

# The Western Port Times

## Grantville & Districts



Volume 3 Number 6

FREE

October 2020

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This magazine is a continuation of the  
original Western Port Times, which was  
published in Grantville from 1898 until  
1908 by T. C. Monger, and from 1908  
to August 1910 by Harold B. and J. A.  
Sullivan, at which date the premise is said  
to have been destroyed in a fire and every-  
thing lost. Publication never resumed.

At its peak, the paper was distributed from  
Flinders and Hastings on the Mornington  
Peninsula, to San Remo and Phillip Island,  
Inverloch and the Powlett region, through  
to Jumbunna and Loch, and as far north as  
Lang Lang.

This version of The Western Port Times  
is produced for the U3A Local History  
Group, based in Grantville.

\* \* \*

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The Bass Valley U3A Local History Group is looking for photos and information on places of significance to our local history.

If you have anything you would like to share with us, we have the facilities to scan or photograph your items so they do not have to leave your possession.

**Links to other historical groups**

- Bass Valley Historical Society: <https://bassvalleyhistoricalsociety.com.au>
- Friends of Churchill Island Society: <https://focis.org.au/about-churchill-island/>
- Grantville History: [grantvillehistory.com.au](http://grantvillehistory.com.au)
- Hastings–Western Port Historical Society: <https://www.hwphs.org.au/>
- Inverloch Historical Society: [cv.vic.gov.au/organisations/inverloch-historical-society/](http://cv.vic.gov.au/organisations/inverloch-historical-society/) Also: <http://inverlochhistory.com/>
- Koo-Wee-Rup Swamp Historical Society: [kooweerupswamphistory.blogspot.com.au/](http://kooweerupswamphistory.blogspot.com.au/)
- Korumburra & District Historical Society: Janet Wilson 5657 2267 or PO Bo 293, Korumburra 3950
- Lang Lang & District Historical Society: [langlang.net/historical.html](http://langlang.net/historical.html)
- Leongatha and District Historical society: [leongathahistory.org.au](http://leongathahistory.org.au)
- Phillip Island & District Historical Society: <http://pidhs.org.au/>
- Phillip Island Nature Parks, Churchill Island Heritage Farm Collection <https://victoriancollections.net.au/organisations/churchill-island-heritage-farm#collection-records>
- South Eastern Historical Association: [seha.org.au](http://seha.org.au)
- Western Port Historical Society Inc.: [hwphs.org.au/](http://hwphs.org.au/)
- Wonthaggi Historical Society: [wonthaggihistoricalsociety.org.au/](http://wonthaggihistoricalsociety.org.au/)



From the *South Bourke and Mornington Journal*, Wednesday 5 October 1887

## Grantville District

From our own Correspondant

The weather this past month has been exceedingly boisterous and rainy, in consequence travelling is anything but pleasant. The grass, however, is growing rapidly and selectors are buying stock freely. There seems to be a very general opinion that we are on the eve of a heavy fall in the prices of stock, and, judging by the large supplies coming from New South Wales and Queensland, there appears to be some reasons for this. At the usual monthly sale held at Grantville on the 24th ult., Messrs. Howard and Scott disposed of close upon two hundred head of cattle, bidding being extremely brisk, but I observed that yearlings were proportionately higher than older stock, one lot of poor conditioned calves fetching *[unclear amount, looks like £2 8s.]*, which I thought was an extreme price. Messrs. Howard and Scott have succeeded in establishing a monthly sale now.

Some of the selectors away back have great difficulty in getting stock in and out to their holdings. To those living in South Jumbunna, particularly at the present, the only means of crossing the Bass river is a bridge built by Mr. Alexander *[sic]* for the accommodation of his tramway. The piles have been driven and the framework constructed for a twenty feet wide bridge but at present it is only planked for a width of seven feet, just sufficient to lay the tram rails, and no hand rails. It will be understood from this the difficulty and danger of crossing stock. Mr. John Evans informs me that he has already lost a valuable cow which fell off this narrow way and was drowned, and yesterday he nearly lost another. Mr. Stewart has, I believe, offered to take anything the Council will give for this bridge, and a further expenditure of about £40 would put it in a state to serve all the purposes of a bridge for many years.

While writing of roads and bridges I may as well mention two other decided grievances: the first is that known as Ward's hill. Four years ago the electors on this road agreed to the necessary deviations through their selections. Mr. Muntz, C.E., made the survey and drew up the plans and specifications for the works required (sidling cuttings), one year after twenty chains of the work was executed, since then, three years ago, nothing has been done in the matter. Selectors have been on

this road for over ten years and some of them have never had a vehicle on their holdings yet, being obliged to leave them at the foot of the hill. In the face of a case like this is it any wonder that the ratepayers caused a change of their representative at the last election?

The other case is the one known as Middlebrook's road. It is nearly eighteen months since a bridge was built over the river on this road, at a cost of £230, and for the want of three small bridges, which would cost about £50, this bridge cannot be made use of by the twenty-five or thirty selectors interested. These men have already cleared several miles of road through the scrub and naturally feel pretty warm over this matter. For the past seven years Mr. John Michie has obligingly allowed the traffic to pass through his cleared land, which has been cut up and damaged by the large number of stock passing to and fro over his grass. Mr. Michie has given three months notice of his intention to stop this traffic so that this case is of an urgent nature.

I understand that the Fernhill and Jeetho people are taking the initiatory steps towards forming a Cheese Manufacturing Company. In my opinion a better move could not be taken, as such a company would at once provide a ready outlet for the milk, and a steady and regular income to the suppliers without any of the risk attached to the making and sale of butter. It will also give permanence to settlement and increase the value of property.

Mr. Alexander Stewart, Queensferry, is at present engaged building a fifteen ton steamer to trade in Westernport Bay. Mr. Stewart has already achieved success in this line as the builder of the well known schooner "Tyro."

"Myora," this is the name of the township on the Great Southern railway, where it crosses M'Donald's track, thirteen allotments were sold by auction about a fortnight ago, facing the railway reserve: the figures realised were from £45 to £49 each, quarter acre blocks, the upset was £20. This township is likely to be of some importance, as the Poowong, Fernhill, South Jeetho and Jumbunna residents will use it; it will also be the terminus of the second section of Falkingham's contract, thus giving it a decided "pull" over the rural township generally known as "Sunnyside."

From the *South Bourke and Mornington Journal*, Wednesday  
4 November 1885, page 2

## The Latter Day Saints

To the Editor of the S. B. and M Journal

(Re-paragraphed for the sake of clarity.)

Sir.—In a recent issue of your paper you publish from the pen of your Queensferry correspondent the news that there is in that locality a real live Mormon Elder; and I notice that he is not only an Elder but a larger man than some of his fellows. Perhaps for these reasons he may have more weight with the people.

A heavy man he certainly is; but if your correspondent states correctly his arguments are not so weighty. He believes in immersion. You must be dipped, he says, because it is a command; and by the same rule they (the Mormons) should wash each others feet also, for Christ washed his disciples feet and commanded them to do the same. Then, they believe in prophecies; so do all Christians; the gift of tongues, and certainly some people have a good deal of the gift in that direction, and not much else unfortunately.

Then, they believe in miracles; has the Elder aforesaid performed any, I wonder? I, for one, have neither heard of nor seen anything of the kind hereabouts, and I would have to see some to convince me.

Mere assertion only reminds me of the passage 2 Peter, 2nd chapter, 18th verse, "For when they speak great swelling words of vanity they allure through the lusts of the flesh."

The same writer, verse 12, says "They speak evil of the things they understand not," and in the 10th verse he says "Presumptuous are they, they are not afraid to speak evil of dignities."

So much for speech; but what have they done. I heard of one who said he could walk on the water, but when the people were assembled he said those who believe I can do it dont [*sic*] want proof, and those who dont [*sic*] believe I wont [*sic*] satisfy; and yet they tell me this man was not run out of the district, as he ought to have been.

But your correspondent says the people are in danger, and asks some of the heads of the churches to come and save them from his clutches. I don't think that would require much head. I fear there is not much logic in the arguments they use; some of our boys could answer them with their eyes shut. Now Sir, I waited to see if some abler person would take the matter up, but as they have not done so I make the trial.

I am afraid this is a poor attempt, but it may incite some one else to try. In excuse, I plead my sorrow for the Queensferry people being in such danger, and I hope they will adhere to the scriptural advice to prove all things, and hold fast that which is good.—I am, etc.,  
A Latter Day Saint.

[We do not enter into religious discussions. We are satisfied to have published the communication of our correspondent and the above as a reply, and there our function ends. We have received a lengthy printed document, being "An epitome of the faith and doctrines of Latter Day Saints." Ed.]

From the *Age*, Friday 2 February 1906, page 6

## Telegraphic Interruptions

(Re-paragraphed for the sake of clarity.)

There have been more interruptions to telegraphic communication in various parts of Victoria during the past three weeks than in any similar period for many years past. Bush fires and high winds are mainly responsible, and when they play upon poles which should have long since been replaced the trouble is accentuated.

In the south-eastern part of the State communication with Foster, Toora, Welshpool, Yanakie, Wilson's Promontory, Fish Creek, Port Albert, Tarraville, Alberton, Woodside and Yarram has been cut off through damage to poles from bush fires, but a certain amount of business was carried through as a result of a combination between the Commonwealth and railway services.

The telegraph line was all right between Melbourne and Korumburra, and between the last place and Foster the railway line has been kept intact. Fifteen poles were burnt down on the railway line between Lang Lang and Nyora, and when communication was restarted between those places a breakdown between Nyora and Korumburra interfered with business.

For some time Foster messages were sent via Sale and Port Albert, but then the line between the two towns last named was broken.

The line to Cowes via San Remo, Bass and Grantville was also damaged by bush fires in the vicinity of Grantville, but communication was restored during yesterday, and repairers are at work on the other breakages. Eleven poles have been destroyed between Clunes and Talbot on the north-western line, resulting in business being considerably delayed.

From the *Koo Wee Rup and Lang Lang Guardian*, 2 Feb. 1928

## Trains and Fires

### Wonthaggi Coal Blamed

Suggesting that the closing of the Wonthaggi State coal mine might reduce the risk of railway engines causing bush fires, a country deputation arranged by the Talbot Shire waited on the Minister of Railways on Tuesday. The Minister stated definitely that Wonthaggi could not be closed, but promised to assist in preparing legislation to provide for an insurance fund and compensation, where it could be proved that fires had a railway origin.

Cr. G. Burhop represented the Cranbourne Shire.

Many instances were given of fires originating from sparks from railway engines. It was stated that poor quality coal was responsible.

Sir Alex. Peacock said Judge Moule recently declared that he could not award any compensation by law, but expressed the opinion that some provision should be made for compensation, otherwise land adjacent to the railways would depreciate because of the risk of fires.

The Minister—The coal in the engines is not used in the interests of economy, but is being burnt on its calorific volume. You assume that Wonthaggi coal is not good, and causes fires. If that were correct – and it is not admitted – you would want the mine shut down for three months.

Cr. Parkin—That would be serious.

A member of the deputation—If it is necessary, why not?

Cr. Parkin—It would be better to shut down the mine than to burn half Victoria out.

The Minister said all new arresters were investigated by the department, and the commissioners now said they had the most efficient arrester in the world. Judge Moule had said that some fires had been originated by the railways, but the department had taken such great care that it could not be blamed. The suggestion that seemed likely to bear fruit in the near future was that a small increase in the land tax, perhaps,  $0\frac{1}{2}$ d, would create the nucleus of an insurance fund, which would pay compensation to those who could prove to the satisfaction of a created authority that fires had been started by sparks from railway engines. It was not admitted that Wonthaggi coal was inferior, but even if it could be proved, the Government could not seriously contemplate the closing down of one of the State's largest

industries for two or three months, even in the interests of the agricultural industry.

The coal was not thought to be the cause of any fires, and the mine had to continue operating. An insurance fund had to be provided, and during next session he would facilitate legislation with that object. The fund might be built up by a tax on unimproved land values, and there would have to be some contribution from general revenue towards it.

From the *Advocate*, Thursday 27 December 1934, page 30

## Musical Prodigies

Two pupils of St. Joseph's Convent, Wonthaggi, who won three championships and aggregate prizes at the Wonthaggi musical and elocutionary competitions last week. Record entries were received for the competitions.

Miss Madge McNamee, who has received all her tuition from the Sisters at St. Joseph's, won the open pianoforte championship and vocal championships. In delivering his award in the pianoforte championship, Mr. Hamilton Drew, the adjudicator, said Miss McNamee gave an excellent rendering of her pieces and was the only competitor to put the right interpretation into her playing.

Master Thomas J. Gannon, who is only nine years of age, established a unique record for competition work. He won the open championship recitals, serious and humorous. He also won the grand aggregate gold medal for elocution and music. He secured nine first and four second prizes. Mr. Hamilton Drew, the adjudicator, said Tom was an outstanding brilliant and clever child, with few, if any, equals on the competition platforms in Australia at his age. He won the open championship recital, serious and humorous, with a total of 171 points the second competitor securing 155 points. He won the grand aggregate with 52 points, the competitor filling second place scoring 39 points.



Miss Madge McNamee and Master Thomas J. Gannon

From the *Great Southern Advocate*, Friday 30 January 1891, page 2: Special meeting.

## Schedule Of Works 1891

On the motion of Cr West seconded by Cr Hoddinott the schedule for the two Ridings as amended was accepted, being as followed:—

### Corinella Riding

#### Schedule of Works.

Stewart's bridge and approaches	£400
Clearing and draining on Dwyer's and Key's road ... ..	20
Draining Dwyer's road to meet Chimms' <i>[sic]</i> drain ... ..	120
Clearing on Beck's road ... ..	30
Clearing on Caughey's road ... ..	20
Draining Emery's road ... ..	15
Draining Queensferry road ... ..	50
Clearing, &c., Tenby to Main road via Racecourse ... ..	35
Clearing Queensferry to Grantville Road ... ..	20
" " Corinella road via McNab's	50
Forming main road from Cemetery to Queensferry Road ... ..	100
Forming, &c., road to Stewart's bridge	30
Reforming, &c., main road to Bass ...	120
Forming and draining main road at Gurdies' ... ..	180
Clearing and draining Grantville township ... ..	35
Clearing, &c., near Grantville cemetery	20
Formation Stewart's to M'Kenzie's, half cost ... ..	30
Clearing from shunt off to Paul's corner	95
Clearing from shunt off to O'Bourkes's	30
Reforming and draining at Coft's ...	15
Clearing and draining at Freeman's ...	25
Purchase of Diapur's <i>[sic]</i> road ... ..	200
Bridge near Goding's ... ..	30
Clearing from Brennan's to Bowman's	40
Clearing from Sheepway's to Thompson's ... ..	50
Reforming Freeman's to M'Laren's ...	60
Clearing Evans' to Wallance's ... ..	10
Clearing Humphries and Watson's road	30
Clearing, &c., M'Laren's to M'Pherson's ... ..	200
Sidecutting at Wilson's ... ..	40
Sidecutting at Luke's and purchase land ... ..	30
Sidecutting at Uren's ... ..	20

Clearing, &c., Bowman's store to Biggar's and Wm. Thompson's ... ..	115
Clearing, &c., Belfrage's to Middlebrook's via Lawrence bridge ...	60
Clearing and draining Cheese Factory to Loch ... ..	235
Half cost of reforming Sunnyside road	35
Half cost of clearing boundary road Jeetho ... ..	50
Clearing from Nowell's to W. Church	35
Clearing from Nowell's to M'Neill's ...	30
Reforming Richardson's Flat ... ..	15
Forming and culvert's near Peattie's	25
Side cutting Delany's and Bonwicks's	50
Clearing and reforming from Hanrahan's to Jeetho West road ... ..	50
Clearing Nowell's to Hall's ... ..	50
Total ... ..	£3000

From the *Dandenong Advertiser and Cranbourne, Berwick and Oakleigh Advocate*, Thursday 7 January 1915, page 3

## Cyclist Killed

### Collision with a Motor Car

As Mr John Taylor was cycling down the main street, Cranbourne, shortly before ten o'clock on Friday morning last, on his way home from work at the Talbot Mill Institute, he collided with a motor-car driven by Mr G. E. Paynter, of Almurta, in company with Mr H. Beauchamp, of South Yarra. Mr Taylor crashed through the glass screen into the car, which came to a standstill some yards farther on in a side street. Dr Langley was summoned by telephone from Dandenong, but the injured man died before the doctor arrived. The victim was 34 years of age, and leaves a young widow and two young children.

A magisterial enquiry, held by Mr H. White, J.P., disclosed the fact that the fatality was purely accidental. The deceased was an emigrant, and a good honest worker, much esteemed by his employer. The funeral took place on Sunday morning and was well attended, a long line of vehicles following the hearse and mourning coach. A short service was held at St John's Church of England at 10 o'clock, the incumbent, the Rev Mr Thomson, officiating, and the occasion was a solemn and impressive one. The cortege then moved to the Cranbourne Cemetery. The burial service was read by the Rev Thomson, and Messrs Espie Bros had charge of the mortuary arrangements.

## Name That House

### Some Aboriginal Ideas

From the *Dandenong Journal*, Thursday 17 April 1930

Many householders are unaware of the beauty and significance of aboriginal place names, to judge by the sameness of many of the names that adorn our suburban dwellings. Or is it that, not knowing the interpretation of aboriginal names, they fear to commit a "howler" by embellishing their house with a native name that is not appropriate?

In any of our suburbs, whether the dwellings be on an eminence or on perfectly flat ground, we encounter "Hillcrest," "Grand View," "The Heights," and other names of equally lofty import, while quite a few inland dwellings have names suggesting only the sea.

Then there are names such as the played-out "Emoh Ruo," and others that have been similarly manipulated from the King's English. With many householders, apparently a house by any other name would look as liveable.

Yet many aboriginal names have a liquid sound in pronunciation which would almost confuse them with names of foreign origin. For instance, there is the aboriginal name of Corinella, the dulcet syllables of which might easily be mistaken for Italian. Corinella has been interpreted as meaning the meeting of the waters, but the same meaning is given to Echuca.

The native tongue is a very elastic one.

However, there are many aboriginal names of "authentic" meaning which can safely be used by the house holder. "Plyawola," meaning the nest, might suit some romantically inclined person, while "Weerona," resting place; "Woonah," a dwelling; "Elanora," home, of the sea; "Ellimatta," our dwelling; "Allambia,"



Tenby Point in the early 1970s boasted very few houses. This is one of the first, built in 1971 by Des Guilfoyle and Doug Wynne. Unlike the more typical *Blue Waters*, *Rover's Return* and *Monty's Retreat*, also built around the same time, it was given the aboriginal name *Elouera*, pronounced El-lou-air-ah and meaning 'a pleasant place.' The house still exists (much renovated) but the sign is long gone.

a quiet place; and "Cooloongatta," a fine view; are place names that would embellish any dwelling.

An interesting feature of the aboriginal language is that it possesses quite a number of synonyms for a house or dwelling place, of which "Lenna," "Moonya" and "Woonah" are instances. "Burmpa," running water; "Canowindra," a camp; and "Callemondah," plenty of hills, might suit many weekend householders as names; also "Carawatha," a place of pines; then there are many others that might be found appropriate.

However, many sweet-sounding names, aboriginal and otherwise, lose their beauty when they are duplicated on suburban name plates too-often. What a pity one cannot copyright the name of a dwelling.

From the *Herald*, Monday 30 January 1950, page 2

## State Still Needing Imported Coal

Victoria would need 330,000 tons of coal in the next financial year, apart from New South Wales and Wonthaggi supplies, coal officials said today. This would cost about £1,500,000.

It was expected that most of the orders would be placed in India and South Africa, as English coal cost about £2 a ton more to land in Melbourne.

About 230,000 tons of the extra coal would be needed for the State Electricity Commission, and 130,000 tons for the Victorian Railways.

Railway officials said today they were not impressed with the Callide (Qld.) coal experiment. But the Government was not making its decision about placing the order until working laboratory tests had been completed by the SEC.

Indian small coal had proved satisfactory to the Commission, and shipments from South Africa were being used with success by the Railways.

Neither, however, was suitable for gas-making.

Efforts would be made to provide gas undertakings with as much as possible of the 30,000 tons due each week from NSW.

This would mean that the Railways would still be short of Maitland coal which was ideal for express trains.

From the *Great Southern Advocate*, Thursday 9 November 1905, page 5: Bass Valley

## Tulloch Wedding Anniversary

(From Our Own Correspondence.)

About 50 guests assembled at "Lertswood" Bass Valley on the invitation of Mr. and Mrs. J. Tulloch to celebrate their silver wedding.

Everything that could ensure the comfort and pleasure of their guests had been attended to and the result must have been very gratifying to that lady and gentlemen and their family. On the arrival of the last guest the company sat down to a splendid supper, at the conclusion of which the health of Mr. and Mrs. Tulloch was drunk – Mr. Belfrage in proposing it stated that 25 years ago he had the pleasure of being at their wedding and on that occasion acting as "best man." Rev. Mr. Lyttle also referred to the esteem in which Mr. and Mrs. Tulloch were held by the people of the district and also to the many neighbourly acts of kindness he had received at their hands. The toast was accorded musical honours. After supper dancing was indulged in and kept up with great spirit till daylight. The company dispersed after singing "Auld Lang Syne," and giving three hearty cheers for Mr. and Mrs. Tulloch – everyone feeling that a truly *[sic]* delightful evening had been spent. Mr. and Mrs. Tulloch were the recipients of many pretty and very useful presents among which are the following:

Bible, Rev. Mr. Means; silver and cut glass sugar basin, Rev. J. T. and Mrs. Lyttle; set of calvers, Mr. and Mrs. Uren and family; silver mounted biscit *[sic]* barrel, Mr. and Mrs. Belfrage; silver and glass butter dish, Mr. J. T. Paul; silver mounted jam dish, Mr. and Mrs. Perry; silver and ivory handled bread fork, Mr. D. Belfrage; silver and ruby glass jam dish, Mr. and Mrs. J. McKenzie; silver mounted jam dish, Miss M. Belfrage; silver knife and fork rests, Mr. R. Belfrage; Mr. F. and Misses Tulloch, to mother and father, handsome silver teapot, (inscribed); silver and cut glass butter dish, Mr. and Mrs. C. E. Lane; silver and pearl handled butter knife and jam spoon, Mr. J. and W. Belfrage; silver button hook and shoe horn, Miss Gruber; silver and cut glass sardine dish, Mr. J. Harris and Mr. and Mrs. Oldfields; pair handsome vases, Mr. W. Paul; pair salvers, Mr. A. McKenzie; pair vases, Mr. and Mrs. A. Nowell; pearl handled bread fork, Mr.

Plumridge and Miss Nowell; silver mounted jam dish, Mr. and Mrs. F. A. Nowell; silver and pearl handled butter knife, Mr. R. H. Biggar; set afternoon tea spoons and sugar tongs, Mr. and Mrs. Hutchison; pair silver sweet dishes Mr. M. G. Ritchie; set afternoon tea spoons, Mr. and Mrs. A. McKenzie; silver and cut glass breakfast cruet, Mr. Geo. Close; ruby butter dish and pair salt cellars, Misses Middlebrook; silver sugar basin, Mr. and Mrs. J. White; afternoon table centre, Mr. and Mrs. Armstrong; silver and ivory handled bread fork, Misses Mickie.

## Launching of the "Trusty"

From the *South Bourke and Mornington Journal*, 19 Dec. 1877

The pretty little village of Newhaven, Phillip Island, was visited on Tuesday, December 11th, by a large and well dressed crowd of sight-seers, attracted thither, by the announcement that Mr. A. McLeod would launch a large vessel of about 80 tons and which he successfully performed to the immense gratification of all the spectators who sent up cheer after cheer as the vessel glided gracefully into the water. Miss Lizzie McLeod, the accomplished daughter of the enterprising proprietor, duly chartered the vessel "Trusty," breaking the customary bottle of wine on the vessel's stern.

The length the vessel is about 75ft by 18ft. beam, and 6ft. depth of hold, and is built chiefly of hardwood blue gum planking from the Bass river steam saw mills – in fact with the exception of her masts and decks she may be said to be composed of timber grown in the locality.

This is the second large vessel that has been launched within twelve months in Western Port Bay, Mr. Stewart, of Queensferry, having opened the ball last December by the launch of his splendid schooner "Tyro," which, we believe, has no equal in the Bay.

To judge from appearances Mr. McLeod's schooner "Trusty" will equal if not excel Mr. Stewart's, for as she lay at her anchor she seemed to possess all the qualities necessary in a good vessel.

An elegant and plentiful banquet was prepared by Mrs. McLeod, and all present were freely invited, and as freely partook of the good cheer provided, and at the conclusion of it success to the "Trusty," coupled with Mr. McLeod's health, was drunk with such zeal and cordiality that the host in returning thanks was compelled to say it was the proudest day in his life.



From the *South Bourke and Mornington Journal*, Wednesday 26 March 1879

## Phillip Island And Woolamai Shire Council

Saturday, March 22nd 1879

Ordinary Meeting.—Present Mr. Mark Turnbull (president), and Councillors Misson, J. Turnbull, Norton, West, Kennedy, Kidd and Monk.

The minutes of the previous meeting were read and confirmed.

### Correspondence

From the Borough Council of Warrnambool, in reference to refund license fee, &c.—No action taken.

From Melbourne International Exhibition Commission requesting co-operation of this Shire towards procuring a photographer to take views of different localities in the various Shires.—Held over for consideration, the Secretary to procure information as to probable cost in the meantime.

From the Sydney International Exhibition Committee, asking exhibits from the Shire.—On the motion of Councillor West, seconded by Councillor Norton, a committee consisting of the President, Councillors Monk and Norton was appointed to report on the matter at next meeting.

From R. Gall, asking for works on road near his ground on Phillip Island.—The Clerk of Works was instructed to report on the same at next meeting.

From F. Smith, applying for a slaughtering licence.—Referred to the Inspector of Slaughter Yards for report.

From the Poowong and Jeetho Branch of the Victorian Farmers' Association, explaining its objects.—No action taken.

From the Department of Public Works, in reference to bridge over Bass river.—It was moved by Councillor Monk, seconded by Councillor West, that the Secretary write to the Department stating that the deputation from the Council understood a distinct promise to be made to them that one half of the cost of constructing two bridges across the river would be provided by the Government.—Carried.

From Mr. Gilchrist, with opinion in reference to deviation road through Mr. Anderson's property in Woolamai was read.—On motion of Councillor West, seconded by Councillor Kidd, the Secretary was instructed to wait on Mr. Anderson and negotiate with him and bring up a report at next meeting of the result as well as an estimate of cost for improving the present road.

From H. Denne, asking for clearing on road near his place.—On motion of Councillor West, seconded by Councillor Norton, tenders to be called for removing all obstructions for a width of 25 feet.

### General Business

The Secretary presented a return of all minutes and letters in reference to the completion of the Shire Hall, and the President ruled that all previous motions would have to be rescinded in reference thereto.

Two months' leave of absence was granted to Councillor Duffus.

It was moved by Councillor Monk, seconded by Councillor Misson, that the works at Dwyer's Swamp be done in October next according to report of Clerk of Works.—Agreed to.

The Secretary was instructed to see Mr. Murphy in reference to the outlet drains on to his property, and also to write to Mr. Gregson in reference to the one required on his ground at Corinella.

Payments to the amount of £107 3s. 9d. were passed.

The tender of Grant and Co. for Contract 169 for £6 10s., and of F. A. Nowell for Contract 158 for £49 13s. were accepted.

The Secretary was instructed to get the culvert near Morrison's repaired on Phillip Island; also to get repairs done to bridge near Queensferry, and report on same at next meeting.

Councillor Kennedy's application to remove ti-tree scrub from near Red culvert was granted.

Councillor West moved, seconded by Councillor Monk, that no notices of motion be entertained unless read at previous meeting of the Council, and such notices to be carried forward on the minutes.—Councillor Kennedy moved as an amendment, seconded by Councillor Misson, that the regulations be not altered.—Amendment agreed to.

It was moved by Councillor West, and seconded by Councillor Norton, that the Secretary forward a business paper to each Councillor seven days before each meeting.—Carried.

It was moved by Councillor J. Turnbull, seconded by Councillor Kidd and carried that a rough culvert be constructed on road to Bridge Creek, and one on road to Powlett

(continues on Page 10)

*Phillip Island And Woolamai... (continued from Page 9)*

Bridge near Swamp.

It was moved by Councillor Kidd, seconded by Councillor Monk, that all resolutions in reference to the Council's printing and advertising be rescinded.—A division was taken, which resulted in a majority of two for the motion.

It was moved by Councillor Kidd, seconded by Councillor Turnbull, that the sidelings on Cape Patterson road near tramway be cut sufficient for traffic—Carried.

It was moved by Councillor Kidd, seconded by Councillor Turnbull, that the culvert on Carew's Creek be shifted, and ten chains of formation done.—Carried.

The Secretary was instructed to write to the Commissioner of Public Works in reference to the promised jetty at Grantville, and urge the matter on his attention.

### Notices of Motion

By Councillor Kennedy: "That the Secretary be instructed to notify to Mr. Muntz that his services as Engineer be discontinued from 1st May next, and a special meeting to be called."

By the President: "That all resolutions in connection with the subsidising the Shire Hall be rescinded."

Also that the Government be requested to grant the sum of £300 to complete and furnish the building.

The Council then adjourned.

From the *Daily Advertiser*, Tuesday 20 November 1951, page 1

## Texas Lil

At Wonthaggi rodeo Texas Lil, lady bronco buster fell heavily with her mount. She still had her foot in the stirrup. She was unconscious for a few minutes, but only suffered bruises.



And Texas Lil stayed on to the very end...

From the *Age*, Saturday, 15 July 1911, page 15

## Coal At Stony Point

### Important Development

Boring operations carried on at Crib Point, near Stony Point, on Westernport Bay, have resulted in the discovery of a good seam of black coal at a depth which will make it comparatively easy to work. The find is located on private land, and the core brought to the surface in the drill is so hard and possesses such a brilliant lustre that experts declare it to be a deposit quite distinct from the coal beds of the Bass Valley, on the western side of the inlet. Geologists have long contended that the Mornington peninsula presented signs of coal bearing, but the Crib Point development presents characteristics in respect of depth and hardness that somewhat disturb accepted theories on the sequence of geological strata. From a commercial point of view the results of the boring, if they should be proved over a wide area of country, are of the utmost importance. The scene of operations is immediately adjoining the Stony Point railway; it is next door to the proposed training station of the Australian navy, so that if the seam should "make good," as the Americans say, Westernport will have a brighter prospect of becoming a coaling station for the fleet than it is likely to do if dependence be placed entirely on the officially curtailed output of Wonthaggi.

Melbourne, since the early nineties, when the Gippsland mines gave rich promise of a future that has failed in achievement, has been lured by the vision of a supply of cheap coal, of independence of the Coal Vend and an inexhaustible store. The Minister of Mines, in an after-dinner speech, when Powlett was a name to conjure with, said we should have coal delivered at Melbourne railway stations at 14/ per ton, and the householder who now pays up to 30/ for fuel would get his coal for 18/ or £1. That day seems to be a long way off. If the enthusiastic anticipations of Crib Point investigators lead to any well-defined coal area on the stretch of country lying between Port Phillip and Westernport, it will be a great asset to the State, always providing that the deposit can be profitably worked. It is interesting to note in the same connection that some time ago a bore put down at Hastings struck a patch of brown coal of great thickness under 120 feet from the surface. This discovery has commercial possibilities not to be despised.

From the *Wonthaggi Sentinel and State Town Miner*, Friday, August 19, 1910

## Daly's Mine

### Proposed Yardage Rate Not Acceptable To The Men

A deputation representing the men employed at the North Woolamai Coal Company's lease, Daly's mine, interviewed Mr. John Evans, general manager, on Sunday afternoon, concerning the introduction of a proposed yardage rate at the mine. The deputation consisted of Mr. John Connolly, general secretary of the Victorian Coal Miners' Association, Mr. F. J. Murphy organising secretary of the Powlett branch, Mr. J. McNab (president) and Mr. E. Goldsworthy (treasurer) of the recently formed union at Daly's.

Mr. P. J. Daly, the original holder of the lease, was also present.

A notification was made by the general manager during the week that a yardage rate was to be introduced.

The deputation informed Mr. Evans that the men were determined to oppose the introduction of the yardage rate, and pointed out that at the present time the management of the mine were getting as good if not better returns than the State mine. Under the present conditions it was considered unfair to be asked to work at yardage rates, as by doing so it would be the means of unfairly determining the basis of the rate of pay to be paid in the future.

Mr. Connolly said the introduction of yardage rates had proved disastrous for the owners and men in other States, and he hoped some benefit would result from the experience of all concerned in other parts. Yardage rates were always the forerunner of trouble and disaster, and he hoped no attempt would be made by the management to force objectionable terms and conditions on the men.

Mr. Murphy said that all the members of the union asked for or expected was a fair and equitable deal, and as a representative of the men he would not ask for nor advocate that the men be paid one penny per shift or skip more than they were justly entitled to. If the management was of opinion that they were present to demand anything unreasonable or harsh he was entirely wrong.

Mr. Evans drew attention to the uniformity of the output day by day, and said from a management point of view he wanted to get the best result and preferred to pay by results.

Mr. Murphy asked if it was a matter of consequence to the manager whether one man gave better results than another provided the daily output on the whole was satisfactory.

Mr. Evans said before anything could be done it would be necessary to first of all screen the coal. Screens had yet to be erected. The line of rails from the mine to the railway line had also to be built. Under present conditions he was not prepared to put a great quantity of coal at grass, as it would probably impair the value. He would not ask the men to agree to anything unreasonable, but he thought that operations underground must be somewhat curtailed in future until the screens and necessary machinery was erected. He would be compelled to proceed with surface work until all necessary details were in readiness. He said that coal-cutting machines were to be introduced at a later date and expressed a hope that amicable relations would prevail between the men and the management.

Mr. P. J. Daly said he hoped everything would go smoothly in future and he trusted to see a progressive industry established. He hoped the mine would pay its way and the men be well paid.

Given a reasonable opportunity, Mr. Evans inferred that he would pay better rates and obtain better results than those obtaining at the State mine at present.

The men are very unanimous on the question of yardage rates, and are a lot of experienced coal miners. Their determination to resist the introduction of yardage rates was mentioned in the "Sentinel" some time ago, and if insisted on by the management would lead to serious trouble. Between 35 to 40 men are employed on the mine. Spoken to concerning the situation, one of the delegation said the men had agreed to assist the management in every possible way so far as surface work, etc., was concerned, and although operations would be "slowed down" underground while screens, etc., were being erected, it was hoped the yardage rates would not be enforced in future. The men had unanimously decided to reject them and would hold to their decision. Mining operations were suspended on Monday, and the whole of the men are now engaged on the surface.

# The Simpson Inquest and Baye Trials

## Part Four

From the *Herald*, Thursday 22 February 1934, page 1

### New Baye Trial

“Public Was Stirred”

#### K.C. On Jury’s Difficulties

Saying that public opinion had been stirred to an extraordinary extent against William Henry Baye, former superintendent of the Seaside Garden Home for Boys at Newhaven, Mr Maxwell, K.C., his counsel, made what is believed to be an unprecedented application when Baye appeared in the Court of General Sessions today for trial on charges of manslaughter and assault.

Mr Maxwell suggested that Judge Winneke should tell jurymen that if they had already formed an opinion of the case it would be highly improper for them to go into the jury box to act as judges of the case.

#### “American Methods”

Mr Sproule, who prosecuted for the King, said he objected to American methods being introduced. But Judge Winneke told jurymen that if they had formed an opinion on the case they should tell the court. No juryman spoke and the 12 men were quickly selected.

The charges against Baye arise out of the treatment and death of Rex Ronnie Simpson, 11-year-old inmate of the home, who died of tetanus on November 16. Baye pleaded not guilty to both charges.

Baye was tried on the same charges last week, but the jury, after a retirement of more than six hours, failed to agree.

Every available seat in the smaller courtroom in which the trial was heard this time was filled today as soon as the doors were opened.

#### Treatment of Dead Boy

Mr Sproule, in his opening address to the jury, explained first the charges against Baye, saying that the assault charge was laid in respect of Baye’s treatment of the boy during the last few days of his life. Witnesses would say that Baye had strapped the boy, punched him, struck him with a cricket bat, and stuck a pin in him. Of course, a schoolmaster, or anyone in charge of boys, had a right to punish or strap them, if the punishment were administered in a proper way. It was for the jury to say whether Baye had exceeded the bounds of propriety in his treatment.

The manslaughter charge was based on the Crown’s allegation that Baye’s treatment had hastened the boy’s death. If the jury found this were so it would convict Baye of manslaughter. There was also a section of the Child Welfare Act which made it an offence for anyone having control of a child under the age of 14 wilfully and without reasonable excuse to neglect to secure medical aid for the child. The Crown alleged that Baye had been negligent in that way when in custody of Simpson.

#### Last Days of Dead Boy

Opening the case for the prosecution today in the second trial of William Henry Baye on charges of manslaughter and assault, the Prosecutor for the King (Mr Sproule) told of Simpson’s last days, and the events which occurred during those days at the home. Simpson complained of stiffness on Monday, November 13, and although the stiffness increased next day, Baye sent him to school. On Wednesday Simpson was sent to the farm, where he fell down more than once, and fell again while on his way home. He could not eat his lunch properly and he lay out in the yard, unattended, for some hours in the evening. The next morning the boy’s arms and legs were stiff, and he could not get up. At 10 o’clock he took a turn for the worse.

A doctor called and found the boy at an advanced stage of tetanus. He was removed to Wonthaggi Hospital, where he died the same afternoon.

Baye had experience of the boy’s condition from Monday onward, and it was alleged that at various times he had given Simpson a strapping, had hit him with a cricket bat, and on one occasion had given orders to the rest of the boys that none of them was to assist Simpson. Baye’s explanation was that he had thought Simpson was shamming.

#### “Doctor’s Story”

John Simpson, waterside worker, of South Melbourne, father of the dead boy, said that Rex had been sent to the home because of truancy eight months before his death. He

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*The Simpson Inquest... (continued from Page 12)*

was a fine physical specimen and in perfect health.

Dr. John Samuel McLean, of San Remo, said that Baye rang him up on the afternoon of November 15 and told him how the boy had been behaving. Baye said he thought the boy was malingering.

The next morning Baye telephoned again and said, "Perhaps it would be as well, doctor, if you went over some time today." Later in the morning Mrs Baye rang to say that the boy was much worse. The doctor reached the home shortly after noon and found Simpson in a late stage of tetanus.

### Doctor Examined

Dr. McLean said that he would not expect a layman to be able to diagnose a case of tetanus unless he had seen one before.

Mr Maxwell: You have been expressing opinions very confidently on the subject of tetanus.

Dr. McLean: They are my personal opinions.

Since this case have you looked up your authority? — Yes.

You have been in practice for some time. Let me ask you how many cases of tetanus you have treated in your private practice during the last 15 years? — One.

Did it die? — Yes.

### Close Questioning

Mr Maxwell closely cross-examined Dr. McLean on his reasons for saying that a strapping, a stroke with a cricket bat, and certain other treatment would have shortened the boy's life. Dr. McLean said if any treatment had caused spasms it would have hastened his death.

Evidence was also given by Sydney Bown, 13, one of the inmates of the home.

The hearing is not finished.

From the *Herald*, Friday 23 February 1934, page 5

## **Evidence of Inmates**

### **Baye's Re-Trial Continues**

#### **Newhaven Case**

Further evidence was given by inmates of the Seaside Garden Home for Boys at Newhaven when the re-trial of William Henry Baye, former superintendent, on charges of manslaughter and common assault, was resumed before Judge Winneke and a jury in the Court of General Sessions today.

The charges arose out of the treatment and death of Rex Ronnie Simpson, 10-year-old

inmate of the home, who was taken from the home to Wonthaggi Hospital early in the afternoon of November 16 last and died there a few hours later from tetanus.

Baye was tried before Judge Foster in General Sessions last week; but the jury, after a retirement of more than six hours on the fourth day of the hearing, could reach no agreement. The retrial before Judge Winneke began yesterday, and was continued today.

Mr W. St. G. Sproule again prosecuted for the King; and Mr Maxwell, K.C., with C. Jones (instructed Messrs Weigall and Crowther) appeared for Baye.

### Boy Struck In Face

The opening witness today, Louis Labeska, 18, an inmate of the home for 10 years, said that he first noticed Simpson on the day after Melbourne Cup Day, when Simpson was dragging his feet along the ground.

Labeska described what he had seen of certain of the incidents which the Crown alleges made Baye's conduct and treatment of Simpson equivalent to the commission of manslaughter and assault. He said he had seen Baye strike the boy with a cricket bat, and had seen Simpson lying outside in the evening.

Baye had struck Simpson on another occasion in the face.

Mr Maxwell: When did you first make a statement to anyone about this case?

Labeska: I made a statement to the police on the day after Mr Baye went away.

What did the police ask you? — They asked me what I saw and all that sort of thing.

It's "all that sort of thing" that I want to know. — Well, they asked me what I had heard and seen.

When Mr Baye gave his order that any boy helping Simpson would get the maximum amount of punishment, had you ever heard an order of that kind before? — No, sir.

But was not the teaching of the school that you were to help one another? — We were not told to, but we did help each other.

Do you suggest that the boys never discussed that order among themselves? — No, they never discussed it.

### Pin In Leg Draws Blood

William Seeney, 18, who in November had been in the home for three years, said that when Baye stuck a pin into the back of the calf of Simpson's right leg, he had seen the

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*The Simpson Inquest... (continued from Page 13)*

blood flow out.

Alan Sampson, 16, who was an inmate of the home in November, also described the pin-pricking incident.

Harold Hocking, 16, who was another inmate of the Home in November, said that after Baye had struck Simpson in the face on the earlier occasion, Simpson's nose had bled.

John Frederick Swanston, 14, a monitor at the home, also gave evidence.

When the hearing was adjourned late this afternoon until 10.30 a.m. on Monday, Judge Winneke warned the jury, at Mr Maxwell's suggestion, against discussing the case too freely over the week-end.

From the *Herald*, Tuesday 27 February 1934, page 1

## **Baye Questioned On Another Death** Tells How Boy Died Ill-treatment Denied New Evidence

William Henry Baye, late superintendent of the Seaside Garden Home for Boys, was closely cross-examined at the second Newhaven trial today about his treatment of boys at another home at Newhaven of which he was formerly superintendent.

The Prosecutor for the King (Mr Sproule) also asked him about a boy named Smith, who died, at the Seaside Garden Home, while he was under Baye's care.

Baye is facing his second trial on charges of manslaughter and assault arising out of the treatment and death of Rex Ronnie Simpson, an 11-year-old inmate of the Seaside Garden Home, who died of tetanus on November 16. At the first trial the jury disagreed. Baye pleaded not guilty to both charges.

When Baye's evidence in chief was finished the jury retired while Mr Sproule applied to cross-examine Baye generally, both as to character and facts.

The application was granted and the cross-examination began.

Baye said he founded the Seaside Garden Home. He was the proprietor of it and ran it for a committee of management. He had no salary at the beginning. The parents paid for the boys. The proceeds of the farm work done by the boys were devoted to the home. Baye said he had a little private means of his own.

When Mr Sproule asked if he did it purely for charity, he said, "I did it because I loved the work and love it still."

Later, he said, the home became an incorporated public institution. He was supposed to get a salary.

The committee of management was paid so much for the boys who were there. He got orphan boys and truants sent there by parents and courts, and really bad boys from the State. They were sent to him, he agreed in answer to questions, when they could not be managed anywhere else. Their ages ranged from six to 19.

Mr Sproule asked him what experience he had had before he founded the Seaside Garden Home. Baye replied that he had been farm supervisor for 2½ years at the Central Mission Training Farm at Tally-Ho. Afterwards he spent 4½ years as superintendent of another home which used then to be at Newhaven.

Mr Sproule: And at this other home at Newhaven, were you not frequently reprimanded for undue severity in your treatment of the boys?

Baye: I was not.

Would it be quite wrong to say that you were frequently spoken to by the committee? — I was never spoken to by the committee.

Or the secretary? — I was never spoken to by the secretary.

Did a large number of boys abscond from there because of your treatment? — A large number of boys did not abscond. The home had the lowest percentage of absconders of all homes in Victoria.

How did you manage the boys? — By moral teaching and suasion. Evening services with Bible readings were held three times a week, and I gave the boys helpful advice on the problems of life.

At this other home at Newhaven, were you not dismissed for an act which was considered of undue severity to a boy? — I was not dismissed. I resigned of myself. It was not connected with severity, but was due to mismanagement.

### "Constable Tied Boy"

Mr Sproule asked Baye whether he had not been dismissed because of his treatment of a boy who had run away and who was tied behind a jinker and made to run behind the jinker from Cowes to the home.

Baye said that the incident had happened one year after he went to the home, and he was there for 3½ years afterwards. It had been Constable Harrison who dealt with the boy and who had tied a rope round the boy's waist. The horse in the jinker, moreover, was a

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*The Simpson Inquest... (continued from Page 14)*

heavy draught horse.

Did you not say: "Well, if he can run away he can run back?" — No, I did not.

Are you rather good at devising subtle punishments, Mr Baye? — No, I am not. We have only got two punishments.

Mr Sproule asked Baye if it would be correct to say that when a boy ran away in winter it was the practice to make him get into a bathing gown and stand outside for a considerable time before breakfast with another boy to watch him.

### "Feeding Crown With Muck"

While Baye was explaining that the suggestion was incorrect Mr Sproule interrupted him, saying: "So you use bathing suits in summer, but not in winter."

Mr Maxwell, K.C. (for Baye), who had been listening to the cross-examination with growing restlessness, broke in at this stage. "Who has been feeding the Crown with this muck?" he asked.

There was a deathly silence for a few seconds. Then Mr Sproule said, "Did ever you hear such an exchange [*unclear word*] in your life from a reputable counsel?"

Mr Maxwell: Anonymous letters, I suppose, like those we [*unclear word*] get.

While both Mr Maxwell and Mr Sproule were speaking at once, Judge Winneke referred to [*unclear word*] and said that if they were lies they should be ignored.

While Mr Sproule was questioning Baye about Simpson's having lain on his back in the yard at the seaside Garden Home at night, Judge Winneke said:—"The doctors say that lying down was the best thing for the boy."

Continuing, Mr Sproule asked questions about other boys.

"Do you remember a boy at the home named Ernest Alfred Smith?" he asked. Baye: Yes. He came to the home in 1926, and stayed three weeks.

And then died there? — Yes.

Did he ever have any medical attention? — No, not until it was too late.

What do you mean by "too late"? — Because he was dead.

That boy showed symptoms to attract your attention; didn't he? — No. Nothing of illness or anything like that.

Is this correct. That he often fell asleep during the day, was restless at night, and used often to cry out at night? — Yes.

Didn't that attract your attention? — Yes.

Did you think of getting medical attention

for him? — No, because I had Professor Berry's report on the case.

As a matter of fact you had [*unclear word*] to strap that boy the very day he died? — I did not.

### "Not Raked Up Before"

Continuing his cross-examination of Baye about the death of a boy named Smith at Newhaven, Mr Sproule said:—"Didn't you say to the police after that boy's death that on the day of his death he had broken a window and run away from you, and that you had had him brought back to you and attempted to chastise him?"

Baye: I don't remember. I may have attempted to chastise him, but I failed.

Do you regard yourself as an expert on illness? — Nobody is an expert. No two boys will try the same methods.

Were you not very ready to jump to the conclusion that boys were malingering? — No.

Mr C. L. Jones (for Baye): With regard to this boy, Smith, who died in 1926, has any insinuation been made against you or any blame attached to you until the matter was raked up in this court?

Baye: No.

Mr Jones lifted from the table in front of him a large bundle of letters and asked Baye whether they were letters received by him and by Mrs Baye from boys who had been at the home.

Baye: They are only a small proportion of the letters we have received.

### Address to Jury

Mrs Baye's evidence completed the case for the defence, and Mr Maxwell began his closing address to the jury.

"I have been practising in this Court for the last 43 years, and I think, in some respects, this is the most remarkable trial that I have ever had any thing to do with," he said. "No case in recollection has ever excited the public mind to the same extent that this case has."

Mr Maxwell said that as none of the jurors had spoken as they went into the box, or indicated that they had already formed a judgment on the merits of the case from what they had heard or read, he took it that the jury was unprejudiced and prepared to deal with absolute justice with the prisoner.

Referring to Mr Sproule's cross-examination of Baye, Mr Maxwell said: "I don't think I ever heard a more pitiable attempt on the

*(continues on Page 16)*

*The Simpson Inquest... (continued from Page 15)*

part of a representative of the Crown to destroy a man's reputation than was made by my learned friend."

"In searching the accused's 20 years' record he brought up half a dozen cases containing nasty insinuations, and I don't think a man could have given straighter answers to these questions than the accused did."

Mr Maxwell said that there had been nothing deceitful or underhand in Baye's conduct. He had deliberately treated the boy according to what he regarded the right principles. Even on Thursday morning (the day Simpson died), when he arranged for a doctor to call at the Home, he had gone away to Melbourne thinking that the boy, although perhaps ill, was not seriously so.

"I implore you, in the interests of justice," Mr Maxwell said, "to be influenced by nothing but what you have heard from that witness box; and if that be so, I confidently say that there is only one verdict possible in this case. And that is a verdict of not guilty on both counts."

When Mr Maxwell sat down he had been speaking for more than an hour and a half. Mr Sproule then began his closing address to the jury.

Mr Sproule had his closing address to the jury when the hearing was adjourned until 10.30 a.m. tomorrow.

From the *Herald*, Wednesday 28 February 1934, page 1

## **"Acquit Baye On Charge Of Manslaughter"**

### Judge's Direction To Newhaven Jury Crowd In Court

After the jury in the Newhaven trial retired at 2.46 p.m. today, Judge Winneke recalled the jury shortly after 3 p.m. and said it would be very unsafe to convict Baye of manslaughter.

Later, as the jury retired again at 3.18, he said: "Gentlemen, you ought to acquit him of manslaughter." The Judge's direction followed a discussion of points submitted by Mr Maxwell, K.C. (for Baye).

In anticipation of the end of Baye's long trial, every available seat at the Court of General Sessions was filled.

### Fresh Warning In Summing Up

The Prosecutor for the King (Mr Sproule) finished his address to the jury, and Judge Winneke began his summing up.

When the trial resumed this morning there

was some hand-clapping and whispering as Baye walked into the court. Two women who clapped were admonished by the court crier and police. "This is not a theatre," said one constable.

Baye, the late superintendent of the Seaside Garden Home for Boys at Newhaven was facing the second trial on charges of manslaughter and assault arising out of the treatment and death of Rex Ronnie Simpaon, 11-year-old inmate of the home, who died of tetanus on November 16. He pleaded not guilty to both charges.

Mr Sproule continued his closing address to the jury.

He said that he wished to draw the jury's attention to one thing to show that Baye was utterly unreliable. That was the evidence that Baye had given about Simpson having laughed. It was a thing the jury must reject.

### "Pure Hollywood"

There was nothing to show what sort of laugh Baye alleged it to be – whether it was a childish laugh or a hearty laugh or a laugh like that of Baye's counsel (Mr Maxwell K.C.) which in any case was "pure Hollywood."

Judge Winneke, summing up, said: "The suffering of this young boy of 11 has naturally aroused the sympathies and pity of all. And if, following that, allegations are made that the person in charge of that boy at the time has caused him suffering, that has the effect of exciting public indignation. The bare allegation that that is so is sufficient, and when that happens the allegations are broadcast and spread.

"It is my duty now to warn you again: be careful to recognise the position you occupy as judges."

### Manslaughter Law

Judge Winneke said that manslaughter was the killing of a human being by an unlawful act, but without the intention of killing. Manslaughter could also be committed under the Child Welfare Act if any person in charge of a child under 14 wilfully and without reasonable cause neglected to provide medical aid, and if such neglect resulted in the child's suffering and death.

Neglect could first of all be committed by a person who unreasonably omitted to do something which he should do. That was the intention of the Legislature, the judge thought, where the word "neglect" had been inserted in the Act.

The jury, therefore, had to be satisfied before

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*The Simpson Inquest... (continued from Page 16)*

it convicted Baye of manslaughter that Baye had neglected to do what a reasonable man would have done in all the circumstance. The Act said, moreover, that it had to be wilful neglect; and a man could not wilfully omit to do a thing before it was present to his mind.

To find Baye guilty, the Jury would have to hold the view that Baye not only neglected to provide medical aid, but at the same time had had before his mind the question whether such aid should be provided.

"It's an extraordinary position," the judge said. "I have always regarded this section of the Act as a very involved collocation of words."

Referring to Baye's relationship to the boy, which was that of a parent to a child, Judge Winneke said that a parent was allowed in a sense to ill-treat a child – in the sense that he could commit actions in a manner which some people might regard as constituting ill-treatment. If he were not allowed this, the position of parents would become intolerable. The whole question was whether the parent's treatment of his child was reasonable.

A hypothetical case might illustrate the position of Baye, the judge said. One could imagine a lad complaining of sickness. The lad's father might know that the boy had been sick in the same way before, and had recovered. But what was to be done? It was a very difficult question. When should medical aid be called in? As soon as the lad complained, should the doctor immediately be called?

"There is always the fact," Judge Winneke said, "that accused had certain fore-knowledge of this boy's propensities. He had been told and given information about the unfortunate characteristic which this boy possessed.

### Vital Circumstances

"He had been provided with information – remember this! – which perhaps the members of the staff did not possess, and which certainly the boys at the school did not possess. Some saw the boy apparently suffering, and without information of the same kind, might have said: 'That boy is ill.' Whereas a man with information would say: 'I'll wait and see.' It is one of the circumstances you have got to consider, and consider very seriously, in this case because the accused's position largely depends on that circumstance."

### Conflicting Evidence

When the jury had retired Mr Maxwell made a number of submissions to Judge Winneke. The jury was recalled soon after 3

p.m., and Judge Winneke discussed some of the evidence. Saying that he thought it would be very unsafe to convict Baye on the charge of manslaughter, he referred to the conflicting medical evidence.

What ill treatment had there been, Judge Winneke asked, and could the jury say, beyond reasonable doubt, that the acts alleged against Baye had shortened the boy's life. Doctor Sleeman had given as his opinion that the combination of these acts, if they had occurred, would have the effect of lowering Simpson's resistance. But that was only an opinion, and was not stated as a fact.

**Endnote:** Two juries were unable to reach a verdict on the case. Finally, on 28 February 1934, the judge advised the jury at a retrial to acquit Baye of the manslaughter charges. The judge stated that he was 'disappointed' and that there was 'a deal of prejudice in this case'.

Baye was later quoted: "I venture to suggest that at the time of their occurrence, the incidents which led to the trial were the result of a mistake, into which anyone in my position might have fallen. Looking back now, it is easy to recognise that a very great mistake was made, and one which I will greatly regret for the whole of my life. I have been under a tremendous strain, and the whole affair means banishment."

The judge committed Baye to a third trial on 1 March 1934. This case, and the charges against Baye, were later abandoned.

At the request of the Charities Board, the Mission of St James and St John assumed control of the Seaside Garden Home for Boys in 1934.

Under the Mission of St James and St John, Seaside Garden Home for Boys became known as St Barnabas' Boys'.

## Lang Lang Talkies

SATURDAY, JULY 8. SATURDAY, JULY 8.

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From the KooWeeRup and Lang Lang Guardian, 5 July 1950

## The Simpson Inquest and Baye Trials Extra

In the 1920s and 1930s, two homes operated at Newhaven. St Paul's Training School for Boys was established at Newhaven in 1928 by the Mission of St James and St John. In 1934, as a result of the death of Rex Simpson and subsequent events, the Seaside Garden Home for Boys was handed to the Mission of St James and St John, attached to the adjoining home as the junior section and renamed St Barnabas.

In 1939, St Barnabas closed.

St Paul's had capacity for 60 boys up to 14 years of age, 43 of whom were wards of the state. Boys received technical training in engineering and carpentry and attended an adjacent state school.

In 1956 the St Nicholas' Boys Home in Glenroy was closed. The boys were transferred from Glenroy to St Paul's at Newhaven, and the St Paul's boys were sent back to the department's Royal Park receiving depot.

St Paul's then became a home for about 50 boys aged 8 to 16 years who had not had contact with the justice system.

In 1973, there were only 15 boys in residence at St Paul's. That year St Paul's Home for Boys was partially closed and soon ceased operation as a children's home.

By 1979 St Paul's had become the St Paul's Discovery Centre and closed around 2004.

During the inquest into the death of Rex Simpson and the allegations of mistreatment, a letter was published from Archdeacon Lambie making it quite clear that the home run by the Mission of St. James and St John on Newhaven was quite separate from the Seaside Garden Home. The implication here was that the inmates were treated much better.

### Lambie's Letter

From *The Herald*, Friday 15 December 1933, page 1

C. Of E. Boys' Home At Newhaven  
St. James and St. John Mission  
To The Editor

Sir,—I am receiving literally hundreds of inquiries concerning our Home for Delinquent Boys at Newhaven, Phillip Island. Would you kindly give me space to say that the only home connected with the Church of England there is St. Paul's Training School for Boys (Delinquents) under the control of this Mission. We have no connection what ever with any other home on the Island, and I should like our friends to note our distinctive name — St Paul's. — Yours, etc.,

Geo. E. Lambie (Archdeacon)

Superintendent Missioner of The Mission of St. James and St John.

365 Latrobe Street.

### R. Dean's Letter

Extract from letter by R. M. Dean, 5 August 2004.

[Note: punctuation as per original]

The Secretary, Senate Community Affairs  
References Committee  
Suite S1 59 Parliament House  
Canberra

Dear Sir,

I am writing my submission to your committee investigating the care of children in Institutions over the years.

Although I am now sixty six years of age and some of the things that happened to me happened sixty years ago have faded from my memory I still remember many of the incidents that did take place...

[Dean goes on to outline his life and family circumstances, and the institutions under whose care he was placed, then talks about his time at St. Pauls]

...My brother and I were then sent to the St

*(continues on Page 19)*



A 2019 photographs of the long abandoned and now decaying and much vandalised St. Paul's Home for Boys.

*R. Dean's Letter (continued from Page 18)*

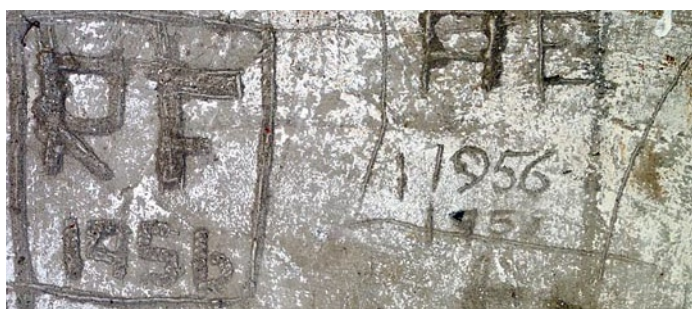
Pauls institution on Phillip Island in Victoria. This place was worse than Menzies even though the place was run by a Rev. Hall who was quite a nice person but his staff were absolute horrors. One of the staff whose name I can't remember but whose face I can still see as clear as day took great delight in inflicting as much pain as possible on the boys in any way that he could. He would belt you for trivial little things.

His favourite punishment was that he would take you around to the medical room and make you drink a glass of Cascara which is the most vile smelling and tasting medicine you could imagine. This was supposed to get the devil out of you but all it did was make you run to the toilet all day.

The Home had a small jail – two cells, one to store the Homes vegetables etc in and the other he used to use to lock you in. I remember being locked in there several times and left overnight. It was a frightening experience as the bed only had a mattress and no blankets so it got very cold.



The home's 'prison' (via door on the left) and storeroom (via door on the right).



Inmates D.E. (1943), R. F. (1956) and A. E. (1956) leave their mark.

We went to local Newhaven school which was used by the island children so we got to mix with boys and girls. I can still remember the headmaster, a Mister Jennings who treated us pretty good. I will always remember him because he looked like Edward G Robinson the actor.

About ten years ago I went back to Phillip Island and visited the school. I saw a lady who worked at the school and she sent me a copy of the attendance book for the time I was there. On the roll are approximately eighteen boys from the home plus the local kids but there isn't one name that I could put a face to as it seems that I just wanted to shut out that period of my life.

Once again I never received one visitor during my stay there. Christmas was exceptionally hard as presents were a non event. The staff never went out of their way to make Christmas any different to another day.

My brother and I actually left the Island in 1948 for a short time as my Father took us out but we were sent back after a couple of weeks as he couldn't look after us so going back was a real let-down and of course we copped the usual crap from the staff about being not wanted etc which does nothing to help your feelings of being a burden to everybody.

Eventually we did leave the Island. I remember being put on a train by ourselves and sent home. I have no idea where we ended up but at this stage my Mother and Father were back together again for awhile but that didn't last long. I found out at this time that my Mother and "Uncle Ossie" had placed three more of the kids in the orphanage at Brighton in Victoria and it was to be many years before I ever got to see them. I didn't even know that I had another sister until I met her when she was a young woman. This period of togetherness didn't last long and I was sent back to Royal Park. My older brother was not sent back as he could go out to work. Nothing had changed at Royal Park, the smell of floor polish was still there, the food was terrible and the staff even worse.

From Royal Park I was sent to the Tally Ho institution near Burwood in Victoria and speak of chalk and cheese. This place was totally different to all the other places I had been in. The place was run by the Wesley Church and the staff were great. We still had to do as we were told but beltings were not the order of the day. The food was pleasant, we had our own school in the grounds of the

*(continues on Page 20)*

R. Dean's Letter (continued from Page 19)

home staffed by very good teachers who treated you like a human being. Originally all the boys slept in one big dormitory but overtime they built three lovely cottages each holding twelve boys and run by a house Mother and Father. I was lucky enough to be one of the few that managed to go into one of these cottages. My house Mother and Father were Mister and Mrs Lew Whippey and I thank them for at least trying to give us some love and living in a family atmosphere.

The Home had it's own farm and all boys were expected to perform some task on it. I had to milk a couple of cows each morning and night including weekends and for this you were paid, not in money but you were given a paper receipt for the work you had done. They called this "Tin Money" and it was placed in your account. We were told that when we eventually left this place we would get what we had in our account but this never happened. I still remember quite a few of the boys from this home, I remember the staff and I remember all the teachers. What does this say. Does it mean that if you treat a kid with some dignity and give him some sense of being wanted that he will grow into a worthwhile citizen.



The now empty and graffiti-covered chapel.



Stairs to 2nd floor dormitories in one of the main buildings.

From *The Wonthaggi Sentinel and State Town Miner*, Saturday, July 16 1910: Local and General

## Meanwhile At Wonthaggi...

As intimated in our column a fortnight ago, the Postal authorities have secured a temporary building in Graham Street, and the usual postal and telegraph business will be conducted there in a few days. The building did duty in the Old Camp as a boarding house and is situated next to Miss Oldham's new premises.

At the meeting of the Traders' Association on Monday evening last Mr Allen asked the chairman for a definition of the word "trader." This caused considerable discussion, and it was finally decided to refer the question to the committee, who will submit their decision to the next general meeting.

General regret was expressed when it became known on Saturday morning last that the wife of Mr G. Lowe had passed away. The deceased lady had been a resident of Wonthaggi for a few weeks only, having rejoined her husband but a short [unclear words] and was much esteemed by all who knew her. The death occurred early on Saturday under [unclear words] and the remains were interred on the following day. As a mark of sympathy and respect about 200 members of the Miners' Union followed the remains to the cemetery.

From *Smith's Weekly*, Saturday 3 April 1943, page 14

## Wonthaggi's Padres

Wonthaggi is justly proud of two padres — Rev. Rex Daker, a voluntary prisoner of war, who was with the 6th Divvy, and Rev. Frank Hartley, son of a local tailor.

Rev. Rex was one of the first padres enlisted in this war, saw service in the Wavell Libya campaign, and went to Greece, where he was captured while attending to the wounded. A recent letter from the prison camp, described him as well, and popular even with the German staff.

Rev. Frank found fame this year at Sanananda, where he worked with the Japs both sides of him while the action was at its peak. He brought comforts to the troops, distributing them under fire.

"Frankie" to everyone, he is now in a northern hospital with his second bout of malaria.

A great welcome awaits both padres on their return to Wonthaggi.