

The Western Port Times

Grantville & Districts



Volume 2 Number 9

FREE

January 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 the Sullivan Brothers, at which date the premise was 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 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 Western Port Times*, Friday 27 January 1899

Local And General News

In our advertising columns, tenders are called for fencing, near Grantville.

Mr. Littlejohn offers ten shillings reward each, for four head of cattle, lost at Kilcunda.

Mr. and Mrs. Lang will give a Ball and Supper, by special invitation, Tuesday next, at the Grantville Hall.

The Queensferry jetty is to have fifty new planks. Mr. Richardson of Rhyll is the contractor.

Mr. M. Bowman has been nominated and returned unopposed for the vacant seat in the Corinella riding of the Phillip Island and Woolamai Shire.

To-morrow week (Saturday 4th prox.) the Shire of Phillip Island and Woolamai will hold an adjournment meeting. A new president will be elected in the place of the late Cr. Grout.

The "Great Southern Advocate" states that a monster cabbage was grown in their district, weighing 13½ lbs. In our district we can come a little better than that. Mr. W. Fowles cut one last week which weighed 26 pounds, after a wheelbarrow-full of outside leaves were cut off.

A Champion Snake

One of the largest, if not the largest snake ever killed in Gippsland, was dispatched by Mr. Williamson, of the Latrobe, on Saturday. Mr. Williamson was walking along the Latrobe, when he put his foot on the reptile, which suddenly wound its tails round his leg. He kept his foot on the head of the snake, and as he happened to have a stick in his hand at the time he soon placed his enemy hors de combat. After killing the snake he had some trouble untwisting the tail, which had entangled itself round one of his legs. The reptile measured nine feet four inches in length, and was as thick round the girth as John L. Sullivan's biceps when in fighting trim.—Gippslander.

Grantville Rifle Club

A meeting of the Grantville Rifle Club was held last Monday, 23rd inst., when Mr. W. Turner was elected Hon. Sec., the position being vacated owing to the death of Mr. J. S. Marsh. The new secretary was instructed to write a letter of condolence to Mrs. Marsh expressing regret at losing such an active member.

From the *Great Southern Advocate*, Thursday 5 May 1892, page 3: Grantville

Mechanics' Institute Annual Meeting

(Re-paragraphed for the sake of clarity.)

A correspondent writes:—The annual meeting of the Mechanics' Institute and Free Library was held on Monday evening last, but owing to the disagreeable state of the weather only about a dozen people put in an appearance. The chair was taken by the president, Mr. J. T. Paul.

The secretary's report and balance sheet were received and adopted, the balance sheet showing a credit balance of £15 10s 2d. The expenditure amounted to £120 4s., the principle items being improvements to building, £41 10s 6d, additions to the supply of books in the library, £39 14s 7d.; while the receipts amounted to £135 14s 2d, and as the secretary remarked in his report that considering the general depression experienced throughout the district, increased maintenance and the considerable expenditure incurred in lining the building and placing more seating accommodation therein, together with the purchase of books, the credit balance compared most favorably with that of last year, which was £31 11s 8d.

The election of office bearers for the ensuing 12 months resulted as follows:—President, Mr. J. T. Paul, re-elected; vice-president, Mr. Chas. Williams; secretary, Mr W. C. McDonald, reelected; treasurer, Mr J. S. Marsh; committee, Messrs White, Lynch, Bartlett, Hunter, and Rowland. Immediately after the annual meeting was held.

The secretary read correspondence received from the secretary mutual improvement and dramatic association proposing amalgamation of the library of that society with the mechanics' on conditions that the committee of the mechanics' institute agree to lower the quarterly subscription of the free and circulating library to 2s 6d instead of 3s as at present, and also that the members of the mechanics' institute be allowed the use of the main hall for the purpose of holding debates free of charge, such debates to be open to the public. If they agreed to the above terms the mutual improvement association agreed to hand over the following property to them, viz.—Books valued about £16 10s; 1 book case, £2 2s; 2 sets chess and draught boards complete, £1 12s; cash, 18s. Total, £22 2s.

From the *Mornington Standard*, Thursday 31 December 1896

Scanlon Slandered?

Mornington County Court.

Friday, 19th December.

Scanlon v. Hugh Pritchard, £249 damages for slander; before a jury of four.

Mr Coldham, instructed by Messrs. Edwards and Cook, appeared for the defendant, and Mr Tucker, instructed by Messrs Stephen and Stephen, for the plaintiff.

Both legal gentlemen briefly addressed the court, from which it appeared that the plaintiff and defendant reside near Queensferry, the defendant being in company with one McNab engaged in dealing in sheep. The plaintiff resides with his mother on a selection near the defendant's, who during the last few months had missed a number of sheep from their flock, including some of the Scanlons [missing words], the defendant called at their homestead and saw several sheep skins hanging up in a shed, and he recognised them as being branded the same as their flock was. He went to Grantville, saw the police, and took a search warrant, accompanying the police to Scanlon's the following morning, but the skins were not there, having been removed during the night. The defendant made no secret of his suspicions, hence the plaintiff's action.

Miss N. Potter and Mrs Smith, boarding-house keepers, Queensferry, deposed to defendant visiting their place on 8th June, and stating Scanlons had stolen their sheep.

T. Scanlon, sworn, deposed: I reside at Queensferry with my mother and brothers and sisters. Remember search warrant being brought to our place. My brother William was present; he was working away from home at the time but returned the previous Sunday. He attends to the contracting business, etc, assisted by my brother John. I was told on the Wednesday evening that defendant had been there.

To the Bench: I sent a bag of skins to Watson, the carrier, on Wednesday evening, between 7 and 8 o'clock. There were two dozen bears and five sheep skins. [missing words] mother tell the police that there were no sheep skins there. Did not think the charge applied to him. My brother Will is the tenant of the property. One of the skins sent had longer wool on than the others.

A numbers of other witnesses gave evidence that ten skins had been seen by defendant in the shed. Fires had been burning at

Scanlon's place, amongst which were the entrails of sheep, etc. and on Mrs Scanlon being questioned, she said her son William would call and see the defendant re the missing sheep, and that she could not be responsible for the action of her sons.

Mr Coldham pointed out to the jury the extraordinary action of T. Scanlon in taking skins to sell at 11 o'clock p.m. and also the fact that one of the skins when seen by Mr Pritchard had the feet attached to it.

The two legal gentlemen briefly addressed the court and jury. His Honor summed up, after which the jury retired for about 30 minutes, and returned with a verdict for the defendant; costs to be taxed.

Same v. J. McNab. £249 damages for slander. This action had to be adjourned as His Honor and the legal gentlemen were engaged for the following day. Adjourned to a day to be fixed in February.

The Case For A Pier

[From a Correspondent.]

From the *Leader*, Saturday 31 January 1885, page 12: Grantville and Jeetho Districts.

We were all glad to see by The Age that tenders were out for our long looked for and badly wanted jetty at Grantville. As an instance of the inconvenience felt by the want of a jetty, I may mention that Mr. M. Bowman, of Jeetho, had his clip of wool, 135 bales, sent to Dandenong, distant 45 miles, by waggon, thence by rail to Melbourne, rather than incur the risk and trouble of shipping at Grantville, which is only 10 miles from his selection. (John Tulloch 14th January)

From the *KooWeeRup Sun and Lang Lang Guardian*, Wednesday 24 July 1918, page 1: News of the Week.

Trooper Cole

Trooper Hector Cole, of Grantville, who went out of Khaki a few weeks ago, was glad to get into civilian clothes again. He was reported to have got a block of land on Biggar's estate, and was going in for farming. Now this is off, on account of the Government not coming to terms about the land, there being a difference between seller and buyer of about 10s an acre. So Hector has joined up again, and once more wears the uniform. He will be of to Egypt directly to tame the spirit of unruly equines. It seems either difficult or impossible for men to settle down to the humdrum life of the country after a spell of soldiering, when one sees life in all its phases, and excitement is mostly keyed to a high pitch.

From the *Leader*, 18 October 1884, page 11: Jeetho

October 1884

Re-paragraphed for the sake of clarity.

A public meeting was held at Grantville on the 11th inst., to take into consideration the desirability of forming an agricultural society. About sixty gentlemen attended from the surrounding districts of Poowong, Jumbunna, Lang Lang, Correnella [*sic*], Jeetho, Grantville, Queen-ferry [*sic*] and Fernhill.

Mr. F. A. Nowell was voted to the chair, and in a few appropriate remarks referred to the object of the meeting. A resolution was proposed and unanimously carried that a society be formed and called the Grantville and Jeetho Agricultural Pastoral and Horticultural Association.

The following committee, thoroughly representative of the above districts, were elected to carry out the object of the meeting. Messrs. F. A. Nowell, president; Jas. Lawrence, sen., vice-president; J. T. Paul, treasurer; Jno. Tulloch, secretary; A. R. Smith, P. H. Le Rouse,—Bergmier, G. Stewart, J. Wallace,—Dunlop, H. Littledike, M. Bowman, sen., C. Worsley, W. J. Craig, S. Sloss, Jas. Binding, Jas. Hayes and T. G. Scott, committee.

The meeting was a very enthusiastic one, and at this new society is situated in the rich scrub lands bordering on Western Port Bay, the members have every reasonable hope that it will become a very strong organisation. As a further evidence of the progress of this district two rifle clubs have been formed, one at Grantville with 40 members, the other at Fernhill and Jeetho with 25 members.

A feature of these two clubs is that nine-tenths of the members are selectors and sons of selectors.

I feel pleased to state that a commencement has been made in the hop growing line. Mr. Jas. Lawrence, sen., whose selection is in the Bass Valley, has just finished planting 3 acres with hops. On account of the heavy annual rainfall with which this district is blessed, and the excellent quality of the soil, this industry should thrive amazingly.

Jubilation was the word that expressed our feeling when we saw that the Great Southern Line was in the Railway Bill.

This large and fertile district seems to be one of the most favored in Victoria as regards rain. Judging by the budget of reports appearing in *The Leader* we seem to have more than a fair share of this very necessary element. We have had a splendid season, if anything at times too much wet, especially during last week when the rain poured down in torrents.

No-No and Oh, No! Ads

An 'old salt' extolling the benefits of a brand of schnapps – "as 'armless as Mother's milk'" – to what appears to be a young girl as the drink of choice for when she goes to sea. Oh, and the sailor is smoking. Pitching alcohol to a minor and smoking in front of the child. Two sins in one advertisement.



From the *Australasian*, 29 October 1892

From *The Australasian*, 16 February 1895, page 12: Notes.

A Poultry Show.

A very nice little show of poultry was held at Grantville last week, Mr. Varcoe officiating as judge. The following were the prize winners:— Brahma, J. Paternoster first with Lights and second with Darks; Cochins, J. Paternoster first; Andalusian, Mr. Britt first; Plymouth Rocks, J. Paternoster first; Wyandottes, J. Paternoster first; Minorcas, Mr. Craig first; Spanish, Mr. Kennedy, first; any other variety, J. Paternoster first with Langshans and second with G. Hamburgs; geese, A. Ward first; turkeys, A. Ward second. Ducks—Aylesbury, J. Paternoster first; Perkin, Craig first; Rouen, A. Ward first; common, J. Paternoster first. Hen Eggs—White, J. Paternoster; brown, J. Paternoster.

From the *Mornington Standard*, Saturday 16 December 1911

Westernport Progress Association.

A meeting of the executive committee of the above was held at the hall, Hastings, on Thursday, December 7th, when there were present:— Mr Parkes (president, in the chair), Messrs Gibson, F. Peddle, D. Hoban, Wilding, Mair, Woodhouse, Woolley, Latchford, Reive, and Dr Plowman and Mr A. T. Denham (hon. secs.)

Dr Plowman presented a report, in which he laid before the meeting correspondence with the council of the Shire of Frankston and Hastings and the shire secretary, chiefly with regard to the proposed Parliamentary trip round Westernport Bay. [See article on right] He reported that he had interviewed the Hon. W. H. Irvine, K.C., M.H.R., at the Federal Parliament House to obtain information as to how the amount of £53,000 on the estimates for preliminary expenditure on naval barracks, submarine depot, etc., was to be allotted. Mr Irvine informed him that the amount had been voted on the day of the interview, but he was unable to ascertain exactly how the amount would be allotted, but that Westernport would certainly get its share. He supplied a number of documents and a mass of information with regard to the proposed naval base, and expressed himself as always ready to assist the Association in any business of a Federal character. It was resolved that a hearty vote of thanks be accorded to Mr Irvine for his good offices.

Dr Plowman submitted a draft code of rules for the Association, which, after some additions and alterations, was adopted.

A letter from Mr E. W. Cracknell, CE, Queensferry, to the President was read. It contained a large amount of information and recommendations with regard to the publication of a pamphlet setting forth the great advantages of Westernport as a commercial and naval port.—A vote of thanks was accorded to Mr Cracknell for the amount of trouble he had taken.

It was resolved that a letter be addressed to the Hon. A. Downward, M.L.A., asking him to move in the Legislative Assembly of Victoria for a select committee to enquire into the subject in all its bearings of the establishment of Westernport as a coal and commercial port, and Dr Plowman was deputed to interview him at the earliest convenient date.

Crs Alden and Hodgins, of the shire of Frankston and Hastings, and Cr Buckley, of Balnarring, were added to the committee.

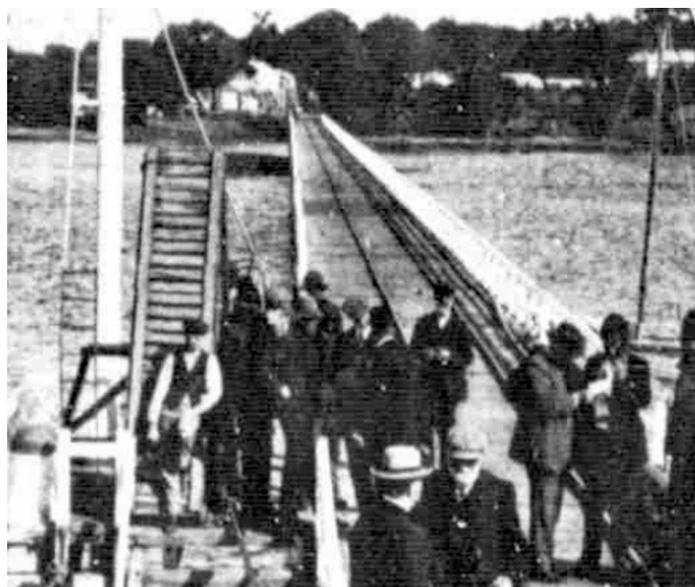
From the *Australasian*, Saturday 11 May 1912: Parliamentary excursion to Westernport Bay to view the site selected for the naval base.

Naval Base Visit 1912

Under of aegis of Mr. Downward, M.L.A., the Premier and 40 other members of Parliament made a trip to Westernport Bay on May 1, to view the site selected as a Federal naval base, and to consider its suitability for the accommodation of vessels of large burthen in connection with the export trade. The party, which left Flinders-street by special train, were joined by about 120 local residents between Frankston and Stony Point. At Stony Point the s.s. Lady Loch was boarded and the party conveyed to Cowes. Time did not permit of their going as far as Settlement Point, where it has been suggested to make a coaling port, but the western side of the bay was afterwards skirted as far as West Head and the Nobbies, and beyond Crib Point on the return trip.



The party aboard the Lady Loch



Arrival at Cowes, Phillip Island

Remember When...

Remember when the top-tier banks were respected institutions, and you would trust the financial advice they offered and planning they proposed.

Remember when the major banks opened branches in towns and city suburbs? No? Me neither. They have spent the last 30 years closing them all down.

Take . . .
A HELPFUL PARTNER
in Planning your
FUTURE PROSPERITY!



THESE departments are expertly organised to help in solving special financial problems.

MAKE THEM YOUR PARTNERS

INDUSTRIAL FINANCE. Manufacturing projects, business equipment, hire-purchase terms.
MORTGAGE BANK. Finance for farms.
HOUSING LOANS. Money to build or buy new homes.
TRAVEL AND TRADE. Letters of credit, travellers' cheques, export or import credits, guarantees.

Commonwealth Bank of Australia.
Discuss your problem with the Manager of the nearest Branch.

From the *KooWeeRup Sun and Lang Lang Guardian*, 21 April 1948.

Remember the State Savings Bank of Victoria? If you do, you are almost certainly over forty given that it died in 1990.

The State Savings Bank
of Victoria
 Established in 1841.

DEPOSITORS' BALANCES £168,147,936.
 RESERVE FUND £7,330,000

A BRANCH OF THE BANK
 WILL BE OPENED AT
KOOWEERUP
 on
Monday, 3rd November

Full State Savings Bank Facilities will be provided.

N. R. WILLIAMS,
 General Manager.

From the *KooWeeRup Sun and Lang Lang Guardian*, 15 October 1947

ANNOUNCEMENT

For the convenience of residents and business people and to assist in the development of the district

THE NATIONAL BANK
 of Australasia Limited
 will open a—
NEW BRANCH AT
KOOWEERUP
 as from THURSDAY, 22nd OCTOBER.

A full time Banking Service
 for all classes of business.
 Enquiries Welcomed.

The National Bank
 OF AUSTRALASIA LIMITED.

Head Office, Melbourne. G. C. HILL,
 13th October, 1953. Chief Manager.

From the *KooWeeRup Sun and Lang Lang Guardian*, 14 October 1953.

Remember when the major banks encouraged you to apply for cheque books and promoted their use. Now they actively discourage you.



Look at the Advantages
of paying by Cheque!

- You save time and energy.
- A cheque account protects your cash from fire, theft and other hazards.
- Gives you an accurate record of income and a closer control over expenditures.
- Your cancelled cheques are your receipts for bills paid.
- Your cheque account builds credit for you at the bank and in the business world.

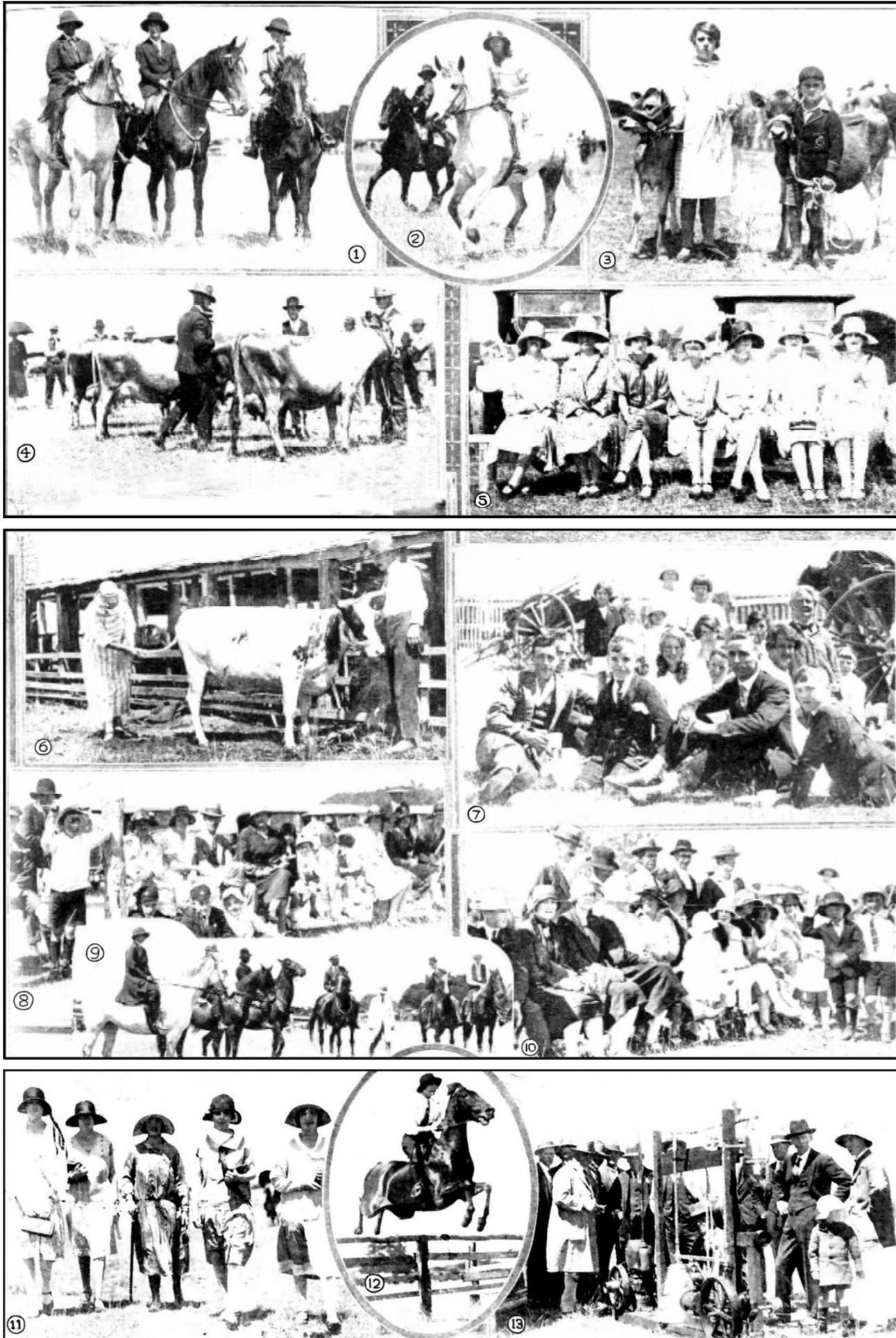
We cordially invite you to open a cheque account to-day.

Commonwealth Bank of Australia.

From the *KooWeeRup Sun and Lang Lang Guardian*, 15 October 1947

The 1927 Dalyston Agricultural Society Show

From the *Weekly Times*, Saturday 19 February 1927, page 41



1. Ladies' Hacks. 2. Doris Rosevelt, one of the 1st Prize winners. 3. Robbie Pudson, 1st Prize, and Winnie Edwards, 2nd Prize, in Jersey Heifer Under 9 Months category. 4. Judging Jersey cows. 5. Show visitors. 6. Getting ready for the judging. 7. A lunch party. 8. Show visitors. 9. Judging hacks. 10. Show visitors. 11. A stroll round the grounds. 12. Miss G. Adkins, 1st Prize, pony Hunter. 13. Local farmers inspect a milking machine.

From the *Great Southern Advocate*, Thursday 7 April 1898, page 2

Local Topics

KORUMBURRA POUND.—At the council meeting on Tuesday last, Mr. F. W. Cook was appointed to act temporary as poundkeeper for Korumburra pound.

CONCERT AND COFFEE SUPPER.—A grand concert and coffee supper will be held in the Woodleigh Presbyterian Church to-morrow (Good Friday) evening in aid of the Church Debt Extinction Fund.

CONCERT AND BALL.—A grand concert and ball will be held in the Blackwood Hall, Glen Alvie, on Easter Monday night next. The proceeds are to be devoted towards the Korumburra Cottage Hospital.

THE MAYOR'S FUND.—An interesting discussion took place at Tuesday's council meeting over the resolution passed at a previous meeting regarding the appointment of a local committee in connection with above. A full report is published elsewhere.

LAND SALE.—Messrs. Wm. Hamilton and Co. have received instructions from Mr. W. Foreman, of Poowong, to sell his splendid property of 616 acres, sub-divided into 4 blocks, on Friday, April 29. The sale will be held, at the Poowong Hotel at 3 p.m. Full particulars advertised in our columns.

SEVERANCE.—On Wednesday the rate-payers in the parish of Woolamai waited on the Minister of Public Works and asked that they should be severed from the Shire of Phillip Island and attached to the Shire of Poowong and Jeetho. It was stated that their interests were with Jumbunna and not with San Remo, the seat of Government of the Phillip Island Shire. Mr. Taverner granted the severance and annexation to the Poowong and Jeetho Shire.

PHILLIP ISLAND WORKS.—A deputation from the Phillip Island and Woolamai Shire Council asked the Minister of Public Works on Wednesday for a grant of £300 towards the cost of repairs to the bridges on roads which were damaged by fire, and also for other works, for which sufficient local funds were not available. Mr. Taverner asked for a schedule of the works, and promised to consider the question of roads this month, when he was framing the estimates of his Department. He would contribute one-half the sum asked for, and lend the balance at a low rate of interest; and he would also allow £30 for the Queensferry embankment to keep

back the tide. The deputation also, asked for the exchange of Turnbull road for one from the corner of Allotment 26B to the creek. Cr. O'Meara and Messrs. Smith and Gunn opposed. The Minister decided to send an officer of the Department to inspect and report. The deputation consisted of Crs. Daly (president), Ward, O Meara, Hackett and Bates, and were introduced by Mr. Downward, M.L.A.

DEATHS.—Death has been busy around Korumburra during the last few weeks, and has removed members of several families. A well known familiar figure of the town in the person of Mr. Robert Little passed quietly and peacefully away on Monday morning last. Mr. Little settled at Poowong many years ago, and the advent of the Great Southern Line attracted him to Korumburra, where he opened a large general store and did a great deal of business. While carrying on business, he undertook and successfully carried out important contracts of clearing and formation of the streets of Korumburra, under the council of the Shire of Buln Buln. He gave up business and retired to the seclusion of private life, only to be appointed to the office of poundkeeper, Korumburra under our local shire, which position he held up to the time of his death. Mr. Little was one of those good-hearted, good-natured townsmen whom any and every person who knew him was pleased to come in contact with. His familiar and joyous greeting of "Well, my dear boy, and how are you," will remain green in the memory of all who knew him for many a long day. No person could say an ill word of him, and although he reached the ripe age of 70 years, and his death was not unexpected at the time, still general regret is felt at his sad demise. Yesterday his funeral took place, a large number of townspeople testifying the respect in which they held him by following his remains to their last resting place, the Korumburra general cemetery. Rev Mr. Grove officiated at the grave, and Mr. Kelly had the management of the mortuary arrangements.

Mr. Fahey lost a bright little boy, between seven and eight years of age, during the week. The little fellow took suddenly ill, and after nine days sickness succumbed. His remains were interred in the Korumburra cemetery yesterday, the Rev. Father Carrol, Dandenong, officiating. Mr. Futchter had charge of the funeral arrangements.

From the *South Bourke and Mornington Journal*, Thursday 10 September 1914: Lang Lang

Football Death

(Re-paragraphed for the sake of clarity.)

A sad incident occurred here on Saturday last, 5th inst., during the progress of a football match, Lang Lang v. Kooweerup. Just prior to half time a young man named Walter Mackie, aged 28 years, who was roving for the Lang Lang team, was seen to fall on his knees and roll over unconscious.

Willing hands went to his assistance and carried him off the ground, and Dr Harkness was sent for, but, before the doctor arrived, he expired without regaining consciousness. There was no one near him at the time the game was proceeding, the players being unconscious that one of their comrades was breathing his last. It was not until one of the spectators drew the umpire's attention to it that he blew his whistle and the game was stopped.

The deceased was a great favorite with his club mates and the general public for his manly qualities and fair play. He was well known in the Frankston and Hastings districts, his brother Len being still a resident of Frankston.

Some three years ago the deceased was playing in a match at Somerville, between Frankston and Hastings, when he [*unclear words*] he was then unconscious for about eight hours, and the doctor warned him never to play football again as his heart was weak and could not stand the strain or excitement of the game.

The local police took charge of the body and had it conveyed to Laurence's Palace Hotel, notifying the City Coroner (Dr Cole), who ordered a post-mortem examination to be made. This was carried out by Dr Harkness, of Lang Lang, who certified that the cause of death was heart failure from aortic stenosis. The coroner then ordered the burial of the body, no inquest being necessary.

The deceased was a married man with a wife and three children, the eldest being 6 years of age. Much sympathy is expressed for the bereaved wife and children, who are left in poor circumstances. The widow, at the present time, is an inmate of the Castlemaine Hospital.

The football club immediately called a meeting, and subscription lists were sent out to Nyora, Yannathan, Yallock, Kooweerup and Tooradin, to raise a fund to relieve the immediate necessities of the widow and family, with the result that, up to date, over £20 has

been collected.

The business people of Lang Lang, to whom the deceased was indebted, very generously gave the family a clean receipt. It is the intention of the football association to give the money that would otherwise go to the premier team to the relief fund, and also, at the semi-final and final matches, 1/ to be charged for admission, the proceeds to go to the same fund, which should total a fair amount.

The funeral took place on Tuesday afternoon, the place of interment being the Lang Lang cemetery, and was largely attended, the footballers following their late comrade on foot.

The funeral arrangements were in the hands of Mr R Grant, and the service at the grave side was conducted by the Rev. Mr Prickett (Anglican) in the absence of the Rev. Mr Ingram (Presbyterian).

Road Woes 1932

Square miles of country have been submerged by floods in South Gippsland. Serious subsidences have occurred on the road between Loch and Wonthaggi. Sections like the one shown have sunk eight feet, and there are fissures a yard wide.



Source: *New Call* (Perth, W.A.), Thursday 14 July 1932, page 24

From the *South Bourke and Mornington Journal*, Wednesday 13 June 1877

Phillip Island Shire Council

Saturday, 9th June 1877

Present: Mr. Turnbull (the President) and Councillors West, Sunderland, Kidd, Smith and Kennedy.

The minutes of the previous meeting were read and confirmed.

Correspondence

A letter was read from Councillor Crump tendering his resignation: Accepted on the motion of Councillors Kennedy and Smith. Councillor Kennedy was appointed returning officer to conduct the election for the extraordinary vacancy caused by the retirement of Councillor Crump on the motion of Councillors Smith and West.

Mrs Ronald was allowed the sum of 5s. for use of schoolroom at Bass on the motion of Councillors Smith and Sunderland.

On the motion of Councillors Kennedy and West a letter was read from William Beech, drawing attention to state of bridge on road from Bass to Settlement Point.—Received and the Clerk of Works to report on same.

From the Under Treasurer, asking that a return be prepared of licenses, &c., received for 1876, and that five percent of the amount be paid to the paymaster.—On the motion of Councillors West and Smith to stand over for further consideration.

From the Maffra Shire Council, asking for subscription towards Shire Conference.—On the motion of Councillors West and Smith the sum of £2 2s. was voted.

From John Dickins asking for culvert, &c., at Grantville.—On the motion of Councillors Kennedy and Smith the Clerk of Works to report on same.

From John Monk, drawing attention to dangerous state of Hurdy Gurdy Creek.—Held over for report of Clerk of Works on motion of Councillors Kennedy and West.

From Elisabeth Milne, asking for remission of rates.—On the motion of Councillor Smith and Kennedy request granted and all rates due to date remitted.

Petitions

A petition was read from ratepayers of Phillip Island, asking for about forty chains of formation near Rhyll.—On the motion of Councillors Sunderland and Smith the Clerk of Works to report on same.

A petition was read from ratepayers of Corinella, asking for about twenty-five chains of drains near post office, Corinella.—On the

motion of Councillors Kennedy and West the Clerk of Works to report on same.

On the motion of Councillors West and Sunderland a letter from G. B. Muntz with reference to levels at Cowes was received and Mr. Muntz was requested to come down at once to survey and prepare plans and specifications for necessary works at Cowes and east and west of Centre road on Grant's parade.

From John Monk, asking that seal of Council be attached to a petition to Commissioner of Customs, asking for a jetty at Grantville.—On motion of Councillors Kennedy and West request granted.

On the motion of Councillors West and Kidd the restrictions preventing G. Coates from tendering to be taken off and his letter of apology accepted with an expression that the Council trust such an occurrence will not happen again.

Councillor West reported that he had waited on the Commissioner of Lands and Survey, and obtained a grant of one acre for Shire Hall at Griffith's Point, and had also presented a petition from ratepayers of Phillip Island with reference to William Harbison's grazing license.—On the motion of Councillor Sunderland and Kidd the report of Councillor West was adopted.

On the motion of Councillors Smith and Sunderland the Secretary to instruct Mr. Budd, the Council's solicitor, to appear on their behalf at the Lands Office of the 19th inst. in re William Harbison's grazing license.

Tenders

The following tenders were accepted on motion of Councillors Smith and Kidd:—Two culverts, 80 chains of drain, &c., on Bass road, Isaac Emery, £112. On the motion of Councillors Kidd and Smith fresh tenders to be called for cutting sidling at Turnbull's road.

On the motion of Councillors West and Sunderland a call of the whole Council to be made for their next meeting to decide as to what members retire for the Phillip Island and Woolamai ridings and appointing returning officers for the annual elections.

On the motion of Councillors Sunderland and Kidd accounts to the amount of £143 17s. 11d. were passed for payment and the Council adjourned.

From *The Argus*, Saturday 8 December 1923

Pioneers of Westernport

by ADIX

(Re-paragraphed for the sake of clarity.)

Rising sharply from the sea behind San Remo, and curving away north easterly towards the main Strzelecki Range, the Bass Hills form a picturesque barrier between the Southern Ocean and Westernport. From their highest points, on a clear day, a glorious panorama, unsurpassed on any part of our southern coasts, spreads unbroken to the any point in the skyline.

Southward the hills fall in sheer cliffs to the roaring tumble of the ocean rollers, blue infinity beyond; to the north they slope to the level shores of the sheltered bay. South-easterly lie, among the green hills at your feet, the ocean-side hamlets of Kilcunda and Dalyston; further off the more imposing town of Wonthaggi, and on the very horizon, melting into the palest sky blue, the long, rugged uplift of Wilson's Promontory.

Turn now to the south west and you have the whole stretch of Phillip Island, from granite Cape Woolamai to the Nobbies and Seal Rocks; away beyond these, Cape Schanck and the wide straits. Pacing inland, green river flats, hills, heath, and forest spread away to the distant Dandenongs.

The branch line from Nyora to Wonthaggi, following the Bass Valley, skirts the hills as

far as Woolamai, and then climbs to cross the barrier at a relatively low point about four miles from the San Remo end. Just at the summit, where the line doubles back for the descent, is a little station called Anderson. No township, merely an engine changing point, and a consigning place, occasionally, for a few boxes of fish from San Remo. Yet this obscure spot, and Anderson's Inlet, are the only memorials to some of the earliest and sturdiest pioneers of the old Port Phillip district.

Their story is almost forgotten, even by the present occupiers of the rich lands they opened up. We all know some thing at least of the story of Batman, Fawkner, and the Hentys, but how many are acquainted with even the names of their contemporaries, the pioneers of Westernport.

Samuel Anderson, from Kircudbright, Scotland, reached Tasmania in 1834 aboard the *Lang*, and in 1835, following the example of Batman and others, crossed the straits in quest of fresh pastures. Steering an easterly course he entered Westernport, and, after inspecting its shores, picked on the banks of the Bass River as the most promising place

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The Anderson/Massie Memorial at Bass in 2004.

Pioneers Of Westernport (continued from Page 12)

for a settlement.

At the farthest point up the river affected by tidal waters the first house erected in the eastern half Victoria was built. The site is just behind the present Bass school, and is still marked by an ancient pear tree, scant leaved and woody fruited, surely one of the oldest living fruit trees in the State. Its girth about a foot from the ground is 6ft. 9in. The original homestead has vanished, but the second house, built soon after Dr Hugh Anderson's arrival to join his brother, in 1837, is still standing, and is occupied by Mr S. Emmerson.

Captain Thomas Anderson, a master mariner, joined his brothers in 1842, and their holdings were extended from the Bass flats right round the bay to San Remo. It was all virgin Gippsland scrub, and slow and toilsome was the work of clearing, yet so satisfactory was the result that the brothers held on – even through the “gold fever” days, when they were often left without a hand to help them.

Practically cut off from civilisation – it was a rough trip of four or five days to Melbourne – their settlement had to be mainly self-supporting, and thus it was that wheat, now seldom or never seen on those flats, was the staple crop.

It was grown by Mr Samuel Anderson in the first year of the settlement, and in subsequent years yields of from 40 to 60 bushels to the acre were common. In one of Mr Cleeland's paddocks, within half a mile of the Bass Landing, may still be seen a stone roller, about four or five feet long and a foot in diameter, lying half buried in the ground.

Local tradition asserts that this relic is all that remains of the first flour mill in Victoria, built thereabouts in '35 or '36. In the same



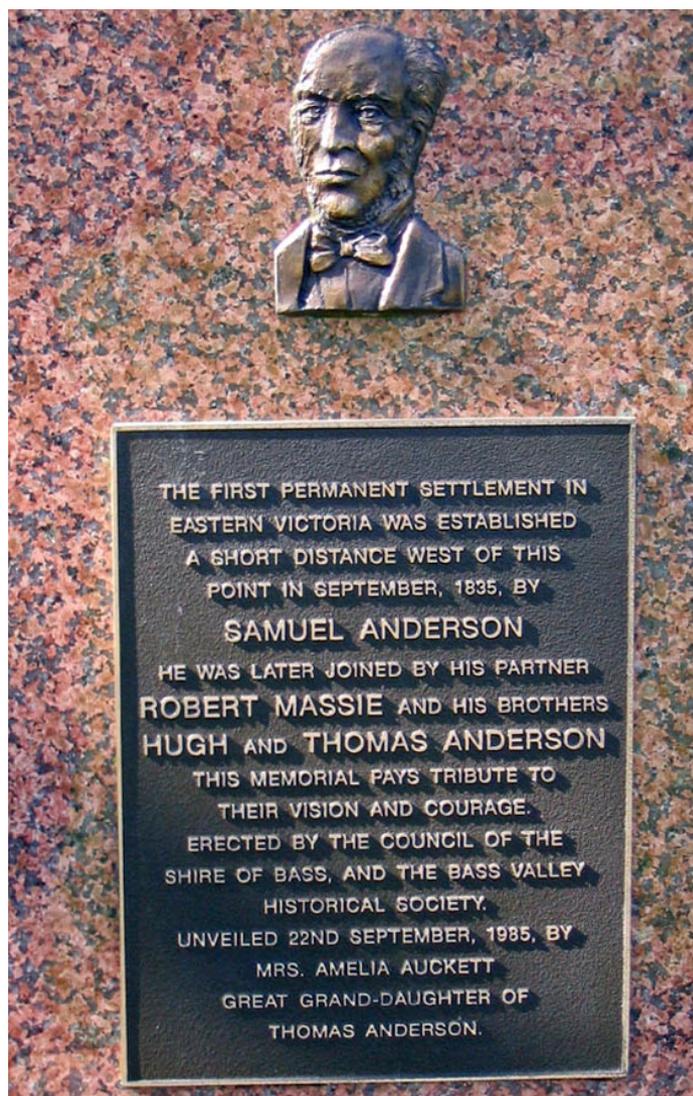
Flour Mill on the Bass River, painted circa 1840 to 1859. State Library of Victoria. Drawer 2762#R8795

locality salt works also were established and the product shipped to Melbourne.

Mr Samuel Anderson made several exploring trips along the coast towards Wilson's Promontory, discovering the Tarwin River and Anderson's Inlet. He was the original exploiter of the Wonthaggi coal seams, striking the outcrop on the beach near Cape Patterson about 1838, and using the coal in his own forge.

Samuel Anderson died in 1863, Hugh in 1899, and Thomas in 1903. Patrick, a son of the last named, worked the estate for many years from Netherwood, the third homestead, and afterwards from the Grange, the fourth Anderson homestead. Just before his death, about five years ago, he sold the latter property to Mr Hoddinott, the present holder.

And so they sleep the grand old pioneers, in the little cemetery on the windswept hills above San Remo, and if the day's hard, honest toil merits a night of sound repose, then the ocean's thunder frets them not, neither does the roaring of the western gale break in upon their slumbers.



The inscription on the Anderson Memorial at Bass, 2004

From the *Great Southern Advocate*, Thursday 18 October 1900, page 3

Emery v. Bergmeier

Korumburra County Court

Thursday, October 11, 1900

(Before His Honor Judge Molesworth)

This was an action in which the plaintiff, a resident of the Bass, a few miles from Grantville, claimed from his neighbour, defendant, the sum of £249 damages for allowing water to overflow on his land, and also claimed an injunction to restrain him from further doing so.

Mr. McKean appeared for plaintiff and Mr. Mellor for defendant.

Mr. McKean, in opening the case, stated that the parties in the action lived in the Bass district, and defendant, by the way certain drains were constructed caused the water to overflow his client's property, and so damage about 70 acres of 140, making it perfectly useless to him.

There were two special defences put in. 1st that the claim was debarred by the statute of limitations by sections 30 and 63, and also under the Transfer of Land Statute. Mr. McKean proposed to deal with the two law points first. After submitting legal arguments.

His Honor said, subject to Mr. Mellor's reply, he was with plaintiff on the questions.

Mr. McKean then entered fully into the facts of the case and quoted a number of law cases in support of the views he put before the court.

Mr. Mellor said the defence was the action was barred by the Statute of Limitations and by the Transfer of Lands Statute; deny there is any natural watercourses running from plaintiff's to defendant's land; deny obstructing the water; defendant's land is higher than the plaintiff's and there is no destruction of land as stated in the particulars delivered by plaintiff; defendant claims as a leaseholder and a leaseholder cannot be entitled to the damages he claims in the particulars and summons.

Mr. McKean said the damages are for the destruction of about 75 acres of plaintiff's land.

Mr. Mellor: That is the damage the landlord has to sue for.

Isaac Emery, plaintiff, residing at Bass, in the parish of Corinella, said he had occupied the 140a 20p for 15 years; Mr. Bergmeier and Mr. Quinlivan occupied the land adjoining; defendant obstructed the flow of water from witness's land; a bank of earth has been placed on defendant's land, which caused the water to overflow on his land; this has

occurred within the last 10 years; have spoken to defendant several times about it; the earthbanks were erected about August, 1890; was ill at the time the banks were erected; about September or October, 1890, spoke to him about the bank; said "What did you put the banks there for?"; he said "To block the water - he was not going to have witness's water in his paddock"; witness could do nothing as he had no money to do anything with; spoke to him often about it, as the land was injured by the water going over it; witness's land was flat, with a fall into Guy's Creek through defendant's land; the rain water from the east comes into his place; the natural fall is through to Bergmeier's; it is it running stream in the winter; defendant could not but see that witness's land was covered with water; (photographs of the land were produced and defendant's solicitor admitted their correctness); plaintiff pointed out the different banks complained of; the water never came onto his land until the banks were constructed; it forced the water in; when the flood waters subsided the drifted timbers remained on the cross bank as shown on the photograph; if these banks were removed there would be no overflow on his land, the water would get away; from April this year until September 158 acres were covered with water owing to defendant driving it back; since 1890 that has existed during the winter time, and has continued during the winter time ever since.

Mr. Mellor here took exception to the evidence as regards annual damage. He applied for further particulars, but His Honor said he would hear the evidence, subject to the objection of Mr. Mellor, which was to the effect that no evidence other than that contained in the particulars can be given. The particulars state that the damage is for the destruction of about 75 acres of plaintiff's land.

Witness continued: During the last 10 years in winter about 130 acres had been useless to him; have sown grass seed on it and the seed has been washed away, so that the land is useless for grazing purposes; there is no grass to nourish the cattle, and the land is worthless at present; the water never laid on

(continues on Page 15)

Emery v. Bergmeier (continued from Page 14)

the land until the bank was put there; have lost £50 per annum by it; could milk 50 cows for six months and they would return fully £10 per week; for agricultural purposes the land is no good.

To Mr. Mellor: My full name is Isaac Watis Emery; would have brought this action before but had no money to do it with; had an accident about 1890 and brought an action against the council for £3000 damages for injuries received by a culvert on the public road; it cost him a pretty penny, about £400 or £500; had money before the action against the council, but none since; it was the want of means *[that]* prevented him bringing this action sooner; the water came through his land across defendant's land until the bank was constructed; it is extremely level country; the land if properly drained is worth £7 to £8 an acre; there is a mortgage of £550 on the land; it was valued at £4 per acre at the time; his son's land and his own is included in the mortgage; his son has 26 acres *[of]* land; never told any person it ought to be worth that amount if the water was off it; nearly the whole of the land is cleared; it will grow ti-tree but not grass; ti-tree always grows in water; the cross banks were put there to block the water from his land and keep it off defendant's; he has banked up for 30 or 40 chains; the banks ran the whole length of his boundary; his own land is only under water an hour or two after a flood; witness's land is higher than defendant's, as water will always take its course, and it always runs that way.

To Mr. McKean: His son's property was worth about £1200; it has a frontage along the river of 50 chains; the land is very valuable, very little land in Victoria like it; witness pays £7 per annum as his share of the interest on the mortgage; the whole amount is £26 1s 3d.; brought the action against the shire; witness then had the means.

To Mr. Mellor: Offered the Phillip Island shire recently £25 in settlement of the action; the shire's costs were about *[amount unclear]*, and witness had never paid them.

B. E. Tolhurst, civil engineer and surveyor, said he made a plan, &c. The east and west bank running north from the south-east corner of Bergmeir's block is *[unclear word]* datum; ran a line west 12 chains; the fall is from east to west from Emery's land to defendants; there is a fall of 4 inches; did not notice any natural creeks or watercourse running through the land of plaintiff; noticed

a drain running at 35 chains north of the datum point, that is the south-east corner of Bergmeir's at 15 chains or thereabouts there is an embankment about 16 feet wide and 2 feet 10 inches deep from the bottom of the ditch to the surface of the embankment; the length of that embankment is about 36 chains; the natural rainfall on Emery's land would make its way into the drain described; am positive that the embankment described does prevent the rain water flowing away through this drain and throw it back on plaintiff's; from south east to north west the fall is practically 3 feet 10 inches; at the datum point the land is almost level; if the cross banks were cut away about 36 chains from the datum point and removed, a certain portion of the water, drained back by the cross banks, would escape; if these cross banks were taken away nearly all the water would get away; the cross banks prevent the water getting into the main drain running in a westerly direction; a week ago all the land was practically under water; if the bank was removed the water would flow evenly over all the land.

To Mr. Mellor: The land to the eye is level; the lands east and west of the bank are practically level; if the bank was removed the water would run to the north east; there is no creek or water course on Emery's land, but there are two artificial drains, which take the water.

To Mr. McKean: The whole country was under water when witness was there.

Henry Bonwick, secretary and engineer of the Phillip Island and Woolamai Shire, said he knew the land in question; made a survey of for the shire; agreed with Mr. Tolhurst's evidence; the natural tread of the country is to take the water through Mr. Bergmeir's land; the land is not fit for grazing as at present; about 40 acres are under ti-tree scrub; if the bank was removed the water would go away.

To Mr. Mellor: The artificial drain concentrates the water on Emery's land; the blocks placed across the drain prevented the water from getting away; some portions of Emery's land are lower than defendant's, but scarcely noticeable; the general contour of the country is in favor of the flow of water on to Bergmeir's property.

Michael Dwyer, resident of the Bass, gave evidence that in the middle of September plaintiff's land was nearly all under water; the day before yesterday there was not much water on it; the natural fall for the water was through Bergmeir's; if the land was properly drained plaintiff could milk about 30 cows;

(continues on Page 16)

Emery v. Bergmeier (continued from Page 15)

cannot estimate how much could be obtained from a cow; he could make about £4 a head out of the cattle, about £120 per annum.

To Mr. Mellor: Would clear the land and burn the scrub and leave the natural grasses to grow; the worst part of the scrub would take 30s per acre to clear, or 15s per acre all round.

William C. Quinlivan, farmer, living at Bass, close to plaintiff's and defendant's land, said about 50 acres of Emery's land was covered with water during the year; if the land was sown down with grass seed and properly drained it could graze 50 head of cattle, which would return £4 per head per annum.

To Mr. Mellor: To clear the land of everything would cost about £2 an acre.

To Mr. McKean: If Mr. Dwyer said it would cost 15s per acre to clear the land he would be correct as he knew more about the price of clearing than witness.

Albert Emery gave evidence that if the bank was removed all the water would run off the place; if all the scrub was cut and cleared could graze 50 cows, and they would return over £300 for six months; the ti-tree grew after the bank was made.

To Mr. Mellor: it would cost £1 per acre to clear the ti-tree off; the land would have to be sown down, but he did not know what that would cost.

Mr. Mellor opened the case for defendant, dealing at length with several legal points, and then called Henry Bergmeier, defendant, who said he held land adjoining plaintiff; he selected his land some years ago, fenced it, and made a drain through it to carry the water off; first he made a small drain with the plough and afterwards a deeper one; the earth from the drain was thrown up as an embankment, but it was the earth from the smaller drain put under the fence that drove the water back on the plaintiff's land; the other drain did plaintiff more good than harm, as it helped to drain his land; the land is very poor and useless for anything unless properly cleared and laid down in grass; consider the land worth about £4 per acre; if cleared it might carry 30 herd of cattle a year.

To Mr. McKean: Constructed the drains with a plough, and the earth was put there to support the fence and keep the water from flowing over his land.

E. W. Cracknell said he was a civil engineer. He made a plan of the locality and agreed generally with Mr. Tolhurst's evidence; found the same parts of Emery's land lower than

Bergmeier's; the land practically flat; about 24 chains of the part complained of is practically level; could not see any water channel on Emery's land; that it is so covered with water and scrub it would be impossible to say so; if the drain east to west was deepened and widened it would take the whole of the water of both parties away, and there would be no reason to come here at all.

Henry Cole, surveyor and engineer said he took levels and sections on both properties: on Emery's land there are portions lower than on Bergmeier's, but only a matter of inches; there was no channel or watercourse on to Emery's land; would have seen it if it was there, nor is there one on Bergmeier's; it is practically a swamp, or at least it was so before it was drained.

To Mr. McKean: There is a fall of 4.16 feet in 35 chains from the south east corner of Bergmeier's land to where Quinlivan's joins Emery's land.

Messrs. Mellor and McKean addressed His Honor, and at 6.30 p.m., Mr. McKean having completed a very lengthy address.

His Honor said he would reserve his decision, and in due course acquaint the parties interested.

The court then adjourned *sine die*.

From the *South Bourke and Mornington Journal*, Wednesday 24 October 1900, page 2: Grantville

The reserved decision in the case of *Emery v. Bergmeier*, has been given in favour of the defendant.

* * *

From the *Wonthaggi Sentinel and State Town Miner*, Friday 23 September 1910: Correspondence

Railway Shunters

To The Editor.

Sir.—Kindly allow me the space in your columns to draw the attention of the public to the conditions under which the shunters employed on the railways have to labor at the State mine yards. These men, I make bold to state, are getting anything but a fair deal, very many serious accidents being narrowly averted recently, the cause of the trouble being the timber stacked too close to the line. According to regulation distance this timber should be stacked 4 feet from the line but this is ignored, with the result that the lives of our honest toilers are ever endangered. Trusting this matter will be promptly attended to.—Yours etc.,

Neil C. Slattery

The Tyro In Trouble

Part Three: The Steam Navigation Board Responds To Henderson's Claims.

(Re-paragraphed for the sake of clarity.)

From *The Argus*, Wednesday 16 February 1887, page 9

The Collision Between The Lonsdale And Tyro

Explanations Of The Steam
Navigation Board.

The Steam Navigation Board have forwarded the following report to the Commissioner of Customs in reference to their conduct in the inquiry concerning the collision between the steamer Lonsdale and the schooner Tyro, in re opening the case to take evidence in favour of the captain of the Lonsdale, while they declined to hear further evidence on behalf of the master of the Tyro:—

The Hon. the Commissioner of Trade and Customs.

Victoria Steam Navigation Board.

Melbourne, February 9, 1887.

Re Lonsdale and Tyro Collision Case.

Sir,—I have the honour, by direction of the board, to report for your information, and in the interests of the public, the circumstances connected with the inquiry into the collision which occurred between the above mentioned vessels in the West Channel on the 17th December, 1886.

Adverse criticism has appeared in a section of the public press — namely, *The Argus* — both in the form of subleaders and letters from anonymous and other correspondents, which, in the case of the former, tend to show that the subject of complaint had not been deemed to be of such importance as to warrant any reasonable investigation being made before proceeding to lay before the public statements which, in the main, are quite at variance with facts.

The board also is quite alive to the necessity for the actions of any public body being freely commented upon, when necessary; but, at the same time, it ventures to express the opinion that so long as its procedure is in accordance with legal precedent its members should not, in all fairness, be sweepingly accused of corrupt practices, or their integrity assailed, on insufficient grounds.

The action of the board may briefly be summarised as follows:—

1. On the collision being reported arrangements were made for the holding of a preliminary investigation, and the masters

of both vessels were called upon to appear before the board on the 30th December, and there and then produce all necessary witnesses on their behalf.

2. On the date quoted the respective masters appeared, and all the then available evidence was taken by the board, which, at the termination of the day's proceedings, adjourned till the 7th January, on which date the chairman intimated that the finding of the board would be given in accordance with the evidence.

3. On the 7th January the board, having carefully considered the evidence adduced on the 30th ult., a finding was agreed to thereon, attributing blame to both masters, but inasmuch as Mr Henderson, the master of the Tyro, had no certificate with which the board could deal, it would have been futile calling upon him to show cause. Whereas Mr Richardson, the master of the Lonsdale, was in possession of a certificate, and therefore charged with default.

4. It was at this point that Mr Henderson, feeling himself aggrieved at the board's findings, wrote a letter asking that he might be allowed to vindicate himself, but, his case having been dealt with, to have granted such a request would have been in violation of all fixed principles, and he was accordingly informed that the board was "unable to reopen the case in so far as relates to the Tyro."

5. Consequent upon the circumstances of his case and the before-mentioned reply, Mr. Henderson was not further communicated with in connection with the charge against Mr Richardson, as the board is of opinion that there was no necessity therefore, on the grounds that the case, as it then stood, was a matter resting entirely between the person charged with default and the board.

6. On the 26th January Mr. Richardson appeared before the board to answer the charge, and called on his behalf Mr. Thomas E. Seal, licensed sea pilot, who, on the 17th December, was proceeding down the West Channel in charge of the barque Alexander Duthie, and at the time of the casualty was about a cable's length behind the Tyro. The evidence of this witness indicated most

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The Collision Between... (continued from Page 17)

emphatically and most concisely that the collision was solely attributable to the action of the Tyro, and the board, in unhesitatingly arriving at its final decision in regard to the Lonsdale, intimated that had the evidence of Pilot Seal been forthcoming at the preliminary investigation Mr. Richardson would not have been charged with default.

In the conduct of this case the same course of procedure has been followed as is adopted by the Board of Trade. The report of the board at the termination of the preliminary inquiry adjudged, on the evidence adduced, that both masters were in default, but, as before stated, proceedings could only be continued against the master of the Lonsdale, inasmuch as that the law did not require the master of the Tyro to hold a certificate of competence, neither did he possess one.

The object of all inquiries by a marine board is to deal, if necessary, with the certificates of the officers appearing before it, and doubtless the decisions affect the question of damages. With this, however, the board dealing with the case has nothing to do; hence Mr Henderson's anxiety that the decision in this particular inquiry should have been in his favour.

In drawing up the report in the preliminary inquiry the board was bound to do so in accordance with the sworn depositions, after duly considering the value of the evidence given by each witness, and his experience and opportunity of fairly observing the various circumstances attending the collision; and it may be here remarked that it is not the quantity of evidence that weighs with the board in arriving at a finding.

On charging Mr. Richardson, and calling upon him to appear before the board to show cause why his certificate should not be suspended or cancelled, he was permitted, in accordance with legal procedure, to produce any witnesses in his defence, for it must be remembered that at the inquiry no charge had been preferred.

In connection with Mr Richardson's defence the board fail to see the necessity for communicating with the master of the Tyro, whose case had terminated, in consequence of his being out of the board's jurisdiction.

Mr Richardson was allowed an opportunity of, if possible, vindicating himself, and tendered the evidence of Pilot Seal, an impartial observer of the details of the collision, who was in the immediate vicinity of the casualty,

and not some miles off, as was the case with the witnesses from the steamer Spray, brought forward by the master of the Tyro.

The evidence of Pilot Seal on the occasion in question has not appeared in the columns of the public press, but had it been published possibly much unnecessary comment would have been obviated. That it did not appear the board is not answerable therefor; as a matter of importance, and as a sequel to the original proceedings, it certainly should have received publicity.

Under ordinary circumstances the board would not have traversed the criticism that has taken place, but, as in this instance representations have been made misleading to the public, it is due thereto that the facts as they are should be furnished it.

It has been stated (*vide* subleader of *The Argus* 29/1/87) that

(A) "The decision which was given...was positively declared to be final."

Such is not the case. The so-called decision was simply a report or finding at that stage of the proceedings, in accordance with the 242nd section of the Merchant Shipping Act 1854, and the 23rd section of the Merchant Shipping Amendment Act 1862.

(B) "That on Mr Henderson requesting a new trial, the board replied that 'having delivered its finding it could not re-open the case,' and further asks 'how it happens that the case had actually been re-opened.'"

The board's reply was that it was unable to re-open the case *in so far as relates to the Tyro*. The words in italics had been conveniently omitted, and further, the case in regard to Mr. Richardson not having been closed it is unnecessary to point out that it could not, under the circumstances, be alluded [*sic*] to as "re-opened."

(C) "That a distinction was made between the schooner and the steamer, namely, that 'privileges were granted to the latter which were curtly denied to the former,' inasmuch as that, on his offering to substantiate his evidence with new proofs he was refused the opportunity, and it is further insinuated that, in the interval (i.e., between the date of the board's finding and the date on which the final decision was delivered) the company 'wished' the board to reconsider its decision."

As a matter of fact, on the 5th January, a letter was received from the Port Phillip Steamship Company, asking that Pilot Seal

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The Collision Between... (continued from Page 18)

might be permitted to make a statement to the board in connection with the case, but the board, deeming that doing so would create a dangerous precedent, decided that the request be not granted, and a reply was transmitted to that effect, which will therefore disprove the assertion that partiality was shown in dealing with the *Lonsdale*. The company may or may not have "wished" the board to reconsider its decision, it was at perfect liberty to do so – but as no such request was made either directly or indirectly, the board was therefore not "influenced" thereby.

(D) "That new evidence was brought forward in the shape of the testimony given by Pilot Seal," whereas "the master of the *Tyro* was refused the opportunity of substantiating his statements with new proof."

Pilot Seal's evidence was legally tendered, and received in the defence of Mr. Richardson when called upon to disapprove the charge against him. Mr. Henderson, on the other hand, desired the board to go back upon its finding and reopen the case, which, so far as the *Tyro* was concerned, had been adjudicated upon.

(E) "Admitting, however, that there was a reason for a second hearing...Pilot Seal's evidence was allowed to outweigh all the evidence that had previously been given by the crew and passengers."

There was no "second hearing" in the sense implied. A charge having been formulated against Mr. Richardson, he was allowed an opportunity of disproving same. This he did, to the entire satisfaction of the board, who consider that, in view of the fact that Pilot Seal's evidence was not published, it is therefore the best qualified to judge of the merits of such evidence, even to the extent of "outweighing" the evidence previously given, and to which the board attributed such value as it, in its discretion, deemed necessary, and as in all cases of collision in which the evidence invariably is of a conflicting character.

The subleader of the 2nd February is couched in much the same strain, reference to which may be made in the following statements:—

1. "The preliminary inquiry did not get at the whole truth, and it is not satisfactorily explained why the second (and private) inquiry was rigidly limited to the examination of one witness."

The "second inquiry" was not a "private

inquiry," inasmuch as a notification of Mr. Richardson being called upon to appear before the board on the 26th January was forwarded in accordance with the usual custom to *The Argus* on the 24th *idem*; no limit was placed on the number of witnesses to be examined; the only witnesses required were on behalf of Mr. Richardson, and he simply produced Pilot Seal, whose evidence the board unhesitatingly accepted on grounds previously set forth.

In a letter appearing in *The Argus* of the 4th inst., Mr Henderson endeavours—

1. To refute the statement that he had no certificate that the board could deal with, by asserting that he is in possession of a "certificate of pilotage for the West Channel;"

and

2. To mislead, by stating that "without such certificate he could not take charge of the *Tyro*;" and

3. Further, asks, "As the *Lonsdale* ran the *Tyro* down in pilot waters, how is it that the board did not deal with my certificate if they had sufficient evidence to find me in default?"

The reply to this is—

1. That he has no certificate of competency as a master, and which is the only certificate with which this board could have dealt.

2. That he could take charge of the schooner *Tyro* without being in possession of such a certificate as master, inasmuch as the law does not require that the masters of such vessels shall be certificated, but whether he would be permitted to navigate such vessel in pilotage waters without having passed an examination, is quite another question;

and

3. The subject of inquiry before the board was not that of pilotage, with which it had nothing to do, but had reference to the actions of the respective masters immediately prior to the collision. He concludes by stating that he "produced more than sufficient evidence to prove that he strictly followed the rule of the road, for which he has now to suffer an injustice, by the partiality shown by the board."

This is a matter of opinion, in which the board have decided against Mr Henderson.

Other references have been made in the subleader last referred to imputing improper motives to the board, which considers that the bounds of fair criticism are overstepped

(continues on Page 20)

The Collision Between... (continued from Page 19)

when a descent is made to libellous accusations levelled against its members, and enters this protest accordingly.

I have the honour to be, Sir,
Your most obedt. servant,
J. Geo. M'Kie, Secretary.

The evidence of Pilot Seal on which the board reversed their previous finding was as follows:—

Thomas Edward Seal, being sworn, saith, am a licensed pilot of Port Phillip. Saw the collision between the Lonsdale and Tyro. I was in charge of the barque Alexr. Duthie at the time. I followed the Tyro going down the channel, and about one and a half cables behind her when the collision occurred, a little on her starboard quarter. Collision took place near No. 10 buoy. Immediately before the collision I was watching the courses of the Lonsdale and Tyro. The wind was about E. My course was about S.S.W., and the barque was going free. The Tyro was steering for about No. 6 white buoy, and the Lonsdale was making a straight course from the lightship to No. 12 buoy.

This was before any alteration of course took place. Had the vessels kept on that course I think they would have gone clear if the Lonsdale had ported a little; there would have been a possible risk of collision had the vessels kept on their original courses.

I saw the Lonsdale port her helm before any alteration was made in the course of the Tyro, saw her answer her port helm; had they then continued on their courses there would have been no risk of collision. When the Lonsdale so ported the vessels were about two cables apart.

The alteration in the course of the Lonsdale could have been seen by any one watching. She canted about half a point, indicating she was under a port helm. The vessels then went on their courses.

Then the Tyro starboarded simultaneously; saw the Lonsdale port again about two points. The Tyro starboarded about three points and a halt. I was in her wake about a cable astern. There was no mistake about the starboarding of the Tyro, as she came up her mainsails were shaking.

I mentioned the matter to the captain of the barque at the time; but for the starboarding of the Tyro there would have been no collision. When the Lonsdale commenced to port, the Tyro, going about six or seven knots, was about 500ft. or 600ft. from the former, when

one made the port move and the other the starboard.

I was not more than about 100ft. to 150ft. from the Tyro in parallel lines; the tide was the last of the flood, and I would have expected the tide would have put me over on the east bank under the circumstances of wind, &c., at the time. The tide was at the time almost slack.

The Tyro was about 250 yards from and abreast of the No. 10 buoy. I think the Lonsdale was right in porting, as she had a clear passage to the eastward, and was not to blame for the collision so far as I could see.

There were three vessels about the Lonsdale at the time. Had the Lonsdale starboarded she would have had to cross the Swallow's bow. Had the Tyro kept on her course and not starboarded after the Lonsdale ported there would not have been a collision. I don't think the Lonsdale was called upon to ease. There was nothing in the Lonsdale's course to indicate to the Tyro that the Lonsdale was going to take any other course than she did.

(Signed.)

Thos. E. Seal.

* * *

The Tyro was refloated and repaired and the following notice appeared in the *South Bourke and Mornington Journal* on 6 July 1887:

Nautical Notice

THE well known Schooner "TYRO"

being in first class order is now
CONTINUING her TRIPS to WESTERN PORT.

Shippers may rely on having their Goods delivered with all possible despatch.

All letters to the following address will receive careful attention—

L. HENDERSON.

Schooner "Tyro."

New Dock. Melbourne.

N.B.—No connection with any other vessel.

* * *

Despite, apparently, being an ugly-looking ship and a poor sailor, Tyro served as a cargo vessel in Western Port Bay for nearly two more decades, ending up run aground on a Ventnor beach, Phillip Island, in early 1906. The cargo was salvaged; the ship wasn't.