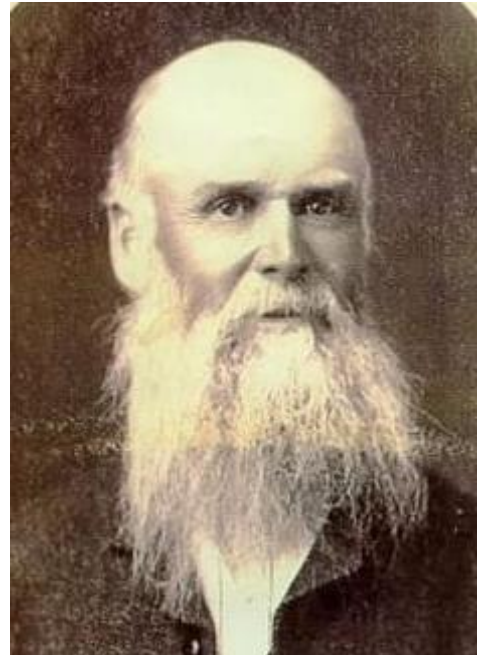


William Sorell Wilson

1821 – 1901

This paper is primarily concerned with William's life in Victoria, ie after 1856, which I had always presumed to be that of a quiet, law abiding farmer, who ventured into the commercial world at one time by way of being a hay & corn merchant. The reality has turned out to be something quite different, and something of a shock, but in family history, you have to be prepared for anything. This is his history as much as I can piece together, warts and all! Let me begin by presenting William's own account of his origins:



William's disappointment:

"My Father William Hartley Wilson landed in Tasmania in the year 1820 by the ship Kilton Castle Captain Dixon owner. My Father was the first Architect in Tasmania and in the Government employ he had his grant of land in the Parish of Sorrell where I was born on the 17th Sept 1821 being the first male child born in the township of Sorrell. The then Governor Colonel William Sorrell after whom I was named with whom my Father was a great favourite. The Governor promised me a grant of land and a good one. But my Mother would not go to Government House to accept it as she wished to go back to her Father who was a Widower and hence I did not get my grant."
William Sorrell Wilson

This is a transcript of an undated document written in William's own hand, left for posterity.



New beginnings:

We can verify that his father did indeed land in Tasmania in the year 1820 – his memory played him tricks regarding the name of the ship, as we know that the ship was named the 'Skelton'.ⁱ The 'Castle' part of the name is explained by the fact that Captain Dixon, who settled in Tasmania in 1833, named his house 'Skelton Castle'ⁱⁱ after the village in which he was born. Likewise, we can confirm William was born in Sorrellⁱⁱⁱ in 1821. Laurie and Mike tell us that William, after his marriage to Eliza Wilson (no relation b.1829) on 4 June 1856^{iv} in St David's Cathedral (although not the

present cathedral, which was not begun until 1868), was to manage a property belonging to W J T 'Big' Clarke, Truganina, at Derrimut, part of Rockbank Station. Eliza's death certificate states that she had been 14 years in the Victoria, so they must have arrived sometime between June and December 1856.

Change is in the air:

Certainly most of William and Eliza's children were born at Derrimut, but whether it was on the Rockbank Station, or at Red Hill Farm, I cannot say. Frederick was born in 1857, Margaret in 1858, Elizabeth in 1860, Annie in 1861, Jessie (born in Hobart, on a trip home for Eliza) in 1862, Frederick in 1864, Jane in 1866 – then we have a gap. No birth record has been found for Alberta, who was born in 1868 (according to the family bible), and then Adelaide's birth was recorded in 1869 – in Brunswick! There is a William S Wilson, Corn Merchant, 274 Elizabeth Street (Melbourne) recorded in the Sands Directory of 1868. William's occupation is given as Hay & Corn Merchant of King Street, on the Certificate of Title transferring the 640 acres of Tuerong from his brother John to William, & John's son Edwin in 1886. Whether this WSW in Elizabeth Street in 1868 is 'our' WSW is problematic, but it is certainly a strong possibility.

Pictured is Elizabeth Street looking south c.1868-1880 – No. 274 was behind the photographer. Courtesy State Library of Victoria.



One wonders why Alberta's birth was never registered – were things in such turmoil that they simply never got around to it? Or has it been registered & we have yet to find it?

The earliest reference I have been able to find apart from the children's birth records, linking William to Truganina and Red Hill Farm is in a market report in *The Argus* (Melbourne, Vic.) Thursday 19 April 1866, which mentions Messrs Wilson & Wake, who are partners in a farm called Red Hill, at Truganina^v. In June the same year, John Wake, WSW's partner, dies, leaving his share of the farm to his wife, Elizabeth. For whatever reason, this precipitates a clearing sale of all the stock and farm implements^{vi}, and the partnership is formally dissolved^{vii}.

The dark side:

It was presumably from the dissolution of this partnership that William decided to become a corn merchant, if indeed he is the William S. Wilson in Elizabeth Street. There is no record of his success or otherwise in this venture, but it was probably during this phase of his career that he met up with one Frederick Harrison, a man who proved himself to be William's undoing for a time. The following appeared in *The Argus* (Melbourne, Vic.) Tuesday 22 November 1870:

“It appears that for some time past the police have had their suspicions that all was not right at the establishment of Messrs. F. Harrison and Co., wine and spirit merchants, occupying a range of buildings extending from 110 to 114 Spencer-street. Accordingly at a late hour last night, Superintendent Nicolson, accompanied by Detectives Foster, Mainwaring, and Brown, effected an entry into the premises, and discovered, as they anticipated, an illicit still in full work. Two vats capable of holding from 600 to 800 gallons of spirit were taken possession of by the officers. Mr. F. Harrison, together with William Wilson, his partner, and Bell, his storeman, were captured, and lodged in the lock-up. Upon the entry of the police, the prisoners resorted to the desperate expedient of turning off the spirit, and setting the place on fire, but the exertions of Mr. Nicholson and the detectives succeeded in extinguishing the flames before the Hotham Fire Brigade, which promptly attended, arrived. We understand that the police have had the Messrs. Harrison and Co. under surveillance for nearly 18 months, but it was not until last night that they felt certain of making a successful descent upon them.”

Further research proved that the William Wilson referred to was, indeed, WSW.

As the police had “had the Messrs. Harrison and Co. under surveillance for nearly 18 months”, William had been involved with Harrison for quite some time before their nefarious business was discovered! What persuaded William to take such a risk? His background certainly did not predispose him to illegal activities – his mother, back in Tasmania would certainly have been shocked and horrified! Did she know? Did even Eliza know what William was up to? He states, as a witness in a dispute brought to court by Harrison against a Mrs Uggles later in 1870, that he was running a butchery in Hawthorn during the day, and working at the still during the night.^{viii} Was that all that Eliza knew? I think very probably. That WSW’s brother John knew is beyond dispute, because in the same case, Harrison v. Uggles, there is some discussion about a debt alleged by Harrison and denied by Mrs Uggles, where an alleged agreement was made that the debt should take the form of bill of exchange against the day when they might be arrested, and with that money she was to keep them in food at £1 each per day, and that John Bowman Wilson was to hold the note. I think the womenfolk would have been totally in the dark, until of course it all went pear-shaped – and by that time Eliza had been dead three months. From the Argus report of the court proceedings in the Harrison v. Uggles case, William Wilson in the stand:

“There was an arrangement that he (Wilson) should keep out of the business as much as possible, in consequence of his being married, and that was the reason why Harrison took such an active part in the business, Witness being a married man thought it was a dangerous game, and Harrison was not married. The licence was also taken out in one name, so that if they were caught only one would be responsible. While he was at Hawthorn butchering, he went in very often at night to the distillery, and worked there. About January he went to Schnapper Point, so that if anything occurred he would be out of the way. He stayed there until August, 1870, and in the interval he was kept informed by Harrison about the business, and communications took place as to his going back. The business of the firm outside was then a large one. The vinegar business was overthrown then. In August, 1870, witness returned to town and took an active part in the business. While he lived in Hawthorn witness took some goods to customers from their spirit store, which was

then 110 Spencer-street. From August 1870, until the discovery by the police witness took an active part in the business.”

This piece throws up another interesting aspect of William’s life: He was butchering at Hawthorn. Was he working for someone else as a slaughterman? The Hawthorn Heritage Precinct Study 2009 tells us: From the St. Columb Street area to Glenferrie Road was the Launder property, first a large market garden and greengrocery run by Bellet and Cottingham, and then half a dozen cottages, and tenanted by a succession of occupants. For example, there was a newsagent, plumber, butcher and a carter: all practised their trade for a year or two, and moved on. A landmark on the southeast corner for many years was Fletcher’s Iron Hotel and by the early 1860s it had been joined on the south-west corner by a slaughter and auction yard, a boot maker, plumber and printer of the local newspaper. (from ‘The Boroondara Standard’).

Tragedy strikes:

We have a single page of a letter which Eliza had written to William. It is apparent that she is at Schnapper Point (Mornington), he is in Melbourne, and that he wishes her to join him:

Mornington, Victoria

August 12th 1870

My dear William

I received your letter by packet today and I find it rather difficult to find an answer - but as you say (ask?) this question and write of no delay I wish to say put off the removal to Melbourne for a few weeks as I am not able to travel having been laid ? ... a fortnight today.

I am sitting up with great effort to write this but it is better for me and I fancy I am getting better, I relished a cup of tea for the first time today. I should not ? down if I had had a comfortable room to sit in when not in bed - I did not think it wise to disturb you as you could do me no good and it

end of transcription. Eliza died three weeks later, her death certificate gives the cause of death as hepatitis. She had been ill a total of five weeks. A few tantalising words we can only hope that one sunny day, the original will be brought forth.

It does seem as if William cannot even offer decent accomodation – did he intend for their eight children to also join him? Did he go down to Mornington – was he with her when she died? I don’t think so. Eliza’s death certificate states she was married in Werribee, whereas we know she was married in Hobart. William would never have made a mistake as to where they were married, no matter how prostrate with grief he was, and had he been present he would have been the informant. However, in the Harrison v. Uggles case, he states that he was in Mornington from January to August that year. Yet Eliza writing on the 12th August, speaks as if he would not be aware that she had been ill for a fortnight, meaning she became ill back in July! It also begs the question of who looked after the children after Eliza’s death? Laurie & Mike tell us they were with John & Agnes Wilson at Tuerong while William worked in Melbourne. Between them they had 15 children – life must have been ‘interesting’! We know the baby, Adelaide Ellen, was brought up by her Tasmanian relatives,

after her mother's death, presumably William's brother Frederick and his wife Jane. They had six children of their own, Lilian b1868 was the youngest & so would have been a year older than her little cousin. William's sentence for his part in the illegal distillery was £300 fine or 12 months in prison. He could not afford the fine, and served the sentence, at least as far as I can make out – he was certainly in prison as of April 1871^{ix}. What an absolutely terrible state of affairs!

Can it get worse?

Further perusal of the court proceedings sheds some light on just what had happened.^x



Shows front of Henry Lawrence, fruiterer at 110 Spencer St., West Melbourne. Two children are outside the shop. A man and a woman stand in the doorway to 112 Spencer St. The man wears a white apron. A two-wheeled cart is in an alley-way to the right. [ca. 1881- ca. 1886] Courtesy State Library of Victoria. It is entirely possible that these are two of the very buildings occupied by Messrs. F Harrison & Co! If so, Nos 112 & 114 were built in 1870 after being destroyed by fire, as stated by the architect & builder William Ornby, who said that he built them 'to match the existing one'.

Some time around 1868/1869 it seems William had fallen in with one Frederick Harrison. They decided to form a partnership and go into the vinegar making business. They soon found this was unprofitable, and turned to the manufacturing of illicit spirits. This is a very troubling turn of events, as 'bad grog' was a very real problem in Melbourne: "Nothing can be more deleterious than what is known as silent spirit, and in the statement of Mr. WILSON we have a complete explanation of many a suicide, and, of what is still worse, many a living death within the walls of our

lunatic asylums. When will the authorities take really energetic measures to stop the sale of the vile poisonous trash which, under the guise of wines and spirits, is now supplied to the infatuated fools who haunt the low public houses of the city and suburbs." (The complete article is in Footnote xii)
The Argus (Melbourne, Vic.) Saturday 8 April 1871



View east along Flinders Street possibly from the area of Victoria Dock, footpath and unmaded road on left in front of three storey Sir Charles Hotham hotel on the corner of Spencer Street, docklands on right with wooden structure signed: Victoria New Dock Weighbridge, mast of sailing ships on Yarra visible on left, carts and carriages. 1870. Courtesy State Library of Victoria.

Imprisoned!

There is no doubt William would have felt the shame of imprisonment keenly, and possibly did what many people do – tried to find something to blame, and I can't help feeling his bitterness about not being able to claim his land grant, given to him at his birth by Governor Sorell, really bit deep at this stage of his life. If only ... haven't we all said it, at some stage or another? Then there is the story about his forbidding Annie's marriage on her wedding morning – because the husband to be had got drunk the night before! Was that hypocritical, or was he trying to protect his daughter from the evils of a drunken husband – having lived amongst the low life of Melbourne? Then there is this description of him (although he is not named) by the chap who delivered coal to Harrison & Co: "he sometimes delivered it to a man whose name he did not know, but whom he was accustomed to call "old Vinegar," on account of his being so sour" – of course it may have been Harrison, but far more

likely WSW. Perhaps I do him an injustice though – he may have been grieving for Eliza, and his dourness mistaken for sourness.

I cannot help but wonder though, just how his children got through to adulthood. Their Aunt Agnes was the only female relative in their life, and she had ten surviving children of her own to worry about! Their girl cousins were about their own age, so unless there was a kindly friend, the girls must have more or less brought themselves up, with Margaret acting as ‘mother’.



Spencer Street Station c1876-1894. William would have caught the train for Schnapper Point from here, but not till 1889, when a branch line from Baxter was opened. He would most probably have travelled by steamer up till then, which ran a daily service. Courtesy State Library of Victoria.

All on their own:

Just how did the girls and Fred get on? We have nothing to tell us what life was like for them – not even any stories handed down. We have a couple of photographs, courtesy the Bonnie William website – which only adds to the mystery. The one below shows the girls hair cut very short, unusual for those times. Why? Various things come to mind – head lice of course, illness is another thing – had they all recently had a contagious disease? Or, something else suggests itself to me. William has spent a year in gaol, amongst the very lowest of the low. He comes home a chastened man, determined to be a good father to his children, and

discipline is the only way. The dangers that lurked in the outside world for his daughters, he knew only too well. Perhaps, to make sure they did not become vain, & so become prey for all manner of villains, he would make them cut their hair short! Speculation, pure speculation on my part ... but it could be true. There is another mystery about this picture. Laurie states on the Bonnie Wilson website that controversy existed in the last generation about who the youngest of the girls was, the lass sitting at the bottom, in the middle. He found it a real puzzle, but my feeling is that this is indeed all the Wilson girls, and it was taken before Alberta's death (she died in 1883), because Elizabeth was married in 1882. It is hardly likely that a family group portrait like this would be taken after her marriage. It may even, indeed, be a portrait taken just before Elizabeth was married. The girl in the middle is wearing a conspicuous locket around her neck – is that Elizabeth, and did her father give the locket to her prior to her marriage? Did the locket belong to her mother? She was the first of the girls to be married. And I wonder why Fred was not included in the portrait. Another mystery.



A fresh start:

As I said, we have no evidence of what happened on William's release from prison. It is very likely he returned to Mornington & the farming life, with his brother John, for the rest of the 1870s. Perhaps he started to develop his block at Hastings, stocking it with sheep for the Melbourne market.

In 1882 his daughter Elizabeth marries James Boulter. Nancy Black (nee Boulter) tells us in her memoir that 'they met at a dance', which then raises the question: 'Did WSW have his family with him, living in Melbourne then, at this time?' It seems highly likely, at least the older girls. James's ship, HMS Inconstant, arrived in Melbourne as part of a detached squadron of the Royal Navy, in May 1881. It was then, we think, that he and Elizabeth met and fell in love. James jumped ship in Sydney in November 1881, made his way back to Melbourne, and the two were married in December 1882.

More tragedy:

Tragically, Alberta, is drowned while fetching water just a couple of days before her 15th birthday, in April 1883.^{xi} The newspaper report tells us her father is a 'sheep farmer'. The location of the drowning is given as Bittern, making it unlikely to have happened at Tuerong, which is much further north west on the Mornington Peninsula, and from that we can deduce that the girls and Fred were living on their father's land at Hastings.

The booming '80s:

From the 1880s on, WSW appears to have prospered to a moderate extent. He enters the hotel business in

1886, at first with his son in law James in the Golden Age Hotel, King Street, Melbourne (shown here c1960, courtesy of the State Library of Victoria), then in 1888 on his own account as licensee of the Victoria Hotel, Hoddle Street– his daughters marry men in the hotel business, and apart from the odd fine for Sunday trading, WSW is doing well. He has his block in Hastings, and describing himself as Hay & Corn merchant, he



purchases Tuerong from his brother JBW who has declared himself insolvent^{xii} in 1879. So it looks like he was running sheep on his block in Hastings, still had a hay & corn business & is also a hotel licensee, all at the one time.

In 1889 he sold his licence for the Victoria Hotel, in Collingwood and from this point he seems to have retired, at least from the hotel business, and he was either living with James & Elizabeth Boulter, or spending a lot of time with them. While researching James Boulter's story, I found newspaper references to the jolly meetings of the Cork Club, hosted by the Boulters at the Rob Roy hotel in Gertrude Street, Fitzroy, and to a Mr Wilson's ability on the piano: "General Armstrong (The Midget) fairly electrified the company with an Irish Jig, and also gave a song which was very appropriate, namely, "If it was only long enough," and met with great approval. No song could be more suitable for the singer's voice. He was accompanied by a very efficient pianist, in the person of Mr. W. Wilson, who performed the duty throughout the evening very creditably, giving satisfaction to all sides." Fitzroy City Press (Vic.) Friday 7 August 1891. We know WSW was able to play the piano, because attached to the little parlour organ is a note from Bessie Harlow (nee Boulter) to the effect that WSW used to play the little organ for prayer meetings at his house in Bittern. (One cannot help smiling at the contrast!)

And bust in the '90s:

In 1894, Fred left to seek his fortune in Western Australia. We don't know for sure, but it is highly possible he had been left to look after the stock while William was enjoying himself in town, and perhaps he resented his lack of independence. In 1895, his niece in Tasmania writes, referring to his 'misfortunes of the last year' – probably Fred's leaving home, and possibly a downturn in his fortunes, due to the depression of the 1890s. Rosalie is very religious, having been converted 11 years prior, and she exhorts her uncle to be ready to meet his maker.^{xiii}

In 1900, Fred returns, and buys himself a 100 acre Crown Grant of land at Hastings, adjoining those of his sisters, and close to to his own block purchased for him by his

father. William also buys a Crown Grant – 300 acres. What Fred's intentions were is unknown, but he returned to Western Australia soon after, and was never heard from again. Efforts were made to find him in 1931, to no avail^{xiv}.

End of an era:

William died on 12th May 1901, and is buried with other members of his family at Hastings Cemetery.

THE PENAL ESTABLISHMENT AT PENTRIDGE.

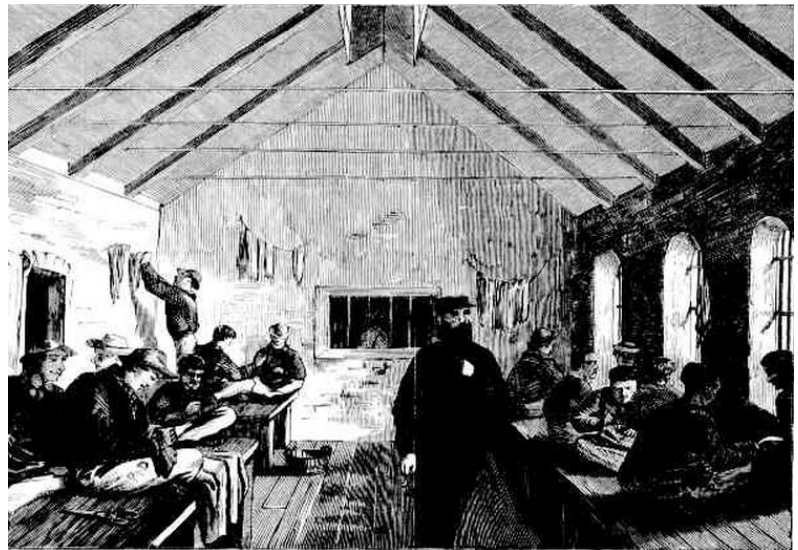
In another portion of this edition we publish some illustrations of the internal arrangements and discipline of the Pentridge Stockade, in which the convict element of our population is subjected to punishment for offences of a serious nature. The Stockade derives its name of Pentridge from the village in which it is situated, which lies about four miles distant from the city. It is an immense prison, covering several acres of ground surrounded with massive stone walls, and externally presenting an appearance of great security. It is capable of holding between 800 and 900 convicts. The prisoners are divided into three classes, A. B. and C. There are subdivisions of those letters indicating the graduation of punishment and the character of

the prisoner who, as he ascends in the alphabetical scale, becomes entitled to certain privileges, which are dependent upon his good behavior. The prisoners, after receiving sentence, are in due time transmitted to the Stockade, and without distinction placed in Class A. The building they occupy is termed a panopticon, which, as its name indicates, consists of a number of cells radiating from a centre which commands a complete supervision of the whole. This building, however, is not yet completed, the plan admitting of future extension as the increasing requirements of the prison render additional accommodation necessary. The discipline in this division is similar in many respects to that adopted in the model prison, Clerkenwell, London.

The prisoner on his entrance undergoes a minute inspection, is taken to the bath house, and after his ablutions is clothed in the prison dress, consisting of a dark gray frieze jacket and trousers and a blue shirt. The clothing is conspicuously worked on the back and front, thus : — P. D. over broadarrow, 111 under. He has then to undergo a period of probation, according to the length and character of his sentences, under what is termed the silent system. This very rarely exceeds twelve months. During his term the prisoner only quits his cell for exercise, or to attend chapel, and is not suffered to converse with any one but the prison officials. His meals are handed to him by the warders, and he is subjected to a most rigid surveillance during the whole term of his probation. For only one hour out of the twenty-four is he permitted to take exercise. Our engraving represents the prisoners proceeding to the yard for that purpose. On leaving the cell they put on a cap having a long peak which falls down before the face, in which there are two eyelet holes, enabling them to see before them, but effectually hiding their features from recognition by other prisoners who for the time take exercise with them. Opinions are divided as to the effect this system of solitary confinement has upon the criminal. It requires to be tempered with great judgment. It has one good effect, namely, that it impresses upon the mind the blessings of liberty and of communion with fellow men, and prepares the prisoner to enjoy more fully the advantages to



which his good conduct entitle him. The cells are well ventilated, and the prison furniture just sufficient for the purpose ; and from the prison library books may be obtained, as the clergyman deems fitting. Communication with the warder is effected by the prisoner, who is provided with a bell-pull, which sounds a gong, and at the same time indicates the number of the cell in which the prisoner is placed; and it is the duty of the warder of the division to answer the prisoner's summons and attend to his requirements, if of a necessary character. By this means, also, the warder can be called at night should the prisoner be taken suddenly ill. There are in this class about one hundred and eighty criminals. From Class A the prisoners pass to Class B, which is also a panopticon. There are divisions in this class, such as B 1; B 2, and so on, and though with some prisoners the silent and solitary system is still continued, others are permitted to associate together; and others again are employed in labor. The trades in which they are chiefly occupied are straw hat making and mat making. Their employments are carried on by the prisoners in their respective cells, under the supervision of trade instructors, who provide them with the raw material and initiate them in the mysteries of the respective branches of trade. In other respects the bulk of the prisoners in this panopticon are treated like those in Class A. As the prisoners' character improves, and their period of sentence advances, they are moved to other divisions of Class B and C, in which previous restrictions are laid aside, and they mix together, eat and sleep together, and work in one common workshop at different kinds of labor. There is the tailors' shop, and bootmakers' shop, long buildings in which from 40 to 80 persons may be found seated, working assiduously under an instructor who has one or two assistants chosen from amongst the best workmen in the prison. Our engraving shows the tailors room, in which a number of men are at work seated on long benches, in their shirts and trousers with their geese and lapping boards. The apparatus for heating the irons and the little division occupied by the instructor in charge of the workshop are not shown. The prisoners are supplied with clothing made by the tailors, and nearly all the requirements of the prisoners are provided for within its walls. At the Intercolonial Exhibition there were fine



THE PENAL ESTABLISHMENT AT PENTRIDGE—THE TAILORS' SHOP.—SEE PAGE 6.

specimens of work turned out from the Pentridge Stockade. Many skilled workmen, no doubt, are found amongst the criminals, and advantage is very properly taken of their handicraft, and the department is to some extent recouped for the cost of their maintenance. We show, in one of the engravings, an apparatus, turned by manual labor, for spinning woollen yarn. There is within the prison a complete apparatus for manufacturing woollen fabrics of a coarse kind. A steam-engine drives a number of teasing and carding machines, which in addition to the spinning jennies worked by the prisoners, furnish material for the manufacture of blankets and rugs which supply the hospitals and lunatic asylums. We may expect, before long, to have woollen

manufactory in operation in the city by a private company, but it is worthy of note that the first machine was erected, in the Pentridge Stockade, and has been in operation for some years. There are also bookbinders' shops, carpenters' and smiths' shops, in full operation, and always profitably employed. A great deal of the work done is for orders taken outside the prison, and much of the workmanship will compare favorably with free labor. The prisoners who are permitted to work together in gangs, also take their meals together, and at night occupy dormitories capable of containing some thirty or forty beds arranged in tiers of bunks. The diningroom represented in the engraving shows the prisoners at mess. Their food is well cooked and of a liberal kind. In the evening the men assemble at school. As many as 200 may be seen together, receiving instruction under a system of classification and tuition. Precautions are taken to prevent any combined efforts at escape, by posting Warders, properly armed for an emergency, but the prisoners have not of late attempted to take advantage of their association, and have been orderly and well conducted. The efficiency of the prison is highly creditable to all connected with it. It is controlled by an Inspector-general, Lieut. Col. Champ, who resides within the grounds, and about 112 officers, including military and Wardsmen.



THE PENAL ESTABLISHMENT AT PENTRIDGE.—PRISONERS AT DINNER.—SEE PAGE 6.

Illustrated Australian News for Home Readers (Melbourne, Vic.) Tuesday 20 August 1867

End Notes:

ⁱ The same day (Monday, 27 November) arrived the ship Skelton, Captain Dixon, from Leith, and from Portsmouth the 7th July, with merchandize and numerous passengers, having touched at the Cape of Good Hope.-Passengers, Major Macleod, Lady, and family, Miss Jane Miller, David Jamieson, Esq. Lady, and family, Mr. James Neil and family, Doctor Cameron, Lady, and family, Mr. C. Haywood and family, Mr. and Miss Speed, Mr. Frederick Langlow and family, Mr. James Parker, Mr. George Brooks, Mr. Cummings, Mr. and Mrs. W. Wilson, Mr. Thomas Roadnight and family, Mr. Colin Campbell, Mr. Donald Campbell, Mr. John Headlam and family, Mr. Andrew Birell, Mr. Alexander Waddell, Mr. John Sanderson, Mr. James Haig, Mr. James Anderson, Mr. Thomas Scott, and Mr. Robert Anderson.

The Hobart Town Gazette and Southern Reporter (Tas.) Saturday 2 December 1820

ⁱⁱ Wednesday Morning, March 29, 1854.

It is not an unusual thing in the present day to hear this man extolled for virtue he never possessed, and the other man rewarded for deeds that he never performed. A Hobart Town Journal of Friday last, sets forth an instance of spontaneous affection overflowing from a number of the dwellers of a locality towards a Police Magistrate, brought to public knowledge through the instrumentality of the police constables under his control. Such a disinterested specimen of the exuberance of the human affections will not pass without due notice on the part of the public. We do not question the deserts of the P. M. : he is no doubt worthy ; but we think proper to furnish an instance of valuable services performed by an individual member of our community which have not met with any flattering testimonial of acknowledgment. Our notice refers to a gentleman still in this life ; - it is no posthumous record ; and, if we give umbrage to modest merit, the gentleman will, we hope, forgive us. In these golden days, prolific of addresses on vellum, and presentations of plate, for nominal or presumed services rendered by the public in its various local divisions, a few words written or expressed, in grateful recollection of services which, rendered years ago, now shew their value in compound utility, cannot be considered out of place, or, on our part, officious: but let the reader judge for himself - we refer to Captain Dixon, of Skelton. This gentleman, now an old colonist, commanded and owned the ship - the Skelton - which conveyed the first free passengers from Great Britain to Van Diemen's Land. He embarked 58 at Leith and 27 at Portsmouth, and sailed in June 1820, now thirty-four years ago. An impulse was given to free emigration from the reports forwarded home by these passengers, who were mostly of a highly respectable and deserving class. The Skelton called in at the Cape outwards, where she remained fifteen days. This opportunity for adding to the natural productions, of this colony vegetable and floral, was not lost: seeds, roots, and plants, natural to the Cape, then first found their way here ; and many of them have become naturalized, and flourish. The voyage was one of speculation entirely : there was no prospect of obtaining any thing of the growth of this hemisphere that was likely to pay for transmission to the mother country. Wool, up to that period, had been allowed to rot in the heaps accumulated from the sheeps' backs : Captain Dixon determined to try whether the article could not be made an export of value. He therefore purchased all he could induce the settlers to bring in : by little from one and from another, he got together in the months of December 1820 and January 1821, about one hundred and thirty bales. The difficulty now was, how to pack it for conveyance home : such a thing as a wool-pack had not been heard of in the colony. How ever, the difficulty was conquered by substituting for wool-packs, gunny bags ; and when the stores and warehouses had been cleared of them, Captain Dixon caused a number of worn sails to be made up into bags, into which the remainder of the wool was put. On the arrival of the Skelton at Sydney, the wool was re-landed, sorted, and made decently marketable, properly packed into bags, and re-shipped. About sixty bales of skin wool, purchased

at Sydney, was added to the homeward cargo, which was landed in Leith in the November following, and from thence transhipped to London, and placed in the hands of Messrs. Marsh and Ebsworth, wool brokers of that city, for sale. We are particular in stating this fact, to correct an erroneous statement in a work, recently published in this colony, in which it is asserted that Mr. Hopkins, of Hobart Town, first shipped wool from Van Diemen's Land. To get together something like a decent freight, Captain Dixon purchased at Sydney about one hundred loads of timber and plank, the growth of New South Wales. This was also the first shipment of the sort from Sydney to England as cargo : samples had been forwarded before. This timber, like the wool, was re-shipped at Leith for London; and, with the exception of five loads rejected, was sold to the Government, and landed at Deptford Dock Yard. Captain Dixon also purchased fifteen tons of hides, which he salted on board, and packed in water casks ; and as though the gentleman was determined to shew the way to open up a trade with the mother country with produce of this, which had been hitherto cast aside as of no value, he purchased a large quantity of ox horns. The hides and ox horns were also the first shipment from the colony as cargo. The account sales of the produce taken on board at Sydney, shewed a much better return than the wool from Van Diemen's Land. Thus far we find Captain Dixon, of the ship Skelton, the first who introduced free emigrants into the colony of Van Diemen's Land, the first importer of human industry of free will, and the first exporter of some of the proceeds of their industry. How incomparably greater a man is our unassuming fellow colonist, Captain Dixon, than Nicolas, the autocrat of all the Russias! the one is the pioneer in the peaceful progress of trade and commerce - inviting the sons of industry to new and profitable sources of reward for their honest exertions- the friend who would leave the colony with the prayers of those he left behind, for his safety and his happiness, and be welcomed back again with their heartfelt congratulations. From whom could be forced a sincere smile for Nicolas- the destroyer of God's creatures - or the offer of a prayer, except for his annihilation? A wide contrast - this, but nevertheless true in the abstract. We should not omit to name one other little matter introduced to this colony by Captain Dixon; not from England this, but from the Cape of Good Hope - a malady - the measles! Some of his passengers contrived to get the disease when the Skelton was riding in Table Bay : it shewed itself after she had left; but the patients did well, and no more was thought of it, until after their landing at Hobart Town, when it was found that the germ of the disease had been preserved, and, for the first time, became prevalent amongst the inhabitants. We are not aware, that in a single case it was fatal. The voyage of Captain Dixon created some excitement in England. To gratify many anxious enquiries, he published a narrative of it, which occasioned the establishment of the Leith Australian Company, the New South Wales Company, and the Circular Head Company. Thomas Scott, Esq. having about this time completed a chart of the Island, it was entrusted to Captain Dixon, who, on his arrival in England, caused it to be engraved and published at Leith, and in 1823 distributed copies of it to all the public institutions throughout the principal towns in England and Scotland. Public attention amongst influential men was thereby directed to the colony: the good resulting therefrom will be readily understood. Eventually Captain Dixon (in 1833) became a settler in this colony. He called the name of his estate after his ship - Skelton Castle; and it is there that this climate has been proved to be most eligible for the growth of flax. During the administration of Sir Eardley Wilmot, Captain Dixon made a shipment of the article (the first, and we believe the only one,) to Great Britain; also linseed. The great amount of hand labour required in the cultivation of the product, under the present circumstances of the colony, has compelled the discontinuance of its culture, which, at a future day, it is to be hoped will be resumed to the advantage of the colony. Another import, though last in this brief notice of an enterprising man's laudable exertions, is not the least, is worthy of record. In the year 1822 Captain Dixon having been introduced to Mr. Western (since Lord Western), his lordship generously presented him with four rams and some ewes of the true Spanish merino breed. They were from a small flock presented by the Cortes of Spain to His Majesty George the Third. Fortunately the animals arrived here safe in the month of November 1822: they

were of course much prized, and were, in fact, the stock from which the famed fine merino wool of Tasmania has since been produced. We must close, for the want of space, without making some remarks in connection with Skelton Castle and the village of Skelton, from whence Captain Dixon dates his birth. Since 1833, the year he settled on his land, which, from a dense bush he has converted into a highly cultivated and valuable estate, he has annually celebrated the 21st of November (the day on which he took possession). The birth of the Princess Royal of England, in 1840, increases the interest of the day, and gives to it an additional charm. Earnestly do we hope (and in so grateful a feeling every colonist will join us), that Captain Dixon may enjoy, in health and happiness, the 21st of November for many years to come; in the consciousness of having done his duty in his generation, and rendered to the land of his adoption the most valuable services.

The Cornwall Chronicle (Launceston, Tas.) Wednesday 29 March 1854

ⁱⁱⁱ From the Tasmanian Colonial Family Links Database

^{iv} From the Tasmanian Colonial Family Links Database

^v MARKETS

Middling and inferior sheep were very unsaleable, the trade being careless of purchasing, owing to the fact of their being able to supply themselves with the better descriptions. On the whole, the market, although not quite so brisk as last week, was by no means an unsatisfactory one. We have sold - 1,200 (Mr. William Hamilton's, Sugar Loaf) wethers, prime quality, good weights, to 18s. 256 (Mr. John Cumming's) wethers, good quality, medium weights, 16s. 6d. ; 430 (Mr. Beilby's) wethers, middling, 12s. to 12s. 6d. ; 800 (Mr. Reid's) good quality, light weights, 13s. 6d. to 15s. 6d.; 300 (Mr. Lekie's) do., middling, 12s. to 13s. ; 622 (Messrs. Wilson and Wake's) do., inferior. 10s. to 11s., culls, 7s. to 9s. ;

The Argus (Melbourne, Vic.) Thursday 19 April 1866

IN the SUPREME COURT of the COLONY of VICTORIA: Ecclesiastical Jurisdiction.-In the Will of JOHN WAKE, of Red-hill, in the parish of Truganina, in the Colony of Victoria, Farmer, Deceased.-Notice Is hereby given, that after the expiration of fourteen days from the publication hereof, application will be made to this Honourable Court, in its Ecclesiastical Jurisdiction, that PROBATE of the WILL of the abovenamed John Wake, deceased, be granted to Elizabeth Wake, the widow of the said John Wake, and William Robinson, of Tarneit, farmer, the executrix and executor named in and appointed by the said will.

Dated this sixteenth day of June, 1866.

JENNINGS and COOTE, 87 Queen-street, Melbourne, proctors for the said Elizabeth Wake and William Robinson.

The Argus (Melbourne, Vic.) Monday 18 June 1866

^{vi} THIS DAY.

Sale of Dairy Cattle and Horses, at Red-hill Farm, Truganina, Junction of Geelong and Skeleton Creek Roads. M M'CAW and ANOTHER have received instructions from Messrs. Wilson and Wake to SELL by AUCTION, on the farm, Red-hill, Truganina, junction of Geelong and Skeleton Creek roads, on Tuesday, 16th January, at twelve o'clock,

10 head well-bred cows, in milk and springing

20 do do heifers, two to three years old

4 heavy draught colts and fillies, by Matchless

2 heavy draught horses, staunch.

No Reserve.

The Argus (Melbourne, Vic.) Tuesday 15 January 1867

THIS DAY.

Clearing Sale of Farm Stock, Implements, &c, At Red-hill, Truganina, Junction of Geelong and Skeleton Creek Roads.

M M'GAW and ANOTHER have received instructions from Messrs. Wilson and Wake, to SELL by AUCTION, on the farm, Red-hill, Truganina, junction of Geelong and Skeleton Creek roads, on Monday, 24th June, at eleven o'clock, the whole of their farming stock, implements, &c., comprising-

15 cows, in milk and springing

11 draught horses, thoroughly staunch

3 hack and light-harness horses

5 hay drays

Ploughs, harrows, roller

2 reaping machines, horse-rake, and other farming implements.

The Argus (Melbourne, Vic.) Monday 24 June 1867

^{vii} NOTICE is hereby given, that the PARTNERSHIP hitherto existing between William Sorrell Wilson and the late John Wake, trading as "Wilson and Wake," farmers, Truganina, is this day DISSOLVED, by mutual consent. All debts due to the late firm, or owing to same, will be paid and collected by William Sorrell Wilson.

Dated, September 6, 1867.

WILLIAM SORRELL WILSON.

WILLIAM ROBINSON

(For Eliza Wake.)

Witness-Jno. E. Griffiths.

The Argus (Melbourne, Vic.) Tuesday 10 September 1867

^{viii} THE NEW DEBTORS' SUMMONSES.

The case of Harrison v. Uggles, commenced in the Insolvent Court on Monday, before Judge Noel, to set aside a debtors' summons granted under the 38th section of the New Insolvency Act, was continued in the same court yesterday.

The case for the creditor in proof of the debt having been concluded on the previous day, Mr. LAWES called witnesses in support of the affidavit of Mrs. Uggles, that she did not owe the debt of £121 14s., as sworn by Harrison. He called Sarah Uggles, landlady of the Dover Hotel, Lygon-street, Carlton, who stated that she had dealings with Harrison and Wilson from March, 1870, to November of the same year.

Had conversations from time to time with Harrison and Wilson about the goods supplied to her. They all had a conversation in her bar parlour in November last, when Harrison and Wilson wanted her to give an acknowledgment of the debt, which acknowledgment Wilson's brother was to hold. The amount of the acknowledgement was fixed, and they wanted her to make it either a bill of exchange or a bill of sale. Both Harrison and Wilson joined in that conversation, Harrison and Wilson both agreed with her then to supply them with food, if they were put in gaol, at £1 per week each. In consequence of the conversation she drew up a bill of exchange, but Harrison and Wilson were arrested immediately afterwards, and she had not an opportunity of seeing them again. Witness had received the notice produced from Wilson to her. It was dated March 2, 1871, and signed "W. S. Wilson," and in it Wilson requested her to hold all moneys in her hand which were due to their

firm, F. Harrison and Co., until he was released from gaol, so that the said account might be paid in presence of Harrison and himself. She produced the bill of exchange for £100, which was drawn up in settlement of her account, and which there was a conversation about with herself and Harrison and Wilson. The bill was the one she had spoken of as the one that was to be given to Wilson's brother for the account. When Gresson and Harrison went to her house about a settlement of the account nothing was said respecting the debt being due to Harrison alone.

To Mr. FULLERTON.-When Harrison went to her on the 17th March last by himself, he said he had come to get security for the firm. Mr. Harrison not only mentioned the name "firm" once, but he mentioned it several times. If she had not received the notice from Wilson not to pay the money on the account she might, perhaps, have made some arrangement about it. Harrison first went to her on the 1st March, 1870, and he then said he was commencing business as "Harrison and Co.," and would supply her with all she required. She was acquainted with both Harrison and Wilson before that time, and they had both lodged with her previous to it. Harrison sold her all the goods she bought. He was the traveller, and Wilson worked in the store. Had seen Harrison driving about often as traveller in Wilson's buggy. She now frequently saw Harrison driving about in what she believed was Wilson's buggy. Wilson had told her on one occasion that it was Harrison's buggy he drove about in. Mr. FULLERTON asked the witness to whom the goods in her house belonged, as it was stated she could not give a bill of exchange over them because they were not hers.

Mr. LAWES objected to the question on the ground that Mrs. Uggles's private affairs could not be inquired into. The Judge ruled that the question could be asked, and agreed to take a note of Mr. Lawes's objection, Witness continued, - Only part of the goods in her house belonged to her. Some of them belonged to Mr. Snellgrove, an accountant, and there were some goods there which belonged to a gentleman who came from Mauritius. Mr. Snellgrove sometimes lived at her house.

To Mr. LAWES,- She bought a number of cases of JDKZ gin from Harrison and Co.

William Sorrell Wilson was next examined. He stated that a deed of partnership was executed between him and Harrison on the 20th May, 1869. Previous to that time they had dealings together, in regard to the vinegar business. Harrison took premises for the firm at 112 Spencer-street, and they placed plant there. It was agreed that witness should put in £200 money as against the nominal value of the plant, £200, put in by Harrison. They never made any cordial - only vinegar. Witness took part in the process of making the vinegar. They found it a losing business, and it did not succeed. The process by which Harrison said they could make it pay did not make it pay. In consequence of that business breaking down, Harrison proposed they should go into the wine and spirit business. It was proposed they should have a still to make silent spirit, and that the wine and spirit trade should carry off the spirit - that was, it was to be the means of carrying off the spirit. Witness went into that business jointly with Harrison. He borrowed £250 to put into that business from the London and Australian Corporation, and they also had a bill discounted at the Bank of New South Wales for £155 10s. Believed there was spirit bought before they got the wine and spirit licence. The distilling was carried on before the licence was obtained. It was carried on in connexion with the vinegar business, but that was only for low spirit. The wine and spirit licence was taken out by agreement in Harrison's name. Witness found the first £25 for the licence. At that time he was also carrying on business at Hawthorn as a butcher. There was an arrangement that he should keep out of the business as much as possible, in consequence of his being married, and that was the reason why Harrison took such an active part in the business, Witness being a married man thought it was a dangerous game, and Harrison was not married. The licence was also taken out in one name, so that if they were caught only one would be responsible. While he was at Hawthorn butchering, he went in very often at night to the distillery, and worked there. About January he went to Schnapper Point, so that if anything occurred he would be out of the

way. He stayed there until August, 1870, and in the interval he was kept informed by Harrison about the business, and communications took place as to his going back. The business of the firm outside was then a large one. The vinegar business was overthrown then. In August, 1870, witness returned to town and took an active part in the business. While he lived in Hawthorn witness took some goods to customers from their spirit store, which was then 110 Spencer-street. From August 1870, until the discovery by the police witness took an active part in the business. Some of the silent spirit manufactured at their place was made into JDKZ gin. The way they did it was that they got Warrenheip gin and mixed two parts of their silent spirit with one of Warrenheip gin, and thereby they made a capital geneva. The Warrenheip gin was bad - rather fiery - and their spirit being a soft one modified the Warrenheip spirit, and made a good gin, which they sold as JDKZ gin. If Mrs. Uggles bought JDKZ gin from them she was bound to get the made spirit he spoke of. The silent spirit they made went into everything that passed out of their store - wines or spirits except Hennessy's bottled brandy, for which the silent spirit would not do. Number 112 was burnt down at one time, and another building was put up in its place, which was numbered 114. Numbers 110, 112, and 114 were really one and the same place, used for the carrying on of their business. Witness had free access to all the three places, but Harrison was the man of business. Could not say how many gallons of spirit they manufactured in the week, but they turned out at least a quarter-cask a week. He knew Mrs. Uggles as a customer in the business. Harrison went out to customers, and since August he used witness's buggy to go round with. There was £14 paid for converting witness's old buggy into a waggonette, to be used for the purposes of the business. The still was discovered about the 20th November. Witness had an interview with Mrs. Uggles in the interval between the arrest and the conviction. Harrison and witness's brother went with him to Mrs. Uggles, and they took an I O U with them for £100, which witness drew up; His brother was to keep that IOU if Harrison and he were convicted and put into gaol. That £100 was the debt due by Mrs. Uggles to the firm. The debt to the firm, it was agreed, should be paid off by Mrs. Uggles supplying both of them with food, at £1 per week for each, if they were put into gaol. A debtor of the firm named Cole, of the Builders' Arms, was supplying witness with food in the gaol, under the same kind of arrangement as was made with Mrs. Uggles. Cole was, in fact, working out the debt. Witness was fined £300, or 12 months' imprisonment, and the IOU was drawn up on one of the three days when he was out on bail, between the arrest and the conviction. When the seizure was made, everything in 110, 112, and 114 was seized. There was £250 due to him from the firm for money which he put into it. The debt of Mrs. Uggles, he would swear positively, was due to him as well as to Harrison. When in gaol, he heard that Harrison was endeavouring to get in the debts of the firm for himself, and he then sent the notice to Mrs. Uggles not to pay her account until he and Harrison could be present together.

To Mr. FULLERTON.-He never had any conversation with Mrs. Uggles about the business until the one about the IOU. When Harrison swore that he never had any conversation with Mrs. Uggles in witness's presence, he was swearing falsely. The IOU was in favour of Wilson's brother, J. B. Wilson. If Mrs. Uggles said nothing about the IOU having been dealt with, her memory must have been at fault. Harrison might, when the conversation was held, have handed to Mrs. Uggles a bill of exchange instead of the IOU, which witness had written out and given to him to hand to her. The entire management and control of the business outside was left to Harrison. The £250 witness spoke of as being obtained from the London and Australian Corporation was obtained through Harrison giving his acceptances. One of those acceptances for £100 had been paid through Harrison. Harrison was now supporting witness's family, but it was out of the means or proceeds of the firm that they were supported. There was a partnership account entered in the books of the firm between him and Harrison. After he came from Schnapper Point, he worked exclusively at the still in the store, and drew £2 per week from the firm for the support of his family. Harrison gave him the money. There was JDKZ gin taken into the place in Spencer

street, as well as taken out, but nothing went out that had not got a little of the silent spirit in it. No brand of gin brought in ever went out again without being mixed. It might have been possible for Harrison to have sent out some pure gin, but it was against the policy of the firm for him to do so. They fancied their spirit was better than Warrenheip.

Mr. Lawes and Mr. Fullerton having addressed the Court,

The JUDGE said,-This is the first case of debtor's summons in this court of insolvency, and I think it is desirable that at the outset we should come as much as possible to a clear understanding as to the proceedings to be taken under this 38th section. In this case the creditor summons the debtor for a sum of money for goods sold and delivered, and upon that the debtor files an affidavit in general terms saying that the debt is not due. The question then arose whether that affidavit was to be looked upon as in fact a plea, and what kind of defence might be set up in the court. I ruled then, and think now, that at this Court of insolvency the judge has the power to ascertain finally, as far as the meaning of the section is concerned, whether the debt alleged to be due is bona fide due. But the latter part of the section enables the judge to decline to decide upon the question of whether the debt is due or not, although the judge may, if he thinks it desirable, decide finally on the debt by dismissing the summons or refusing to dismiss it, I am taking the course of declining to decide, and shall require the alleged debtor to find security for payment of the debt until such time as the question shall be tried in some other court. That is the course I intend to take now, and I do so because I think that an application by creditors for debtors' summonses like this should by no means be encouraged. I quite agree that the object of the section is to provide a cheap way of bringing a person who is a debtor within the purview of the act, and making him insolvent; but it certainly never was contemplated that cases which a creditor must know were complicated cases, remarkably suitable for the decision of an ordinary judge, and involving nice points of law, should be decided by a judge in insolvency under a debtor's summons, I think that in any instance in which a case like this should be brought before me I should be inclined to do what I am now doing, and to remit the final decision of it to another Court by directing the alleged debtor to find security until the case should be so decided. Then the rules seem to contemplate such a proceeding, for the 8th section of the 7th rule says that where proceedings on a debtor's summons are sought, the creditor shall continue the proceedings for the recovery of his debt at law within 21 days, and if he fails to do so the debtor shall be entitled to have his summons dismissed, with or without costs. The question now is as to the amount of the security I shall direct the debtor to find while the creditor is pursuing the action ; and there is another question not provided for, namely, what kind of security is required - as to whether it should be a bond or not.

Mr. LAWES submitted that the security should be very small in a case like that, for the creditor might have sought his remedy in the County Court at small expense, but he had chosen to come to that court. His Honour had held, too, that the case was not a proper one to be brought before him.

The JUDGE.-Yes, I admit it is not an ordinary case. The creditor must have known that all these matters that have transpired would occur. The case is not at all like one where a creditor had sold ordinary goods and the debtor did not pay for them.

Mr. FULLERTON held that the security ought to be substantial, and proposed that Mrs. Uggles should provide two sureties of £250 each.

The JUDGE said he was inclined to make the security only a small one.

Mr. FULLERTON argued that his client had been taken by surprise, and that he would have no security for his debt unless the Court demanded sureties.

The JUDGE.-The creditor was not driven here, and why should he come here at all in this case ?

Mr. FULLERTON said he had taken the simple way of coming there.

The JUDGE.-It is simple, then, because it seems unsimple.

Mr. LAWES asked his Honour if he would take the debtor's own bond, and said that the creditor would then be in as good a position as when he went to that Court.

The JUDGE said the creditor would be in a better position, for he would have a bond, where before he had nothing. He (the Judge) then said that he would take Mrs. Uggles' own bond for £170 as security until the creditor proceeded with his action, the bond to be lodged within two days.

The Court then adjourned.

The Argus (Melbourne, Vic.) Tuesday 4 April 1871

^{ix} SATURDAY, APRIL 8, 1871.

The first case heard under the 38th clause of the new Insolvency Act will form a valuable precedent. Harrison v. Uggles was the first matter brought under the cognizance of the Chief Judge in Insolvency under this section of the act, and there can be no doubt that it was an attempt to prostitute a very salutary provision to purposes for which it was never intended. By the clause alluded to it is provided that "a debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt sufficient to support a petition for sequestration is due to him from the person against whom the summons is sought and that the creditor has failed to obtain payment of his debt after using reasonable efforts to do so." In the case in question, SARAH UGGLES, landlady of the Dover Hotel, Lygon street, Carlton, was proceeded against by one HARRISON for a debt of £121 11s. for wines and spirits supplied. HARRISON was recently fined £300 for illicit distillation, and his partner WILSON is still confined in gaol for the same offence, having been unable to pay the fine. Mrs. UGGLES objected to pay the debt on two grounds. She had been served with a notice not to do so by WILSON, who, it was alleged, was HARRISON'S partner in the wine and spirit trade, as well as in the illicit distillation, and it was also sought to be proved that the spirits with which she had been served were "illicit," that they were not what they pretended to be, and that, therefore, the whole transaction was illegal.

It is evident that such complicated issues as these were never intended to be settled by the mere hearing of a debtor's summons under the Insolvency Act. The matters to be determined comprehend questions both of law and fact, and to decide them in the manner attempted by the alleged creditor, HARRISON, would be in a great measure to override the Nisi Prius jurisdiction of the Supreme Court, and the right in civil cases of a trial by jury. It is not at all clear how HARRISON in the first instance proved to the satisfaction of the Court that Mrs. UGGLES was indebted to him, nor did it transpire what would be considered satisfactory proof of a debt being due to anyone applying for a debtors' summons. Both these points should be definitely settled at the very earliest period, because it would be a manifest injustice to drag a person before the Insolvent Court to show cause why his or her estate should not be sequestered, merely because there happened to be a dispute about an alleged debt. The judge, in summing up, ruled that he had the power to decide whether a debt was due or not, but that at the same time he could decline to do so, and decline he did. The ruling is no doubt correct, and in this instance the judge exercised a wise discretion in refraining from exercising the authority vested in him, because, as he pertinently remarked:-"It certainly never was contemplated that cases which a creditor must know were complicated cases, remarkably suitable for the decision of an ordinary judge, and involving nice points of law, should be decided by a judge in insolvency under a debtor's summons." Acting on this common sense view of the question, the summons was dismissed, the alleged debtor being required to enter into a bond for the payment of the debt, should it be recovered in the ordinary course of law.

Connected with this case, there is, however, another matter of very great interest to the imbibing public, and in fact to all those who are compelled to frequent hotels and public-houses for necessary refreshments. A very

useful light has been thrown upon the manner in which the liquors supplied at some houses of entertainment are manipulated. It has been a very popular delusion that what is vulgarly known as "square gin," and especially the peculiar brand of JDKZ, could not be easily adulterated, and many a traveller on leaving Melbourne for a tour in the country bade farewell to his favourite brandy and soda, and until his return took nothing but JDKZ, under the impression that if the beverage was not particularly pleasant it was at least wholesome. The result was not always satisfactory, and WILSON, the partner of HARRISON, has favoured us with a solution of the problem. In his evidence before the Chief Judge in Insolvency, he makes the following valuable confession :- " Some of the silent spirit manufactured at their place was made into JDKZ gin. The way they did it was that they got Warrenheip gin, and mixed two parts of their silent spirit with one of Warrenheip gin, and thereby they made a capital geneva. The Warrenheip gin was bad - rather fiery - and their spirit being a soft one modified the Warrenheip spirit, and made a good gin, which they sold as JDKZ gin. If Mrs. UGGLES bought JDKZ gin from them she was bound to get the made spirit he spoke of. The silent spirit they made went into everything that passed out of their store-wines or spirits - except HENNESSY'S bottled brandy, for which the silent spirit would not do." Nothing can be more deleterious than what is known as silent spirit, and in the statement of Mr. WILSON we have a complete explanation of many a suicide, and, of what is still worse, many a living death within the walls of our lunatic asylums. When will the authorities take really energetic measures to stop the sale of the vile poisonous trash which, under the guise of wines and spirits, is now supplied to the infatuated fools who haunt the low public houses of the city and suburbs.

The Argus (Melbourne, Vic.) Saturday 8 April 1871

^x It appears that for some time past the police have had their suspicions that all was not right at the establishment of Messrs. F. Harrison and Co., wine and spirit merchants, occupying a range of buildings extending from 110 to 114 Spencer-street. Accordingly at a late hour last night, Superintendent Nicolson, accompanied by Detectives Foster, Mainwaring, and Brown, effected an entry into the premises, and discovered, as they anticipated, an illicit still in full work. Two vats capable of holding from 600 to 800 gallons of spirit were taken possession of by the officers. Mr. F. Harrison, together with William Wilson, his partner, and Bell, his storeman, were captured, and lodged in the lock-up. Upon the entry of the police, the prisoners resorted to the desperate expedient of turning off the spirit, and setting the place on fire, but the exertions of Mr. Nicholson and the detectives succeeded in extinguishing the flames before the Hotham Fire Brigade, which promptly attended, arrived. We understand that the police have had the Messrs. Harrison and Co. under surveillance for nearly 18 months, but it was not until last night that they felt certain of making a successful descent upon them.

The Argus (Melbourne, Vic.) Tuesday 22 November 1870

The three men Wm. Wilson, Frederick Harrison, and Thomas O. Bell, who were arrested early yesterday morning, on a charge of having an illicit still in their possession, were taken before the City Bench yesterday. Superintendent Nicolson stated that at about 1 o'clock that morning, he, with Detectives Mainwaring, Forster, and Brown, arrested the three prisoners at premises in Spencer-street, comprising Nos. 110, 112, and 114, where there was an illicit still in full working order, and a large accommodation for the storage of spirit. A remand was wished, and Mr. Gresson, for the prisoners, also asked that the case should be postponed for a week. This was acceded to, bail allowed in two sureties of £500 for each prisoner. Harrison obtained bail in a short time. The detectives had been hovering round and, as they termed it, "shepherding" the place for the last fortnight, every evening, but were unable to effect a seizure at a favourable moment until yesterday morning. The spirit distilled is

stated to be of an inferior description, and no doubt tended to swell the profits of vendors of threepenny drinks. The premises containing the still, &c., are in charge of Detective Mainwaring.
The Argus (Melbourne, Vic.) Wednesday 23 November 1870

THE ILLICIT STILL.

At the City Court yesterday, before Mr. Call, P.M., and Mr. Wragge, J.P., William Wilson, one of three prisoners arrested at the seizure of an illicit still in Hotham, was charged with a breach of the 121st section of the Customs and Excise Act, in having in his possession a still for the distillation of spirits, without having a licence for the same. Mr. Frank Stephen prosecuted, and Mr. Casey defended.

Mr. Stephen opened the case, and explained a plan of the premises which had been prepared. He then called Stewart Warrender Viney, who deposed that he was a surveyor, and produced a plan which he had drawn from survey made on the 24th instant, of the premises where the still was seized.

Cross-examined.-There was no communication between the three stores forming the premises, which stores were separated by brick partitions and by fences at the back.

Charles Hope Nicolson, superintendent of police, deposed that he was an inspector of distilleries, and that the plan produced of the premises in question was correct. On the morning of Tuesday, the 22nd instant, at about 1 o'clock, witness accompanied Detectives Mainwaring, Brown, Forster, and Kidney, to No. 114 Spencer street, and entered the place by the back window, which they broke open. Saw 13 1/2 bags of sugar on entering. As soon as witness got into the place, the prisoner Wilson opened a door, and the next room was found to be a still room, containing a still. Previously they had attempted to force open the door, but it had effectually resisted. Heard some one smashing something inside, and witness called out that he was a police officer. After a delay Wilson opened the door, and they found the still in the northern part of the building, and found also a tub which was under the wastepipe, and was in flames. The wastepipe was open, and the spirit was running through it from the still into the tub, and thence overflowing and burning all over the floor. There was no number on the still, but the tub was numbered 17. Witness now produced various portions of the still, some of which were on fire when the place was entered. The three pieces produced were found forced into the fire in the furnace. Samples of the spirit were taken away by Detective Kidney and two others. Witness told Wilson he must show how to put out the fire, and where the Yan Yean was. He would not say how to extinguish the flames, or where the water was, merely saying, "Oh, you have got all you want," several times. The fire was extinguished with water found in a tub, the only help given by Wilson being to show how to turn off the tap of burning spirits, and then only when asked several times. Witness had no practical knowledge of spirit distilling or vinegar making.

Leslie A. Moody, chief inspector of distilleries, deposed that he directed the present prosecution. Witness had fitted together the pieces produced, and could testify that they formed an apparatus for the making of spirit. The prisoner had no licence for a still, nor had anyone a still licence for those premises. Witness had a theoretical knowledge of the manufacture of vinegar. No still was necessary for making vinegar, though vinegar was spirit oxidised. The spirit must first be made, and then turned into vinegar. No one was allowed to use a still for making vinegar without a licence. Witness took away from the still-room a sample of crude spirit produced. It would do for making vinegar as well as for making rum or gin, &c. The spirit was one over-proof.

George Heath, inspector of distilleries, stated that he visited the place in question after the pieces of piping, &c, had been removed, and saw the vessel set in brickwork. The pieces produced, if put together, with the vessel in brickwork would form a still and condenser together.

Cross-examined.-Witness had made vinegar himself. Had never seen vinegar-making on the Continent or in Germany, but had at Prahran. The spirit produced was taken from the second vat in the still-house, and was distilled spirit. It was 1 -7/10ths over proof.

This was the case for the prosecution.

Mr. Casey urged that there was no case, as the information did not allege the still to be over three gallons, or any other capacity, and pointed out that it was not illegal for a person to have in his business a retort, or other apparatus not exceeding three gallons in capacity. He urged that the onus of proving the capacity of the alleged still was thrown upon the prosecution.

Mr. Call said that the information alleged the prisoner to have in his possession an unlicensed still, which plainly showed that the apparatus must be over three gallons capacity. Under these circumstances, the onus lay upon the prisoner of proving it to be under that capacity.

Mr. Casey asked to have a special case stated on the point, but Mr. Call said this was not the time for doing so, as the prisoner might not be convicted.

Mr. Casey replied that he did not intend to go into any further defence.

Mr. Call, after consulting with the other magistrate, said that they considered that the evidence in this case clearly brought home the charge preferred against the prisoner, and that it was of a very gross character. The prisoner was distilling from a very complete apparatus, and carrying on a very large amount of business, in the very centre of one of the largest congregations of population in the whole colony. Very likely he thought that he would throw abroad all suspicion by carrying on operations in a most central position. The prisoner was fined £300, or 12 months' imprisonment.

Mr. Casey gave notice of appeal.

Frederick Harrison, the second prisoner, was then charged under the same section with having on his premises spirit upon which full duty had not been paid. Mr. Stephen said that in this case the onus of proving that the spirit found was duty-paid fell upon the prisoner.

Chas. Hope Nicolson, sworn, stated that he found on entering the premises No. 110 beer, porter, spirits, and vinegar in casks in large quantities. There were numbers of empty bottles, and similar ones full of spirit. There was a yard common to 110 and 112, and a string from 114 opened the only back door in the latter place. The string came into the yard of 110 and 112, and by being pulled, opened the door in 114 from the inside. There was a fence between the yard common to 110 and 112 and that of 114, but a gate was so placed against the fence that it was easy to get over. There was a stretcher bed in 110.

Leslie A. Moody deposed that he found in No. 110 three or four casks. One contained an imitation of brandy, another an imitation of gin, and a third pretty good rum. Considered the imitations of brandy and gin were not imported.

Cross-examined.- Knew the Warrenheip Distillery Company, which was licensed. Had tasted their gin, and could not swear to any difference between their gin and that found in 110. The document produced was a receipt, showing that Harrison had bought gin from the Warrenheip Distillery. The other document produced was a wine and spirit licence granted to Harrison for the year 1870. The vat in No. 114 was over 100gal. capacity.

George Heath stated that of the spirit found in No. 110, the rum was 10-1/10th overproof. Another, a mixed spirit, which could not be defined, was 14 under-proof, and very inferior. A third, like gin somewhat, was 25-5/10ths under-proof. There were from 50gal. to 60gal. of spirit in No. 110.

Detective Mainwaring stated that at the time of the seizure, when getting over the dividing fence, he saw Harrison coming out of 110 in his shirt, and arrested him. In answer to witness, Harrison said that he carried on business

in 110 and 112, but knew nothing of what was done next door. The vats in 114 were painted the same as the casks in 110. There was a large quantity of raisins of a similar character in both 110 and 114.

Peter John Wilson, solicitor, of M'Kean and Wilson, deposed that he produced the indenture of an agreement, dated 20th May, 1869, between the prisoners Harrison and Wilson, to become partners for seven years as vinegar and cordial manufacturers. The firm was to be styled Harrison and Co., and business to be carried on at 112 Spencer-street, or at any other place or places which might be agreed upon. Witness's firm had a lien on this agreement, and on the previous day to the present, witness had shown Harrison and Wilson the agreement, and had asked them to pay off the lien, and take possession of the document. Harrison told him that it was in their favour, and had better be produced by the prosecution. Witness believed the agreement had never been carried out.

John Whiting proved delivering coke at No. 114 Spencer-street. He was ordered to deliver it to Mr. Harrison, and took it to his place.

Alexander Cameron proved that he was employed as collector for Mr. Lamond, and had received orders for coke from Harrison.

Henry Dykes deposed that he was one of the firm of Dykes and Edwards, copperworkers, and in July last sold Harrison a brewer's copper or boiler, and afterwards witness put a tap on it. Believed the one forming part of the still was the one in question. Made another for Harrison, which was to be sent to Castlemaine, but after the seizure witness saw the copper in the shed at No, 114 Spencer-street. It was smaller than the first.

Benjamin Cook deposed that Harrison had purchased wood from his father, who was a timber merchant ; and Detective Kidney deposed to finding the lead-piping and copper wire produced in the still-room.

Some other evidence which was taken, showed that the piping had been prepared to Harrison's order and paid for, and that Harrison was in the habit of purchasing sugar from Bell, Bruce, and Company.

Detective Brown stated that he found the book produced in the still-house. It contained a letter from Malmsbury addressed to Harrison, and a number of bill-heads.

This concluded the case for the prosecution, and Mr. Casey submitted that there was no evidence of the spirits found on the premises not being duty paid.

Mr. Stephen said that, according to the 132nd section, if any question arose on a seizure as to the payment of duty, the owner or claimant must prove the goods to be duty paid, and not the seizing officer prove the reverse.

Mr. Casey replied that Harrison did not claim the spirit, or the onus of proving it duty-paid would, he admitted, fall upon him. The law said that unless he claimed it the defendant could not be called upon to prove it duty-paid, but at the same time the law did not allow the defendant to give evidence in his own defence. They could not, therefore, call on him to say whether he claimed it or not, and if he did not claim it, the prosecution must prove the goods seized belonged to him. There was no evidence to connect Harrison and Wilson, or that the partnership, the deed of which had been produced, had ever been carried out. There was, moreover, nothing from which even the inference could be drawn, that Harrison was cognisant of the illegal practices next door.

The evidence as to the purchase of a copper, &c, only went to show that a partnership for the manufacture of vinegar had been proposed, but had fallen through. Because perhaps Harrison wanted to "doctor" his stock as a wine and spirit merchant, that was no reason why he should be prosecuted in the present manner, merely on account of the necessary articles for such doctoring being found upon his premises. The evidence, so far from rebutting every presumption of Harrison's innocence, was in favour of such a presumption. Harrison might even have seen the still without knowing that it was used for anything but vinegar-making.

He then called George Davis, who, being sworn, stated that he was a cooper, and in December, 1868, made some vats for vinegar for Harrison. Had made some since for him. Made them on a principle which was similar to that of Musprat, as shown in the engraving produced.

Cross-examined.-The vats in question were those which had been found in the still-room when the seizure was made.

Wm. Ornby, architect and builder, said that he superintended the building of the place where Harrison carried on business. There were no drains there now which were not there when he built the place. Only built two out of the three houses - the one at the south end was already built. About six months ago the original place was burnt down, and witness then built the two referred to, to correspond with the one already built. Made the drains without knowing that Harrison was going there. The hole in the partition wall, between Nos. 112 and 114, was made by witness for drainage purposes. Harrison was living there before the fire took place.

Robert Aherne, clerk in the office of Titles, said that the three houses, Nos. 110, 112, and 114 Spencer-street, belonged to Mr. Henry. Witness collected the rents. Harrison told witness that he and Wilson had dissolved partnership.

John Mackay, coppersmith, sworn, said that he could not make a still out of the apparatus in Court.

The Bench fined Harrison £300, or 12 months in gaol.

A second charge of having an illicit still in his possession was then preferred against Harrison. The evidence was the same as in the previous case, and the prisoner was again fined £300, or 12 months in gaol, the penalty not to be enforced if the former conviction were upheld on appeal.

A third charge of being found on the premises containing an illicit still was withdrawn.

Thomas Oliver Bell, the storeman, was then charged with being found on premises containing an illicit still. The evidence was of the same nature as that preceding, showing that he had been a year at the place. It was stated that on Monday week he had obtained a publican's licence for a house at the corner of Smith and Charles streets, Collingwood. He described himself as a storeman.

The Bench fined him £50, or six months' imprisonment.

Notice of appeal was given in this as in all the other cases.

The Argus (Melbourne, Vic.) Wednesday 30 November 1870

The three men, Harrison, Wilson, and Bell, who were arrested at the recent seizure of an illicit still in Spencer-street north, appeared before the City Bench yesterday, charged - Harrison with having an illicit still and spirits which had not paid duty on his premises, Wilson with having an illicit still in his possession, and Bell with being on premises containing an illegal still. Wilson's case was taken first, and the prisoner was fined £300, or 12 months' imprisonment. Harrison was fined a like amount, with the same alternative, on each of the two charges brought against him, and Bell was fined £50, or six months in gaol. A third charge against Harrison, of being on premises containing an illicit still, was withdrawn. The prisoners, if all the fines are enforced, will have to pay amongst them £950, but it was intimated that if, upon appeal, the first conviction against Harrison is upheld, the second penalty would not be enforced. Notice of appeal was given in all the cases, the defence in each case being that the evidence had not supported the charge. Bell had only a few days before the seizure obtained a licence for an hotel at the corner of Smith and Charles streets, Collingwood, and it is easy to imagine what an assistance this house would have been in getting rid of the illegally distilled spirit, some of which was very bad. Detective Kidney was the officer who arrested Wilson in the act of escaping by the front shutters, which he was forcing out, and had it not been for Kidney's boldness in venturing right through the flames of the spirit which had been set on fire,

and allowed to run over the place, Wilson would probably have escaped. The place where the still was situated was burnt down about six months ago, and rebuilt. Harrison was there before that fire took place.

A little amusement was created during the hearing of the illicit still case in the City Court yesterday by the quaint manner in which a man employed in a coke and coal yard, and bearing the inappropriate name of Whiting, gave his evidence. On being asked to whom he had generally delivered the coke, he said that mostly when he came to the place a woman "put her head over the fence like a barracouta," and added, parenthetically, that the magistrates might have noticed the peculiar manner in which barracouta fish stretched their necks. He continued that he sometimes delivered it to a man whose name he did not know, but whom he was accustomed to call "old Vinegar," on account of his being so sour. He never offered witness a drink though he was distilling spirits all the time, but if he had known what was up he would most decidedly have made him "shout" every time, for carting coke was awfully dry work. When asked to describe the situation of the coal shed, he said it was "located near a big Newfoundland dog," and added that they had better tie that dog up shorter next time, for at last visit the animal had nearly got away with the calf of his leg. He was not cross-examined.

The Argus (Melbourne, Vic. : 1848 - 1956) Wednesday, 30 November 1870

One of the most important seizures which has yet taken place in Melbourne in connexion with illicit distillation was made the other day at the establishment of Messrs. F. Harrison and Co., wine and spirit merchants, who occupy a range of buildings extending from 110 to 114 Spencer-street. At a late hour at night, Superintendent Nicolson, accompanied by Detectives Foster, Mainwaring, and Brown, effected an entry into the premises, and discovered an illicit still in full work. Two vats capable of holding from 600 to 800 gallons of spirit were taken possession of by the officers, together with a quantity of raw spirit of the value of £1,000 to £1,200. Mr. F. Harrison, together with William Wilson, his partner, and Bell, his storeman, were captured, and lodged in the lock-up. Upon the entry of the police, the prisoners resorted to the desperate expedient of turning off the spirit, and setting the place on fire, but by the exertions of Mr. Nicolson and the detectives the flames were extinguished. It is believed that the spirit manufactured at this still, which the police have ascertained has been in operation for something like two years, has been sent in large quantities to various places in the country, besides being extensively sold to certain Melbourne publicans. The defendants have since been brought up at the Melbourne City Police Court, and fined - Harrison £600, or two years' imprisonment; Wilson £300, or 12 months' imprisonment; and Bell, £50, or six months' imprisonment. Notice of appeal has, however, been given.

The Argus (Melbourne, Vic.) Monday 5 December 1870

The appeal business in connexion with the General Sessions for this month was commenced yesterday in the County Court, and the attention of the Bench was occupied during the whole of the day in hearing the appeal of Frederick Harrison, of Spencer street, West Melbourne, against a decision of the City magistrates, fining him £300 for having upon his premises a quantity of spirits on which the full duty had not been paid. The appellant was also fined in the police court £300 for having an illicit still on his premises, but it was ordered by the magistrates that the second fine should not be enforced if the first one was sustained on appeal. Two other persons named Wilson and Bell, who were also concerned in the illicit distilling carried on in Harrison's premises, and who were fined in different sums, have likewise appealed, and their cases are yet to be heard. The evidence given on appeal was to a great extent similar to that heard in the Police Court. The result of the proceedings was that the Court confirmed the conviction with costs, and then, in accordance with the order of the magistrates, the second appeal of Harrison was allowed.

The Argus (Melbourne, Vic.) Wednesday 7 December 1870

THE NEW DEBTORS' SUMMONSES.

The case of Harrison v. Uggles, commenced in the Insolvent Court on Monday, before Judge Noel, to set aside a debtors' summons granted under the 38th section of the New Insolvency Act, was continued in the same court yesterday.

The case for the creditor in proof of the debt having been concluded on the previous day, Mr. LAWES called witnesses in support of the affidavit of Mrs. Uggles, that she did not owe the debt of £121.14s., as sworn by Harrison. He called Sarah Uggles, landlady of the Dover Hotel, Lygon-street, Carlton, who stated that she had dealings with Harrison and Wilson from March, 1870, to November of the same year.

Had conversations from time to time with Harrison and Wilson about the goods supplied to her. They all had a conversation in her bar parlour in November last, when Harrison and Wilson wanted her to give an acknowledgment of the debt, which acknowledgment Wilson's brother was to hold. The amount of the acknowledgement was fixed, and they wanted her to make it either a bill of exchange or a bill of sale. Both Harrison and Wilson joined in that conversation, Harrison and Wilson both agreed with her then to supply them with food, if they were put in gaol, at £1 per week each. In consequence of the conversation she drew up a bill of exchange, but Harrison and Wilson were arrested immediately afterwards, and she had not an opportunity of seeing them again. Witness had received the notice produced from Wilson to her. It was dated March 2, 1871, and signed "W. S. Wilson," and in it Wilson requested her to hold all moneys in her hand which were due to their firm, F. Harrison and Co., until he was released from gaol, so that the said account might be paid in presence of Harrison and himself. She produced the bill of exchange for £100, which was drawn up in settlement of her account, and which there was a conversation about with herself and Harrison and Wilson. The bill was the one she had spoken of as the one that was to be given to Wilson's brother for the account. When Gresson and Harrison went to her house about a settlement of the account nothing was said respecting the debt being due to Harrison alone.

To Mr. FULLERTON.-When Harrison went to her on the 17th March last by himself, he said he had come to get security for the firm. Mr. Harrison not only mentioned the name "firm" once, but he mentioned it several times. If she had not received the notice from Wilson not to pay the money on the account she might, perhaps, have made some arrangement about it. Harrison first went to her on the 1st March, 1870, and he then said he was commencing business as "Harrison and Co.," and would supply her with all she required. She was acquainted with both Harrison and Wilson before that time, and they had both lodged with her previous to it. Harrison sold her all the goods she bought. He was the traveller, and Wilson worked in the store. Had seen Harrison driving about often as traveller in Wilson's buggy. She now frequently saw Harrison driving about in what she believed was Wilson's buggy. Wilson had told her on one occasion that it was Harrison's buggy he drove about in.

Mr. FULLERTON asked the witness to whom the goods in her house belonged, as it was stated she could not give a bill of exchange over them because they were not hers.

Mr. LAWES objected to the question on the ground that Mrs. Uggles's private affairs could not be inquired into. The Judge ruled that the question could be asked, and agreed to take a note of Mr. Lawes's objection, Witness continued, - Only part of the goods in her house belonged to her. Some of them belonged to Mr. Snellgrove, an accountant, and there were some goods there which belonged to a gentleman who came from Mauritius. Mr. Snellgrove sometimes lived at her house.

To Mr. LAWES,- She bought a number of cases of JDKZ gin from Harrison and Co.

William Sorrell Wilson was next examined. He stated that a deed of partnership was executed between him and Harrison on the 20th May, 1869. Previous to that time they had dealings together, in regard to the vinegar

business. Harrison took premises for the firm at 112 Spencer-street, and they placed plant there. It was agreed that witness should put in £200 money as against the nominal value of the plant, £200, put in by Harrison. They never made any cordial - only vinegar. Witness took part in the process of making the vinegar. They found it a losing business, and it did not succeed. The process by which Harrison said they could make it pay did not make it pay. In consequence of that business breaking down, Harrison proposed they should go into the wine and spirit business. It was proposed they should have a still to make silent spirit, and that the wine and spirit trade should carry off the spirit - that was, it was to be the means of carrying off the spirit. Witness went into that business jointly with Harrison. He borrowed £250 to put into that business from the London and Australian Corporation, and they also had a bill discounted at the Bank of New South Wales for £155 10s. Believed there was spirit bought before they got the wine and spirit licence. The distilling was carried on before the licence was obtained. It was carried on in connexion with the vinegar business, but that was only for low spirit. The wine and spirit licence was taken out by agreement in Harrison's name. Witness found the first £25 for the licence. At that time he was also carrying on business at Hawthorn as a butcher. There was an arrangement that he should keep out of the business as much as possible, in consequence of his being married, and that was the reason why Harrison took such an active part in the business, Witness being a married man thought it was a dangerous game, and Harrison was not married. The licence was also taken out in one name, so that if they were caught only one would be responsible. While he was at Hawthorn butchering, he went in very often at night to the distillery, and worked there. About January he went to Schnapper Point, so that if anything occurred he would be out of the way. He stayed there until August, 1870, and in the interval he was kept informed by Harrison about the business, and communications took place as to his going back. The business of the firm outside was then a large one. The vinegar business was overthrown then. In August, 1870, witness returned to town and took an active part in the business. While he lived in Hawthorn witness took some goods to customers from their spirit store, which was then 110 Spencer-street From August 1870, until the discovery by the police witness took an active part in the business. Some of the silent spirit manufactured at their place was made into JDKZ gin. The way they did it was that they got Warrenheip gin and mixed two parts of their silent spirit with one of Warrenheip gin, and thereby they made a capital geneva. The Warrenheip gin was bad - rather fiery - and their spirit being a soft one modified the Warrenheip spirit, and made a good gin, which they sold as JDKZ gin. If Mrs. Uggles bought JDKZ gin from them she was bound to get the made spirit he spoke of. The silent spirit they made went into everything that passed out of their store - wines or spirits except Hennessy's bottled brandy, for which the silent spirit would not do. Number 112 was burnt down at one time, and another building was put up in its place, which was numbered 114. Numbers 110, 112, and 114 were really one and the same place, used for the carrying on of their business. Witness had free access to all the three places, but Harrison was the man of business. Could not say how many gallons of spirit they manufactured in the week, but they turned out at least a quarter-cask a week. He knew Mrs. Uggles as a customer in the business. Harrison went out to customers, and since August he used witness's buggy to go round with. There was £14 paid for converting witness's old buggy into a waggonette, to be used for the purposes of the business. The still was discovered about the 20th November. Witness had an interview with Mrs. Uggles in the interval between the arrest and the conviction. Harrison and witness's brother went with him to Mrs. Uggles, and they took an I O U with them for £100, which witness drew up; His brother was to keep that I O U if Harrison and he were convicted and put into gaol. That £100 was the debt due by Mrs. Uggles to the firm. The debt to the firm, it was agreed, should be paid off by Mrs. Uggles supplying both of them with food, at £1 per week for each, if they were put into gaol. A debtor of the firm named Cole, of the Builders' Arms, was supplying witness with food in the gaol, under the same kind of arrangement as was made with Mrs. Uggles. Cole was, in fact, working out the debt. Witness was fined £300, or

12 months' imprisonment, and the IOU was drawn up on one of the three days when he was out on bail, between the arrest and the conviction. When the seizure was made, everything in 110, 112, and 114 was seized. There was £250 due to him from the firm for money which he put into it. The debt of Mrs. Uggles, he would swear positively, was due to him as well as to Harrison. When in gaol, he heard that Harrison was endeavouring to get in the debts of the firm for himself, and he then sent the notice to Mrs. Uggles not to pay her account until he and Harrison could be present together.

To Mr. FULLERTON.-He never had any conversation with Mrs. Uggles about the business until the one about the I O U. When Harrison swore that he never had any conversation with Mrs. Uggles in witness's presence, he was swearing falsely. The IO U was in favour of Wilson's brother, J. B. Wilson. If Mrs. Uggles said nothing about the I O U having been dealt with, her memory must have been at fault. Harrison might, when the conversation was held, have handed to Mrs. Uggles a bill of exchange instead of the IOU, which witness had written out and given to him to hand to her. The entire management and control of the business outside was left to Harrison. The £250 witness spoke of as being obtained from the London and Australian Corporation was obtained through Harrison giving his acceptances. One of those acceptances for £100 had been paid through Harrison. Harrison was now supporting witness's family, but it was out of the means or proceeds of the firm that they were supported. There was a partnership account entered in the books of the firm between him and Harrison. After he came from Schnapper Point, he worked exclusively at the still in the store, and drew £2 per week from the firm for the support of his family. Harrison gave him the money. There was JDKZ gin taken into the place in Spencer street, as well as taken out, but nothing went out that had not got a little of the silent spirit in it. No brand of gin brought in ever went out again without being mixed. It might have been possible for Harrison to have sent out some pure gin, but it was against the policy of the firm for him to do so. They fancied their spirit was better than Warrenheip. Mr. Lawes and Mr. Fullerton having addressed the Court,

The JUDGE said,-This is the first case of debtor's summons in this court of insolvency, and I think it is desirable that at the outset we should come as much as possible to a clear understanding as to the proceedings to be taken under this 38th section. In this case the creditor summons the debtor for a sum of money for goods sold and delivered, and upon that the debtor files an affidavit in general terms saying that the debt is not due. The question then arose whether that affidavit was to be looked upon as in fact a plea, and what kind of defence might be set up in the court. I ruled then, and think now, that at this Court of insolvency the judge has the power to ascertain finally, as far as the meaning of the section is concerned, whether the debt alleged to be due is bona fide due. But the latter part of the section enables the judge to decline to decide upon the question of whether the debt is due or not, although the judge may, if he thinks it desirable, decide finally on the debt by dismissing the summons or refusing to dismiss it, I am taking the course of declining to decide, and shall require the alleged debtor to find security for payment of the debt until such time as the question shall be tried in some other court. That is the course I intend to take now, and I do so because I think that an application by creditors for debtors' summonses like this should by no means be encouraged. I quite agree that the object of the section is to provide a cheap way of bringing a person who is a debtor within the purview of the act, and making him insolvent; but it certainly never was contemplated that cases which a creditor must know were complicated cases, remarkably suitable for the decision of an ordinary judge, and involving nice points of law, should be decided by a judge in insolvency under a debtor's summons, I think that in any instance in which a case like this should be brought before me I should be inclined to do what I am now doing, and to remit the final decision of it to another Court by directing the alleged debtor to find security until the case should be so decided. Then the rules seem to contemplate such a proceeding, for the 8th section of the 7th rule says that where proceedings on a debtor's summons are sought, the creditor shall continue the proceedings for the recovery of his debt at law within 21

days, and if he fails to do so the debtor shall be entitled to have his summons dismissed, with or without costs. The question now is as to the amount of the security I shall direct the debtor to find while the creditor is pursuing the action ; and there is another question not provided for, namely, what kind of security is required - as to whether it should be a bond or not.

Mr. LAWES submitted that the security should be very small in a case like that, for the creditor might have sought his remedy in the County Court at small expense, but he had chosen to come to that court. His Honour had held, too, that the case was not a proper one to be brought before him.

The JUDGE.-Yes, I admit it is not an ordinary case. The creditor must have known that all these matters that have transpired would occur. The case is not at all like one where a creditor had sold ordinary goods and the debtor did not pay for them.

Mr. FULLERTON held that the security ought to be substantial, and proposed that Mrs. Uggles should provide two sureties of £250 each.

The JUDGE said he was inclined to make the security only a small one.

Mr. FULLERTON argued that his client had been taken by surprise, and that he would have no security for his debt unless the Court demanded sureties.

The JUDGE.-The creditor was not driven here, and why should he come here at all in this case ?

Mr. FULLERTON said he had taken the simple way of coming there.

The JUDGE.-It is simple, then, because it seems unsimple.

Mr. LAWES asked his Honour if he would take the debtor's own bond, and said that the creditor would then be in as good a position as when he went to that Court.

The JUDGE said the creditor would be in a better position, for he would have a bond, where before he had nothing. He (the Judge) then said that he would take Mrs. Uggles' own bond for £170 as security until the creditor proceeded with his action, the bond to be lodged within two days.

The Court then adjourned.

The Argus (Melbourne, Vic.) Tuesday 4 April 1870

SATURDAY, APRIL 8, 1871.

The first case heard under the 38th clause of the new Insolvency Act will form a valuable precedent. Harrison v. Uggles was the first matter brought under the cognizance of the Chief Judge in Insolvency under this section of the act, and there can be no doubt that it was an attempt to prostitute a very salutary provision to purposes for which it was never intended. By the clause alluded to it is provided that "a debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt sufficient to support a petition for sequestration is due to him from the person against whom the summons is sought and that the creditor has failed to obtain payment of his debt after using reasonable efforts to do so." In the case in question, SARAH UGGLES, landlady of the Dover Hotel, Lygon street, Carlton, was proceeded against by one HARRISON for a debt of £121 11s. for wines and spirits supplied. HARRISON was recently fined £300 for illicit distillation, and his partner WILSON is still confined in gaol for the same offence, having been unable to pay the fine. Mrs. UGGLES objected to pay the debt on two grounds. She had been served with a notice not to do so by WILSON, who, it was alleged, was HARRISON'S partner in the wine and spirit trade, as well as in the illicit distillation, and it was also sought to be proved that the spirits with which she had been served were "illicit," that they were not what they pretended to be, and that, therefore, the whole transaction was illegal.

It is evident that such complicated issues as these were never intended to be settled by the mere hearing of a debtor's summons under the Insolvency Act. The matters to be determined comprehend questions both of law and fact, and to decide them in the manner attempted by the alleged creditor, HARRISON, would be in a great measure to override the Nisi Prius jurisdiction of the Supreme Court, and the right in civil cases of a trial by jury. It is not at all clear how HARRISON in the first instance proved to the satisfaction of the Court that Mrs. UGGLES was indebted to him, nor did it transpire what would be considered satisfactory proof of a debt being due to anyone applying for a debtors' summons. Both these points should be definitely settled at the very earliest period, because it would be a manifest injustice to drag a person before the Insolvent Court to show cause why his or her estate should not be sequestered, merely because there happened to be a dispute about an alleged debt. The judge, in summing up, ruled that he had the power to decide whether a debt was due or not, but that at the same time he could decline to do so, and decline he did. The ruling is no doubt correct, and in this instance the judge exercised a wise discretion in refraining from exercising the authority vested in him, because, as he pertinently remarked:—"It certainly never was contemplated that cases which a creditor must know were complicated cases, remarkably suitable for the decision of an ordinary judge, and involving nice points of law, should be decided by a judge in insolvency under a debtor's summons." Acting on this common sense view of the question, the summons was dismissed, the alleged debtor being required to enter into a bond for the payment of the debt, should it be recovered in the ordinary course of law.

Connected with this case, there is, however, another matter of very great interest to the imbibing public, and in fact to all those who are compelled to frequent hotels and public-houses for necessary refreshments. A very useful light has been thrown upon the manner in which the liquors supplied at some houses of entertainment are manipulated. It has been a very popular delusion that what is vulgarly known as "square gin," and especially the peculiar brand of JDKZ, could not be easily adulterated, and many a traveller on leaving Melbourne for a tour in the country bade farewell to his favourite brandy and soda, and until his return took nothing but JDKZ, under the impression that if the beverage was not particularly pleasant it was at least wholesome. The result was not always satisfactory, and WILSON, the partner of HARRISON, has favoured us with a solution of the problem. In his evidence before the Chief Judge in Insolvency, he makes the following valuable confession :- "Some of the silent spirit manufactured at their place was made into JDKZ gin. The way they did it was that they got Warrenheip gin, and mixed two parts of their silent spirit with one of Warrenheip gin, and thereby they made a capital geneva. The Warrenheip gin was bad - rather fiery - and their spirit being a soft one modified the Warrenheip spirit, and made a good gin, which they sold as JDKZ gin. If Mrs. UGGLES bought JDKZ gin from them she was bound to get the made spirit he spoke of. The silent spirit they made went into everything that passed out of their store-wines or spirits - except HENNESSY'S bottled brandy, for which the silent spirit would not do." Nothing can be more deleterious than what is known as silent spirit, and in the statement of Mr. WILSON we have a complete explanation of many a suicide, and, of what is still worse, many a living death within the walls of our lunatic asylums. When will the authorities take really energetic measures to stop the sale of the vile poisonous trash which, under the guise of wines and spirits, is now supplied to the infatuated fools who haunt the low public houses of the city and suburbs.

The Argus (Melbourne, Vic.) Saturday 8 April 1871

^{xi} MORNINGTON, SATURDAY

A sad and fatal accident occurred between 5 and 6 o'clock at Bittern, about nine miles from the Point, last evening, when a young woman, about 16 years of age named A. J. Wilson, a daughter of Mr Wm. Wilson, sheep farmer, was drowned. She left the house with a bucket to obtain some water from a hole in the vicinity and not

returning within a reasonable time a search was made for her, and on the waterhole being dragged the body of the young woman was found within half an hour, life being extinct. Every effort was made to produce resuscitation without success. A magisterial inquiry was held to day before Mr P. Lancashire, JP, and in accordance with the evidence adduced a finding of accidentally drowned was recorded.

The Argus (Melbourne, Vic.) Monday 9 April 1883

^{xii} NEW INSOLVENTS.

John Bowman Wilson, of Schnapper Point, farmer and grazier. Causes of insolvency - Deaths of cattle, and depreciation in the value of cattle. Liabilities, £2,590 17s 5d, assets, £1,610 15s; deficiency, £980 2s 5d. Mr Cohen, assignee.

The Argus (Melbourne, Vic.) Wednesday 28 May 1879

^{xiii} Mount Nassau

South Bridgewater

Oct. 17th 1895

My Dearest Uncle,

your welcome letter to hand; I was so glad to hear from you once more, but was sorry to hear that you have been having so many misfortunes this last year poor dear old Uncle your worries & troubles ought to be over now, & you ought to be resting in your declining days. I often think of you all & wish I could see you dearest Uncle. I may get over next year if the Lord spares me. I am wanting another trip to Victoria but I cannot get away for the next few months as I am the only sister the boys have now to look after them & I want to be a good sister to them & not neglect them, for they have been good brothers & they deserve to be watched over & taken care of.

We have had some terribly stormy weather over here, it has been blowing & raining off & on for this last two months, but it is doing us no harm, the crops are looking splendid Willie was a Little late in getting them in & if it rains right up till Christmas we won't mind in that way.

Albert is in Brisbane now, he likes Queensland much better than Sydney, he says the heat there is not nearly as oppressive as it is in Sydney, we miss him dreadfully & often wish he was home again, but I don't expect he will turn up till Christmas time. He is very bright as a christian he was such a help in the meetings here at Bridgewater he preaches the Gospel splendidly the evening he left here for Sydney he preached the Gospel in the street in Hobart hundreds of people stood round. Ah he is a dear old boy. I often think if dear Papa had only lived to have seen his boys following so faithfully the blessed Master how proud he would have been of them, but he is better off up there watching for his children in that land where there is no more care or sorrow. Uncle dear would you be ready if the Master were to call you away? Ah it is so nice to be prepared for He may come at any moment. I have been saved close on eleven years now, & I would not exchange one hour of the joy & peace I have with my blessed lord for all the world could give one, it is grand to know that we have eternal.....

Part of a letter written by Rosalie Mary Wilson, daughter of Frederick Langloh Wilson, to her uncle William Sorell Wilson

^{xiv} MISSING FRIENDS.

WILL any person knowing the whereabouts or having any knowledge of FREDERICK WILLIAM SORRELL WILSON, formerly of Perth, Western Australia, and of Hastings, Victoria, farmer and labourer, and last heard of from Frankston, Victoria, about thirty seven years ago, please communicate with William S. Cook and McCallum, Solicitors, 422 Collins-st., Melbourne.

Western Mail (Perth, WA) Thursday 10 September 1931