

The Western Port Times

Grantville & Districts



Volume 3 Number 5

FREE

September 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 everything 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 Western Port Times.

AND PHILLIP ISLAND AND BASS VALLEY ADVERTISER.



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AND PHILLIP ISLAND AND BASS VALLEY ADVERTISER.



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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
- Hastings–Western Port Historical Society: <https://www.hwphs.org.au/>
- Inverloch Historical Society: cv.vic.gov.au/organisations/inverloch-historical-society/ Also: <http://inverlochhistory.com/>
- Koo-Wee-Rup Swamp Historical Society: 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
- Leongatha and District Historical society: 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
- Western Port Historical Society Inc.: hwphs.org.au/
- Wonthaggi Historical Society: wonthaggihistoricalsociety.org.au/



From the Original

From the *The Western Port Times* on Friday 19 Sept. 1902

Local and General News

The Rev. Chas. Oelrich Church of England Minister will preach on Sunday next as follows:—San Remo, 11 a.m.; Bass, 3 p.m.; Grantville 7 p.m.

The Rev. Father Parker will hold Mass at Powlett next Sunday morning at 11 a.m.

As will be seen in another column, tenders will be received up to 20th inst for the right to graze on 194 acres at Tortoise Head.

The Ryanston Football Club held their annual ball in the Bridge Creek hall on Wednesday night, and proved quite a success.

The Annual Meeting of the Grantville Cricket Club was to have been held on Wednesday night, but no one turned up, so it was postponed until Saturday week (sale night).

On Saturday last, at the Council meeting, the president for the coming year was elected. Cr O'Meara was elected to the office, and duly took the chair at the ordinary meeting, which was held afterwards.

On Saturday (to-morrow) the Grantville & Jeetho A. P. and H. Society will hold their annual meeting, when a new president and office bearers will be elected for the ensuing year. The balance sheet will also be read.

Miss Price, who has been stationed as head teacher at Corinella state school, will leave to-day, and Miss Graham has been appointed to take her place. The parents of the children are sorry to lose so good a teacher as Miss Price, who has made many friends since being in the district.

An entertainment was held in the Grantville Hall on Monday night by the Rice Company, but was meagrely attended on account of the people not knowing that it was to be held. When will those travelling troupes, *[sic]* or those who have to do them, learn sense; to advertise and let it be known.

From *Wonthaggi Sentinel and State Town Miner*, 18 June 1910

A Grantville Land Boom?

Inquiries for land in Grantville district have been numerous of late, and many properties have changed hands at greatly enhanced prices. The residents of that district are looking forward to an era of prosperity in view of the possibility of Settlement Point being chosen as the port for coal from the Powlett field.

From the *Church of England Messenger for Victoria and Ecclesiastical Gazette for the Diocese of Melbourne*, Tuesday 1 December 1903, page 144

Diocese of Gippsland

Grantville.—The Venerable Archdeacon Hancock paid a visit to this part of the diocese from the 7th to the 14th inst. on behalf of the Bishop's Residence and Endowment Fund, and succeeded in raising over £220. This is the extreme end of the Gippsland Diocese, and does not boast many well-to-do folk, so the contributions, with two or three exceptions, were small ones, but the result shows that the people have the interest of their Church at heart, and were glad to be able to show some gratitude to Almighty God for the many blessings which they have enjoyed. It was admitted on all sides that Archdeacon Hancock was "the right man in the right place," as from his clear and lucid explanations in his addresses on the Sunday and during his tour through the district, the Church people were brought to realise the value and help which their new Bishop would be to them, and the impetus which would be given to Church work generally, and were made to feel that each one had his or her share to do in raising the proposed amount of £10,000 for the fund.

From the *Spectator and Methodist Chronicle*, Friday 29 January 1915, page 174: Among the Quarterly Meetings

Methodist Matters, 1915

Kilcunda and Powlett River.—Quarterly meeting, Jan. 6th. A slight decrease in membership was reported, chiefly owing to severance of Grantville and St. Hellier, which have been added to *[the]* Nyora Home Mission Station. The financial statement showed that in this department there is progress, the circuit being £24 better off than at the corresponding quarter of last year, and this, notwithstanding the increase in ministerial stipends. It was decided that, in connection with the Harvest Thanksgiving Service, an effort should be made to wipe out the furniture loan of £70. As Mr. Knox was unable to remain in office, through ill-health, Mr. Frank Hartley was elected junior circuit steward, Mr. J. S. Kent retaining his position as senior steward. It was decided, if possible, to secure the services of Rev. Val. Trigge for a mission to Wonthaggi. Messrs. Cock and Wilson were elected representatives to Conference, with Messrs. Kew and Easton as substitutes.

From the *South Bourke and Mornington Journal*, Wednesday 6 July 1887

Grantville

From our own Correspondent.

(Re-paragraphed for the sake of clarity.)

Britishers, and I think Australians particularly, nearly always open their communications with some reference to the weather, and certainly in this district, at the present time, it is a never-failing topic; everywhere you go it is mud and weather and water and mud, making travelling anything but a pleasure to man or beast. On the 6th inst. we had a fall of snow, the first I believe ever known in the district; the fall was confined chiefly to the hills in Jeetho and Jumbunna, the lower country having to be content with hail and sleet.

It affords me much pleasure to have to chronicle the exportation of the first bale of hops ever grown in the district. Mr. Laurence, of Jumbunna, forwarded per the schooner Tyro, seven bales or packets containing a little over fourteen hundred pounds. They were sold on arrival in Melbourne, and I am very pleased to write that they brought a good price, the quality being pronounced nearly equal to the far-famed Carranderk hops. Mr. Laurence deserves every success and credit for his enterprise.

It is labor employing industries like hop growing which gives stability and permanence to settlement, and the State has I think acted wisely in protecting them. On my first journey to Grantville some years ago, I noticed a small plot of maize growing on Mr. Stark's selection, on the Cardinia creek; it particularly struck me on account of its luxuriance, the stalks being from eight to twelve feet in length.

Since then I have had many opportunities of seeing small patches of this crop just as luxuriant, growing on different selections in the Bass Valley, and Mr. Webb, a selector, obtained off three-tenths of an acre, six bags of shelled corn, equal to a little over eighty bushels to the acre. The variety grown was that known as ninety day, and the sample was excellent.

I have often wondered why these crops are not more generally grown, and I feel sure that it only requires someone to set the example by growing, say five or ten acres, and others would soon follow. In regard to this matter, I throw out a suggestion, it is this, that our Agricultural Society give a handsome prize for the best field of maize, of not less than five acres in extent, grown in the district, the winner of the prize to give particulars as to the field and mode of cultivation.

Perhaps some spirited gentleman, who has the welfare and adornment of the district at heart, will come forward and assist by giving a prize. The extensive cultivation of hops, maize and potatoes, would almost certainly cause a large accession to the population and thereby benefit all.

I am pleased to hear that the claim of the Shire for a larger subsidy is likely to receive some attention from the Government. I have long advocated that the Council should, by deputation, press our claim upon the Minister, especially now, as we have a good and energetic member in Dr. L. L. Smith to back us. Councillor Delaney also deserves credit for pushing the affair on.

After reading the very favorable reception of the deputation by the Minister, it does seem aggravating that this request was not made before. With a view to bring our wants more directly under the notice of our popular member, I would suggest that he be invited to a banquet, as apart from honoring one of our most public-spirited men, it would also do good by attracting notice to this district.

A requisition to the manager of the Colonial Bank has been signed by nearly fifty of the residents, requesting him to open a branch of the bank here. This in itself would be a great boon to the district.

Another much felt want here is a Court of Petty Sessions, as at present litigants have to travel to Griffiths' Point, a distance, in many cases, of from fifteen to thirty miles. It is nothing to be proud of, but I know that this district supplies most of the cases, from a "pickerup" to a Shire Councillor.

The coming Shire elections for the Corinella Riding is the great topic at present, and a very general opinion is expressed that new blood is required. This is evident, when I state that a bridge was built over the Bass River known as Laurence's at a cost of over £200, about twelve months ago, and up to the present time not a single person has been able to use it, for the want of a further expenditure of about £30, in clearing the road.

Another still more convincing reason is, that our rates have been increased nearly fifty percent this year, and in spite of this we are heavily in debt. Where has the money

(continues on Page 5)

From the *Herald*, Wednesday 29 July 1925, page 14: Real Estate - Creating Sound Value

New Hotel for Cowes

Bold Plans for Modern Hostelry

When recently the Isle of Wight Hotel, Cowes, was burned to the ground, those who know Phillip Island recognised the value of the opportunity which thus arose for the erection of a new structure upon the site of the historic house. The formation of a company, to be called Cowes Hotel Ltd., was put in hand, and the building of a modern hotel is now in immediate prospect.

Cowes, which is only two hours' travel from Melbourne, has long been popular as a seaside resort. The fact that its temperature is ten degrees warmer in winter than that of the mainland, commended it to many, and the construction of a more up-to-date hostelry will no doubt be the means of attracting an all-the-year custom.

In the new hotel, which will consist of a lower storey of brick and an upper one of timber and fire-resistant sheeting, accommodation will be provided for 300 guests.

From the lounge hall the visitor will reach a large palm court, which will be furnished as a lounge and tea room, with a wide log fireplace and galleries connecting with the upper floor. Surrounding the palm court will be lounges, card-rooms and smoke-rooms, all luxuriously furnished and fitted. A dining-room, capable of accommodating more than 200, will be entered by way of the palm court. A modern kitchen, fitted with up-to-date plant and equipment, will be provided, and a refrigerating plant will supply the last essentials in modern cuisine.

View of Beach, Bay and Hills

The bedrooms will be arranged on the upper floor, and in wings connecting with the central palm court. Special suites, each containing bed rooms and sitting-rooms, are being arranged. A wide balcony on the northern and eastern sides, will give a full view of the fine stretches of beach and bay, with the distant hills of the mainland in the background.

The lower floor will provide for private and public bars and cellar. These will be disconnected entirely from the main residential portion of the house. A smoke lounge and billiard room, containing two full-sized tables, will complete the lower floor accommodation. Self-contained staff quarters will be installed beneath the kitchens.

Provision is being made for sleepout bedrooms, as it is felt that a large number of

guests, especially in the holiday season, will demand this accommodation. These sleep-outs will be detached from the main building, and will contain separate shower and lavatory services. A ballroom, with a special dancing floor, to be used for dancing alone, will meet the demand for the house at the fullest capacity. Electric lighting will be installed throughout the building, and all bedrooms will be fitted with hot and cold water service.

In addition to the hotel site, it is proposed to purchase the corner block opposite, which has a frontage to the Esplanade, and lay this out in tennis courts, with a bowling green and croquet lawn. It is also intended to prepare a golf course in the immediate neighborhood.

The owners of the shipping service operating between the island and Stony Point have bought another steamer, and this will commence running next December.



The pre-fire Isle of Wight Hotel. Looking across paddock towards hotel with gabled roof and dormer windows, arched sign over entrance gate reads: Isle of Wight Hotel, wooden railing fences in right foreground and on left, bordering road towards hotel. Source: State Library of Victoria. H33027/21d.

* * *

Grantville (continued from Page 4)

been spent? Echo answers: Where? A very general feeling obtains that even-handed justice has not been dealt out to all parts of the Riding, and it is with a desire to rectify this state of affairs, that those having the welfare of the district consider a change desirable.

I thought when I commenced this letter I would get through without writing that sickening word "Jubilee," but two or three residents near the proposed railway station on McDonald's Track propose to call it "Jubilee," a most unsuitable name. Fortunately all are not mad on this subject. A petition is being extensively signed suggesting the name "Heatherton" instead. The residents of Sunny-side have named their station "Lochtown" after our popular Governor.

From the *Herald*, Monday 25 January 1954, page 3

Big Fish May Have Pulled Man Over

San Remo, Today.—A broken barracouta line, found in San Remo's mystery boat last night, suggests the possibility of a big fish having taken it and dragged a man overboard.

Two men were lost from the boat in Westernport last night, and the boat was found empty, cruising aimlessly in reverse gear.

Police and fishermen are now searching for the bodies of professional fishermen Samuel Bagley, 23, and Robert Buckingham, 23, both of San Remo. The searchers have two theories arising from the broken line:—

Theory A

Buckingham, a non-swimmer, was holding the line and was dragged off balance by the pull of an unusually big fish. The line snapped as he fell overboard.

As he struggled in the water Sam Bagley leant over the side to pull him out, but could not reach him.

Bagley then put the motor into neutral, but in his hurry it slipped into reverse. Not knowing this he stripped off his sweater and dived in after Buckingham. Whether he reached Buckingham or not will never be known, but his boat, in reverse, chugged

away and left him to drown.

Theory B

Buckingham tripped on the snapped line and fell overboard before all the lines were out. Bagley dived in, forgetting or not knowing that the engine was in reverse.

The boat cruised away leaving the men to drown.

Sweater

Theory A explains why Bagley's sweater, wet to the elbows, was found in the boat.

Theory B suits the fact that some coiled and baited lines, ready to throw, were also in the boat.

Police say there is little chance of finding the bodies.

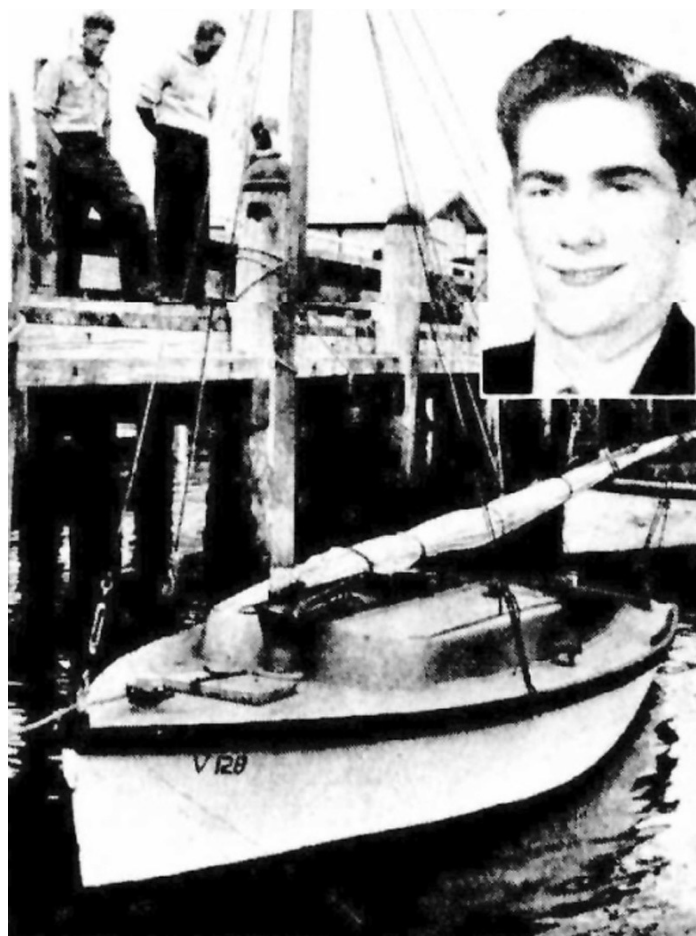
At the time the pair were lost, the strong ebb tide was rushing into the ocean. Its sweep between San Remo and Phillip Island would beat most swimmers.

The empty boat was found at 6.30 p.m. yesterday zig-zagging aimlessly a mile from a sign painted on a rock at the entrance to the San Remo channel: "San Remo - Abandon All Hope Ye Who Enter Here." Underneath is scrawled a skull and crossbones.

The sign was painted many years ago by a fisherman who wrecked his boat at the foot of the rock.

Bagley and Buckingham had fished together for some years.

Bagley's two brothers, professional cray fishermen Len and Jim, were out at dawn today helping in the search.



The launch which was found circling in reverse off San Remo yesterday, tied up at San Rome pier today. Len (left) and Jim Bagley, brothers of Sam Bagley (top right) one of two men missing from the launch, are inspecting it. The other missing fisherman is Robert Buckingham.

From *Winner*, Wednesday 19 August 1914, page 13

Fishing In Powlett River

Complaints are being made by residents of Wonthaggi that the fishing in the Powlett River is being destroyed owing to unscrupulous persons using explosives. The method adopted is to insert a fuse with a detonator on the end into a plug of dynamite and throw the same into the river. When the explosion takes place the fish are either killed or stunned and easily captured. Melbourne anglers visiting the river last season found quantities of the dead fish along the banks of the stream and the fishing poor.

Life At Powlett River

From the *Border Morning Mail and Riverina Times*, Tuesday 4 January 1910, page 3 & Wednesday 5 January 1910, page 2

It was New Year's Eve. The canvas township of Powlett River (Vic.) not quite a month old, was about to see a new year begin. The mail had arrived, about half-past 7 o'clock, and the men had, according to custom, looked in at the little ordinary house-window at the post-office to see if there were any letters from home. Some were still standing in the street absorbed in the letters; others were reading the newspapers. Some stood outside their tents washing clothes.

A miner seated outside a tent door was playing a tune on the accordeon [*sic*]. A young man, thick set and athletic, suddenly stood on his head, and, getting on his feet again, said to the accordeon-player, "Make it lively, mate." Louder and faster sounded the accordeon. A lane was formed by the men, and down the lane the thick-set young man revolved in a series of handsprings. "Hear, hear," shouted the men in encouragement. The performer was once an acrobat in Wirth's circus.

It was a still night, just the night for outdoor singing. It had become too dusky to permit the men to indulge in games of skill such as the miners love. "What about a song?" inquired a voice. There was a deep silence for a moment, and then, in a voice full of expression, a miner began "Starlight." It was the first item in a long programme of songs and recitations. Mr. J. M'Inerney, the president of the local branch of the Coal-miners' Union, took his natural position as chairman.

The new year crept into the camp in a most unobtrusive fashion. The mine whistle blew its shrillest, loudest, and longest note, and great must have been the consternation of the kangaroos and wallabies sleeping in the surrounding scrub. They had never heard the like of that noise.

On New Year's Day the camp awakened to the fact that the wives of two miners

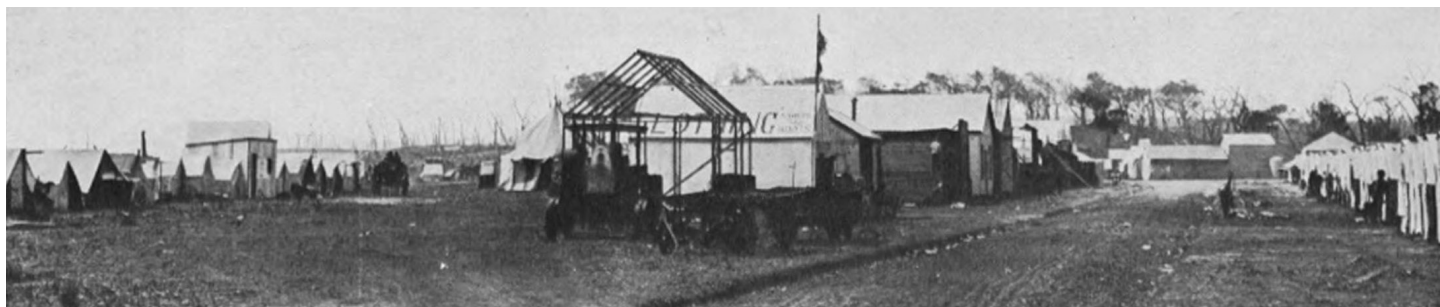
had arrived in the coach on the previous evening. Each had a baby in her arms, and, accompanied by their husbands, they walked up the strange-looking Bourke street, to see the mine, the magic force which had brought them to so strange a locality. A father came along, accompanied by his three little boys, round-eyed with the wonderment of childhood. Asked how he liked the camp, the oldest boy said, "grand." That's because there is no school here," explained his father laughing. There are about a dozen children in the camp now, and when more families arrive school will be a matter of necessity. Men who bring up their families are allowed two tents by the Government. These tents are forming a new street to the north of the present camp.

From two to three miles west of the camp the sea beach can be reached, after a rough walk through scrub, and fern, and bayonet grass. It is a desolate-looking beach, for the wind has piled up the sand in high cliffs, and has twisted, half-buried, and killed the ti-tree. Tremendous rollers dash in upon the beach, which slopes deep into the sea, making it a dangerous place for bathers. The beach was a picnic-ground for a number of miners on Saturday. They hunted for crayfish in the pools among the rocks, and sough to spear him. They fished for bream and rock cod, and, in the scrubby plains and sand hillocks shot hares.

* * *

There is very little shade in the camp at the new Victorian coal mining township of Powlett River. A few stringy-bark trees are standing at the eastern end. They cast a little shade, but the majority of the tents are exposed to the sun, which beats down with cruel power upon the basin in which the camp lies. The tents retain the heat in

(continues on Page 8)



The 'Tent Town' before the permanent town at Wonthaggi. Collins and Flinders Streets looking East. February, 1910. Photographer: Darge. From *Powlett Coal Fields and Coal History of Victoria 1825-1910*. Published by Rae Bros., The Strand Publishing House, likely 1910 (no date on book).

Life At Powlett River (continued from Page 7)

a surprising manner. They are hot, day and night. The men on night shifts, who cease work at 8 o'clock in the morning, get very little sleep. If they are very tired they lie down for a nap late in the afternoon.

The drinking water for the camp comes from a spring on the hillside at the back of the mine. It is brought into the camp in tanks drawn by a team of bullocks. Alongside every fifth tent in the camp is a big red tank, and these receptacles are kept filled for the use of the men. The water is fair drinking water, though somewhat discolored, and makes very black tea. It would be much safer for the health of the camp if the men boiled the water for drinking purposes, but very few have taken that precaution so far.

The storekeepers sold out of soft drinks early on Saturday, and no more will be available in camp until Wednesday. The reason is that during the holidays the steamer did not run from Melbourne to Inverloch. "I could have sold 16 dozen soft drinks yesterday," said one storekeeper the other morning. The words were no sooner out of his mouth than a horseman appeared at the door, dusty and hot. "Have you got a drink of any kind?" the traveller asked. "None till Wednesday" replied the storekeeper. The horseman went the rounds of the camp, and ultimately was glad to accept a pannikin full of luke-warm water. A little later a triumphant shout was heard throughout the camp. Someone had discovered a tin of saline powder—something that fizzled. The joyful news was gently broken to the discoverer's friends, and the saline powder was disposed of with great enthusiasm.

A bootmaker and repairer now busily plies his trade in the camp, using his bunk as bench. A girl was working a sewing machine under the shade of the cover of a waggon. A laundry was promised the camp a week ago, but there is yet no sign of the laundress or laundryman. White shirts and collars are sent to Melbourne to be starched and ironed. A white collar will last here till breakfast time, that is, supposing you do not dawdle about, but go down to breakfast straight away. After breakfast you can keep on wearing the collar for a month; it could not possibly get dirtier than it did after the first hour or two of wearing. It takes two men to clean the floor of a tent—one to sweep out the dust that is in the tent, and one to keep out the dust that wants to come in.

Men continue to arrive in search of work. They tramp through the heat and dust,

carrying heavy burdens on their backs, and stand patiently in front of the office, awaiting Mr. Hunter or Mr. M'Kenzie. Here is a bearded man, with a son 17 years old. There is no room for the father yet; but there is an opening for the lad at 4/6 per day. The father's anxious face clears a little.

From the *Age*, Friday 18 May 1923, page 10

Cutter Wrecked Off San Remo

San Remo.—The cutter Sunbeam from Hobart, owned and manned by Messrs. John and Horace Sullivan, entered Westernport Bay on Wednesday afternoon for shelter, and anchored off Churchill Island. Owing, however, to the terrible gale which blew all night, the Sunbeam went ashore on the reef near the island at 3 a.m., and was wrecked. Messrs. Sullivan got ashore, and managed to save all the gear, sails, &c. They left for Melbourne on Thursday afternoon.

Owing to the tempestuous weather the sailing boat did not put in for mails at Cowes, Newhaven or San Remo on Thursday, and letters for Melbourne had to be sent on by rail from Anderson.

From *Wonthaggi Sentinel and State Town Miner*, August 19, 1910, page 2: Local and General

Rooks in Wonthaggi

Some weeks ago a couple of young fellows of good appearance arrived in Wonthaggi from Melbourne. They gave it out that they were prepared to erect houses on the miners residential blocks on terms, viz., £10 deposit, and the balance extending over a number of years, the weekly payments being about 4s 6d. A number of "tenners" were parted with by the miners, but nothing further has since been heard of the contractors. Anxious inquiries failed to locate their whereabouts, and last week Mr. F. J. Murphy, on behalf of a number who had paid £10 deposit, went to Melbourne to make inquiries. Mr. Murphy on his return stated that no trace of either could be found, and he understood a warrant had been issued for one of them. The miners are incensed at what they term "daylight robbery," and have given up all hope of ever hearing any more of their money. In some cases the amount of the deposit was borrowed from others more fortunate, and it is hoped the police will have the satisfaction of bringing both the alleged "rooks" to book.

From the *Kooweerup Sun and Lang Lang Guardian*, Wednesday 2 October 1918

“The Gurdies” Origin

The Sailors And The Kangaroos

Old Westernport Legend

Visit To Mr Bonney’s Farm

(Re-paragraphed for the sake of clarity.)

One of the oldest settlers on this side of Westernport is Mr G. E. Bonney, who has for the past 33 years been residing at the historic spot commonly known as “The Gurdies,” about four miles from Grantville. Mr Bonney is one of the best known and respected farmers around this district. Prior to taking up his present selection he was manager of the Yallock Estate for the late Mr H. Beattie, and is well acquainted with the earliest settlers.

He can tell some interesting tales of the trials and hardships of the hardy and persevering men and women who came to this wilderness, for it was so then, and little by little the forest primeval has had to give way to the axe and the plough, wielded by the conqueror, Man, until to-day Yallock is bidding fair to become one of the most fertile and prosperous of South Gippsland’s arable areas.

“The Wilderness”

When Mr Bonney took up his present holding he was asked why did he ever go into such a wilderness? His friends often joked about it, until the name stuck, and the farm was always alluded to as “The Wilderness.” There were thousands of kangaroos and wallabies, and, in fact, they were so bad that in many cases they ate the settlers out. Kangaroos are specially destructive in this regard, and no ordinary fence will stop them.

It is a strange fact that most of the settlers who came here first took up the worst of the land. They did this because they generally went for the spot where they would have to do the least clearing. As time wore on they awoke to the fact that the land that would not grow scrub would not grow anything else except trouble and disappointment, and that the land which was choked with luxuriant scrub was the land most likely to grow something else. Accordingly, Mr Bonney’s wilderness turned out to be a wise choice.

The traveller who curses the Grantville road nowadays would consider he was on the St. Kilda road in comparison if he knew the track in the pre-historic days. As our representative drove along, Mr Bonney was reminiscent of the early coaching days. One particularly

bad place, called “The Gluepot,” was a fearful trap. Three of Cobb and Co.’s coaches have been stuck there at one time, and such was the tenacious nature of the clay, that bullocks had to be fetched 15 miles to haul the stranded vehicles out with a long line.

The Hurdy-Gurdy Man

Many people allude to “The Gurdies” without knowing what the name implies. The inquisitive pressman, however, wants to know all about it, the why and the wherefore. It appears that according to an old story some sailors who deserted to go to the diggings wended their way along the densely scrubbed coast of Westernport, not knowing whither they were going.

When they arrived at the particular spot which now bears the name they saw some kangaroos at a short distance for the first time. The kangaroos were hopping away from the sailors, and one exclaimed a sailor of a kangaroo—“See the Italian organ grinders with the hurdy gurdies!” To the excited imagination of the mariner these roos looked just like “a organ grinder man,” with his pack on his back.

The creek which skirts the farm lands of Mr Bonney has borne the name of “The Gurdies” to this day. On the Government maps, however, it is called “The Hurdy Gurdy.” And that’s the legend of how it came to be named, which is just as reasonable or as feasible, as most legends. If anybody else knows of any other origin they are invited to promptly trot it out. For the present, however, the sailor man holds the floor.

A Compact Little Farm

“The Wilderness” is hardly a fitting title to apply to the compact little farm as it is to-day. From the neat and comfortable farm house the land slopes gently down to the Bay, which sparkles in the bright sun light. It is a gloriously beautiful day, the warm rays of the sun are tempered by the fresh sea breeze, and the place looks it’s best. Some fine, sleek coated calves, tame as kittens, regard the visitor inquiringly, as they recline on the soft carpet of green grass, and some

(continues on Page 10)

"The Gurdies" Origin (continued from Page 9)

juvenile white hogs in an adjacent styel squeal their never-ending demand for food. A couple of canines are lying in the grass, lazily indifferent of the stranger, and when spoken to wag their tails with slow leisure.

In fact, there is a general air of comfort and content about the place (with the exception of the hogs, which are never content). It would only be a hog who would be discontented with this place. Coming around to the front of the house, we espied a small yellow pup eating the remains of a rabbit.

"We call him Mannix," said Mr Bonney, "because he is a fighter."

On our approach "Mannix" seizes his piece of rabbit firmly and growls fiercely, showing his teeth and a warning side glance of his eye. It would be fatal to attempt to relieve "Mannix" of that piece of meat. We dare not venture further, and leave the "Doctor" in sole possession.

The 170 acres or so which constitutes this farm are all well cleared and fit for the plough, but little of it has been turned, and the majority is virgin land. At the bottom end there is an acre or so which is used as a vegetable plot. Vegetables grow splendidly here, the soil being loose and friable, with just enough sand to make it so. Tomatoes do particularly well, and as an example of what it can produce there is a remarkable.

Giant Radish

This radish is certainly a wonder. The vegetable is a foot or more out of the ground, and its circumference is 2ft 5in the foliage being about 4ft high. Everybody takes it to be a mangel wurzel, but it is a radish. Mr Bonney has been a prominent exhibitor at various district shows, and has taken something like 800 prizes with the products of this farm. Of late years, however, he has not done anything much in this line. He has not gone in much for general crops, having carried it on as a mixed farm and dairy. The whole of the land is magnificently watered with a never-failing supply of water from...

An Artesian Bore

This artesian bore was discovered by no less a person than Mr Peter Fleming, of Grantville, who celebrated his 90th birthday a few months ago. Peter found this well nearly five years ago with his divining rod, and it has flown steadily ever since, at the rate of about 40,000 gallons a day.

It flows up a pipe 89ft 6in deep and

sparkles merrily along like Tennyson's Brook, apparently for ever. A series of small channels convey the precious fluid in any direction required. One channel, 22 chains long, runs across the property, and five other sub-channels of 16 chains each can be used when required, turned on or off with a few shovels of loam.

The water is of splendid quality, and has been tested by the Government analyst, being fit for domestic use, or for any purpose. By the blocking of the sub-channels at the foot the whole of the land may be flooded if desired. It is one of the easiest and best watered properties we have seen anywhere. In connection with this artesian well there is a very pretty story of departmental muleheadedness which would exasperate a saint. Some of the "coots" in these Government departments hang Banagher, and the latter bangs the devil!

On the way along the channel, "Mannix" stood admiring his reflection in the crystal brook. We could not resist it, and pushed him in. "Mannix" never said a word, but waited until he got his opportunity. While we were wrapt in pensive admiration of the landscape "His Grace" who had been waiting behind a tuft of grass, gave me a nip on the hind part of the editorial leg, just to get even. We parted great friends.

The sequel to the whole story is that Mr Bonney is about to sell his farm. The sale takes place on October 30, Alex. Scott and Co. doing the selling. There is a fine opportunity here to acquire a tip-top little dairy and mixed farm. The situation is picturesque, and the land of fine quality. The house is in first-class order, remarkably clean and comfortable, and there are all the necessary outbuildings in good condition.

A host of sundries are to be sold, including a good quantity of galvanised iron, nearly new, now almost impossible to obtain. The dairy herd is to be sold, and everything about the place, except the little bay pony, Trooper. If you want to know Trooper's good points, ask M'Kernan.

N.B.—"Mannix" is not for sale at any price.

"You have heard my opinions," said a Parliamentary candidate, addressing a public meeting, "and I think you'll agree that my opponent hasn't a leg to stand on."

"All the more reason why he should have the seat," said a man at the back of the crowd.

Koo Wee Rup Sun and Lang Lang Guardian 20 June 1935

From the *Argus*, Friday 3 June 1955, page 6

He Tickled the Meter

Wonthaggi, Thursday: An investigator told Wonthaggi Court today that a man had admitted using a hat pin to prevent an electric light meter from registering for five years.

Carl Gustav Ray, P.M.G. employee, of Wonthaggi, was fined the maximum of £5. Mr. Duggan, S.M., expressed surprise at "such a low maximum."

J. W. Loftus, Victorian Railways investigator, said Ray told him he had discovered a hole in the top of his meter when painting five years ago.

Ray had said it was common knowledge many Wonthaggi meters had a hole in the top for a pin to stop the meters, he said.

Ray had said: "I did the same. I had put the pin in the meter the night before the town electrician discovered it. I forgot to take it out."

Loftus said Ray admitted "tickling" the meter for five years.

Mr. H. T. Johnston, general manager, State Coalmine, Wonthaggi, said the needle rested on a disc and prevented the meter from registering.

This was discovered in December, 1954, when meters were being altered for a different power rate.

From the *Mornington Standard*, Thursday 26 September 1901, page 3

Coal Development

Proposed Peir [sic] At San Remo

Mr Carlo Catani, engineer for roads and harbours in the Public Works department, gave evidence before the Railway Standing Committee today on the proposal made by the Bass Valley railway committee that a pier should be constructed at San Remo for loading ships with coal, it being asserted that besides existing mines, a payable seam could be developed near Kilcunda. Mr Catani stated that wharfage accommodation at San Remo, with a pier 350ft. in length, could be constructed at a cost of from £2000 to £3,000, but it could only be used by ships drawing not more than 18ft of water. This would give them accommodation for vessels from eastward. There was, however, a channel on the west side of Phillip Island, with a depth of 30ft. of water, which would accommodate the largest ships afloat. The place he recommended for a pier was between Settlement Point and Corinella, about a mile from the former. His estimate for the construction of a suitable pier there, with three tracks at the end for loading shipping in 30ft. of water was £35,000.

BLUEY and SOL

Sol's "Silencer" Is Not So Quiet!



From the *Koo Wee Rup Sun and Lang Lang Guardian*, 8th October 1936

BLUEY and SOL

The Bait that Brought the "Bites" from Blue and Sol.



From the *Koo Wee Rup Sun and Lang Lang Guardian*, 22nd October 1936

From *South Bourke and Mornington Journal*, 26 Feb. 1879

Phillip Island And Woolamai Shire Council

Saturday, February 22nd 1879

Present:—Councillors West, Misson, Norton, Kennedy, and Monk.

On motion of Councillor Norton, seconded by Councillor Monk, Mr. West was voted to the chair. The minutes of last meeting were read and confirmed.

Moved by Councillor Kenney [*sic*], seconded by Councillor Misson, that this Council has no objection to Messrs. Anderson and Turnbull erecting two temporary swing gates across the Bass road, as their fences were burnt by fire.—Carried.

Letter from Department of Public Works, asking return of main roads and expenditure thereon received, and on motion of Councillor Kennedy, seconded by Councillor Misson, the Secretary to write to the Department asking if any main roads were ever proclaimed on the main land, and on receipt of the information, the return to be forwarded.

Letter from lands and Survey re cemetery at Griffiths' Point received, and Councillor Kennedy to attend Land Board on behalf of Council.

Letter from Minister of Justice, relative to selecting the Shire Hall received, and on motion of Councillors West and Norton, the Secretary to bring up all papers and notices in connection with the affair, with the names of the Councillors who were at the meeting.

Moved by Councillor West, seconded by Councillor Monk, that the Secretary wait on Mr. Murphy, the contract Surveyor for the district, and confer with him about the [*unclear word*] through Red Timber, Corinella, and then write to the Minister for Lands on the subject.—Carried.

Opinion from Mr Gilchrist, re road through Anderson's paddock, to stand over till next meeting, on motion of Councillors Monk and Misson.

A petition from ratepayers of Jeetho, asking for a plain bridge across the Bass river in their selections, was read, and on motion Councillor Kennedy, seconded by Councillor Misson, it was received, and the prayer of the petition granted, and the Secretary was instructed to call for tenders for a bridge, cost not to exceed £50, at the [*unclear word*] formerly selected by the Clerk of Works.

The report of Mr. Muntz, relative to [*unclear word*] required on the road to the Bass river from Grantville was read, and after some discussion thereon, Councillor Kennedy left

the room, followed by Councillor Misson leaving the Council with no quorum.

The Councillors present then adjourned the meeting for seven days.

From the *South Bourke and Mornington Journal*, 5 March 1879

Phillip Island And Woolamai Shire Council

Saturday, March 1st. 1879

Adjourned Meeting.—Present: Councillors West (in the chair), Turnbull, Misson, Norton, Kidd, Monk, and Kennedy.

The discussion on Mr. Muntz's report on the deviation necessary on the Jeetho road was resumed. It was moved by Councillor Monk, and seconded by Councillor Kidd as an amendment on Councillor Kennedy's former motion that the report be adopted.—Agreed to. For the amendment, Councillor West, Monk, Kidd, Norton, and Turnbull; against: Councillors Kennedy and Misson.

It was moved by Councillor Monk, seconded by Councillor Turnbull, in accordance with the recommendation of the Clerk of Works that a pipe culvert be constructed under contract 159.—Councillor Kennedy moved, seconded by Councillor Misson, that a box culvert be substituted.—Amendment agreed to.

The Clerk of Works was instructed to get a box culvert constructed instead of a pipe culvert under contract 163, also to get Bass bridge repaired.

Accounts to the amount of £184 14s. 4d. were passed for payment.

T. Tulloch's tender for £25 for contract 167 was accepted subject to his agreeing to the conditions.

On the motion of Councillor Kidd, seconded by Councillor Monk, Mr. G. Crump's application for the office of valuer was accepted.

The Secretary was instructed to prepare and bring up a return of all water reserves on Port Phillip Island, temporarily reserved or otherwise.

The Clerk of Works as instructed to meet Councillor Misson in reference to works at Dwyer's Swamp.

The secretary was instructed to get the road to Bass river from Grantville school surveyed at the same time as the roads recommended by Mr. Muntz.

It was resolved on the motion of Councillor Monk, seconded by Councillor Misson, that a rough culvert and forming be done at Hurdy Gurdy Gully.

The Clerk of Works was instructed to report at next meeting on the drain through Pender's paddock.

The Simpson Inquest and Baye Trials

Part Three

From the *Herald*, Friday 16 February 1934, page 1

Newhaven Trial

Judge Sums Up

Jury Retires

The closing stages of the Newhaven trial were reached today when counsel delivered their final addresses to the jury and Judge Foster summed up.

The jury retired at 3.45 p.m.

Judge Foster took what is understood to be an unprecedented step during a judge's summing up, when he indicated, before dealing with the evidence of the six inmates of the home upon whose testimony he said the Crown largely relied, that he would call the boys one by one, so that the jury might see them, and know with which sections of the evidence each particular boy was associated.

Mr Maxwell at once rose.

"Before Your Honor takes that step, which in my experience is unprecedented I would suggest that calling particular boys like that is going to emphasise the evidence that that witness has to give."

"Without Comment"

Judge Foster: I propose to call all the boys.

Mr Maxwell: All the boys?

Judge Foster: Yes, all of them without any comment. I have come to the decision to call them this way because of the great number of witnesses who have given evidence and because of the difficulty which must naturally and inevitably exist in knowing which witness has given evidence.

When Mr Maxwell made another remark, Judge Foster said to him: "Your task in this respect Mr Maxwell, is a much lighter one than that of the jury. They are bound to test, measure, consider and weigh the credibility of each of them."

The six inmates of the home who had given evidence for the Crown were then called one by one by Judge Foster to come from the seats at the back of the Court and stand for a few seconds facing the jury across the court room.

"Not Prejudiced"

When this was over Judge Foster said to the jury: "I may be wrong, in the view I formed that you are not able to remember them. But if you were able to remember them

and the evidence they have given, you have a very much better memory than I have. We are told to judge other people by *[sic]* ourselves, I thought you would be assisted by the process, and I don't think that the accused would be prejudiced in anyway, by this refreshing of your minds.

It was the fourth day of the trial, and again the public galleries were filled as soon as the doors were opened. Many people who thronged the corridors leading to the court were turned away.

Extra police were on duty in the court and they allowed the public to occupy the seats behind the dock and between the dock and the barristers' table.

Most of the morning was occupied by the address of Mr G. A. Maxwell, K.C., senior counsel for the defence, and he was followed by Mr Sproule.

After the luncheon adjournment, Judge Foster summed up.

From the *Herald*, Friday 16 February 1934, page 5

Judge Foster Sums Up To Jury

In Newhaven Trial

Counsel's Long Keen Analysis

Of Evidence

Mr Maxwell's Plea For Impartiality

In his summing up, in the Newhaven trial, Judge Foster said he could not shut his eyes to the impression, which had been generally entertained, of great sympathy to the parents of the dead boy. He said there was also a feeling prevalent that circumstances such as had arisen in this case called for a penalty. But the jury, he said, must shed from their minds all those feelings.

Mr G. A. Maxwell, K.C., senior counsel for the defence, began his address as soon as the court resumed today and spoke for an hour and a half. He examined the evidence in detail, analysing the witnesses accounts of the behavior of the dead boy during the days before his death.

Mr Maxwell argued that until the Wednesday. Baye's conclusion that the dead boy was "shamming" was eminently reasonable.

In his address, the Prosecutor for the King (Mr W. St. G. Sproule) described Baye as a born disciplinarian who could readily impose his will on others without resort to violence.

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

William Henry Baye, former Superintendent of the Seaside Garden Home for Boys, is charged with manslaughter and assault. The charges arose out of the death from tetanus, on November 16, of Rex Ronnie Simpson, a 10-year-old inmate of the home.

“Boy’s Life Was Doomed”

Judge Foster referred to Section 109 of the Child Welfare Act 1928, which provides penalties for persons who wilfully neglect their duties in regard to children.

He said: “The Crown alleged that the death of this boy was accelerated by the act of Baye. Section 109 made it an offence for any person to wilfully and without reasonable excuse neglect to provide adequate medical aid for a child in his care.

“In the present case the Crown suggests wilful neglect without reasonable excuse, but that is only the Crown’s suggestion,” said his Honor. “Whether or not that is so, is a matter for you to determine. The Crown says that that neglect, although it did not cause the death of the boy, hastened it. But that also is a matter for you. There is a conflict of evidence about that.

“To cause or hasten death by neglect is manslaughter.

Crown’s Allegations

“The neglect suggested in this case is a wilful neglect of the duty required under the Statute to secure medical aid. If it proves the breach of duty the Crown must show first, that the child was in the care of the accused. That is not disputed, and, secondly, that the accused wilfully, and without reasonable excuse, neglected to provide medical aid, resulting in bodily suffering.

“That branch of manslaughter is a breach of the duty imposed by the Statute.

“The Crown puts another case – that the accused was guilty of such acts and conduct that the boy died earlier than he would have done in ordinary circumstances.

“The Crown says that the accused accelerated this boy’s death in breach of duty under the Statute, or in breach of his duty under common law, not to assault the boy. If you find he has committed a breach of either of these duties, it will be upon you to find him guilty of manslaughter.”

What Assault Means

Turning to the assault charge, Judge Foster said that if a man violently hit another man either in anger or not, that would constitute an

assault. He might justify that assault in some way, for example, the assault of a school master inflicting legitimate punishment, or of a parent, administering justifiable punishment to his child.

“You will have to decide whether the strapping was legitimate punishment,” said His Honor. “It is a matter for you to decide whether the hitting with a cricket bat is legitimate punishment, and you will have to say whether the punching was legitimate punishment for a naughty boy. Of course, you will first have to decide whether the strap was used, whether the cricket bat was used, and whether the punching was given.

His Honor said that in several cases that have occurred in England, a man has been charged under a section somewhat similar to the section of our Act, with having wilfully neglected children under his care. The circumstances were that the accused belonged to a religious sect who called themselves, curiously enough, the “Peculiar People.” They did not believe that medical aid should be called in under any circumstances. They considered that all that was necessary when a person fell ill was that the elders should be called in to pray.

“Have To be Proved”

“The Crown in this case, suggests that accused is in precisely the same position, that he had fallen into the belief that the boy was malingering and persisted in that belief right through until the time he left the home on Thursday morning between 8.30 and 9 a.m. – perhaps with some doubt or some slight misgiving,” continued his Honor.

“The Crown says further that as a result of that deliberate and intentional determination the child’s death was hastened.

“Wilful neglect and without reasonable excuse have both got to be proved. Now, gentlemen, you are the judges of what was the reasonable and proper attitude for a man to adopt in the circumstances of this case.”

His Honor said that everybody seemed to be satisfied that the boy’s life was doomed, and that he had passed beyond medical aid, also that he had died of tetanus. The problem for the jury was whether the boy had died earlier than he otherwise would have died but for the conduct of the accused.

Judge Says He Was Caned

Judge Foster then quoted extracts from the medical evidence.

He then took the step of calling on to the
(continues on Page 15)

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

floor of the court the boys from the home who had given evidence.

His Honor told the jury that in estimating the weight of evidence, they should not lose sight of the fact that the boys in the home had been sent there for disciplinary reasons.

Either because of their characters or their relationship with the superintendent, their stories in the witness-box may have been exaggerated, or they may even have lied.

The jury were the sole judges of that.

"You have seen the strap which Mr Maxwell has described as an innocuous-looking weapon," added His Honor. "According to Mr Maxwell the strap is very short, and very light."

His Honor said that if he had been strapped by such a strap when he was a schoolboy he would not have felt "badly done by." He had vivid recollections of having received the cane at school.

"I don't think you can regard that strap as a brutal weapon, or that the use of such a strap by the superintendent of that home would be unreasonable," continued the Judge. "Of course, special circumstances may alter cases. The use of the cane on a boy who was in good health would be different to the use of one on a boy in bad health."

Commenting on the alleged cricket bat and pin incidents, His Honor said, "You have to make up your minds as to what you think of the description given by the witness Seeney. You might well come to the conclusion that a beating with that bat three or four times might not be fair punishment. That is a matter for you to consider.

"The evidence of the accused is that he held the pin in such a manner that the point was obscured by thumb and finger. If you think this incident – what ever it was that really happened – led to his earlier death you can convict the accused on the manslaughter charge.

"If you think it went beyond the bounds of legitimate punishment or correction, then it comes within the assault charge and you can consider it as that.

Medical Aid

"Another important point is this: Should the accused have got medical aid? Did he fail in his duty in failing to get it under the circumstances? That is a very important part. You have heard described how the boy was given a stroke of the strap, the increasing symptoms of sickness, the difficulty of

getting into the dining room on Wednesday morning, his manifest stiffness in the yard, and other matters which are all well known to you by now.

"The problem that arises is this – Did the accused know the condition of this boy? If he did know the condition of this boy, that he was not malingering, or if he ought to have known that he was not malingering, then, gentlemen, it would be open for you to say that his failure to get medical aid, at least by the Wednesday, was a wilful neglect of his duty, and behavior without reasonable excuse.

"I ought to warn you that it is dangerous to look at this matter from what we know at present. We know that the boy was suffering from tetanus in the last stages, a terribly painful, awful disease. In judging the case, place yourselves in the position of the accused – not in our position today when we are in full possession of the facts. The accused says that he never at any time held the belief that the boy was not a malingerer.

"There may have been some passing doubt in his mind as to whether the boy was a malingerer, but, judging by his conduct on Thursday morning when he forced a shirt on to the boy, and caused him to walk with assistance from his bed in the early morning, and caused him to sit down to breakfast, he believed, even within nine hours of the boy's death, that the boy was malingering.

"It is not unreasonable to assume that Baye's attitude right up to the time he left the island was that the boy was a malingerer. Now was that a reasonable attitude in view of what he had been told and what he had seen. It is rather like the belief that prayer and oil will cure a dying child."

Mr Maxwell: Surely the two cases can not be compared? I suggest that Your Honor should point out to the jury the reasons that have been given by the accused for his actions.

Judge Foster: I am going to do that, Mr Maxwell.

Continuing, Judge Foster said: "Having heard all the evidence, do you think it is reasonable that Baye was under the impression that the boy was malingering on Monday, Tuesday and Wednesday, or was it a pig-headed refusal to face the facts?"

"Spasms Not Continuous"

His Honor said the evidence showed that Simpson's spasms were not continuous. The spasms proceeded for a certain length of time, passed over, and then the victim

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

suffered again. The boy was told to bend his knee, and he did not do so, and he was told to bend his arm, and did not do so.

Although the boy could not have bent his arm at the time, he might have been able to have done so later.

"The accused says he does not dispute the bat incident, though he says he tapped him once only. He admits the pin incident, but describes it in the manner I have already told you. He admits strapping him on several occasions. He admits sending him from school to the farm. He admits the testing of muscles which must have caused terrible pain. One of the boys described Simpson as 'crying inwardly.' Baye says that none of that occurred.

Testimony of Character

"He says that at no time from Monday until Thursday did the boy exhibit any pain. It is for you to say whether you believe Baye when he says that.

"Well, gentlemen, there is a mass of evidence – 210 pages of foolscap notes – and it would take a very long time for me to go through them all.

"Baye has the full testimony of 10 men as to his character and reputation, and as to his conduct of this and other homes. You will, perhaps, agree with his counsel when he says that there has hardly been another case in which such overwhelming testimony of character has been given. And perhaps the most potent testimony of character did not fall from the lips of any of the eminent gentlemen who attended here. I think it fell from the lips of one of the younger Crown witnesses, who said he had been there for 10 years, I think, and Mr Baye 'always treated me well.' If I were to be the judge of character in this case that would be the best testimony as it would appear to me.

"Baye's character is of importance, first, in respect of the credit you are to attach to his evidence, and, secondly, as to the reasonableness of his conduct."

Mr. Maxwell's Address

Mr Maxwell, in his address, referred to the public feeling which had been aroused by the case, declaring that it was almost impossible to expect impartiality because the community had been worked up to a state of intense antagonism to Baye.

It was that, and not the evidence, which troubled him. He did not anticipate any

difficulty in convincing the jury that Baye was not only not guilty in the legal sense, but was absolutely innocent of any criminality of any kind.

Mr Maxwell said that Baye was first charged with manslaughter, that was, in the legal sense, with having killed the boy. He was rather astonished that there should be a second count in the presentment. It was a very serious charge that this man had acted in such a way as to be responsible for the death of the boy, but the Crown said to the jury, "If you are not satisfied that he is responsible for the boy's death, he is at least guilty of treating the boy with undue severity."

"Now let us look at the evidence in the light of the charges that have been made," continued Mr Maxwell. "I will begin by asking you to consider the man, in his conduct, his experience, and his reputation. You know that Mr Baye has been interested in this important and difficult work of the treatment of boys who have shown themselves at the outset of their lives to be not easily amenable to authority, to say the least.

"I venture to say that in no case that has ever been before this court has there been such a body of evidence of such clarity, of such cogency, and such strength as that which has been given to you about the history and behavior of Mr Baye. It falls to the lot of few men to have such testimony accorded them as he had yesterday."

The first thing the jury had to remember was that Baye had in his charge boys who were incapable of management by ordinary means, and that, in 17 years, he had never had a black mark against him, added Mr Maxwell. The one weapon of correction at the home was the strap which had been exhibited at Court.

K.C. Says Strap Was "Mere Toy"

"Gentlemen, was that all you experienced in your young days?" asked Mr Maxwell. "Did they use toys like that in your days? They certainly did not in mine – a mere toy."

Some of the boys in cross-examination, Mr Maxwell said, had admitted that they had never even tasted this strap, and it was not suggested that any of the boys, apart from Simpson, had been bashed or hit by Baye.

It had to be remembered that Baye had 104 boys to look after. In considering such a case as this one was likely to get the impression that the only thing Baye had to

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

do at the home was to watch Simpson. During the four days preceding the boy's death Simpson [was] no different. Everything went on as usual at the home.

The jury should keep firmly in the minds that Baye believed – and no one had questioned his honesty – that the boy was shamming.

Baye knew that constituted authority had failed to get the boy to go to school. This little lad had defied his parents and defied his teachers and had defied the Bench. Did this not show a tremendous element of obstinacy in his character? When Simpson had refused to go to school on the Monday, Baye naturally thought that it was the old obstinacy reasserting itself after two months' of quiescence.

Although so much had been said about strapping, the post mortem examination had revealed not a trace of a mark of the strap. That accorded with the way Baye said he had used the strap. On the Tuesday practically nothing unusual was observed in Simpson by Baye. The boy went to school and returned normally.

It would have been interesting to have known what Simpson's demeanor was at school, but the jury had not been enlightened. The only reasonable inference that could be drawn was that there was nothing in Simpson's behavior or physical condition to challenge the attention of the headmaster, especially as Baye had sent a message telling the headmaster to watch Simpson.

The boy could evidently bend his legs at one time while at another he could not. The jury now knew that these were the symptoms of the deadly disease of tetanus. But Baye, with eminent reasonableness, thought that Simpson was shamming.

Referring to the alleged incident with the bat Mr Maxwell said there was one thing that had been assumed in this case absolutely without justification. That was that the bruise on the boy's buttock had been caused by being struck with the bat. There was not one tittle of evidence to support this.

The bruise was first seen on Thursday but the evidence given by Mr Hamilton about Simpson's behavior coming from the farm on Wednesday must be remembered.

To use Mr Hamilton's emphatic expression. Simpson had crashed down several times.

“Outrageous”

“Is it any wonder that the boy had a bruise on his buttocks. That this evidence should be

singled out is outrageous,” said Mr Maxwell.

When Hamilton told him that Simpson had fallen Baye still believed the boy was shamming, Mr Maxwell continued. It should be borne in mind that until then it had not been reported to Baye that Simpson had not taken his meals. On Wednesday at dinner-time, Mr and Mrs Baye were having their meal in their own room and, as was the usual custom, in such circumstances, the monitor Seeney brought Simpson's plate to Mr Baye. That was the first occasion on which Baye learned that Simpson either could not or would not take his food.

Baye asked Seeney, “Has he had his meat?” and on hearing that he had, said, “Well, take it back and see that he eats his vegetables.” When Baye heard no more about it, he inferred reasonably enough that Simpson had eaten his vegetables and that was all there was to it. There was nothing to indicate sickness.

“Remember, gentlemen,” Mr Maxwell said, “that right up to that Wednesday, so far as Mr Baye knew, the boy was negotiating his meals. It seems to me that that is a very important point. It was an eminently reasonable conclusion for Baye to have come to that there was something about this lad's sickness – that he was shamming.

“Might Be Something Wrong”

“It strikes me as remarkable that there is no suggestion that at any time this boy screamed or showed that he was in any great distress. Yet, we have been told by a doctor that any flexing of the limbs during tetanus occasions acute pain. On Wednesday evening, the boy was left lying in the yard, Baye still believing that the boy was shamming.

“It is very difficult to say where one state of opinion leaves off, and another begins. I submit to you then that on Wednesday afternoon Mr Baye began to think there might be something wrong with Simpson, although nothing serious – not for a moment did he imagine it was tetanus. That evening, however, he decided to ring Dr. McLean.

“Now we come to a very extraordinary piece of evidence. When this case was laid before Dr. McLean on Wednesday about 6 p.m. by Mr Baye, he told Dr. McLean all the symptoms and said that sometimes the boy's legs were stiff and seemed to ‘lock’ themselves. Don't you think that the mind of any medical man, having symptoms like that presented to him, would have at least tested him

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further or asked for other symptoms.

“To make a long story short, Baye comes away with the impression that his diagnosis of malingering has been confirmed by Dr. McLean.

“To show the beginning of that feeling that was growing up in Baye’s mind that there might be something wrong he went over two or three times during that night to look at Simpson.

“He just put the bedclothes straight and the boy seemed a little restless, but no complaint was made and so Mr Baye went to bed.

“No Personal Illfeeling”

“As evidence of Baye’s bona fides, do you think a man who has ill-treated one of his boys would go away from the home to be absent for three or four days. Doesn’t that action speak volumes for his bona fides and his conscious feeling of having done nothing of which an honest man might be ashamed?

“On Thursday morning he had to admit that he had been beaten. Evidently there was something more than an unwillingness to go to school. There was a physical inability for which the boy was not responsible, so Mr Baye left word that he was to be treated by Dr. McLean. He was being really treated in the house that morning as an invalid. He was put on a couch, given books to look at and Mrs Baye told us that about 10 o’clock he got appreciably worse.

“On the Monday and Tuesday before, there was nothing really to challenge his attention. On Wednesday he began to think possibly that something was not all well. From the questions put to Dr. Sleeman yesterday it was clear that even on Wednesday there was nothing to indicate even to a doctor that the boy was not malingering.

“It has not been suggested for a moment that there was any element of personal ill-feeling on the part of Mr Baye towards this boy, nor that he did anything at the heat of the moment which he might not have done on reflection. He considered the case carefully, and decided then how he would treat it. He regarded it as a case of malingering, and said, accordingly, that he did not wish anyone to help the boy.

“His warning to the boys ran directly against the teaching of the school that they should help one another. Some of the boys suggested that they did not know what the reason for the warning was. But do you believe that, gentlemen?

“It has been suggested that Mr Baye was treating what he knew to be a dying boy in the way he treated Simpson on Wednesday. That is entirely wrong, of course. If Baye had done that, hanging would be too good for him.”

Referring to the evidence that Baye had struck Simpson several times in the face with his clenched fist, Mr Maxwell said that that kind of thing had only to be stated to be scouted. It would be very insulting to the jury’s intelligence to discuss whether that could conceivably be true.

“I am sorry, gentlemen” Mr Maxwell concluded, “that I have found it necessary to deal with this matter at some what inordinate length.

“If I were dealing with men who, I believed, got into the jury box free of mind, with no prejudice, who had formed no opinion before, and were willing to find a verdict according to the evidence they had heard in that witness box, it would have taken me half the time.”

Address for Crown

Mr Sproule, addressing the jury for the Crown, said: “I am very glad indeed that we have had the witnesses for the defence because it does enable you to get a picture of this home and a picture of this man, Baye.

“I join with Mr Maxwell in asking you to remember that this is a trial by jury and not a trial by headlines.”

Mr Sproule said that Baye was a born disciplinarian, who could readily impose his will on others without resort to violence. There was no doubt that Baye’s conduct of the home had not been cruel or savage, but, perhaps, it was his very strong self-sufficiency that had brought about the tragic death of Rex Simpson.

“I suggest there is no doubt that Mr Baye did wilfully neglect to get medical aid. But that is not enough. In this case, we have to show the unreasonableness of Baye’s conduct in not calling for medical aid.”

“Shuffled to School”

On Monday, Mr Sproule said, Simpson was definitely showing signs of tetanus, although Baye did not know it. Bown, a sprightly, intelligent witness, who was apparently thoroughly trusted by Baye himself, had said that on the Tuesday Simpson had shuffled off to school stiffly and slowly after Baye had strapped him.

Baye’s version was that the boy had walked quite normally.

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Referring to the alleged cricket bat incident, Mr Sproule said that the jury had to decide for themselves to what extent it was used. All the Crown witnesses said there was more than one stroke of the bat.

He asked the jury not to regard the alleged pin incident too seriously, except in so far as it indicated the state of Baye's mind and influenced the reasonableness of his excuses that he had not sent for the doctor because he did not see any need.

"No Reason to Invent"

Evidence of the allegation that Baye had taken away Simpson's porridge on the Monday morning had been given by Seeney, Bown and Sampson, none of whom had been sent to the home for delinquency. It was significant that these boys had not given evidence on some other matters which were more controversial.

There was no reason for these boys to invent.

On the Wednesday, Simpson could not eat his dinner, showing that his condition was bad, and the matter was reported to Baye. That day the boy was seen standing stiffly by the tank and did not come in to tea. He later fell over on the verandah and then went out into the yard where he lay. This was part of a battle of wits, Baye thought.

All of these things showed that the boy's condition was not good on that day, and the same three witnesses had given evidence of these incidents.

If this home is so well managed, and Mr Baye is so good and kind, can you understand the boys banding together to attack him? Not bad boys, but boys of the type of Bown, Seeney and Sampson. Do you think these boys would deliberately determine to say things that are not true? Do you think that Hamilton and Mrs Hamilton, Johnstone and Mrs Johnstone have banded together to say things that are untrue?

Mr Sproule said that Baye disagreed entirely with the boys on the day on which he sent Simpson to school. The boys swore it was Tuesday, while Baye's story was that it was Monday.

Baye had said that Simpson after a few light strokes of the strap got up and walked to school normally. Simpson apparently was immediately cured of his malingering, according to Baye's story.

This cure apparently lasted up till Wednesday, at dinner time.

Baye evidently thought it was a battle of wits, and that this small boy, after a couple of strokes of the strap, had given up the idea of not going to school.

After the bat incident had come Baye's strange order forbidding anybody to help Simpson.

"Laughed At Jokes"

"Why should he do that?" asked Mr Sproule. "Simpson, according to Baye's story, had not been asking for assistance. He had apparently been in no need of assistance. Does that not suggest that Baye had seen a great deal more than he admitted to you? Does it not suggest that he knew how Simpson had been walking and behaving?"

"Even supposing that the boy was still malingering that was cured very quickly because Baye brought Simpson into his office and gave him exercises. Baye says the boy laughed at joking remarks made to him in the office. Then it seems he sent the boy down to the farm, where Hamilton and Johnstone saw him, crying and apparently in pain. Baye says he was showing no signs of pain, but laughing.

"One of the doctors has given testimony that tetanus is very painful, and that any attempt to bend the limbs against a muscle would increase the pain. Do you believe Mr Baye's version of the laughing, happy lad enjoying the Superintendent's jokes and exercises, or the version of the Crown witnesses?"

"Baye must have observed the boy's distress, and must have known that he should have got medical assistance. He is trying to deceive you when he says that he saw nothing wrong with the boy when he walked away with Hamilton?"

"Was it not highly unreasonable and terribly obstinate not to get medical aid? Must he not have observed what everybody else had observed?"

"Battle of Wits"

"If you take his own story, wasn't he satisfied then that he had won the battle of wits? And yet he rings for the doctor. I put it to you that he rang the doctor to tell him not to be taken in if Mrs Baye should soften and send for him while Baye was away.

"Would you call that summoning medical aid?"

Mr Llewellyn Jones (junior counsel for the defence): I think that is putting very large

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interpretation on the conversation.

Judge Foster: The jury has heard the evidence, and the Crown is now indicating to the jury interpretation of that evidence.

"Why should he summon medical aid?" Mr Sproule continued. "If you believe his story he had no doubt that the boy was shamming."

Mr Sproule said that Baye's story was that Simpson had told him on Wednesday night that he was all right, but Mrs Hamilton said she had heard him crying in the night.

It needed nothing short of the boy's death to show that he was not malingering. Did this not show a wilful disregard of the signs that medical aid should be summoned.

"Wilfully Shut His Eyes"

Mr Sproule put it to the jury that although Baye could have had a bona fide belief that the boy was malingering, he wilfully shut his eyes to the fact that the boy was ill.

Mr Sproule said that the Crown did not place much reliance on the allegations of punching. He also asked the jury to discount Mrs Baye's evidence which, he said, was just another example of the way in which a woman will do her best to help her husband when he is in trouble.

Jury Recalled

After a discussion in the absence of the jury. Judge Foster recalled the jury and said that since their retirement certain matters had been brought to his attention.

He said he wished the jury to keep out of their minds any idea that he had given them all of the evidence. It would have taken him two days to have read the whole of the evidence and as he had to draw the line somewhere he only gave them a brief resume.

He also wished to point out that to come within the scope of the Child Welfare Act the child must be under the age of 14 years and that under this Act an assault on a child wilfully and without reasonable excuse must produce actual bodily suffering.

Another matter of somewhat greater importance than these matters was whether *[sic]* the charges should be regarded as alternative or not.

"On consideration," he said, "I think that they should be regarded as two separate offences. You can find the accused guilty of both, of one, or neither. The Crown has suggested that you can find that the cricket bat incident was far in a way above ordinary punishment, but had nothing to do with the

acceleration of the boy's death.

"In this case you might find the accused guilty of assault at the same time, you might find that his wilful neglect had brought about an acceleration of the boy's death and find him to be guilty of manslaughter."

The jury then retired again.

From the *Herald*, Wednesday 21 February 1934, page 4

Newhaven Re-Trial Tomorrow

The re-trial of William Henry Baye, former superintendent of the Seaside Garden Home for Boys at Newhaven, on charges of manslaughter and common assault will begin in the Court of General Sessions tomorrow before Judge Winneke and a jury.

Baye was tried last week before Judge Foster, and the jury retired late on the fourth day of the hearing. When it had been absent for more than six hours, the foreman announced that it had not been possible to reach an agreement.

Judge Foster remanded Baye for further trial.

The charges arise out of the illness and death of Rex Ronnie Simpson, a 10-year-old inmate of the home, who was taken to Wonthaggi Hospital early on the afternoon of November 16, and died a few hours later from tetanus.

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From the *Powlett Express and Victorian State Coalfields Advertiser*, Friday 26 October 1917, page 3: Glen Forbes

Little Gracie's Struggle

Little Gracie Campbell, aged 4½ years, daughter of Mr R Campbell, jun., Glen Forbes, who was severely scalded over two months ago through a kettle of boiling water upsetting, and who has been an inmate of Nurse Campbell's private hospital, Dandenong, since the accident, was discharged a few days ago from the institution. The wounds gave a great deal of trouble, and could only be successfully treated by grafting skin from another person.

On hearing this Miss Lizzie Berryman, daughter of Mr Alf Berryman, of Glen Forbes, heroically volunteered to give the required skin for that particular purpose, consequently she went to the hospital and there submitted to the operation. It proved a success. Great credit is due to Miss Berryman for her kindly and courageous act. The parents of the child feel extremely grateful to her for so nobly coming to their aid in a time of trouble.