part one

THE MATRIARCH

one arrivals: convict, judge, squatter, soldier

A STORY of a family can begin anywhere. This story of an Australian family of artists could begin in London or the west of Ireland, in Gloucestershire or the Isle of Skye. It is a story about makers and shapers in painting and pottery, sculpture, architecture and writing, and about their forebears who helped to build and shape the city of their childhood. So, let it begin with arrivals, with three men who came to the straggling little riverside settlement of Melbourne in the Port Phillip District of New South Wales before Victoria won independence as a colony, and a fourth who landed in Van Diemen's Land in 1845 and moved to Melbourne nine years later.

John Mills, a labourer from Gloucestershire, was a convict. After serving his seven-year sentence in Van Diemen's Land he sailed from Launceston in 1837 to buy land in Melbourne and establish the first brewery. Dr Robert Martin, born in the Isle of Skye, medical practitioner and squatter, came overland with cattle from Sydney in 1839 to take up land at Mount Sturgeon and at Heidelberg, near Melbourne. William à Beckett was a London lawyer who practised his profession in Sydney before being appointed as senior judge in the Port Phillip District in 1846 and

as Victoria's first Chief Justice in 1852. John Theodore Boyd was an Irish-born army officer who brought convicts to Van Diemen's Land in 1845 and remained on regimental duties until a vice-regal appointment in Melbourne came his way.

Four separate strands of colonial life; four representative men. John Theodore Boyd and William à Beckett helped to establish the rule of British law. Robert Martin, the gentleman squatter, and John Mills, the ex-convict brewer, were entrepreneurs in land, trade and commerce. Boyd did not choose the colony: he came with his regiment, fell in love and stayed. William à Beckett and Robert Martin made their choices as mature professional men, believing they would prosper in the colony. As for John Mills, who can say what a sixteen-year-old labourer and law-breaker thought he would find on the other side of the world?

The four men make their separate entrances. All four made their mark. Their families will converge with two marriages in the 1850s and a third in 1886. What we know about these men is made out from the fragments of evidence they left behind, in family papers, law reports, land transfers and wills. We know something of where and how they lived: what kind of houses they built or occupied, what place they had in the society of their time. The women, at this early stage of colonial life, are almost invisible. Like most women of their time they have little or no place on the public record. Of the pioneering wives, only Hannah Mills emerges from the obscurity of the domestic sphere; and this is because as a lower-class woman she shared her husband's work. Not until a settled family life is established will the other women be seen in their private roles. Even then, in the absence of intimate diaries and letters, their personalities remain elusive. Because of the lucky survival of fifty years of à Beckett diaries, Emma à Beckett's central role in family life can be shown in rich detail. There are no private papers to speak for her contemporary, Lucy Boyd.

There is a visual record for each of the four men. A portrait of Sir William à Beckett in wig and crimson gown looks down in

meditative melancholy from his place on the walls of the Supreme Court Library in Melbourne. A studio photograph of Dr Martin, still vital and resolute in old age, is held in the collection of the Heidelberg Historical Society, near the council offices whose proceedings he once dominated. A descendant has Captain Boyd's portrait, taken in the full dress uniform of the 11th Foot (North Devon) Regiment. This is 'Baby Boyd' as he was called for his youthful appearance, ingenuous blue eyes, and hair as improbably bright gold as the braid on his coat. John Mills would not have aspired to a portrait, but some visual evidence comes from the register of convicts held in Hobart. Aged seventeen on arrival, Mills had brown hair and blue eyes and was five feet two inches tall.[1]

A full history of the families these men founded, from the time of arrival to the present day, would be a vast and unwieldy affair, ever-widening with each generation. This story spreads out, narrows and then widens again. Its mid-point is January 1886 when Minnie, one of six à Becketts, marries Arthur, one of twelve Boyds. Both are painters. Three of their four surviving children take up the story: Merric the potter, Penleigh the painter and Martin the novelist. In the next generation, four of the eleven grandchildren of Minnie and Arthur make public careers in the arts: Robin as architect and writer; Arthur as painter; Guy as sculptor; David as potter and painter. Having begun my story with four men—convict, judge, squatter, soldier—I end it with a quite different quartet. The symmetry is accidental, but in a nineteenth- and early twentieth-century story it is almost inevitable that the strongest light should fall on four men. As the story unfolds, however, the role of the women will be seen as crucial. The private stories, the varied choices, are interwoven in the family tapestry.

As a way of reading the family story I have chosen a sequence of family houses ranging from the à Becketts' first Australian house, The Grange, at Harkaway, near Berwick, to Penleigh House, an eighteenth-century manor in Wiltshire where they

lived in the 1890s. In later houses, such as Penleigh Boyd's The Robins at Warrandyte and Merric Boyd's Open Country, Murrumbeena, a strong emotional attachment to place continues. Martin Boyd's 1940s choice to give up English village life in order to reclaim his à Beckett grandfather's Harkaway house is echoed in Guy Boyd's decision to leave Canada in the 1980s and buy back his Boyd grandfather's Sandringham house. Aspects of personality and creativity are seen also in Arthur Boyd's London house and his Suffolk retreat; and in the Islington house where David and Hermia Boyd worked in the 1960s. Robin Boyd's understanding of 'the strange sort of possessive love with which people have always regarded their shelters' is central to his work.[2] In designing a modernist house for himself and his family in South Yarra, Robin expressed his own ideas for living. Arthur Boyd, after years of expatriate life, chose an 1860s house on the Shoalhaven River, near Nowra, New South Wales, as a place to paint, as a repository for his collection of art works by family members, and finally as a gift to the Australian people.

The Boyds share creativity in the visual arts and a strong sense of place. They also show an unusually tenacious hold on a place which has been loved and lived in by earlier generations. Only Robin, the designer architect, seems not to share the commitment to the past or the romantic pastoral impulse which has made many of the Boyds reluctant city dwellers. For Penleigh, Martin and Guy, as for W.A.C. à Beckett, the impulse has been expressed in buying back a family house in the country or by the sea. In the subtly differing meanings which each of them invested in a chosen house it is possible to discern different ways of seeing the past and the self. Others have made indirect connections, as David Boyd did in choosing a farmhouse in the South of France which provided an emotional link with the orchard in Murrumbeena where he grew up. Since the 1870s when Minnie had her bush studio at The Grange, the Boyds have painted countless landscapes. Often these are the landscapes surrounding the family house; often the house itself is commemorated. In looking at the story of the Boyds I have taken their choice of houses as a way

of understanding how they lived and what they lived for. I begin with a quartet of men, very different from one another, who came to Port Phillip in the early nineteenth century with little notion of how they might make themselves at home, or what kind of colonial house they could build.

john mills

JOHN MILLS was the first of the quartet to land in Melbourne. His story is the most remarkable of the four, not only because he endured the hardships of convict life but because, unaided, he won a great fortune which he did not live to enjoy. Few convict success stories can compete with Mills' for romance, mystery and enduring influence in the lives of his descendants.

Mills was only sixteen when he was convicted of larceny at the Gloucester Assizes of 1826 and sentenced to transportation with seven years penal servitude. There were many cases in which transportation was too harsh a punishment, but in the context of his time John Mills was lucky. He pleaded guilty to having stolen four geese, which sounds a minor offence, but because he and most of his large family were active members of an organised gang of thieves and burglars, his punishment was inevitable.

In 1820s Gloucestershire, a group known as the Wickwar Gang combined to steal and sell whatever they could lay hands on. For about seven years the gang carried on a thriving business in and around the neighborhood of Yate, Rangeworthy and Wooton-Under-Edge. The twenty-seven gang members arrested in 1826 included Job Mills, labourer, his wife Unity, their four sons Thomas, Job junior, William and John, and two daughters Catherine and Elizabeth. Because of the gang's notoriety, the local newspapers reported the case in detail:

> Last week . . . the police were induced to pay a visit to Yate Common, where they took into custody an old man of the name of Mills, his wife and their four sons; and immediately after their apprehension, these persons disclosed the history of

> the lawless community with which they were associated . . . the officers found twenty sides of bacon, quantities of cloth, wheat, barley, oats, malt, cheese, two bedsteads and £50 chiefly in half crown pieces.[3]

Some of the stolen goods were hidden behind the oven in the Mills kitchen; a large pot was hung in front of it to prevent suspicion. Local gossip magnified this homely hiding place into a 'subterranean cave'.[4] The bedsteads and the twenty sides of bacon would have taken some hiding, and the Mills brothers must have been ingenious as well as daring. In its seven years of operation the Wickwar Gang was invested with something like the romantic mythology of Australia's Kelly Gang: their story, with embellishments, was told in every public house in Gloucestershire.[5]

The arrest of the Mills family members and their nineteen associates was a local sensation. Local gaols had not room for them all, and they were held in various public houses before being taken to Gloucester in two gigs and two wagons, under police guard. Local farmers and labourers, intent on watching the drama, made up an unofficial escort. At a three-day trial some charges were dismissed for lack of evidence. Job and Unity Mills and their eighteen-year-old son Job junior went free; so did their daughter Catherine Woodward, who had appeared in court carrying her baby, and her sister Elizabeth. The eldest son, Thomas Mills, turned King's Evidence. This saved him from serious charges and probably saved his parents, one brother and both sisters at the same time. Two other members of the gang, James and George Gardiner, were also released.

For the other two Mills brothers there was no way out. John Mills, the youngest of those arrested, was acquitted for lack of evidence on a charge of breaking into a house and stealing silver spoons, rum and sugar. Having pleaded guilty to the lesser charge of theft, he was given the relatively light sentence of transportation for seven years. In a case of such notoriety it was certain

that someone would pay the full penalty. William Mills, the second son, had a long history of crime and multiple charges were laid, as they were for Thomas Gardiner. Both were condemned to death. Wearing the black cap which signalled his verdict, the judge spoke of the need to show by example that the law 'would have its supremacy and take its fixed and steady course' against persistent and premeditated wrongdoing.[6]

William Mills and Thomas Gardiner were hanged at Gloucester Gaol on 20 August 1826. For nine days before the execution the prison chaplain visited them daily. His diary gives a glimpse of William as he waited for his death: 'Read prayers today . . . the prisoners deeply affected. Gave them the sacrament which both partook . . . Mills was a real penitent.'[7] Both prisoners could read and write, the chaplain noted, and Mills had a better religious understanding than was usual for 'a person in his situation in life'. The local newspapers which had followed the court case now focused sympathetically on the condemned men. William Mills asked more than once to have 'a friendly interview' with the brother whose evidence had helped convict him, but Thomas could not be induced to enter the prison cell.[8]

Local opinion turned against Thomas: William was seen as the scapegoat. In a scene of grotesque comedy, reported with relish in the *Gloucester Journal*, Thomas faced some of those whose goods he had stolen:

> . . . on the release of Thomas Mills, accomplice and approver, on whose evidence most of the prisoners were convicted, he was met by a Mrs Lewis of Rangeworthy, who addressing him by his Christian name, said, 'Now didn'st thee Tom, steal our silver spoons and plyers' . . . 'Yes' says Tom, 'I did; and thee shalt have 'em again'. So, taking from his back a large bag in which were several articles of stolen property, he took them out and restored them to her. 'And ain't those breeches thee'st on my old man's?' says Mrs Lewis. 'Indeed they are', says Tom 'and if thee'll send for them tomorrow, thee shalt have them'.[9]

If Thomas was the butt of neighbours' jokes he was also seriously menaced by Wickwar Gang members. In October 1826 there was an attempt to kill him. Mark and John Dyer came to the Mills cottage, intent on revenge for his part in the trial. Shots fired through the window wounded Unity Mills slightly but missed Thomas. The Dyer brothers were hanged for attempted murder. Thomas left the district to seek labouring work in a safer place. Job and Unity lived on with their daughters and the remaining two of their five sons, as the Wickwar Gang passed into local folklore.

John Mills had to remake his life alone. When the black flag was raised at Gloucester Gaol to signal his brother's execution, John was already a long way from home. He had first been taken to the *Justitia*, one of the hulks or floating prisons on the Thames where convicts were held while awaiting transportation. What degree of hardship he endured is not known, but there are many descriptions of the hulks in which prisoners felt the fetid air of close confinement and the ignominious weight of the leg irons.

After a few weeks in the hulks Mills was transferred with a large consignment of convicts to the *Andromeda*, bound for Van Diemen's Land. Among his fellow prisoners were some other members of the Wickwar Gang, and this may have tempered his isolation. He cannot have known, when he arrived in Hobart Town on 23 February 1827 after a voyage of over four months, what his fate would be. The brutalities of the convict system were notorious: much depended on the luck of the draw in the assignment of labour.

John Mills was lucky. After being assigned for a short time to a farmer, he was sent to Hobart, where under William Stallard he learned the brewing trade. He was given a ticket of leave in 1831, with only three years to run before he could call himself a free man. It is not known how he spent those years but he must have been hard-working and enterprising. He reappears on the public record on 21 December 1836, with his signature on the marriage register in Launceston confirming the fact that like his

brother William he could read and write. His sixteen-year-old bride Hannah Hale made her mark.[10]

Hannah came from Hawkesbury in Gloucestershire, not far from the village where the Mills family lived. Her father, a weaver who had fought in the Napoleonic Wars, brought his family to Van Diemen's Land in 1833.[11] The Hales would have known all about the Wickwar Gang; they may have known the Mills family. Hannah would have been fully aware of her husband's past and she could hardly have expected the swift rise to fortune her marriage would bring.

As licensee of the Old Bell in Launceston, John Mills prospered. In May 1837 he sailed for Port Phillip to bid at Melbourne's first land sales. He paid £35 for a half-acre block between Flinders Street and Flinders Lane, well placed between the Yarra River and what was to be the central business district.[12] This was the first move in establishing himself in a more ambitious way than was possible in Launceston. It was also a way of distancing himself from his life as a convict.

The enterprise must have taken confidence, an astute planning mind, and perhaps a gambler's temperament. Melbourne in 1837 was still a wilderness in which the outline of a town was just beginning to emerge. John Mills would have seen no more than the thirty or forty scattered huts described by Philip Gidley King in March 1837:

> Some are of sods, others framed and weatherboarded, others wattled and plastered. The framed houses have all been sent from Sydney or Launceston . . . we called upon the ladies of the place and found them enduring great discomfort, some living in mud hovels, others in tents, and others just entering their new abodes made of 'wattle-and-dab'.[13]

After buying his piece of land, his stake in Port Phillip's future, Mills went back to Launceston, where Hannah was waiting. Together they sailed for Melbourne in late October 1837 and made their first temporary home beside the Yarra River in a

wattle and daub hut with an earthen floor. On 10 January 1838 their daughter Emma was born. Family legend exaggerates only a little in claiming her as the first white child born in Melbourne: her name stands third on the baptismal record.

At the second Melbourne land sale, in November 1837, Mills paid £50 for a block on the corner of Elizabeth and Bourke streets, opposite the site of the General Post Office. This property brought in rental income while Mills went ahead with his main enterprise, the Melbourne Brewery.[14] For three years John and Hannah Mills worked together. Water from the Yarra River supplied the brewery in Flinders Lane. Beside it, Mills built the Adelphi, a shanty which later grew to the dignity of a hotel. Here Hannah served in the bar, selling beer to sailors from the nearby port and to Melbourne citizens of varying respectability. In their first year of trade both Hannah and her husband were taken to court for breaches of the licensing laws.[15] Mills was refused permission to build a conduit under Flinders Street, to bring water directly from the river to the brewery. He was also fined for selling poor quality barley.[16] There were still strong links to his convict past. In 1839 his young sister-in-law Emma Hale, who lived with John and Hannah Mills, married William Sidebottom, licensee of the Golden Fleece in Bourke Street. It would be hard to put the gloss of respectability on Sidebottom who had been given a life sentence (later commuted) for highway robbery, and whose time in Van Diemen's Land included twelve months on Maria Island where he was given 100 lashes for stealing from an offshore brig.[17]

By 1841, however, Mills had made progress in wealth and reputation. He built two more public houses, the Dundee Arms and the Crown Inn, and he extended the Adelphi to include a room sixty feet long, in which balls and meetings could be held. His donation to a fund for repairing the 'disgraceful' state of Flinders Lane was publicly acknowledged. By becoming a member of the Wesleyan Church in Elizabeth Street he made a significant move towards respectability. The Wesleyans, who

found their membership in the lower middle class and working class, stressed the power of repentance and promised spiritual rebirth. It is possible that Mills was publicly cleansed of shame during a Wesleyan prayer meeting.

John Mills might have completed his journey to respectability and become, like John Pascoe Fawkner, a worthy conservative citizen of the city he helped to build. But in 1841, at the early age of thirty-one, he died at Somerset Cottage in Collins Street. He had not had time to build a grand house for himself, and although he left great wealth to his only child he had no means of assuring her future. Hannah Mills, married at sixteen and widowed at twenty, would have to look after herself as well as their daughter. Where they would find their places, in Melbourne's fast-evolving society, was unpredictable.

A few weeks before his death Mills had made his will. He provided handsomely for Hannah in her lifetime; he made bequests to his brothers and sisters, and he did his best to safeguard his young daughter who was the main beneficiary.[18] She was to have the education he had been denied. Looking back, knowing he was soon to die, Mills might have reflected on his precarious childhood, in which his family often depended on parish charity for a piece of cloth or a pair of shoes. It must have been a wonder to him that he could make Emma rich and educate her as a lady. Yet, even though Mills would have thought himself a wealthy man in 1841, he could not have foreseen that his two blocks of land would keep Emma, all her children and many grandchildren in varying degrees of wealth and comfort for a hundred years.

No one knows why Mills died so young, nor why he left his residence in the brewery for Somerset Cottage in Collins Street, which he rented from Dr Godfrey Howitt. The cause of death is not recorded but a persuasive case for tuberculosis has been proposed by a Mills descendant, Harcourt Long. Noting that there was a death from 'phthisis' on the *Andromeda*, Long suggests that Mills was exposed to infection on the voyage and

that the move to Somerset Cottage, which had a large garden and orchard, might have been made to escape the river mists and fogs of the low-lying land of the brewery. If he had tuberculosis, Mills would have known that death was certain, and the course of the illness would have given him time to consider his will and provide for his daughter.[19]

From the first, Emma's inheritance brought trouble. Her father bypassed his brother-in-law William Sidebottom as an executor, choosing two members of the Wesleyan Church, John Jones Peers and William Witton, to be co-executors with Hannah Mills. Five months after her husband's death Hannah married again, and her new husband, said to have been a clerk in the brewery, took control of the Mills estate. Thomas George Washington Robinson was an associate of Sidebottom, with whom he owned land. In the years immediately following the death of John Mills, Melbourne went through a period of financial crisis: land prices fell and bankruptcies were commonplace. In 1844 Robinson was in debt, and it seems that he kept himself afloat by borrowing on Emma's inheritance.

In 1845 Robinson was licensee of the Golden Fleece Hotel at Pentridge, and the family lived on the premises. By then, Hannah had the first two children of the Robinson marriage; she was to have five more before the couple separated in 1856. In a series of court actions on Emma's behalf, Robinson was charged with mismanagement of her estate. He spent seven months in gaol for contempt of court and in 1853 fifteen-year-old Emma became a ward of the court. In the tangle of mortgages and property deals, in a chaotic period of Melbourne's history, it is not easy to determine what Robinson's offences amounted to, but it seems certain that he was not the safe guardian John Mills wanted for his daughter. He was remembered for his flashy style of dress and his exuberant personality:

> In his palmiest days Tom Robinson lived a fairly loud life, and used to wear loads of jewellery, and wore an albert [watch-chain] composed entirely of sovereigns. He at one time ran a show, or menagerie, on the site of the present Cromwell Buildings, and was generally a harum-scarum, extravagant, goodhearted fellow.[20]

Emma's fortune was challenged from another direction. Her father's will made several bequests to his brothers and sisters, then still living in Gloucestershire. To his youngest brother George Mills, who was only five at the time of the Wickwar trials, he left the Crown Inn, in Bourke Street. To his older brothers, Thomas and Job, who had escaped justice by Thomas's testimony, he left what seemed an unexpectedly generous legacy. They were to have whatever residual land remained after all the other bequests had been made. But there was a condition attached: before they could claim the land they had to give one hundred pounds to each of their six sisters, and to do so within three months of John Mills' death.[21]

It is impossible not to question John Mills' motives. Did he mean to tantalize, test or punish the brothers who went free while William died and John himself was exiled in chains? How could Thomas and Job hope to raise six hundred pounds? For labourers in their situation it was a vast sum of money. Even if they could find a way to borrow on their expectations, the time clause weighed heavily against them. It might be more than three months before they even heard of John's death. John knew very well how slowly the mails would travel: his own passage on the *Andromeda* took over four months, and longer voyages were not uncommon. No one knows when the news of the will reached the cottage at Rangeworthy, or what the brothers and sisters thought of it. But all three brothers eventually sailed for Melbourne to claim a share of the convict's fortune. Job and George Mills arrived in the depression year of 1843. Two years later Thomas Mills joined his brothers. With no resources of their own and no knowledge of the law, they showed remarkable tenacity in pressing their claims to a share in John Mills' estate. Eventually George won his case and took possession of his hotel. Job and Thomas struggled on in a series of court actions, which

they financed by selling shares in the inheritance they hoped for. Working as charcoal burners at Gardiner's Creek, and living poorly, they must have resented the comfort and plenty of the Robinson household. When did they meet the little heiress, their niece Emma? It would have been hard for Hannah to avoid these unwelcome brothers-in-law. The Golden Fleece was open to all comers, and if the Mills brothers wanted to confront Hannah or her husband, they had only to call in for a drink.

In 1851, when Emma was thirteen, her uncles Thomas and Job Mills brought their claims to court. Their immediate target was the land on the corner of Bourke and Elizabeth streets, which John Mills had bought in 1837. At the time of Mills' death, this property was rented to a baker, James Taylor. The question before the court was whether or not Taylor could be said to have occupied the whole block on which his house and shop were built. Thomas and Job argued that Taylor's lease applied only to the thirty-three-foot frontage to Elizabeth Street on which his buildings stood, and that the remaining hundred feet was 'residual land' in which, according to the terms of his will, their brother had intended them to share. Defending her daughter's inheritance, Hannah Robinson testified that the agreement between John Mills and James Taylor applied to the whole property, and her evidence was supported by Taylor himself. Summing up the case on appeal, Judge William à Beckett ruled against the Mills brothers, accepting the evidence of James Taylor and Hannah Robinson on the matter of the lease. The fact that the Mills brothers had not fulfilled the requirement of the will by paying each of their sisters one hundred pounds was noted in his judgment. This was a routine case for à Beckett, but he would soon hear a great deal more about the grievances of Thomas and Job Mills.[22]

Disputes in the courts and quarrels at home: these were part of Emma Mills' inheritance. Her childhood at the brewery and in the Golden Fleece public house would have exposed her to the roughest elements of Melbourne life. She witnessed Hannah's turbulent second marriage, her seven pregnancies and the death

of two children. As the child of a former convict and his illiterate wife, it would be hard to predict what Emma's future might be. John Mills' insistence that his daughter should receive a young lady's education might have been a complicating factor, separating her from her mother and stepbrothers and sisters, but leaving her socially unplaced. Emma was quick and adaptable. She had the natural advantages of beautiful dark eyes and shining hair, a neat figure, a vital intelligence, an innate friendliness and good taste. At Mrs Ainslie's school for young ladies in Swanston Street where she was a boarder for several years, Emma learned French and Italian, drawing and music.[23] Lessons in elocution and deportment prepared her for entry into the polite society of early Melbourne. Yet for all her beauty and charm, she depended on the right marriage to safeguard her fortune from predators. Her great expectations carried with them great risks.

william à beckett

JOHN MILLS came to Australia on the convict ship *Andromeda* without family, possessions, or education. When William à Beckett sailed in the relative comfort of a cabin class passage on the *City of Edinburgh* in January 1837 he brought substantial baggage of every kind. With him came his wife Emily and their three sons, Willie, who was three when they left London, Malwyn, just two years old, and the baby Edward. Emily's mother and two sisters completed the family party, and there was a nurse to look after the children on the voyage. The family ties were unusually close because William à Beckett had married his first cousin, so that his mother-in-law was also his aunt, and her younger daughters were his cousins. Between them they occupied three cramped and stuffy cabins and filled a large section of the hold with their furniture, books and clothes, silver and china and family portraits. It may sound comfortable, even cosy, to come so domestically surrounded, but it was a serious commitment to the unknown. The voyage, which took one hundred and thirty-one days from London to Sydney, was turbulent; and with four

women and three small children in the family party William à Beckett must have felt a weight of responsibility.

The eldest son of a London solicitor, William à Beckett had an upper-class education at Westminster School, where he and his three brothers were well grounded in cricket and the classics. They endured some bullying there, for which their father offered neither defence nor sympathy: he thought it would toughen his sons. William read law in his father's office in Golden Square, London, and was admitted to the Bar at Lincoln's Inn in 1829. Intelligent and hard-working, he might have had a safe and conventional career at home. Why would a man so well placed for success decide to risk his fortunes in the colony? Too many barristers, too few briefs at the London Bar must be part of the answer. Yet William à Beckett never quite fitted the conventional mould of the legal man. He had some literary gifts and longed to be a writer. He was only eighteen when he published a volume of poems, which was more remarkable as evidence of ambition than for its poetic merit. For several years after his admission to the Bar he had supported himself by journalism and within three months of landing in Sydney he took on the editorship of the weekly *Literary News*; later he published a series of his own lectures, *The Poets and Poetry of Great Britain*. His love of literature was put to good use in the colony, where few men had his level of education, or his commitment to strengthening cultural ties with Britain.[24]

The inner division which made à Beckett hesitate between literature and the law was compounded by another more obvious conflict. His father, the 'stern old man of Golden Square', was hard on all his sons: whatever they did he showed no pride, conceded no merit. Years later, when three of the four sons had made their way unaided in Australia, he began to boast of their success, but when they most needed encouragement he withheld it. It sometimes seemed that he despised them all. His grandson Arthur à Beckett remembered him as a puzzle: exacting with his sons, indulgent to their children:

> He was always very kind to me, this terrible old gentleman. But he was perhaps feeling remorseful for he had quarrelled with all his boys. Three left England for Australia, and one, my father, remained at home. But they were none of them on terms of genuine cordiality with him until they had all succeeded in life. Then they approached the old gentleman and the past was ruled out as forgotten. I remember thinking it strange that my grandfather who was as proud as Lucifer but not in the least a snob, should be so anxious to emphasise the positions secured by his children. No doubt he was saying in his heart of hearts, 'They have risen to this, thank God—in spite of me.'[25]

His second and third sons, Thomas Turner and Arthur Martin à Beckett, followed William to Australia. The youngest, Gilbert, remained in England where he made his living as a writer. As one of the founders of London *Punch*, Gilbert à Beckett was a friend of Dickens and Thackeray, Mayhew and Tenniel. He claimed that his chilly relationship with his father, and the bullying he endured at Westminster, contributed to Dickens' study of tyranny at home and school in *Nicholas Nickleby*.

Father and sons, in this branch of the à Beckett family, had a grievance which was seldom openly acknowledged. As the eldest son in a long line of country squires who carried the old and distinguished name of St Thomas of Canterbury's family, William à Beckett of Golden Square would have inherited Penleigh House, the family's manor house and lands near Westbury, in Wiltshire —if only his parents had been married. Instead, he had to earn his own living in the law, and bring up his four sons to independence, while the Penleigh estate went to a cousin. To a man 'as proud as Lucifer', the stigma of illegitimacy must have been strongly felt. It may have been a factor in the emigration of three of his sons and their striving after colonial honors. It would rankle with the eldest son in the next generation. The lost inheritance of Penleigh is a recurring theme in this family's history, but in the early years of Australian life it was put aside

as William, Thomas Turner and Arthur Martin à Beckett applied themselves to new world opportunities.

In Sydney, William à Beckett did well from the start. It took him less than four years to reach the position of acting solicitor-general with a salary of £800 a year and the right of private practice. He became an acting judge of the Supreme Court of New South Wales in 1844 and a year later was given a provisional appointment as resident judge in the Port Phillip District. The family moved to Melbourne in 1846, and à Beckett's position was made permanent. By this time he was a widower, Emily having died in 1841 not long after the birth of their fourth son Reginald. In 1849 he married Matilda Hayley, the younger of his two sisters-in-law. He was free to do so because the Deceased Wife's Sister Act of 1835 was not proclaimed in Australia, but it must have been embarrassing to return to England in later years with a marriage certificate which was valid only in the colonies. Matilda, her mother and her older sister helped to bring up the baby Reginald and the three older boys, William Arthur Callendar (known by his initials as W.A.C.), Malwyn and Edward.

Soon after the new state of Victoria was created in 1851 à Beckett was appointed first Chief Justice of its Supreme Court. A year later, having lobbied shamelessly for the honour,[26] he became the first Victorian colonist to win a knighthood. During his first years in Melbourne, à Beckett won admiration for the soundness and clarity of his judgments and his skill in adapting English law to new situations and conditions of life. Like his lawyer brother Thomas Turner à Beckett who followed him to Melbourne in 1851, Sir William à Beckett was a prominent and respected figure in Melbourne life. He loved music and poetry and theatre-going but these were not just his private enjoyments. He and his brother freely gave their time and energy to lecturing on the arts at Mechanics' Institutes in an effort to improve working-class education. In July 1855 Sir William's verse prologue celebrating the opening of George Coppin's new theatre

(known because of its prefabricated construction as The Iron Pot) was declaimed by actor G. V. Brooke. Sober, dutiful, with a reputation for high moral standards and behaviour, Sir William was a model colonist. Although a quiet humour enlivens his autobiographical travel book *Out of Harness*, his public utterances were solemn, often pompous.

The good colonist extolled in Sir William's public lectures was a hard-working, church-going Christian, who lived modestly, without display. Sir William disliked excess of any kind and was deeply suspicious of social change. 'Distinctions and grades there will always be in any constitution of a civilised society', he said in 1851; equality was a 'mad and dangerous dream'.[27] He recommended the education of the lower classes as a means of narrowing the extreme gap between rich and poor, but he had no idea of abolishing class distinctions. When the discovery of gold dislocated the colony's social order he was horrified. Wealth so easily won was a curse to the individual and to society. His brother Thomas Turner à Beckett was equally conservative. He thought that the 'universal and most pernicious excitement' of the gold rushes threatened the colony's social order.[28] Sir William was appalled at the social damage done by alcohol. As a regular speaker to meetings of the Total Abstinence League, he was eloquent in denouncing publicans and public houses: these were 'plague-spots'.[29] If total abstinence would 'strip the spirit merchant and the publicans of some of their wealth' so much the better. In a final flourish he declared that 'the cheerful glass often leads to the bloody knife and . . . the bar of the public house often leads to the bar of justice'. His 'temperance toast' to Queen Victoria, published in the *Argus* in 1854, reinforced his role as leader in the Total Abstinence movement:

> Now, comrades, uprise while a toast I give out
> And though water alone's in our glass
> I'll warrant we'll give a teetotaller's shout
> Which no wine-bibber's cheers shall surpass.[30]

By 1853 Sir William and Thomas Turner à Beckett were among Melbourne's leading citizens. In the social upheavals of the gold rush years, when former servants made fortunes overnight and spent them lavishly, the à Becketts were unmistakably gentlefolk, not rich, but well placed at the gentlemanly top of the colonial tree. Both brothers were members of the Melbourne Club.[31] At a time when people with 'new money' were sharply scrutinised for lowly origins or the 'convict taint' the à Becketts were beyond criticism.

Sir William's health, however, caused concern. While playing cricket at Lord's many years earlier, he had injured his legs; later, paralysis set in and he could not walk unaided. In 1853 he took two years leave in order to seek medical advice in London. No cure was found and although he must have thought about permanent retirement in England, he resigned himself to his wheelchair and committed his future to Melbourne. Having lived for seven years in what had been Judge Therry's house in Collins Street, he decided that at last he would build for himself. Choosing a corner block in Clarendon Street, East Melbourne, he commissioned a substantial two-storey house, appropriate in size and dignity for the colony's first Chief Justice. Early in 1855 he took a year's lease of Bishopscourt, the bluestone mansion built for his friend Charles Perry, Bishop of Melbourne, who was due for leave of absence.

Living in episcopal splendour, watching his own house rise from its bluestone foundations, it should have been a good year for Sir William. Instead, it was a year of defeat, both professional and private. In November 1854 the miners at the Ballarat goldfields had defied the Crown's authority: they burned their licences and unfurled the rebel flag, the Southern Cross. Two of the rebels came before Sir William in February 1855, charged with treason, and facing a possible death penalty. At the first of two separate trials Sir William's judgment was unequivocal in its direction for a 'guilty' verdict. Well aware that popular feeling favoured the miners, he made a strongly emotional appeal to the jury, reminding its members that they 'must throw aside all care for what would be the opinion of their fellow men' and think of 'that Great Day when they should all await their trial and judgement at the hands of their Creator'. The jury was not persuaded; it took only half an hour to bring in the 'not guilty' verdict. When loud applause broke out, Sir William promptly ordered a week in gaol for two of the noisiest demonstrators, for their 'monstrous and disgraceful behaviour'.[32]

It cannot have improved Sir William's temper to read the Melbourne *Age* next day. Even from a newspaper which had strongly campaigned against government policy in treating the miners' rebellion as a case of treason, he would have felt the sting of a sharp and personal rebuke:

> . . . never in the whole course of our experience do we recollect such a one-sided charge as that yesterday delivered by Sir W. à Beckett . . . In fact, we may as well state what those present could not help observing and talking about, that His Honor was laboring under chronic irritability and charged the jury with the judicial bayonet as if bent on a capture. His concluding appeal to their consciences and the contingent consignment of them to perdition must have been very offensive to a body of twelve men who were as likely to have consciences as himself, and were not less entitled to the exercise of their own independent judgment. The implied insinuation was a cool assumption that the Government were so clearly in the right that heaven would punish all who differed from them. The verdict, and the acclamation with which it was received, threw the judge off his guard, and drew from him an ebullition of temper by no means in keeping with the dignity of his position.[33]

At the second trial Sir William's summing up was more circumspect. Irritatingly, the *Age* chose to congratulate him on his 'amended tone' and improved deportment, and rejoiced in the

fact that, after two juries had so swiftly rejected the Crown's case, the other miners were sure to be acquitted in their turn—as they were.[34]

Shaken by what he saw as anarchy on the goldfields and in his courtroom, Sir William faced another threat to authority, this time within his own family. Early in 1855 the tea tables of polite Melbourne were enlivened by a rumour concerning Sir William's eldest son. William Arthur Callendar à Beckett, known as W.A.C. ('Wack'), was in love with a young woman who did not belong to 'our circle'. Could he be thinking of marriage? Indeed he was—and his choice could hardly have been more embarrassing. W.A.C. was twenty-one when the gossip began. Although it was expected that he would make his career in the law, he had made no progress beyond working as his father's associate. He had a quick intelligence but no inclination to study; he liked riding, fencing, race meetings, dining out with friends, almost any sociable activity. His one serious passion was music. His education had been haphazard; he had been at four schools in Sydney and six more in Melbourne, all of them small private establishments of uneven standards. Sir William, with his Westminster public school background, thought of Australian education as a contradiction in terms. He would have liked to remedy its shortcomings by sending his sons to Cambridge.

Tall, fair-haired, good-looking, with an open friendly manner and an exuberant sense of humor, W.A.C. à Beckett was one of Melbourne's matrimonial prizes. When he chose Emma, only child of the convict-brewer John Mills and heiress to a fortune made in land and liquor, he must have outraged the mothers of the well-bred young women from whose numbers he should have chosen his bride. The courtship took place in spite of vigilant chaperonage. Emma, then just seventeen, was still a boarder at Mrs Ainslie's school for young ladies, which had moved in 1854 from Swanston Street in the city to George Street, Fitzroy, a short walk from Bishopscourt. Her little pocket diary of 1855, covered in red leather, with gilt-edged pages, holds evidence of a secret exchange of feelings, hastily pencilled in. Somehow the volume

was passed from Emma to W.A.C. and back again for a silent dialogue. 'My Darling Emma, how long?' W.A.C. wrote on 14 April. When she hesitated, he protested: 'My darling, that is too long'. Although W.A.C. had come of age and was in theory free to marry as he chose, he depended on his father for his small salary as judge's associate, and he was still living at home. Yet he pressed on, hoping for the best. On 7 September Emma wrote her one word of acceptance: her 'Yes' stands alone on the page. In the courtship exchange W.A.C. is ardent and impetuous: Emma is reserved. To 'My own dearest darling Emma' she replies simply with 'Dear Willie'. No romantic fears or longings can be detected in her record of her wedding day, on 17 September: 'Went to St Peter's Church and got married to Willie à Beckett by the Rev. Dickinson. Went to Geelong'.[35]

The marriage of a convict's daughter to the Chief Justice's son was bound to be a scandal in Melbourne's small social circle. Sir William's diatribes against the drink trade and the profiteers of the gold rush period were well known. Since no one could imagine his approving the match, it was generally thought to be an elopement. In fact it was a quiet wedding which Sir William chose not to attend. The alleged runaways went no further than St Peter's Church, a few minutes' walk from Bishopscourt. There was no deception. W.A.C. entered his address as 'Bishop's Palace' and Emma gave her age as seventeen. To marry a minor without the consent of her guardians, and in the shadow of Bishopscourt, would have been a most unlikely lapse on the part of the Vicar of St Peter's. Emma was still a ward of the court—Sir William à Beckett's court. The proper forms were observed in a settlement made in anticipation of marriage which was dated three days before the ceremony.[36] When Emma signed the register she gave her address as Victoria Parade. It may be that she was married from Walmer House in Victoria Parade where W.A.C.'s uncle Thomas Turner à Beckett lived: certainly she and W.A.C. had strong support from that branch of the family.

For Sir William, a 'secret' wedding had the advantage of avoiding an awkward social situation. Hannah Robinson, who

had sold jugs of ale in her husband's public house, would not have been at home with Matilda à Beckett, whose milieu was Government House and the teacups of Bishopscourt. It is hard to imagine a dialogue between Sir William and Emma's uncle William Sidebottom, the licensee of the Golden Fleece. Sir William's associates in the temperance movement would have been horrified by the match. Although Sir William had assured a working-class audience that 'nobility of soul might exist behind a counter as well as on a throne', he would make no such concessions to those who served behind a bar. Yet Emma herself must soon have disarmed her father-in-law. Remarkably pretty, charming, well educated and intelligent, with the strength of character and robust common sense she would need as the wife of the erratic W.A.C., she brought every gift to the marriage except a respectable background. In time this would be forgotten. Eliza à Beckett, W.A.C.'s cousin, who remembered Emma's arrival at Bishopscourt, wrote her own discreet account of the meeting:

> Emma Mills was a very young girl—not in our circle of friends, as though [she was] carefully brought up and educated her stepfather and his associates were very objectionable. We used to laugh at 'W.A.C.' about his pretty friend, whom we had never seen, without regarding it as anything serious. Tom [à Beckett] and his brother Ted were his only confidants—they only were present at his wedding, the first intimation of which to his family being a slab of wedding cake wrapped up in newspaper. Uncle William wisely accepted the situation with a good grace and invited the young couple after their honeymoon to stay at Bishops Court. I remember well the evening they arrived—it was a very formidable party for a girl of 17 to meet—Uncle William sitting in his invalid chair, Aunt Matilda, rather grim, beside him, my father and his wife—old Captain Baker, a friend of the family—my brothers and three cousins, and Minnie [à Beckett] and myself. I can see her now, coming up the room on her husband's arm, a slight little figure in a dark silk dress, a charming girlish face, masses of dark hair simply done, and with so frank a smile as she held out a little hand to my uncle that then and there I believe he adopted her as a daughter, and gave her a place in the family she always retained.[37]

Sir William probably did accept Emma with a good grace, yet he had reason to regret his son's choice and there would be some sharp words between them in the next few years. Not only did the marriage free W.A.C. from any need to earn his living, but it also caused much amusement in legal circles as Emma's inheritance was disputed in a series of court actions and the convict-brewer story became generally known. In February 1857, less than two years after the marriage, having made an attempt in a court hearing to settle the Mills–Robinson dispute, Sir William retired on the grounds of ill health. Except for one lecture on English poets and poetry in November 1856, he made no more public appearances in Melbourne after his son's wedding. His departure for England, where he spent his last years, was so unobtrusively made that his biographers disagree about the date.[38] He travelled in Europe with his family in 1858–59 and subsequently settled at Surbiton, near Hampton Court and later at Upper Norwood, Surrey, where he died in 1869. During his last years, distanced from Melbourne and no longer embarrassed by jibes about his son's source of income, Sir William became Vice-President of the United Kingdom Alliance 'to procure the total and immediate legislative suppression of the traffic in Intoxicating Liquors as Beverages'.[39]

Sir William's grand house in Clarendon Street was built too late to become a family centre. W.A.C. turned for fatherly support and legal advice to his uncle Thomas Turner à Beckett and Emma won the unqualified affection of 'Uncle and Aunt Tom'. Sir William's younger sons Malwyn, Ted and Reginald all chose to stay in Australia and live with W.A.C. and Emma. So Sir William, alone with his wife, moves off the colonial stage, having played his part. The scene in the Bishopscourt drawing room, in

which Emma crossed the invisible line between the classes, passed in censored form into family legend. It begins a new drama. Judge's son and convict's daughter: what kind of family life would they create and how would they use the freedom given them by the convict's will?

robert martin

THE LAW shaped William à Beckett's life and gave him dignity and status in the colony. The law which condemned John Mills also gave him his chance: it led him to the brewing trade and the riches drawn from timely land purchases in the city. Dr Robert Martin made his fortune as a pastoralist at a time when vast tracts of good grazing country in Port Phillip were there for the taking. In 1839, while William à Beckett was climbing the legal ladder in Sydney and John Mills was brewing and selling beer in Melbourne, Robert Martin, then aged forty-one, was making the overland trek from New South Wales to Port Phillip. As his first holding he took the Mount Sturgeon run on the southern slopes of the Grampians, near Dunkeld, thereby dispossessing one of the clans of the Djab Wurrung people.[40] By leaving his property in the charge of an overseer, Martin did not directly confront the Aboriginal issue and there is no means of knowing whether he would have been harsh or forbearing when conflicts arose. More than likely he was a man of his time in believing that his right to the land was beyond question. An undated petition to La Trobe about Aboriginal 'outrages' on various holdings includes the loss of six cows, three bullocks and twenty calves from Dr Martin's property, but it is not known how the overseer dealt with such matters.[41] Dr Martin himself had moved on. He acquired land at Clunes and later at Acheron, but he chose to live within easy riding distance from Melbourne on the Viewbank property of 192 acres at Heidelberg.[42] His wife Lucy came from Sydney to join him, and her money (released by her father George Gear) paid for Viewbank at a time when ready cash in Melbourne was

scarce. As well as her solid inheritance, Lucy Martin carried an aura of exotic distinction: on the maternal side she was of Spanish descent, remotely but romantically connected with St Dominic and the Empress Eugénie. Her first three children, Lucy, Annie and Robert, were born in Islington, the inner London suburb where Dr Martin had practised medicine. Three more daughters, Emma, Charlotte and Edith, were born in Melbourne.

Heidelberg in the 1840s combined rural beauty with the sociability of close settlement. Poet and failed settler, Richard Howitt, homesick for England, felt its charm:.

> All the time . . . we were in clear prospect of the Heidelburg [*sic*] road on which daily went to and fro and a very animating sight it was, carriages open and closed, filled with families of the wealthy settlers located on the rich banks, far and near, of the River Yarra. Gentlemen and ladies, too, we saw evermore on horseback in their gay riding dresses: there was a perpetual gleam of rich beavers, ostrich plumes, veils streaming in the air, and parasols showing their rich silkiness to the sun. The bush was alive on most days with pleasant and picturesque groups. Then the horses full of blood and in the highest condition, fleet and beautiful coursers they were, and the sight of them did our hearts good.[43]

The decision to make his home at Viewbank, rather than at the remote Mount Sturgeon property, is characteristic of Robert Martin. Cattle and sheep interested him as a means of making money, but he liked to be at the centre of social life and public affairs. At an easy distance from Melbourne Heidelberg was just right. In the 1840s it was rather like an English village: closely settled, with plenty of opportunities for a wealthy and energetic man like Martin to take a leading place in local affairs. He became a Justice of the Peace, a member of the Road Trust and a trustee of St John's Church of England, which he helped to establish. Although he seldom went to church, Dr Martin did not

hesitate to meddle in parish matters. The vicar complained of his interference, but as one of the principal donors to church funds, Dr Martin felt no embarrassment.

As one of the first members of the Melbourne Club (to which the à Beckett brothers also belonged) Dr Martin joined the ranks of the local gentry. He began to acquire city property and although it is not clear that he ever practised his profession of medicine in Melbourne he played a part in establishing the east end of Collins Street as a medical enclave. He built and owned half a dozen elegant terrace houses in Collins Street, which were let to doctors and dentists from the 1870s to the 1920s.[44]

His own house at Viewbank was ten years in the making. He and his family moved from Moonee Ponds to Heidelberg in 1844, and lived in a simple four-roomed cottage built by the first owners of the property. In the economic depression of the 1840s Martin lacked the ready money for enlarging it but he was determined to have one of the finest houses in the colony. In 1850 he commissioned extensions, adding a bedroom wing on one side and rooms for entertainment on the other. No expense was spared in the materials or the design: the quality of the hand-made bricks, the slate roof and the timber for floors and window frames was the best to be had. The house faced west, and from its high vantage point on the property gave magnificent views across the Yarra Valley.

In February 1855, when Viewbank's terraced gardens were well grown, and the orange groves had blossomed and borne fruit, the Martins held a 'house-heating party' with dancing in the newly completed ballroom. Well established now as a man of substance with rent rolls and wool clips coming in nicely, Dr Martin turned his energies to his five marriageable daughters. The master of ceremonies at the 'house-heating' ball was Dr Richard Youl, who was said to be 'spoony' on Annie Martin and was soon to claim her in marriage.[45] With four more daughters to place, Dr Martin would not have forgotten the à Becketts: W.A.C. and Malwyn and their cousins Tom and Ted. No ball of the period was complete without a few young officers and it is

possible that Lieutenant John Theodore Boyd was there, resplendent in his gold-braided uniform. Emma Mills, whose romance with W.A.C. à Beckett was then just beginning, would not have been on the invitation list: she had yet to cross the line into gentility.

For his only son Robert, who was sent to Cambridge to complete his education, Dr Martin had grand plans, but Robert was thirty-five when he married Minnie Graham, the daughter of wealthy merchant and land agent James Graham. Dr Martin's wedding gift was the Heidelberg mansion Banyule. Built in Tudor Gothic Revival style for Joseph Hawdon in 1848–49, Banyule with its picturesque gabled parapets, as well as its 600 acres of grazing land, eclipsed Dr Martin's own Viewbank. That was right and proper in Dr Martin's scheme of things because he expected that a new generation of Martins—his grandchildren—would grow up at Banyule.

In looking to the future for his five daughters Dr Martin showed a strong sense of property and an autocratic temper. He approved of men just like himself: doctors and pastoralists whose claims to gentility were confirmed by membership of the Melbourne Club. Three of the five Martin daughters married Club members: city coroner Dr Richard Youl, his nephew Henry Youl, and pastoralist John Fenton. A breathless newspaper report of Charlotte Martin's wedding shows how enthusiastically Dr Martin welcomed the right son-in-law:

> . . . the healthful and secluded village of Heidelberg was the scene of unwonted gaiety and liveliness. All classes having agreed to keep holiday in order to show respect for Dr Martin J.P., a resident for many years, whose daughter was married that day to John Fenton Esq. An arch decorated with flowers and evergreens was erected at the entrance to the Church porch, the Church itself being densely crowded to witness the ceremony which was performed in an impressive manner by the Rev J. Lyner. The fair Bride attracted universal attention, even in the midst of a bevy of Bridesmaids. A salvo of artillery

> from the Racecourse announced the tying of the Nuptial Knot, and on leaving the Church, children dressed in white scattered flowers before the happy pair. Barrels of ale were broached on the Racecourse for all comers. Tea and cakes were provided for the children, and in the evening the event was celebrated at the Old England Hotel by the tradesmen of the village, the heartiness and goodwill which prevailed throughout the day unmistakably showed that the worthy Doctor had what all resident landlords should have—Honour, Love, Obedience and a Troop of Friends.[46]

Dr Martin expected obedience and most of the time he was given it. He insisted that his daughter Annie should marry middle-aged Dr Richard Youl, taking no account of her feelings, nor heeding widespread disapproval: 'everyone from Lady Hotham downwards all pitying poor Annie'.[47] Annie Martin's wedding took place on 15 September 1855—just two days before W.A.C. à Beckett married Emma Mills. These two marriages, contrasting in their respect for parental approval, gave Melbourne society plenty to gossip about. They served also as a warning to the other Martin girls. Annie, Charlotte and Emma pleased their father in their marriages: Lucy and Edith did not. Edith fell in love with Captain Bradley, the officer commanding the *Galatea* which brought Prince Alfred, Duke of Edinburgh, to Australia in 1868. Naval officers were not on Dr Martin's approved list, and he forbade a marriage which would mean an unsettled life for his daughter. There was no time for an elopement before the *Galatea* sailed for England. But Edith persisted in her choice and corresponded in secret with Captain Bradley. She endured a year of 'unkindness and threats' before her father relented: even then Dr Martin insisted on testing the strength of her feelings in an engagement of two and a half years.[48]

In 1857, eighteen months after Annie's dutiful acceptance of Dr Youl, Lucy took the extreme step of elopement. Her choice was Lieutenant John Theodore Thomas Boyd (known as Theo) who was then on the vice-regal staff. Dr Martin refused his

permission for this match; he did not want his daughter to be an Army wife, with no settled home and no income beyond a lieutenant's meagre pay. Ambitious and possessive where his children were concerned, Dr Martin was used to having his own way. His friend James Graham described him as 'difficult to manage and so impetuous that he will fly off at a tangent if anything puts him off'.[49] Lucy Martin knew that it was useless to rely on persuasion, or to wait in the hope that he would relent. At twenty-three she was free to marry without her father's consent, if she had the courage to defy him. On 4 February 1857 she left Viewbank on the pretext of visiting friends and at an arranged rendezvous waited for Boyd, who came in a borrowed carriage to collect his bride. They were married quietly at St Stephen's Church, Richmond, and later that day they drove to Heidelberg to confess. Lucy's mother, a woman of fiery temper (always attributed to her being part-Spanish) favoured the runaways and although there may have been some raised voices at Viewbank, the episode ended in forgiveness. A Bible, presented to Lucy Boyd on her wedding day, and inscribed 'from her affectionate mother', was a sign of peace.[50]

Although Dr Martin made a considerable fortune in pastoral land and city property, he did not found the dynasty he hoped for. The first family tragedy was the death of his daughter Charlotte, her husband John Fenton and their two children, all drowned in the wreck of the *London* in 1866. In 1876 Dr Martin's only son Robert died at Banyule at the age of thirty-nine, leaving two daughters. There were grandsons in plenty, but the Martin name lapsed after a relatively short period of prominence in the colony. Today, it is the descendants of his disobedient daughter Lucy Boyd who are remembered.

Dr Martin died in 1874. Viewbank was tenanted until his wife's death in 1883. Isolated on its hilltop site, expensive to maintain and unsuitable for the dairy farmer who took over Martin's land, it stood empty for some years and became known in the district as 'the Haunted House'. Its name was revived when 'Viewbank Milk and Scalded Cream' came on the market.

The house was demolished in the 1920s. Against the odds, some remnants of Dr Martin's splendid building have been found. In 1998 Heritage Victoria began an archaeological dig on the Viewbank site, chosen because it is one of the few examples of Melbourne's early pastoral settlement which has been neither looted nor developed.[51] A cellar six feet deep has been exposed, evidence of a large establishment. Fragments of ornate plaster cornices and finely carved marble mantelpieces have been found. There are broken cups and plates, small pieces of a fine china dinner service made in England, wallpaper in a floral pattern, chips of glass, wine bottles. A set of five bells, made of iron and copper alloy, and a tangle of bell pulls, recall the servants who waited on the Martins. Some broken toys are reminders of the children who played there in the 1840s.

The site of John Mills' Melbourne Brewery has been built on many times, by warehouses and shops in Melbourne's central business district. Sir William à Beckett's Clarendon Street house, extended and refurbished by later owners, fell into disrepair and was demolished in 1961 to make way for the Mercy Public Hospital building. Robert Martin's pastoral Heidelberg is remembered in the work of 1890s *plein-air* painters, Tom Roberts, Walter Withers and others, but the landscape itself has vanished in suburban sprawl. In retrieving something of Robert Martin's Viewbank, the 1990s archaeologists give that busy, bossy, entrepreneurial squatter a small place in colonial history for himself and the way of life he embodied in mid-century Melbourne.

john theodore boyd

BECAUSE OF the vice-regal post he held at the time of his elopement with Lucy Martin, the image of John Theodore Boyd has been caught and held in the imagination of his descendants at the moment in February 1857 when he emerged from the gilded splendour of Government House to carry off his bride. Yet this high point in his colonial fortunes was preceded by twelve years of drudgery, living in barracks and carrying out military

duties which were usually dull and often squalid. It is not easy to find the soldier's story. The records of the 11th Foot in Australia are not much concerned with individuals. If Boyd had been singled out for any of the usual crimes and misdemeanours—anything from drunkenness to desertion—he would have left his individual mark. But most of those who served in the 'remote garrison' of Australia are simply units in a detachment. We may know what kind of work they did and the conditions of a military life during their time of service, but the individual voice is seldom heard. To learn what we can about Theo Boyd, we must take the meagre information in the official papers where he is named, and fill it out with what is known about the duties assigned to his regiment.[52]

Family history helps a little. John Theodore Thomas Boyd (Theo) was born on 14 November 1825, into a family which claimed a place in Scottish history on the Jacobite side, and a whiff of nobility through descent from the Earls of Kilmarnock. Their Irish chapter began in 1716 when John Boyd bought the estate of Crosspatrick, near Killala in County Mayo. In succeeding generations this estate went to the eldest son while younger sons went into the traditional professions of medicine, the church and the army. One of these was Alexander Boyd (1792–1869) who served thirty-two years in his regiment, the 11th Foot (North Devons), most of it as Paymaster, before retiring with the rank of major. Alexander Boyd and his wife Susan led the semi-nomadic life of an army family, following the British flag from one army post to the next. Theo, the youngest of their five sons, was born at Tralee, County Kerry, not far from the regimental headquarters at Kilkenny, but his brothers had more exotic birthplaces: one at Gibraltar and another at Corfu. The regiment was home to the children of Alexander and Susan Boyd and it was almost a matter of course that four of the five boys followed their father in an army career.[53]

Theodore Boyd first appears on the muster lists of the 11th Foot in January 1842 at the age of sixteen, when after a full year's service he was gazetted Ensign.[54] Although this commission

was by purchase, he won his next rank by promotion. In May 1845 Lieutenant Boyd, then nineteen, sailed on the *Marion* for Van Diemen's Land. As second in command to the one senior officer on board, Boyd had a large share of responsibility for fifty rank and file of the regiment and three hundred male prisoners taken from Millbank Prison and the hulks at Woolwich. It sounds an unattractive posting, and in many ways it was. Yet for an ambitious young officer in the 1840s, there was not much chance of military glory anywhere. The Napoleonic Wars, in which Theo Boyd's father had served, were long since over, and the Crimean War was not yet in prospect. Although seven years or more in distant Australia was not enticing, it was better than India. An Indian posting was a health risk: many returned as invalids, while others died from cholera or typhoid. The Australian climate was tolerable, at least in Van Diemen's Land and New South Wales, which were the destinations of Boyd's regiment. It was known, too, that in the 1820s and 1830s, officers of all regiments had left the service to settle in Australia, taking up land grants, marrying the daughters of established colonists, and gaining a degree of prosperity almost impossible in Britain or Ireland.

The posting of the 11th Foot was a Boyd family affair from the start. Paymaster Alexander Boyd went to Australia with the regiment and, although they travelled on different ships, father and son must have seen one another from time to time in their term of duty, and it is likely that the son profited from whatever influence his father could exert. It is likely too that Theo's mother Susan Boyd came to Australia. As the birth records of her children show, she had been with her husband at Corfu and Gibraltar postings. The records of the 11th Foot do not give the names of the wives who came with the regiment to the Australian posting: Susan Boyd may well have been among them. The eleven years of her husband's Australian posting would have meant an exceptionally long separation. A very assured portrait of Alexander Boyd in late middle age, attributed to Susan, is

undated. So far as the sitter's age can be guessed at, it could have been painted within the time-span of Alexander Boyd's Australian posting. If so, Susan would be the first of the Boyd family to paint in this country. Wherever the portrait was painted, Susan's talent should be taken into account in conjectures about 'the Boyd painting gene'.

There was no chance of battle honours in Australia; no bright combat ribbons to pin on an officer's coat. Yet, as military historian Peter Stanley points out, British troops in Australia fought in 'one of the most prolonged frontier wars in the history of the British Empire . . . their rather squalid skirmishes and the soldiers' services as gaolers, represent the beginnings of European military history in Australia'. Along with the church and the law, the army was one of the main institutions on which colonial authority was built.[55]

For Lieutenant Boyd, the four-month voyage on the *Marion*, with its cargo of fearful and resentful prisoners, would have been a harsh beginning to his Australian posting.[56] The *Marion*, which in 1845 was one of the better transport ships, had been recently built in India, and was roomier than most, although the area below decks was as gloomy and badly ventilated as any. Boyd, who had survived four years of military training, would have become accustomed to the instruments of violence: the handcuffs and leg irons, and the military cat-o'-nine-tails which was even heavier than the one used to flog convicts. Many of the enlisted men had the same experience of want and hardship as the convicts they guarded. Nevertheless, on the voyage out, the convicts saw the soldiers, not as fellow victims, but as 'the first of the agents of oppression that they would encounter before their sentences were over'.[57] Precautions against mutiny were formidable:

> The main and forward hatches were fitted with three-inch iron bars: doors were adapted so that one person could squeeze through with difficulty. Barricades were set up across the deck

> manned by a guard of ten soldiers with loaded weapons. In addition to a large armoury of other weapons four cannon loaded with grapeshot were aimed forward.[58]

By the end of 1845 seven detachments of the 11th Foot, each with its consignment of convicts, had arrived in Hobart, to make up a force of nine hundred men, with twenty-five officers. They were accompanied by one hundred and fifteen soldiers' wives and one hundred and thirty-seven children. Some troops were sent to military headquarters in Launceston, while others were scattered about in remote areas: Bothwell and Green Pond which were two or three days march from Hobart, or Westbury, a day's march from Launceston. It is not known where Theo Boyd was sent. If he was unlucky, it was Norfolk Island, which held the 'worst type of convict'; mutinies were frequent there, and because of the lack of communication with other posts, it was a lonely experience for soldiers as well as for their prisoners. If he was particularly lucky, he would have been sent to headquarters at Launceston. Here the barracks, and the local society, were highly praised:

> . . . pleasantly situated—a thing that can seldom be said of a barrack (except in Ireland)—on the junction of the Esk with the Tamar, just where the former debouches from a romantic glen. Launceston has always been a favourite quarter with the officers of H.M.'s regiments, chiefly on account of an agreeable provincial society in the vicinity, more given perhaps to the country-house hospitality of the old country than is the case in any of our Australian dependencies.[59]

Only the fortunate few spent time at Launceston, and because Boyd served for three years in Van Diemen's Land it is likely that whatever respite he might have had in this sociable post, it would have been balanced by a stint in one of the remote convict settlements. Four officers of the 11th Foot and two hundred and forty other ranks guarded convicts on the Tasman Peninsula, at

Port Arthur and the Coal Mines. Two sergeants and twenty-six privates of the regiment, assisted by a cordon of fierce dogs, kept watch at Eaglehawk Neck, a narrow isthmus which was the only way in or out of the Peninsula, that 'natural penitentiary' which has come to symbolise the worst of the convict system in Australia.

Theo Boyd's talent for administration was recognised in March 1848 when he became Adjutant, responsible to his superior officers for communicating orders and dealing with correspondence. As Adjutant he went to New South Wales when the regiment was transferred from Van Diemen's Land in July 1848, and he held this post until 1856. If this kept him at headquarters in Sydney's Victoria Barracks, as it probably did, he was lucky. The 11th Foot was given responsibility for Cockatoo Island, Goat Island and Fort Macquarie. Of these, Cockatoo Island had the worst reputation. Three hundred prisoners, said to be 'regular incurables, doubly and trebly convicted', were put to work there quarrying stone in this 'convict black hole of New South Wales'.[60]

As well as keeping guard on the convicts in various establishments, small detachments of the 11th Foot were called to outback regions to act in place of a police force. They were sent to Moreton Bay when settlers complained that Aborigines were stealing corn and potatoes; they responded to reports of bushrangers, and in 1853 they were called to the Turon goldfields where militant diggers defied the government by refusing to take out miners' licences—as other diggers were later to do at Eureka. Because the Turon's gold police troopers had already taken charge, there was nothing for the soldiers to do; and the episode brought the regiment some unwelcome publicity when 'some jolly soldiers of Her Majesty's 11th Foot' were seen 'gloriously drunk' in the local pubs at Sofala. The regiment provided an escort to bring the gold to Sydney and a guard for the treasury building where it was stored. On ceremonial occasions such as the Queen's Birthday holiday the regiment performed its public role. By supplying bright spectacles in precision marching and

firing, royal salutes and guards of honour, with regimental bands playing popular and patriotic tunes in the Domain, the 11th Foot paid tribute to Queen and Empire, and felt its duty well done in strengthening colonial bonds with Britain.

After the regimental headquarters moved to Melbourne in August 1854, Theo Boyd's career took a new turn, when he was appointed Assistant Military Secretary to Major-General Edward Macarthur, the officer commanding the British forces in Australia.[61] This brought him close to the centre of public affairs at a time of crisis in Victoria. 1855 was the year of the Eureka trials—the year in which Sir William à Beckett called on a Supreme Court jury to answer to God for the decision in the case of the Ballarat miners. It was a bad year for à Beckett, but indirectly it benefited Boyd's career.

The problems on the goldfields had been hastily and awkwardly handled by the Governor of Victoria, Sir Charles Hotham, who (like Sir William) thought that the rule of law was seriously threatened by the raising of the Eureka flag. In December 1855, after a year of worry and impetuous, ill-conceived decisions, Hotham collapsed and died a few days later. Major-General Macarthur was called in to assume the duties of head of state until a new Governor could be appointed. For twelve months, from 1 January 1856 until just after the arrival of Sir Henry Barkly in December of the same year, Boyd was part of the vice-regal establishment. His duties remained much the same, in that he took care of military matters rather than the ceremonial tasks which were performed by an ADC. Nevertheless, he accompanied the vice-regal party to balls and levées, and so was visible to the Melbourne gentry, as he had never been before. Whether or not he had met Lucy Martin before the move to Government House, the vice-regal aura can only have helped in the courtship.

By the end of 1856 the 11th Foot had served a longer term in Australia than most regiments; seven years was average, and more than ten was unusual. There must have been speculation about its future: would it be a welcome return to Britain, or a

punishing stint in India? Sir Henry Barkly appointed his own staff, so that Boyd's time at Government House was short-lived. He might have been kept on Macarthur's staff, but it was likely that he would be sent to a new posting with his regiment at the end of 1857. Was his elopement with Lucy Martin in February 1857 an impetuous lover's act, a strategic move, or a gambler's throw of the dice? If the next posting took him back to Britain, Lucy could go with him, although they would not have much to live on. If it was India, it would be hard for them both. Perhaps they both took the chance that Dr Martin would accept the fact of their marriage, and not withhold Lucy's dowry.

Dr Martin did relent, and he saved face by making demands which Boyd was willing—perhaps happy—to fulfil. He made Boyd promise to resign from his regiment, and after settling the substantial dowry of five thousand pounds on Lucy, he sent his new son-in-law to New Zealand, to look into some matters of business on his behalf.

The 11th Foot sailed from Sydney on 25 October 1857, bound for Britain, after nearly twelve years in Australia. The Governor of New South Wales presented the colonel with a gift of several hundred pounds and a testimonial of thanks signed by three thousand residents. As the regiment made its last public appearance, marching through the Sydney streets, the band played the usual farewell, 'The Girl I Left Behind Me'. For Paymaster Alexander Boyd, the tune had a different meaning; it was his son he was leaving behind. Theo Boyd's choice was for life: he would never see home or family again.

In 1859, at Dr Martin's prompting, Boyd took his wife and their first child to the Otago Province of New Zealand, which was then very sparsely settled.[62] For the next sixteen years Boyd proved his colonial credentials by sheep farming at Invercargill and on his home property of Opoho, near Dunedin. There the Boyds remained until 1875, raising nine sons and two daughters, more or less out of Dr Martin's range of authority, but never out of touch with Melbourne, which was to be their home in future years.