be immediately expelled. There was a grand new drop-scene, "View near Rome," and as the "Separation" rejoicings were at hand, the theatre was to be opened every night. Madame Veilburn, the runaway *danseuse*, returned, and was received back into the fold. Mr. Ward, an actor of some ability, was also engaged. And so the limited theatrical world went on swimmingly and remuneratively, playing the old year out and the new year in.

In February, 1851, two rival acrobats performed every night, and it was amusing to witness how each tried

"By holding out to tire the other down."

They were known respectively as Mr. R. Lin, "a famous Chinese acrobat," and Mr. Clarkson, an Englishman.

About this time news of Coppin's success in Adelaide had reached Melbourne, and prompted thus, no doubt, King and Young made up their minds to seek their fortunes in South Australia, King to get into the hotel business, and Young to join a new theatre erected in Adelaide, under the auspices of Messrs. Coppin and Lazarus. King consequently made, what he then believed would be, his last appearance on the 19th February, in the character of *Shylock*, and was enthusiastically received.

The theatre, as such, was now closed for a short time, and during the interval Mr. W. S. Gibbons, who had been giving at the Mechanics' Institute an exhibition of the hydrogen gas microscope, dissolving views, and the chromatrope, transferred his apparatus and operations hither.

King went his way, but Young, on second thought, remained as manager. The theatre was shortly re-opened, and had a good run during the race month of March. Some new blood had been introduced, including Messrs. Shearcroft and Gordon, a Madam Dias, Mrs. W. Evans, from the Theatre Royal, Adelaide, and Mr. Roche, a singer and dancer. During this month intelligence was received of the suicide, in San Francisco, of Mrs. Hambleton, a former associate of the theatre. She contracted an intimacy with a Mr. S. Croad, of which her husband did not approve, and on his telling her he would blow out Croad's brains, she, to save him any further trouble, on the 14th January blew out her own.

In April, Mr. C. Young became sole lessee, and the theatre was now propelled by a fair share of steam, there being a good many attractions which pleased the public so well that the place was liberally supported. But then there was no other mart where amusement could be purchased. There was a grand concert occasionally at the Mechanics' Institute, but the prices were high, the snobbishness rampant, and the *carte* often more select than attractive. The Queen's Theatre was essentially the only popular establishment in existence, and to it the multitude bent their steps and took their half-crowns.

Madame Jaubert, "from the Haymarket Theatre, London," arrived in Melbourne, and made a favourable impression in "The Soldier's Daughter." She was followed by a Mrs. Wheeler, and a Mr. Burton, an untiring spouter of comic songs; whilst Mrs. Young's lively, graceful, and artistic dancing established her a special favourite. "The Dream of Life," then recently played in London, was brought out, in which Mr. and Mrs. Young, and Messrs. Burton and Ward scored honours. Mr. Meadows, from the Victoria Theatre, Hobart Town, also made a mark.

A Masquerade Ball.

Port Phillip was on the eve of its emancipation from the thraldom of New South Wales, the "union" was about to be repealed, and the common belief was that a few weeks more would see the province

"Great, glorious and free,
First flower of the earth, and first gem of the sea."

Loyalty to the Queen, who had given her name to the young colony, was also in a state of gush. It was therefore considered by the Theatrical Executive that it would be a great hit to get up a grand

spectacular demonstration on the Queen's Birthnight (24th May), and it was done accordingly. The Superintendent (Latrobe) would, it was known, be appointed the first Governor; and he was already honoured by the complimentary designation of "the Lieutenant Governor Elect." His patronage was asked and freely given, as much as possible being made of the incident in the theatrical placards and advertisements. It was decided to hold a public Masquerade Ball. The front of the theatre was lit up by a magnificent display of fireworks, and "Gustavus, King of Sweden," was produced on a scale of splendour never before attempted in Australia. The admission tariff was fixed at 10s. 6d., double tickets; single, 7s. 6d., not transferable, for which "none but respectable persons need apply."

Two months after, in July, the opera of "Maritana" was produced, wherein Young, as *Don Cæsar*, showed off "with his usual vivacity." Elrington, as the crafty and intriguing *Jose*, was "admirable," Mrs. Young's *Maritana* "equal to anything ever seen on the colonial boards," and "the sombre, weak, vacillating *King of Spain*, was well sustained" by Ward. The overture by Megson's band was "decidedly the finest ever heard in Melbourne." In August, a new trio were added, viz., Mr. Tomlin's band of Ethiopian Minstrels, "universally acknowledged to be the only genuine band in the colonies," Mr. Smith, from Adelaide, an adept at light characters and hornpipe, and Mr. Fawkner, who made grotesque efforts to be funny with dubiously funny songs.

The Yellow Fever.

The gold mania was now in its incipient throes, and as the year advanced the intensity of the yellow fever increased. The theatre of course required another brushing up, and Duke and Opie, the two best painters available, were commissioned to go to work. The season opened on the 17th November, 1851, for which occasion "an entertainment of the most novel and brilliant description had been prepared." Magnificent scenery was produced by Duke, and a new drop-scene by Opie. The burlesque, which recently had a long run at home, was called "The Enchanted Forest," and the acting of Mr. and Mrs. Young, was declared to be "first chop." A new comic song by Evans, was followed by the celebrated recitation "Bucks Have At Ye All" by Mrs. Young, and a Highland Fling by an amateur —the whole concluding with the laughable glee of "Our Mary Anne."

Lucky gold hunters were now returning to the town to "melt their nuggets," and as a compliment to their good fortune, the performances on the 16th December were under the unsolicited but freely given patronage "of the gold diggers." The special novelties comprised favourite dances by a Miss Daly, comic duets by Mr. and Mrs. Gardiner, the always welcome "pas seul" by Mrs. Young, comic songs by Gardiner, Sylvester's "wonderful performances on the slack rope," and, per contra, Riley's "unparalleled and astounding feats on the tight rope." On the 29th December was produced "A splendid spectacle, adapted and localized from a German Romance," followed by a stupid trifle termed "The Gold Field, or the Mines of Mount Macedon." The year wound up with "The King of the Mist, or the Miller of the Mountains."

The Theatre was continued for some years, and attained a high position from the class of pieces put on the stage, and the reputation of some of the performers who trod its boards. It was there the celebrated G. V. Brooke made his first appearance in Melbourne on the 26th February, 1855. Its career as a Temple of the Drama had its end, and when other theatres sprung up in more central places, the old "Queen's" was compelled to bow to fate, and the sock and the buskin, the orchestra and gods and goddesses, bade it good-bye for ever. The drop-scene was lowered for the last time, and it is now (1888), turned over to the common-place and matter-of-fact purpose of a carriage factory. "*Sic transit gloria mundi.*"

Addenda.

Though I have closed my sketch of Melbourne's second playhouse, it would be unpardonable to dismiss the subject finally without some supplementary notice of the after career of one extraordinary man, first introduced to a Melbourne public through the medium of the Queen Street Theatre, viz.,

Mr. George Coppin. To do anything like justice to such a colonial career as his, would far exceed the necessarily restricted limits of a general work such as I am writing. Coppin's professional biography would of itself exhaust a tolerably bulky volume, and form a contribution to dramatic literature second in interest to no other that has yet appeared. My *résumé* of his subsequent eventful procedure (unprecedented in this or any other country) must therefore be of a curtailed and cursory character. Cynics and jokers have frequently found pleasure in designating George Coppin an "Artful Dodger;" but anyone having a knowledge of, and dispassionately reviewing, his public life, cannot do otherwise than avow that though "dodging" might have been reduced to an art with him, it was not always to his own permanent advantage. No man in the colony made more fortunes, or had the misfortune to lose so much of what he had won by honourable and persistent industry. No sooner had he a good "pile" raised than it rapidly disappeared, and, in his singular transitions from affluence to insolvency, he had no compeer in again righting himself, replenishing, and paying off his creditors. Every reverse he met with only enabled him to recover from his downfall with renewed vitality; and the unfailing courage and indomitable energy with which he cheerfully re-commenced the battle of life, indicated the possession of an organization accorded to but few individuals. Coppin's grand mistake was a disregard of the golden rule, *ne sutor ultra crepidam.* He made his money by the legitimate business to which he was bred, and in which he was an adept, and outside that he should not have travelled into other speculations.

In 1852, after realizing a fortune at Geelong, he visited Adelaide. After paying off his creditors, he proceeded to England in January, 1854, and fulfilled several successful engagements there. When in England Mr. Coppin arranged for the construction of an Iron Theatre to bring with him to Melbourne, the contract for which he actually signed one night whilst playing "Paul Pry" at the Theatre Royal, Manchester. This was "The Olympic," better known as "The Iron Pot," erected at the south-east corner of Lonsdale and Stephen Streets, the foundation of which was laid by G. V. Brooke on the 18th April, 1855. In six weeks it was completed, and opened by Professor Jacobs, a wonderful Wizard imported by Coppin. A *corps dramatique*, scarcely since excelled in the colony, was transported hither with "The Pot," in which the dramatic season commenced on the 30th of July, the opening pieces being "The Lady of Lyons" and "To Oblige Benson," the company consisting of Messrs. G. V. Brooke, R. Younge, R. Heir, Harry Jackson, Leslie, Ryan, Webster, Robins, Perry, Wheeler, Lester, Sefton, M'Gowan; the Misses Fanny Cathcart, Herbert, Glyndon, Graham, St. Clair, Julia Matthews; Mesdames Brougham, M'Gowan, Avins, the Chambers Family, and though last, by no means the least, Coppin himself.

On the 11th of June, 1855, they inaugurated the first Grand Opera season in Melbourne, which lasted eight weeks, and a short season of English Opera was afterwards given. The artistes engaged were Madame Anna Bishop, Sara Flower, Julia Harland, Mrs. Fiddes, Madame Carandini, Mrs. Guerin, Mrs. Hancock; Messrs. Laglaize, Lyall, Walter Sherwin, E. Conlon, Howson, Farquharson, Gregg, and Hancock. Conductors: MM. Lavenue and Lindley Norman; leader of the orchestra, M. Strebenger; a chorus of twenty-six, who received 20s. a night each; and a ballet led by Strebenger. The operas produced were:—"Norma," "La Sonnambula," "Lucia de Lammermoor," "Martha," "Der Freischutz," "Lucrezia Borgia." "Bohemian Girl," "Maritana," "The Mountain Sylph," and "Masaniello."

Coppin and Brooke subsequently entered into partnership and purchased the lease of the Melbourne Theatre Royal for £21,000, which they opened on the 9th June, 1856, with the comedy of "She Stoops to Conquer," Coppin delivering an introductory address, and playing *Tony Lumpkin.* The receipts amounted to £478 15s. 6d.

As this was the first introduction of Grand Opera, the public taste had not been educated in those days to so high a standard as to appreciate the treat, and the result—in consequence of the heavy expenses—was a loss to the management of £3000. Upon an off night, the 2nd July, when Mr. G. V. Brooke was passing through Melbourne on his way to Sydney, he made his first appearance at the Theatre Royal in "The Serious Family," Coppin also playing in the comedy, "To Oblige Benson," supported by the best company ever seen in Australia. The receipts were £531 16s.

The regular dramatic season commenced on the 25th of August, 1856, with "Love's Sacrifice," and the following very excellent company:—G. V. Brooke, G. Coppin, R. Younge, R. Heir, G. Rogers, C. Young, H. Edwards, F. Young, Gordon, Sefton, Leslie, Burford, Webster, Gould, Burton, Evans,

Mrs. Heir, Mrs. C. Younge, Mrs. Phillips, Mrs. Thompson, Mrs. Avins, Mrs. Crosby, Mrs. Rogers, the Misses Herbert and Greer, and the sisters Nelson.

CREMORNE.

Brooke and Coppin purchased the freehold of Cremorne Gardens, at Richmond, which were opened by them on November 3rd, 1856.

In the primitive times this place was known as Wright's Swamp, now an Inebriate Asylum, upon which £100,000 has been expended. There the Pantheon Theatre was erected, and there the first balloon ascent in Australia took place on the 1st February, 1858. Two balloons were imported with Captain Dean and Professor Brown, two English æronauts, who made several successful ascents.

The late Mr. Pond brought out for Coppin the first white swans ever seen in Australia; also 500 gold fish, only landing nine of the latter, from which the whole of the colony was eventually stocked. Three Wizards—Professor Jacobs, Mr. Anderson (the Wizard of the North) and Mr. Heller; Woodroffe's Glassblowers; the Lancashire Bell Ringers; Skaters, &c., &c., also appeared.. The Cremorne "spec." was not success, and Brooke and Coppin dissolved partnership on the 26th February, 1859.

When George Evans, the real founder of Melbourne, was putting up his hut off Flinders Street,. the future Cremorne was visited only by aborigines, kangaroo and wild fowl. The settlement of the country led to its partial reclamation, and subsequent to the gold discoveries it was converted into a grand entertainment mart, over which big pots of money were made and lost. In connection with the subject I present the following curious waif, the first advertisement issued about the place. The original was procured from Dublin for a professional purpose, by the well-known solicitor, Mr. J. S. Woolcott, who courteously favoured me with a copy:—

UNDER THE PATRONAGE
Of
THE HONOURABLE DR PALMER,
SPEAKER of the LEGISLATIVE COUNCIL,
And
The Right Worshipful The Mayor,
JOHN HODGSON, ESQ., M.L.C.
CREMORNE GARDENS,
RICHMOND.
LESSEE MR. JAMES ELLIS
Who generously devotes the entire receipts of the Opening Day in aid of the fund for building a left wing to the Melbourne Hospital.
SATURDAY, 10th DECEMBER, 1853.
These MAGNIFICENT GARDENS will be OPENED at One O'clock.
The Band will perform during the afternoon.
A Renowned Troop of Acrobats will exhibit their wonderful feats.
Vocal and Instrumental Concert at half-past six.
Dancing on the Great Platform at Eight O'clock.
Fireworks at Ten.
ADMISSION FIVE SHILLINGS.
The entire arrangements will be under the direction of Mr. Francis W. Wright.
Tickets to be obtained of Mr. Baker, Stationer, Swanston Street; Mr. J. Williams, Stationer, Collins Street; and of S. Goods, Printer, 56 Swanston Street, Melbourne.

It would occupy more space than I can spare to recount the various phases of Coppin's subsequent ups and downs, his wanderings by sea and land, his enterprise in securing the highest histrionic ability, or the theatres he built (six in the Australian Colonies), leased or managed, and his final return to, and permanent settlement in, the land of his adoption. Through his instrumentality more than two hundred "artistes," as they are conventionally termed, were introduced here, including Brooke, Mr. and Mrs. Charles Kean, Sir William and Lady Don, Madame Celeste, Collins (the Irish comedian), James Anderson, and Talbot.

The following items in Coppin's professional career, posterior to the date of my CHRONICLES, will be read with interest :—Sailed for California on the 9th of July, 1864, after fulfilling engagements throughout America with Mr. and Mrs. C. Kean and Company. Returned to Melbourne on the 18th of January, 1866, with very satisfactory pecuniary results. Appeared at the Haymarket on the 27th January, 1866, in a round of his popular characters, including for the first time, "Milky White" and "Coppin in California." Made a considerable sum of money by the engagement of the Glassblowers, Skaters, Madame Celeste, Robert Heller's Entertainment, Collins the Irish Comedian, &c. Joined Messrs. Harwood, Stewart and Hennings in the management of the Theatre Royal. Purchased his partners' interests, and, after conducting it for twelve months upon his own responsibility, a fire broke out upon the stage; the interior building was burnt to ashes on the 19th March, 1872, without any portion being insured. This was another very serious loss. He rented St. George's Hall for the sake of giving employment to his very excellent Dramatic Company. He then leased the ground for 99 years upon which the ruins of the old Royal stood. Built the present Theatre Royal, which he afterwards formed into "The Theatre Royal Proprietary Association, Limited," now paying a good dividend. Let it to Messrs. Harwood, Stewart, Hennings and Coppin, who opened it on the 5th November, 1872. At the termination of their five years' lease, it was let to Messrs. Coppin, Hennings and Greville for 4½ years, after which Mr. J. C. Williamson became the Lessee.

But it is not only as a theatre-builder and amusement *entrepreneur* that Mr. Coppin has distinguished himself, for outside his professional and other pecuniary enterprises, he has thoroughly proved himself a good man and a valuable citizen. He has become an identity of Richmond, and was twice elected Chairman of that Municipality; whilst, in the broader range of Parliamentary life, he still (1888) evidences a business-like ability in legislation. He has attained the not common distinction of having been elected to both Houses of the Victorian Parliament.

An instance of consistency not usual with our public men, is attested by the fact that after strenuously opposing payment of members of Parliament, when the system was legalized, though he drew the £300 a year, instead of pocketing it, he patriotically appropriated it to purposes of charity. As an Oddfellow he has rendered signal service to the Craft in Sydney, Adelaide, Geelong and Melbourne; and as the founder of the Victorian Humane Society, the Dramatic and Musical Association, and the Old Colonists' Fraternity, he has made a name *cere perennius*, which Time cannot obliterate. From his *début* in 1845 to the present moment he has been identified with almost every undertaking, charitable or otherwise, projected for the public weal, and in any way you take him, George Coppin is a man who has paid his *devoirs* as a true knight to the land with which he has been so long and so honourably associated.

It is a singular incident that only two individuals connected with the Melbourne stage, Messrs. Coppin and M. L. King, ever found their way to the Victorian Parliament; and it is no less singular that their performances in the one arena were the direct opposite of their special *rôles* in the other. Coppin always put away his low comedy at the doors of the Parliament House. There was little of the "funny man" in his Legislatorial career, for he invariably had the good sense to cast himself as if for a part in a "Serious Family"—and solemnly and seriously he played it. On the other hand, King, whilst a member of the Assembly, usually took to comedy, if not of a very low, most certainly never of a very high class, though professionally his line was tragic business. I believe I am correct in stating that the only two members of the theatrical profession in the British Empire ever known to have been elected members of Parliament, were Messrs. George Coppin, and Morton (Mark Last) King.

Mr. Coppin was out of Parliament for a few years, but at the General Election in 1883, East Melbourne, in a fit of repentant enthusiasm re-embraced her old love and he now figures as a revivalist in the Legislative Assembly. Every admirer of political integrity and capacity will ardently hope that the day may be distant when Coppin shall appear "On his Last Legs."

CONCERTS.

The first recorded notice of a Vocal and Instrumental Entertainment given in Melbourne was on the 23rd December, 1839, when a Mrs. Clarke, announced as "One of the lights of the Sydney stage," treated

the inhabitants to a ten-shilling "grand soiree" in the large room of the *Lamb Inn* (West Collins Street). Considering the population and tastes of the time, there was a tolerable attendance, but the value given was of the most meagre kind. The valetudinarian piano, disordered in some of its strings, was amply compensated, at least in sound, by a Mr. Tickel, who plied a key bugle with much animation.

On the evening of the 18th May, 1840, the same Tickel organized a concert entertainment at the same place, of which the following brief and unmincing notice was printed in a newspaper the following day:—"The room was crowded to witness one of the most disgusting exhibitions of tomfoolery seen for some time."

Another concert is announced to have taken place soon after this, at the auction room of Mr. William Barrett, north-west corner of Queen and Little Collins Streets. It is reported to have been got up by Messrs. Mills, Eburn, and an amateur. Mills' performance is described as very fair "though marred by Cockneyisms." The amateur "showed singing of much promise but he broke down in two Scotch songs;" the accompaniment was bad, but Eburn "damned the whole thing by his vanity or vulgarity." As a finale, "the attendance was not very numerous nor respectable."

The First Charitable Concert.

Contemporaneous with the white settlement, there were musical amateurs in Melbourne, and at times they assisted at what were little more than tap-room entertainments, generally consisting of a wild chorus of songs, fiddling, and flute playing, aided by a hoarse, spasmodic piano. The advent of the Gautrots (popularly pronounced Go-trot) was hailed with satisfaction, for Monsieur and Madame were not devoid of artistic ability, though from some cause or other they never attained that degree of success which they deserved. In 1841, efforts were made to found some kind of a hospital. The amateur portion of the community had been strengthened by some two or three attorneys of musical proclivities, and it was suggested to organize a concert in aid of the Hospital Fund. Gautrot gave his gratuitous assistance, and the following announcement, the first of the kind issued in the colony, was circulated:—

AMATEUR CONCERT

(For benevolent purposes) to be held on

WEDNESDAY EVENING, the 3rd FEBRUARY, 1841,

AT THE

Caledonian Hotel, Lonsdale Street.

Stewards—William Meek, Esq., George Cavenagh, Esq., Jno. Roach, Esq. Leader—Monsieur Gautrot.

First Part.

Overture.—"Il Nozzi di Figaro"—Mozart. Song.—"The Blighted Flower"—Balfe. Glee.—"The Wreath"—Mazzinghi.
Quartette.—"Introduzione"—Sola. Song.—Air from the "Siege of Corinth" (Madame Gautrot)—Rossini.
Solo—Violin.—"Air vairee" (Monsieur Gautrot)—Kreutzer.
Glee.—"Life's a Bumper"—Webb. Song.—"All is lost now" ("Sonnambula")—Bellini.
Septette.—"Air Russe" (with variations for all the instruments, composed and dedicated to the Melbourne Amateur Society by Monsieur Gautrot)—Gautrot.

Second Part.

Quadrilles.—(Full Orchestra)—Muzard. Song.—"The Outlaw" (with full accompaniments)—Loder.
Glee.—"The Chough and Crow"—Bishop. Duet—Piano and Violin.—"Mose en Egito"—Hertz and Lafont.
Song.—"Black Eyed Susan" (Madame Gautrot)—Dibdin.
Quartette.—"Mi Vedrai"—Bellini. Duet.—"Semiramide"—Rossini. Glee.—"Hail Smiling Morn"—Spofforth.
Finale.—"God Save the Queen"—Verse and Chorus—Phillips.

Single tickets of admission, 15s. each; Family single ticket, 12s. 6d.; to be had of either of the Stewards, or at Messrs. Kerr and Holmes' Stationery Warehouse, Collins Street. Tickets not transferable.
Doors open at Half-past Seven, and the Concert to commence at Eight o'clock precisely.

The Melbourne Harmonic Society.

The first musical combination in the colony was established under the above designation in 1841, with the following office-holders :—Leader, Mr. Charles Beswicke ; Conductor, Mr. William Clarke ; Treasurer, Mr. John Jones Peers ; Secretaries, Messrs. Benjamin, Heape, and William Dredge. They met every Thursday evening in the Wesleyan Chapel, Collins Street, but the effort did not come to much.

A Philharmonic Society

Was started in 1843, but was not successful. Amongst the most prominent names were Messrs. William Clarke, John Pridham Smith, Frederick L. Clay, John J. Peers, C. J. Sanford, Charles Vaughan, and Joseph Megson.

At rare intervals some artiste would take a flying trip from Sydney, and for a performance or two met with a fair share of support. After the Mechanics' Institute was erected, the principal concerts were held there, and sometimes at the large rooms of the *Exchange* and *Royal Hotels* (both nearly opposite) in Collins Street. In May, 1846, a Mr. Ravac, from Adelaide, a violinist of high repute, presented some unusually superior musical entertainments at the *Prince of Wales*, a fashionable hotel in Little Flinders Street East. He was assisted by a Mr. Imberg, a pianist of eminence, both were Germans, and *en route* to Calcutta.

The Old Charities of Melbourne owed a large debt of gratitude to the Amateur Concert-mongers, through whose instrumentality a considerable amount of money flowed in for the excellent purposes in which every one had a common interest.

Appended is a copy of the Bill of one of these entertainments in 1845 :—

GRAND AMATEUR CONCERT,
In aid of the funds of the Melbourne Hospital.

PROGRAMME.

PART 1ST.

Overture.—"Zampa"—Herold. Duet.—"Comrade, Your Hand" (from the "Bohemian Girl")—Balfe.
Song.—"Dear Maid" (from "Joan of Arc")—Balfe. Glee.—"Discord, Dire Sister"—Webbe.
Duet.—Violoncello and Pianoforte. Song.—"The Heather Hills"—Geiki.
Scena.—"For Thee Hath Beauty" (from "Oberon," with orchestral accompaniments)—Weber.
Song.—"Wanted a Governess"—Parry. Overture.—"Semiramide"—Rossini.

PART 2ND.

Overture.—"Men of Prometheus"—Beethoven. Song.—"Non Piu Andrai"—Mozart.
Glee.—"Return Blest Days"—J. T. Smith. Song.—"Sister Dear" (from "Masaniello")—Auber.
Fantasia.—Pianoforte—Kalkbrenner.
Song.—"Some Love One Day" (from "Der Freischutz," with orchestral accompaniments)—Weber.
Glee.—"Come Live With Me"—Webbe.
Duet.—"When a Little Farm We Keep" (with orchestral accompaniments)—Parry. Overture.—"Masaniello"—Auber.

Boxes—Single tickets, 7s. 6d. ; Family Boxes (admitting four), £1 4s.
Pit—Single tickets, 4s. ; Family Pit (admitting four), 12s. Gallery—Single tickets, 2s. 6d.
To be obtained at the offices of the *Patriot*, *Gazette*, *Herald*, *Standard*, and *Courier* newspapers ; at Messrs. Pullar's, Pittman's, and Clarke's Music and Stationery Warehouses ; at the *Royal Hotel*, Collins Street ; and of Mr. Smith, at the Theatre.
N.B.—The Concert will commence at half past seven o'clock p.m. precisely.

The First Professional Concert.

Towards the termination of 1840, Monsieur and Madame Gautrot arrived from Sydney, and took up their residence in a brick cottage in Little Collins Street, whereon the Bank of Australasia commenced business in 1838 (now Henty's stores). They gave a concert on the 17th December in the large room of the *Adelphi Hotel*, Little Flinders Street, and it was pronounced a success. Mr. Superintendent Latrobe and his wife were present, and a gushing scribe ecstatically wrote of it, "That the music, both instrumental

and vocal, was really enchanting, and the beauty and fashion of the period were so largely represented that it seemed a perfect Paradise."

On the 18th of the same month Mr. Nathan, a musical composer of some celebrity from Sydney, gave a grand vocal concert at the same place. This was so select, that full dress costume was enjoined from visitors, whilst tickets of admittance were (single) 15s., and family ones (for two) one guinea. The attendance was too circumscribed to be profitable to the professional treasury, a circumstance not much to be wondered at.

Old Town Bands.

The first Town Band in Melbourne was formed in 1839, and consisted of about a dozen players, the names and instruments of some of them being:—Milstead, bass trombone; Oliver, tenor trombone; Browne, bassoon; Griffiths and Tickel, key bugles (cornets being then unknown); Picknell and Smith, clarionets; Drane, piccolo; Holley and Wilkinson, flutes; Anderson (a man of colour, yclept "Black Jack"), big drum; Hamilton, side-drum; and Samuel, triangle. George Tickel, a plasterer by trade, was the leader. Some old colonists will remember his achievements at many of the early land sales, and, as liquors of all descriptions were provided by the auctioneers, poor Tickel acquired a habit of drinking, which shortened his days. The band made its first public appearance in the streets of Melbourne late on Christmas Eve, starting from the *Golden Fleece*, an hotel of dubious belongings, in Bourke Street, near Kirk's Bazaar. Mr. H. N. Carrington, a then well-known attorney, and resident in Lonsdale Street, gave them an acceptable greeting by rolling out a cask of wine into the street, and the welcome Christmas-box was quickly tapped and disposed of. In Spencer Street, adjoining what was known as "the Government block," was a stockade of convicts employed on street-making. These fellows, not knowing what was up, sallied forth in a rather undress condition, and, dashing by the half-drunk, sleepy sentry or two supposed to be "on guard," struck in with the moving assemblage, and added a new feature to the procession. In Little Flinders Street, then a locality of importance, the *Ship Inn* was kept by a jolly-faced, free-handed Boniface named Lee, and here, after a promiscuous liquoring up, and making other festive calls of a like kind, a noisy dispersion wound up the serenading.

A second and more select band was organized in 1841, of which the Messrs. Middlemiss, Mr. Stainsby, and Mr. Roberts (of a well-known firm, Roberts and Fergusson) were members.

The First Menagerie.

In March, 1847, there was opened in a wooden building, at the corner of Bourke and Elizabeth Streets, opposite the Post Office, a wild beast exhibition, but the enterprise was compelled to shut up shop, and of the future of the elephant and his companions in captivity history sayeth nothing.

The First Circus.

In the beginning of 1849 there was an area of unoccupied land at the south side of Little Bourke Street East, between Russell and Stephen Streets, in the neighbourhood of a rowdy tavern, known as the *Horse and Jockey*, and which in after time became the most malignant ulcer of Melbourne back slumdom. This was selected by a Mr. Hayes as the most suitable place for a canvas pavilion, and made such progress that by April everything was ready for action—horses, lady and gentleman "jocks," ground and lofty tumblers, and divers and sundry other accessories. The establishment was to be an Antipodean "Astley's," and application was made to the Superintendent for a license. This was referred by Mr. Latrobe to the local Bench of Magistrates, whereupon other amusement managers urged strong objections to Hayes, the principal one being that a circus should be in a more convenient, central, and reputable position. Mr. J. T. Smith, the proprietor of the Queen Street Theatre, considered that if there was to be a circus he ought to have a monopoly, and he offered to attach one to his play-house; whilst a Mr. Powell Courtier, known as the "Fire King," from his self-vaunted skill in pyrotechnic displays, and who had obtained a small

notoriety by conjuring on the racecourse, promised that, should his application be acceded to, he would produce circus exhibitions beside which anything else attemptable in the Province would dwindle to insignificance. The Justices deferred dealing with the several applications until the 5th May, the annual Publicans' Licensing day, when the circus question was summarily dealt with by a refusal of all the applications.

Hayes at once boldly declared his intention of disregarding the refusal, and would go on without a license. If the law necessitated such a formal permission, he could easily evade it, and in any case his promises to the public should be redeemed, license or no license. Accordingly, on the 9th May, the pavilion was formally opened, the entertainment was free of charge, but every person seeking admission was to purchase a cigar at the door for half-a-crown, and, puffing, pass in. The neighbourhood of the pavilion was then beginning to acquire the bad odour, for which it since became famous, for in every direction were taking root stewish dens, reeking with infamy, some of which have since been known as the social plague spots of the city. The consequence was, that with little more than the faintest semblance of a circus, the occasion scraped together the scum of all the low villainy of the town; and during, and for hours after, the performances, the place and its precincts witnessed scenes of riot, blackguardism, and outrage of every kind. It so continued, and, whilst the authorities were considering the most effective means for its suppression, the concern suppressed itself by a burst-up, and the few horses and all the other tawdry paraphernalia were turned over to the hammer of an auctioneer. With the disappearance of his circus, Hayes also made himself scarce, and nothing further was ever publicly heard of him.

The First Blondin.

On the 3rd May, 1849, about five thousand persons congregated at the Melbourne Wharf to behold an ante-Blondin named Quinn, perform the feat of "crossing the line" over the Yarra. A rope made fast was passed over some twenty feet above the water, and triced midway to the mast of a cutter moored there for the purpose. Quinn, with a balancing pole, got through half of his journey, when the rope slackened a little, causing him to lose his footing; but recovering, he went through a variety of evolutions with hands and feet, and, by the same agency, worked his passage back to the starting point. The performance, altogether, occupied twenty minutes, and the distance was about a hundred yards. It was declared "that nothing like it had ever before been attempted in the Australian colonies." Mr. Michael M'Namara, a tailor and City Councillor, passed round the hat.

The First Ventriloquists

To make a public appearance in Melbourne were a Messrs. M'Gregor and Meymott, Sydney arrivals, who, in June, 1849, gave some clever ventriloquial and musical entertainments at the *Prince of Wales Hotel.*

The First Mesmerist.

The first recorded experiments in animal magnetism were effected by Mr. George Wright, at Geelong, on the 22nd October, 1849. Great interest was excited, and several persons were operated upon with much success, especially in the case of three boys.

CHAPTER XXXVI.

HOW PORT PHILLIP WAS PEOPLED.

SYNOPSIS:—Immigration and Emigration.—"The Bounty System."—"The Bounty System" Described.—First Immigration Board.—First Immigration Association.—Census, March, 1841.—Orphan Immigration.—Indignation Meetings.—Memorial to the Queen.—German Immigration.—Enumeration Tables, 1836 to 1851.—Condition of Population.

THE newly occupied settlement was started by those who made their way to the district from Sydney and Van Diemen's Land by sea, and the adventurous rovers and drovers who attempted the wild and unknown overland journey from what soon came to be known as the Middle District of New South Wales. Fawkner's primitive population of a half-dozen men and one woman, the historical seven, who comprised the first white people of Melbourne, were not left long in a state of solation, and ere six months had elapsed, they were not without a sprinkling of companions. During 1836 the progress in the way of colonisation was insignificant, though, considering the circumstances, even more than could be expected. Yet, though there was no legally constituted civil authority until the arrival of Captain Lonsdale, as Police Magistrate, in November, and not an inch of land had been legally alienated, there were at the close of the year, 50 acres in cultivation, and 75 horses, 155 horned cattle, and 41,332 sheep, revelling in the finest pasturage in the world. The first population return, taken in May, showed the total number of persons in the whole country (there was then no town) to be 177 souls, *i.e.*, 142 males and 35 females, which number increased before the next New Year's Day to 186 males and 38 females, the six months having added only three ladies. Immigration, as applied to the increase of population in the early days, may be said to have commenced in 1837, for during that year 740 individuals were so added. The Port Phillipian contribution to the territorial revenue, by means of land sales, commenced in August of that year, and the golden eggs, thenceforth laid in clutches, were so eagerly looked after, that apprehensions were at times entertained that the goose would be killed. But all the eggs were rolled off to Sydney, though the produce of many of them, transfused into what were known as "Bounty Immigrants," was returned in human bone and sinew to the district.

Of the Bounty System

It may be interesting to give a few details. The Land Fund supplied the means, and was administered by Commissioners in London, acting in concert with the authorities in Sydney. The first regulations were issued on the 25th September, 1837, but as they were restricted, and offered what proved to be inadequate remuneration, they were revised subsequently, and what was termed "the bounties," increased. By a notification formulated from the Colonial Secretary's office, Sydney, and dated 3rd March, 1840, certain Immigration Regulations then in existence were revised, and it was determined to grant pecuniary aid under certain conditions to persons bringing into New South Wales from the United Kingdom, agricultural labourers, shepherds, carpenters, smiths, wheelwrights, bricklayers, masons, female domestics, and farm servants. The sum of £38 would be paid as a bounty for any married man of the foregoing descriptions, and his wife, neither of whose ages, on embarkation, to exceed forty years; £5 for each child between the ages of one and seven years; £10 for each between seven and fifteen; and £15 for each above fifteen years. £19 would be allowed for every unmarried female domestic or farm servant, not below fifteen, nor above thirty years, coming out under the protection of a married couple, as forming part of the family, and destined to remain with it until otherwise provided for; and a like amount for every unmarried male

mechanic, or agricultural labourer, from eighteen to thirty years, brought out by a person, at the same time bringing an equal number of females, accompanying and attached to a family.

On the ship arriving at its destination the charterers were bound to provide the immigrants with suitable accommodation on shore, or allow them to remain on board for ten clear days from anchoring, and to ration them as on the voyage. Before any payments were made the immigrants were required to present themselves before a Board of Inspection, appointed by the Governor, and the adults were to exhibit testimonials of good character, signed by clergymen and respectable persons of note in the places of their former residence; with which testimonials it was necessary that every family and single person should be provided. The Board had also to be satisfied of the satisfactory fulfilment of the prescribed conditions, and of the "good bodily health and strength of the immigrants, and that in all other respects they were likely to be useful members of their class in society." The wives and families of soldiers in regiments in New South Wales or in Van Diemen's Land, and of persons serving under sentence of transportation in either colony, were excluded from the regulations.

In October, 1841, the bounties were extended to married couples, although above 40, if not exceeding 50 years of age, but hale and capable of work, provided they were accompanied by one child over 10 years, for every two years the ages of the parents exceeded 40. But if either parent was over 50, no bounty would be paid on account of any member of the family, unless qualified as a single man or woman under the regulations. It was further to be understood that parties between the ages of 40 and 50, accompanied by children under 10 years, if in addition to the requisite number above that age, would not be considered ineligible on that account, nor would bounty be withheld on such children, if the family were in all other respects qualified according to the regulations prescribed.

The first Immigration Board of Inspection in Port Phillip consisted of Dr. John Patterson, R.N. (the Immigration Agent), Messrs. Edward Lionel, Lee (Private Secretary to the Superintendent), and C. M. Lewis (Harbor Master). When an immigrant vessel arrived in the Bay, she was boarded the day after by the members of the Board, who improvised a kind of court in the cabin, and before them the immigrants filed off, were looked at, asked if they had any complaint to make, and then sent about their business. The ceremony was of a very perfunctory kind. The employers of labour crowded the ship's deck, anxious to engage town or country hands, and a considerable number would be engaged in this way. Those who remained left the vessel in a few days, and were for a short time located in tents in Melbourne, where the engagements would be resumed, and the tents were soon emptied. The first immigrants' depôt was southward of the Prince's Bridge, about or on the site of what afterwards was known as the Immigrants' Home on the Government House Reserve; but its distance from town, the inconvenience of crossing on a punt, and the establishment between the Yarra and Emerald Hill of a small colony of the rascality of the period led to the removal of the depôt to the "Government block," west of King Street, where it continued for several years. The Bounty System was full of abuses, and often afforded reason for well-founded complaint, but with all its drawbacks, the benefits it rendered the weak, struggling infant settlement were incalculable.

In 1838 immigration added 1260 units of humanity, a total nearly doubled the next year. 1839 was an important era in the early peopling, because, during its latter half, there was a number of very desirable arrivals, merchants, professionals, and others, who introduced considerable capital for investment. The equitable distribution of the land fund was a question of much interest, and the first efforts of public opinion were directed towards preventing the Sydney side from having the lion's share. Though not as successful as could be wished, this primitive agitation effected good so far that it undoubtedly obtained for Port Phillip more than it would otherwise have got.

An Immigration Association

Was formed at a public meeting of colonists, held at the Auction Company's Rooms (south-west corner of Collins and Williams Streets) on the 19th December, 1840. It was presided over by Mr. Latrobe (the Provincial Superintendent), and originated in a proposition made by the Australian Immigration Society at Sydney for the establishment of a branch Association at Melbourne. It was, however, the unanimous

opinion of the meeting that Port Phillip would reap but little benefit from such an annexation of interests with Sydney, compared with what might be expected from the action of a local body, having for its object the introduction of immigrants exclusively to Port Phillip. An independent body was accordingly inaugurated with His Honor C. Latrobe as patron, and a numerous central committee, consisting of Messrs. James Simpson, J. D. L. Campbell, W. H. Yaldwyn, Thos. Wills, F. A. Powlett, Wm. Lonsdale, P. W. Welsh, A. F. Mollison, Arthur Kemmis, Hugh Jamieson, G. F. Read, A. Morris, H. Murray, E. D. F. Hamilton, Thomas Ricket, J. D. Baillie, A. Campbell, Claud Farie, John Thomson, A. Thomson, D. Fisher, G. W. Cole, James Watson, Charles Hutton, J. Enscoe, Wm. Ryrie, D. Jennings, W. Piper, G. F. Burchett, Edward Henty, S. G. Henty, James Blair, Robert Jamieson, J. B. Were, James Graham, Wm. Verner, F. M'Crae, Major Webb, Captain Reid, Drs. Imlay and Stewart.

This Association does not appear to have effected much good directly, possibly through the absence of concerted and continuous exertion; but the Province was indirectly in various ways augmenting its population. Over 4000 persons were added by immigration in 1840, during which year there were 358 births as against 198 deaths.

A census taken (2nd March, 1841) showed the total population of the Province as 16,671, or 11,254 males and 5417 females. The inhabitants of Melbourne numbered 4479, or 2676 males to 1803 females, of which total 152 were children under two years, and only two persons over 60. Geelong had 454 residents, or 304 males and 150 females, including 10 under two years, none over 60, and only one individual between 45 and 60. In all the rest of Port Phillip, outside Melbourne and Geelong, there were only six sexagenarians, and 305 persons under two years. The social condition of this human aggregation was:—Males married, 2581; males unmarried, 8673. Females married, 2485; females unmarried, 2932.

In the town of Melbourne there were 809 married, and 1867 unmarried, males; whilst the married females were 783, and the unmarried 1020.

At the close of 1841 the population was over 20,000, of which 6908 were the result of immigration; whilst the births had swelled to 618, and the deaths were 319. The census also shows that 939 persons "emigrated," *i.e.*, I presume, went away to seek their fortunes elsewhere. In 1842 the immigration was slightly over 4000, and emigration slightly under 2000; whilst in 1843, as against 1264 immigrants, there were 2000 emigrants, an adverse balance about squared by the preponderance of births over deaths, for there were 1317 of the former to 313 of the latter. The cry for more people was incessantly rung out by the newspapers, and at every public meeting held for any purpose the question of immigration was mostly sure to be in some way or other ventilated.

The population went on gradually enlarging, and the future Young Victoria commenced to put in an appearance of some significance, for the year 1845, when the total population was estimated at 31,280, of which 4335 were the immediate result of immigration, had to its credit 1521 births. Still the cry was for more; and the settlers especially were always hankering after labour cheap and in sufficiency; and both in the colony, and through the influence of capitalists in England, pecuniarily interested in banking, commercial, and squatting pursuits here, unscrupulous subterfuges used to be resorted to, either in the shape of open and undisguised convictism, ticket-of-leave men from Van Diemen's Land, or "exileism," as it was termed, from England. Happily for the country such dodges were frustrated by the uncompromising hostility of the population of Melbourne to any measure tending to introduce the penal system, even in the most diluted form. (Further particulars upon this point are given in the chapter on Transportation.) Public meetings were occasionally held, but emigration had no rallying power in it to stir the multitude to enthusiasm. The following is a brief notice of two such events in 1847, condensed from old newspapers:—

"On the 16th August, 1847, a meeting was held at the *Royal Hotel*, Collins Street, and presided over by the Mayor (Mr. H. Moor). The principal speakers were Messrs. Edward Curr, W. F. Splatt, John Duerdin, and William Kerr. A resolution was passed affirming, 'That in consequence of the extreme scarcity of labour in the Port Phillip District, it was imperative that an effort should be made to prevent the Land Fund of the Province being absorbed in immigration to the Middle District.' The draft of a Petition on the subject was approved, and ordered to be transmitted to the Governor of New South Wales."

Another meeting for the promotion of systematic immigration was held at the same place, 20th September, at which the Mayor also presided. This was got up by "squatters and others" interested in the matter, and addresses were delivered by Messrs. Edward Curr, Colin Campbell, W. F. Splatt, J. C. Riddell, and Edmund Westby. A Petition to the Governor was adopted, and it was resolved to form an Association to advance the object in view.

Orphan Immigration.

In the course of 1848, the Home Government conceived a design to transmit to this portion of the Colony of New South Wales, a supply of female labour, consisting of orphan girls selected from the poor-houses of Great Britain and Ireland—chiefly the latter. In May the first batch arrived, and thenceforth only at infrequent intervals. To provide some sort of machinery for looking after the youngsters, and helping to procure them suitable employment, the Sydney Government appointed the Right Reverends the Protestant and Roman Catholic Bishops (Drs. Perry and Goold), Very Rev. P. B. Geoghegan (Roman Catholic Vicar-General), Rev. Irving Hetherington (Presbyterian Minister), Rev. A. C. Thomson (Episcopalian Minister), with Messrs. Edward Curr, Wm. Lonsdale, John Patterson (Immigration Agent), R. W. Pohlman, Andrew Russell, J. H. Ross, and James Simpson, a Port Phillip Orphan Immigration Committee and Board of Guardians.

The girls, though rough enough in some respects, were honest, virtuous, and teachable. After entering service many of them proved to be excellent household servants. There were at the time certain malcontents in Melbourne, chronic fault-finders, and foremost amongst them were Mr. William Kerr and the *Argus* newspaper. This journal was not then the influential and money-making leviathan it is now, but a puling urchin, only four years old, with a tenure of life precarious enough, and engaged in a hard struggle for existence. It was founded by Kerr, and after parting company with him, continued the mouthpiece of his party. The Pauper Immigration was, therefore, used as a good "cry" from both a national and sectarian point of view, and the most alarming predictions were indulged regarding the demoralizing and proselytizing influences exercised by the arrival of a few hundred young girls in a new colony, where an equalization of the sexes was a requirement which a true philanthropist would welcome with satisfaction. The supposed discontent was fanned at every opportunity. The *Argus* charged the orphan girls with the grossest incapacity, dishonesty, and immorality, and averred that it was from their ranks that Melbourne street harlotry was recruited. From the newspaper the question was transferred to the City Council, where in 1850 Alderman Kerr moved a resolution for an Address to the Queen, protesting against the continuance of the pernicious system. After much vacillation on the part of the Council, the Address, though at first affirmed and then burked, was finally carried, and transmitted to its destination. It was, however, completely nullified by counter proceedings. A public meeting was held on the 18th April at St. Francis' school-room, off Lonsdale Street, at which Bishop Goold presided, and several indignation speeches were delivered by Dean Coffey, the Revs. R. A. Downing, and T. Slattery, Messrs. J. O'Shanassy, John Lynch, J. W. Dunbar, J. Ballingall, James Main, S. Duggan, P. M'Donough, H. Cain, P. Kennedy, and others. Strongly worded resolutions were also passed, viz. :—(*a*) "Denouncing in the most unqualified language the charges as 'a base calumny. A wilful contradiction of facts and experience.'" (*b*) "Pledging protection and encouragement to a highly virtuous and deserving class of immigrants." (*c*) "Declaring that the City Council had no right to meddle with such a question;" and (*d*) "The appointment of a Committee to prepare a Memorial to the Queen, in contravention of the mis-statements in the Council manifesto."

But the most irrefutable vindication of the Irish orphan girls emanated from the St. Patrick Society. Mr. E. Finn was then Vice-President of that Association (a sketch of which is given elsewhere), and being connected with the *Herald*, he had special facilities for hunting out information in days when no Government Statist figured in Melbourne, and anything like reliable statistics were officially difficult of obtainment. He ransacked the records of the Police Court, and the gaol, procured information from the Immigration Agent, the Chief-Constable, the detectives and ordinary police, and, seized of every possible fact that could be gathered, he convened a special meeting of the Society, at which the attendance of the public was invited. On the evening of the 7th May, 1850, St. Patrick's Hall was crowded, for

there were over 700 persons present. Mr. Finn presided, and in opening the business, delivered a lengthy and elaborate address, detailing the result of his investigations with a precision that carried conviction on the face of it. The allegations put forth by the *Argus*, and in the City Council, were torn to shreds, names of authorities given, facts and figures produced, chapter and verse quoted, and the refutation was so complete that the *Argus*, as if stricken by its journalistic conscience, did what newspapers were not then in the habit of doing, made an *amende*, so far as to publish the portion of the address which had so effectually turned the tables. It did so, however, without a syllable of retractation, apology, or even comment. The statement seemed to have come upon the journal as a surprise, and further than has been stated it maintained a solemn silence. The meeting was also addressed by Messrs. James Wallace, Jeremiah Dalton, P. M'Donough, H. Cain, J. Devine, P. Kennedy, J. W. Dunbar, M. H. Hickey, James Greene, Henry Hayden, John Bourke, and W. Finn. Resolutions were passed :—

1. "Denouncing as gross and unfounded the charges of immorality and dishonesty preferred, expressing the deepest indignation at the shameful perversions of truth indulged in, and attributing to the slanderers a desire to prejudice Irish emigration to the colony, and to blacken the national character of Ireland."

2. "Averring that the Irish Orphan Female Immigrants had, generally speaking, supplied a description of labour urgently required, as proved by the greater number of them having met with ready engagements and rendered satisfaction to their employers by their honesty and good conduct."

3. "That the interference of the City Council was an uncalled for and unjustifiable abuse of a representative power vested for purely local purposes—the administration of the Corporation Act—and in no other way representative of the Province."

4. "That a copy of the resolutions be forwarded to the Superintendent for transmission to the Secretary of State for the Colonies."

The unprovoked rashness of the City Council was long remembered; but time, which sooner or later softens every animosity, gradually effaced the impressions of the injustice from the public mind.

German Immigration

Was from an early period regarded as a desirable mode of increasing our population, and adding to it a contingent which had in other parts of the world proved a valuable contributory in developing the industrial resources of new colonies. Mr. William Westgarth paid special attention to the subject, and during a visit to England rendered valuable service in directing attention to Port Phillip as a suitable place for the exercise of German industry. On his return to the Province in 1849, a public meeting was held at the *Royal Hotel* on the 4th December, with Mr. C. H. Ebden as Chairman, at which Mr. Westgarth said 400 immigrants were shortly to arrive from Hamburg and Rotterdam, Dr. Thomson, of Geelong, having arranged with 10 families for three years. The immigrants included many vine-dressers and were in family groups. They were coming under charter with the Messrs. Godefroy, who gave them credit for one half the passage money, the balance to be paid by those who employed them. Mr. Westgarth suggested the appointment of a committee to render assistance on the arrival of the consignment, and thought there ought to be a paid German Secretary, familiar with the English language. Messrs. Wm. Westgarth, J. Hodgson, R. W. Wrede, W. F. Rucker, J. Hoffman, —— Buddee, Wm. Kerr, Dr. Casperson and Dr. Black, were appointed for the purpose indicated, and Mr. Westgarth was warmly thanked for the kindly and patriotic interest manifested.

The philanthropic exertions of Mrs. Caroline Chisholm in promoting family immigration to New South Wales and Port Phillip have become such well accredited portions of our colonial history as renders it unnecessary to dwell further on the subject here, beyond stating that the lady's husband (Captain Archibald Chisholm) came among us early in 1851, as assistant missionary. Before the ensuing New Year was rung in there was no need for co-operative or sympathetic demonstrations, for Victoria was the golden point of attraction, to which people hurried from every quarter of the civilized globe, and its inhabitants numbered close upon one hundred thousand.

It may not be inapposite to conclude this notice with the following summary of the

POPULATION.

Date of Enumeration.	Persons.	Males.	Females.	Number of Houses.
May 25, 1836	177	142	35	—
Nov. 8, 1836	224	186	38	—
Sept. 12, 1838	3,511	3,080	431	—
March 2, 1841	11,738	8,274	3,464	1,490
March 2, 1846	32,879	20,184	12,695	5,198
March 2, 1851	77,345	46,202	31,143	10,935

The census returns for 1851 supply the following particulars :—

SOCIAL CONDITION.

	Males.	Females.		Males.	Females.
Married ...	12,529	12,498	Single... ...	33,673	18,045

CIVIL CONDITION.

	Males.	Females.		Males.	Females.
Born in the Colony or arrived free	43,006	30,784	Holding tickets of leave ...	62	3
			In Government employ ...	79	0
Other free persons ...	3,053	356	In private assignment ...	2	0

RELIGION.

Church of England	37,433	Roman Catholics	18,014
Church of Scotland	11,608	Jews	364
Wesleyan Methodists	4,988	Mahommedans and Pagans	201
Other Protestants	4,313	Other Persuasions	424

HOUSES.

Stone or Brick	4,864	Finished	10,237
Wood	6,128	Unfinished	698
Shingled	9,912	Inhabited	10,866
Slated	132	Uninhabited	69