

# Caroline's Dilemma



A COLONIAL  
INHERITANCE SAGA

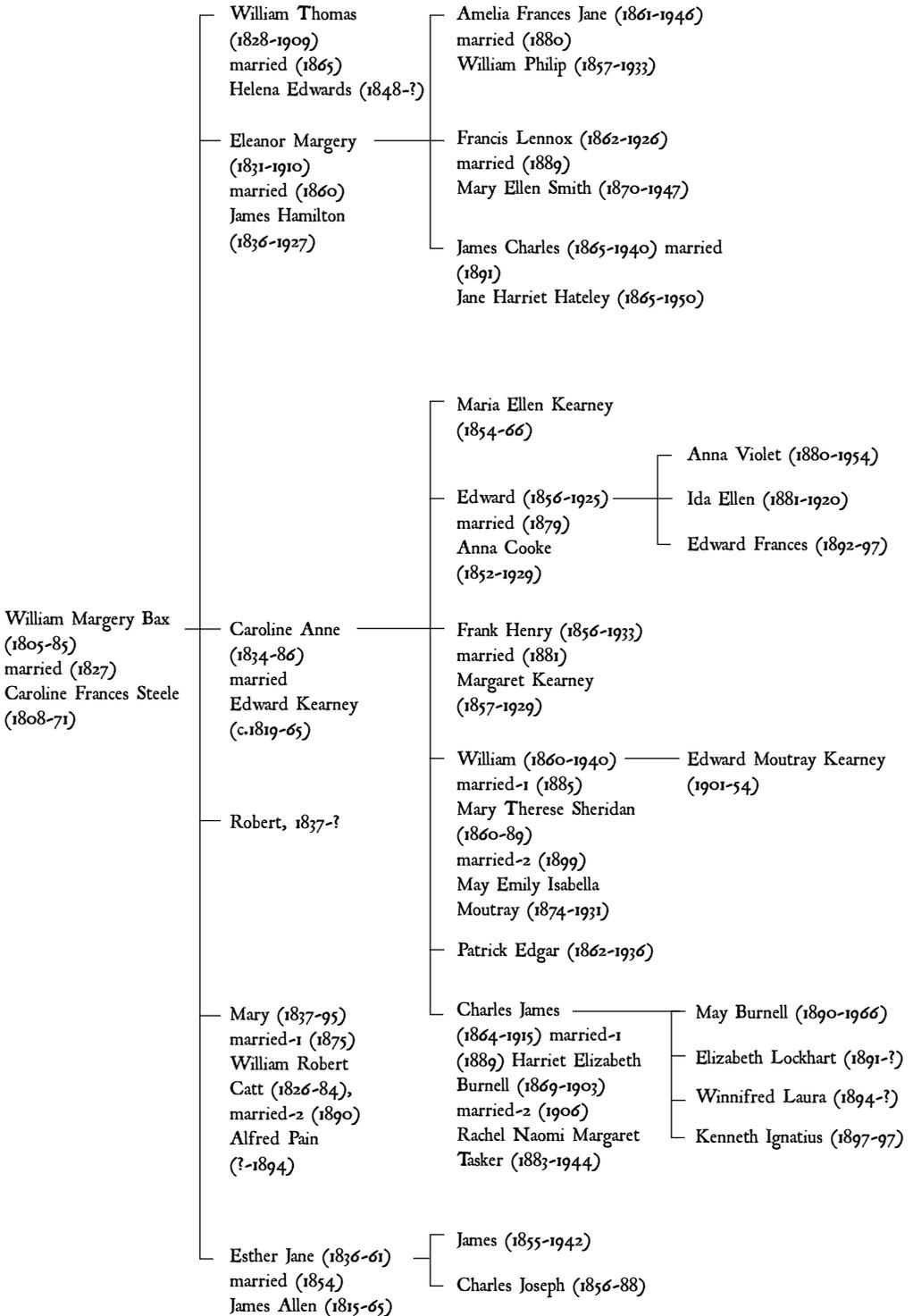
Bettina Bradbury



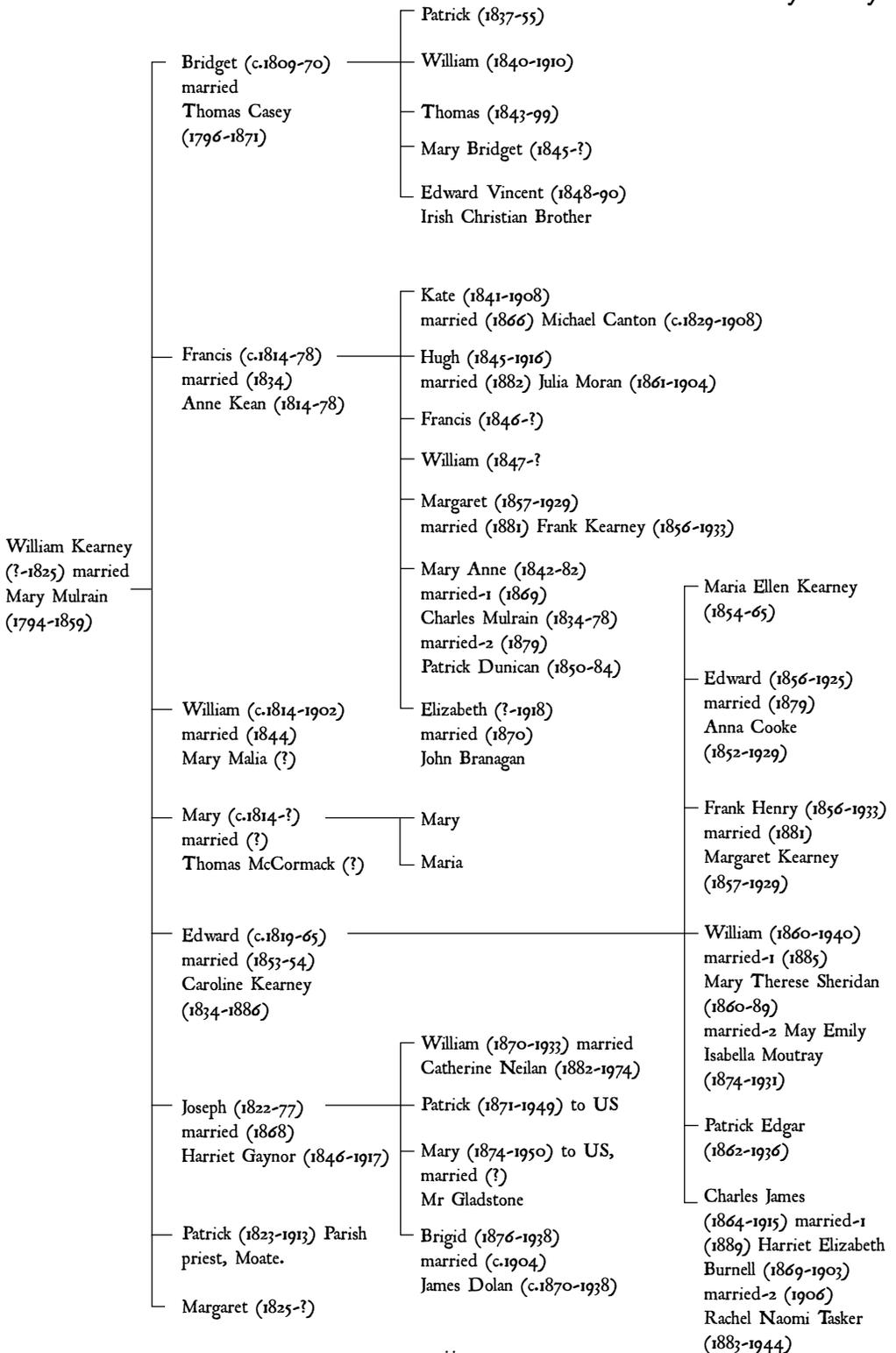
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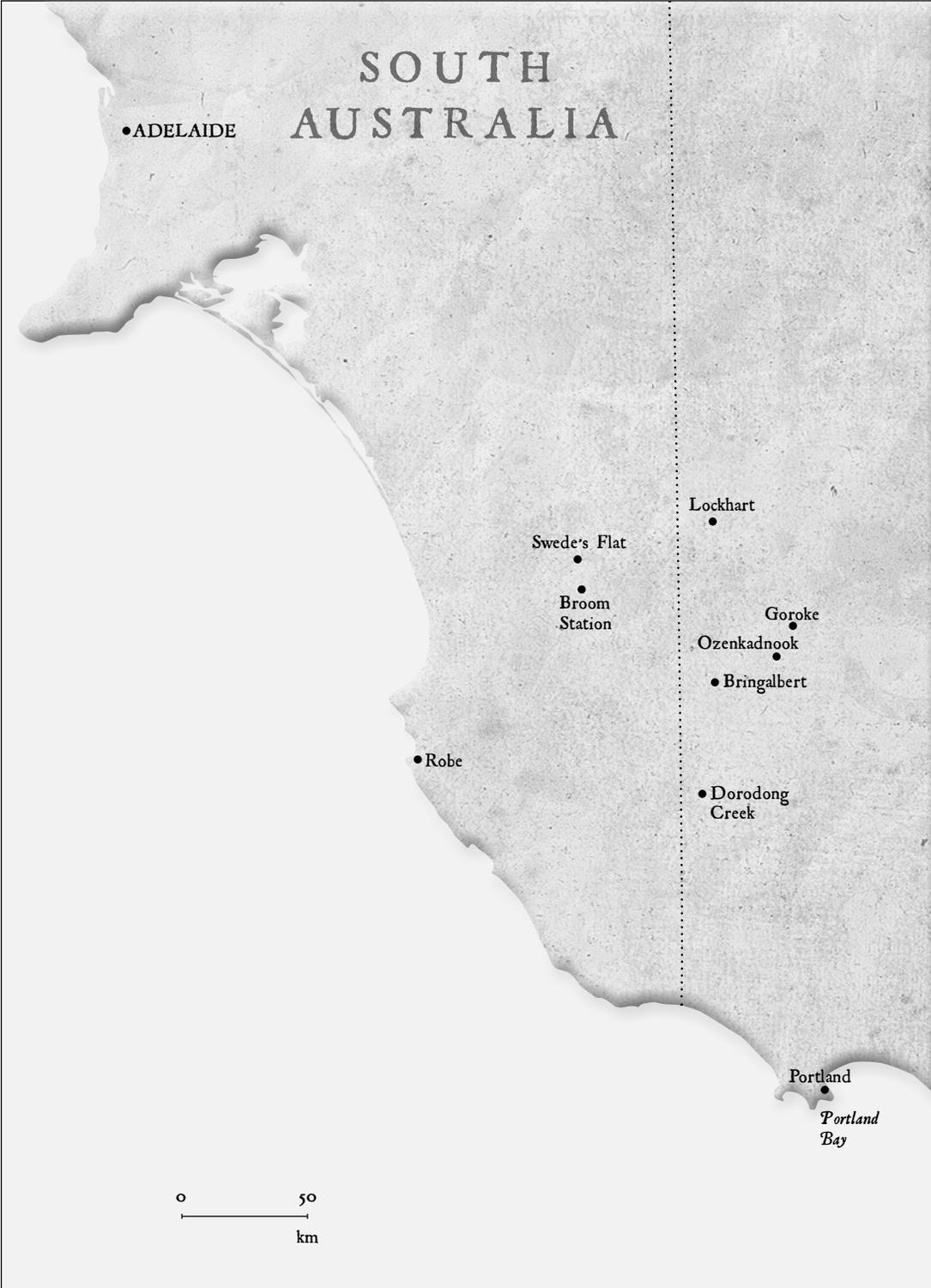
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# The Bax and Kearney families - three generations



# Kearney Family





•ADELAIDE

# SOUTH AUSTRALIA

Lockhart

Swede's Flat

Broom Station

Goroke

Ozenkadnook

Bringalbert

•Robe

Dorodong Creek

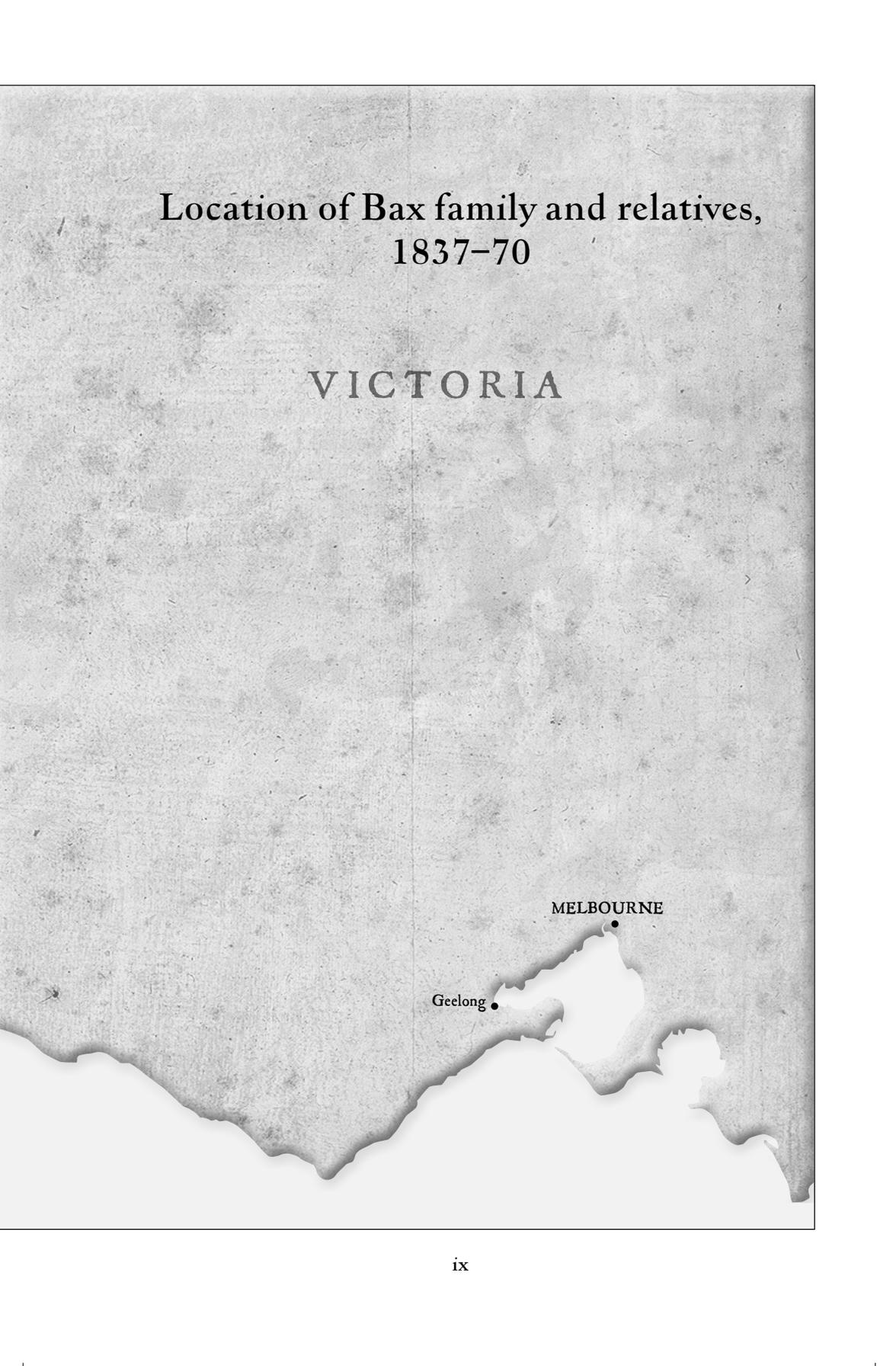
Portland

*Portland Bay*

o ————— 50  
km

Location of Bax family and relatives,  
1837-70

VICTORIA



MELBOURNE

Geelong

The image shows a map of the state of Victoria, Australia, with a white background and a dark border. The map is oriented vertically. Two locations are marked with black dots: Melbourne is located on the eastern coast, and Geelong is located on the western coast. The text 'MELBOURNE' is positioned above the dot, and 'Geelong' is positioned to the left of the dot.

## Introduction

Caroline Kearney (née Bax) had much to worry about as her husband hovered near death in a Melbourne hotel room in October 1865. She and Edward Kearney had been married for twelve years. They had six children aged from not yet two to nine. Caroline was 31. Unlike her older sister, Eleanor, she had little if any experience in earning a living. How would she manage as a widow and sole parent? What would happen to the sheep station, Lockhart, they had worked so hard to improve over the last seven years? Might her eldest son, Edward, inherit it one day? Could her brother-in-law have sought to influence the provisions of Edward's will, just as he had meddled in so many aspects of their lives in the last year?

Caroline, Edward and his brother William had set out for Melbourne from Lockhart in the western Wimmera country of Victoria in late August as Edward's health deteriorated. The six children remained in the care of station hands, or perhaps of her sister or parents. This was a bone-rattling, long and uncomfortable trip at the best of times. For a man dying and in pain it would have been excruciating. It took days to travel the 200 kilometres by coach or bullock cart along the rough, old droving and gold rush tracks from Lockhart, on the border of South Australia and Victoria, south-west to the small port of Robe. There they

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boarded the coastal clipper *Penola*. After a rough voyage they docked in Melbourne on 11 September.<sup>1</sup>

They took rooms at the Washington Hotel on the corner of Collins and William streets. Edward secured the services of a Melbourne law firm to draft his will. He signed the final copy on 30 September. Caroline had good reason to dread its contents, but what she learned when the will was read following his death on 20 October undoubtedly came as a complete shock.<sup>2</sup> Edward wanted her and their six children removed not only from their station but also from Australia. He instructed his executors to use the assets of his estate to send his family to Ireland, his birthplace. There they were to live in a house that two of his brothers and a brother-in-law would choose and furnish for them. He promised an annuity of £100 a year for Caroline and their only daughter. Funds for the maintenance, education and support of his five sons were to be made available from their future one-seventh of the estate until they reached 24. Then they would receive their portion. Caroline was also to receive one-seventh. However, if she refused to take the children to Ireland, refused to live in the house chosen for her, or remarried, the trustees were to pay her £150 for just two years. After that she would receive nothing.<sup>3</sup>

Edward bequeathed Caroline a heart-breaking dilemma. In most British settler colonies, as in England and most of the American states, the English common law gave husbands vast power to do what they wished with their property. Anything Caroline had brought to their marriage and all the property they had acquired during their lives together was understood to belong to Edward. Few if any other legal systems allowed men such a claim on virtually all family assets, or so much liberty to avoid sharing these with their widows and their children. Edward's will dramatises the immense power that the English law gave husbands over all family property. In England and across the colonies British men

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understood their right to decide what to do with their own property in a final will as fundamental, akin to trial by jury or the right to contest unlawful detention, habeas corpus.<sup>4</sup>

The prominent Australian legal scholar Professor Rosalind Croucher (formerly Atherton) has aptly described testamentary freedom as the ‘power to disinherit wives’.<sup>5</sup> Yet Edward was not proposing to cut Caroline off. He did not seek to leave her or the children penniless. One hundred pounds was a much more generous amount than working-class widows could dream of, and more than many lower to middling middle-class widows could hope for. But to claim that support Caroline would have to leave the colony she had lived in since she was seventeen and sever her ties with her parents and siblings. Caroline was English. She had never been to Ireland.

What could she do? Remain in Australia with her six children and try to raise them with help from her family? Then she would lose her claim on the promised economic support from the assets that were understood to belong to Edward alone. Or would she have to agree to this forced family migration?

I first learned of the tragic choice she faced as a widow when I read a legal account of her fight against Edward’s final wishes. At the time I was planning to write a broad history highlighting the importance of issues of marriage, property, and especially inheritance, in 19th-century settler colonies of the British Empire. Kearney’s attempt at testamentary extradition struck me as one of the most draconian provisions I had encountered in 19th-century wills.<sup>6</sup>

Why was this his final wish? How did Caroline react? I knew from the legal report of the case that she contested this aspect of his will. What decisions had the courts and judges made? What had happened to her and the children? Did she go to Ireland? If so, did she stay there? These are questions I have been pondering

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and seeking to answer ever since I first encountered the case. I began to think of wills in part through the words that the Irish novelist Colum McCann attached to a very different situation. Could final testaments be read as 'the collision point of stories?'<sup>7</sup> I wanted to discover the colliding threads ultimately expressed in Edward's final wishes. I started trying to write Caroline's story, thinking it might merit one or two chapters in my book. I began building family trees using the genealogical sources available online and elsewhere. I visited archives and contacted relatives. Caroline's history and her predicament seduced me. As I gathered more information I decided that their history deserved a whole book. So I put aside my broader study and began to explore the Kearney and Bax family histories as settler colonisers in 19th-century Australia.

Settlers in Victoria in the 1860s may have taken a cursory interest in the 'will case of some singularity' that was involving some of the colony's leading legal minds and reported on in the colonial newspapers.<sup>8</sup> Today, apart from a few of Caroline and Edward Kearney's descendants, who pieced some of the threads together, her history is unknown. I have found no copious archives of letters or diaries written by members of the Kearney or Bax families that might help interpret the motives, emotions or characters of Edward, Caroline and their children. Her great-great-granddaughter Rosalind McLeod remembers that there was a large trunk in an old outbuilding next to the farmhouse at their grandmother's house at Nana Glen, New South Wales. This was forbidden and hence fascinating territory for them as children. They believed it contained letters, diaries and photographs that might help them better understand some of their family history. After their grandmother died they sought to satisfy their pent-up curiosity and opened the trunk. Rosalind told me sadly that the entire contents 'had been eaten by white ants!'<sup>9</sup>

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Edward junior, Caroline's eldest son, left a handwritten account of his early years that has survived. Joe Palmer, his great-great-grandson, transcribed it for me. This 'memorandum', as Edward junior called it, was written to explain the travails of his childhood and youth to his future wife (see image 1 in the picture section). It combines the romantic hopes of a young man looking forward to a loving marriage with reflections on his perceptions of his parents' failings. Read carefully, it offers glimpses into his parents' relationship and the children's upbringing that are unavailable in other sources.<sup>10</sup> Caroline's brother-in-law, James Charles Hamilton, an early colonist on the Victorian frontier, penned a revealing memoir late in life. It provides vivid accounts of pioneering, of generous assistance from Aboriginal peoples, and includes a few references to Edward and Caroline.<sup>11</sup> In Ireland there is a Kearney genealogy written by a descendant. It makes no mention of Edward.<sup>12</sup> His life and death are almost invisible in Irish sources, just as they are in the family memories of the descendants of his Irish siblings today.

The Kearney's family conflicts burst into the public record most often when they went to court. The resulting legal records are the richest sources I have found. Newspaper reports, and the genealogical traces family members left as they lived, moved and died, have been equally essential. The digitisation of documents, and especially projects that have facilitated name searching, have revolutionised access to many sources over my career as a historian. In writing this book, genealogical tools, and the wonderful websites of digitised and indexed newspapers of Australia, New Zealand, Ireland and occasionally England, have been indispensable. So too were traditional historical digging, following leads in small town libraries, local history societies and state and town archives, and discussions with locals.

This book shares what I have been able to find out about

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Caroline, Edward and their children. It follows Caroline's struggles against her husband's final wishes. And it tracks Caroline and the children over the rest of their lives. Paralleling the narrative of their lives is the story of my research discoveries, surprises and disappointments. I have had eureka moments and disappointing hours of digging with few results. Frustrating gaps and silences in the documentary evidence remain. Though this is true of all historical research, it is more obvious when recounting a life. I have sought to connect information that seems certain, and to share my thinking about missing evidence and what might have happened. I invite readers to share my surprise and puzzlement about missing information and to use their own imaginations when concrete evidence is missing. A fiction writer could enrich the account. A scriptwriter could definitely turn it into a profoundly moving film. But the story of Caroline, Edward and their children is dramatic, indeed often melodramatic, enough without fictionalising. This is a work of non-fiction.<sup>13</sup>

Caroline's quandary not only led me to archives in multiple locations, but also into Australian history for the first time. This has been a richly rewarding experience. I am a New Zealander who moved to Canada in my early adulthood and became a historian of 19th-century Montreal. In my previous work I have sought to place women, children and families at the heart of major historical transformations, including the industrial revolution, political conflicts and legal changes. My last book traced the transition of hundreds of women in 19th-century Montreal from their status as wife to that of widow. Here I follow one woman, Caroline, contextualising her life as a daughter, then wife, mother and widow in the times and places she lived. Over recent years I have been enticed by the richness of piecing together biographies of individuals and families in much the same way that genealogists do. This book reflects my growing interest, shared with

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other scholars, in blending biography, narrative and genealogy to reveal new and surprising aspects of a time, a place, power dynamics or historical processes.<sup>14</sup> Individual and family stories compel us to grapple with the complexities of the past in new and often unexpected ways. They take us across and beyond the boundaries of cities and regions, and colonies, and back and forth from metropole to colony. And they force historians across the artificial lines that divide different areas of expertise.

This story of Caroline, Edward and their children builds on and traverses what are often separate historical fields examining migration,<sup>15</sup> settler colonialism,<sup>16</sup> gender and women's history,<sup>17</sup> intimacy, marriage and family life,<sup>18</sup> sectarianism, inheritance<sup>19</sup> and the law.<sup>20</sup> *Caroline's Dilemma* adds the extraordinary story of one fairly ordinary middle-class woman and her family to the rich and growing cast of characters now peopling the history of colonial Australia and the wider British Empire.

The lives and actions of Edward, Caroline and her children offer different glimpses into the dynamics of settler colonialism and the 19th-century British Empire from works focusing on more prominent men and women.<sup>21</sup> Both Edward and Caroline were in many ways privileged immigrants. They came to Australia freely, of their own accord, unlike convicts, indentured workers and other involuntary labourers. The spouses shared literacy and a reasonable education and came from different, but compatible, class backgrounds. Both families might have been considered of the middling classes. They were neither rich nor desperately poor. Edward came from an Irish family of tenant farmers who had done reasonably well. He left Ireland on his own in 1842 or 1843, without government assistance. The Baxes left England in 1851 as a family, travelling as assisted emigrants. As colonisers from England, they were assumed to share the capacities that placed 'white Anglo Saxons' at the top of contemporary hierarchical

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understandings about race and civilisation and Australian Aboriginal peoples near the bottom.<sup>22</sup> Not so for Irish Catholics like Edward Kearney. In some strands of contemporary thinking the Irish were a race apart, not really white. Anti-Catholic prejudice added to these understandings the idea that Catholics would always do as their priests told them and so lacked the independence of thought and person necessary for full participation in colonial self-government. In the Australian colonies, as elsewhere in the British Empire, long-held British ideas of the Irish as backward, barbarous, lazy, stupid and quick to fight shaped daily interactions and had an impact on immigrants' prospects in life.<sup>23</sup>

Caroline and Edward participated directly in the dispossession of Indigenous peoples that characterised settler colonialism in Australia as in New Zealand, the Americas and elsewhere. They ran sheep stations on the hunting and gathering grounds of local Aboriginal peoples. They hoped they might succeed and perhaps pass a station on to their eldest son. Edward's early death highlights the precariousness of such hopes and dreams.<sup>24</sup> Successful or not, such ordinary people were critical to the making of white settler colonies. Yet until recently historians have paid more attention to the governors and other officials who circulated around the British colonies, to missionaries, and to European men who had sex – both consensual and forced – with Indigenous women.<sup>25</sup> Without white settlers who occupied land and procreated there could be no settler colonies.

The book's structure is simple. The chapters move chronologically from the separate and different histories of Caroline and Edward's migration and arrival in the colony through their lives together, first on a station in South Australia, then in Victoria, and then to his death. They then focus on the legal and other challenges of Caroline's widowhood. The last chapters explore Caroline's final years as well as those of her siblings and her

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children as they moved into adulthood. Hers and theirs are stories of individual settlers seeking to shape their lives under conditions that were not of their making. Few families have uncomplicated histories. Digging back invariably reveals that past lives were as complicated as any today. We find joy and sorrow, pride and shame, hopes and despair, love and hatred, sectarian zeal, racism, faith, fatalism and foolishness, vengeance and violence. These are all part of the story of Caroline, Edward and their children.

Caroline's fights in the courts against the will's contents, the actions of the executors and the wishes of Edward's family show one woman's remarkable tenacity in the face of the patriarchal power of her husband, his brothers, the law, its officers, and the society and culture in which she lived. The children also showed remarkable resilience and determination. As a woman and as minors they were subject to the conditions of Edward's will. As adults the siblings sought their own ways to surmount the challenges of their childhoods and upbringing. Their success at remaking their lives in the aftermath of their forced migration varied.

## Part One



# Migration, marriage and station life: Becoming Australian colonisers

# 1

## Migrations and marriage

Caroline Anne Bax had recently turned seventeen when in mid-June 1851 she boarded the 571-ton barque the *Earl Grey*, bound for Port Jackson, New South Wales. Behind her lay the Port of Plymouth and her life as a young girl in the south-east of England. Ahead lay the long and potentially dangerous voyage to Australia and an unknown future. She did not travel alone as a single woman seeking a new life in the colonies, as did the thousands of female migrants who have long fascinated historians. Hers was a family migration.<sup>1</sup> What say did Caroline have in the decision to migrate to Australia? Had her mother and father and five siblings debated their options, shared information gleaned from the posters, handbills, circulars, handbooks and gazettes that proliferated in the 1840s and 1850s promoting Australia, other colonies and emigration? Did the hopes and fears of these eight family members converge or conflict as they contemplated the radical possibility of uprooting themselves from their home and moving elsewhere? And why did they choose the lengthy trip to far-away Australia rather than head for the much closer colonies of the United States or the British colonies that later became Canada, as so many emigrants were doing?

Few records of any such family deliberations have survived. We have none for the Baxes. The broader context is clear. Emigration from Great Britain had accelerated over the three previous

decades. Publicity spread like wildfire. Parishes assisted their poor to leave, saving the cost of their support. Organisations and colonies promoted emigration. Colonies competed for migrants. Rural workers dreamed of land in the colonies. Working-class men and women sought to throw off the shackles of wage labour. Educated men and women hoped for better futures. Emigration was in the air – talked about in pubs and shops and on the streets and made tangible by the absence of former neighbours, customers and fellow church members who no longer occupied houses, shops and pews.

Caroline was the third child of Caroline Frances and William Margery Bax. She was born in Ninfield, Sussex, and baptised there on 1 June 1834. In 1851, the year of their departure, the family was living in the small Sussex market town of Cuckfield, 63 kilometres south of London. Its origins dated back as far as the 13th century. Their house was on Church Street. Hardly a minute's walk down the road was the Holy Trinity Church, some parts of which were equally old. The town and surrounding parish were home to just over 3000 people. At the apex of local class and social relations were the gentry. Minor local officials included the postmaster, inspector of the constabulary, the master and matron of the union workhouse, a schoolmaster and -mistress, and William Bax, the area's excise officer. The town had a couple of surgeons, one lawyer and a chemist. Most of their fellow villagers followed occupations only lightly touched by the industrial transformations underway elsewhere. Townsfolk worked as grocers, drapers, stationers, tailors, bakers, plumbers, builders, shoemakers and ran inns and posting houses. Several women ran shops and hairdressing establishments, and produced clothing. Farmer was the leading occupation. Around the village the rural population produced crops and raised animals on fields whose boundaries had changed little since medieval times.<sup>2</sup> But

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much else had changed. Growing numbers of rural families were dependent on wages earned as agricultural labourers or on parish relief. In the 1830s Kent, Surrey and Sussex were among the hotbeds of protest as rural followers of Captain Swing burned property, smashed threshing machines and rioted in the face of poverty and the growing degradation of their lives, livelihoods and rights. Government investigations, repression and trials followed. Some of those convicted were transported to Australia.<sup>3</sup>

Australia was on the minds of the Bax family two decades later as economic turmoil and class warfare continued to wreak havoc across England. In March 1851, English household heads were required to fill out the schedule left at their homes providing specific information about every member of their family. The details that Caroline's father, William Bax, inscribed offer us a snapshot of the family three months before their departure. Here are potential hints at aspects of their lives that might have influenced their decision-making about their future. Questions about places of birth required more precision that year than in previous English censuses. The children's birthplaces show that the Baxes had moved often over the 24 years since their parents, William and Caroline Frances (née Steele), married in South London in 1827. Their eldest child, William Thomas, aged 22 in 1851, was born in Godalming, in south-western Surrey. He was working as a journeyman baker. Both nineteen-year-old Eleanor Margery and sixteen-year-old Caroline were born in Ninfield, Sussex. Eleanor was listed as a dressmaker. Family hearsay suggests she wanted to become a doctor and had acquired considerable nursing skills prior to leaving England. Esther, aged fifteen, was born in Deal, Kent. Neither she nor Caroline were working steadily enough for their father to report an occupation for them. They may well have taken on odd jobs and certainly would have helped their mother around the house. Their two youngest, the thirteen-year-old

twins, Mary and Robert, were born in Beckley in eastern Sussex. They were still attending school.<sup>4</sup>

Such frequent moves often reflect unstable work histories, a potential reason to emigrate. But this was not the case for William Bax. In 1825 at the age of 20 he had sought training as an excise officer. For centuries, excise men had estimated the taxes due on locally manufactured goods. These provided the government with a major source of revenue. He was deemed a 'likely man to make a good officer'. His mathematics and writing were strong and his character considered to be good. He was then single, debt-free, healthy and active. And, perhaps more importantly, he was 'well affected to' the government of the time – the Tories. William chose to train in his home town of Canterbury. After four months his instructor had informed the Board of Excise that he was qualified to determine excise taxes on a wide range of manufactured products, including those made by brewers, maltsters, tanners, tobacco dealers and chandlers. He, like others in his position, was transferred frequently to avoid any possibility of corruption.<sup>5</sup>

Adding information from his employment record to the places of his children's births shows that this couple and their growing family had been compelled to change their place of residence at least seven times since they married. No novelty for them in contemplating another move! However, no previous relocation had taken them beyond the counties of Kent, Surrey and Sussex in south-eastern England. Two months after the census was taken, William was informed that he was to be transferred once again, this time some 40 kilometres north-east to Tunbridge Wells in Western Kent.<sup>6</sup> Might this proposed transfer have been the final straw for him and his family, pushing them to embrace the idea of migration? Or were their plans to head to Australia already well underway?

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Though William's job had been quite a good one, his work conditions had always been challenging. Local producers resented the power of excise officers to set tax rates on their goods, so they were often unpopular within their villages.<sup>7</sup> Between the time of his appointment in 1826 and the 1850s, the significance of excise duties – previously a major source of government revenue – fell dramatically, while customs duties and other forms of revenue production for the government rose. The government response was to restructure. The Board of Excise lost its independent bureaucracy and was merged into the Board of Inland Revenue. The possibilities and prospects in William Bax's profession were changing, and not for the better. Within a month of the news of his proposed transfer, he sought permission to relinquish his position. This was officially granted on 4 June 1851, just before their departure.<sup>8</sup>

Ultimately it was William Bax senior who had the power to decide the family's future. As women and/or minors Caroline, her sisters and her younger brother had no legal grounds to contest their father's decision to emigrate. Nor did her mother. Alongside losing their independent legal capacity on marriage, wives were obliged to take up the residence of their husbands. In that sense this was not a voluntary migration for all family members, though it's possible they discussed it together at length and eagerly embraced the opportunities it offered. At 43 years old, William Bax was no longer a young man. The children had all reached their teens or early twenties. There was a family economy in which older sons and daughters were expected to contribute wages – a pattern most frequent in working-class families, but common too among families of the lower middle classes like theirs. With William Thomas and Eleanor working, they were likely better off than when the children were all younger. Perhaps they had been able to make some savings.<sup>9</sup>

But what of their future? The publicity about the Australian colonies suggested that the boys would be able to secure land or well-paid employment. The prospects for Caroline and her sisters finding independence as domestics or even governesses – or, more likely, finding husbands – were better than at home. For while English observers were increasingly worried about that country's 'surplus women', the Australian colonies had the opposite problem. Authorities were keen to promote policies that encouraged marriage and the migration of families as well as of female domestic servants.<sup>10</sup> If the Baxes were to take the drastic step of leaving the country, sooner was better than later.



Migrating to Australia was expensive. Even for migrants opting to travel independently in steerage it cost £20 to £25 per passenger – around £200 for the Bax family. Over the previous decades the Australian colonial governments had ramped up their attempts to attract colonists otherwise tempted by the much cheaper costs of travel to North America by offering assisted passages. Emigrants did not travel free. They had to contribute a mandatory deposit of around £2 each, with a further £1 to £2 each for kits of bedding and utensils. These expenses made the price competitive with sailing to North America.<sup>11</sup>

As the Baxes calculated costs and devoured informational pamphlets, more personal connections and stories are likely to have influenced their choice of destination. Mrs Bax came from a large family. The sixteen Steele siblings were all born in Reigate, Surrey where their father had practised as a doctor prior to his death in 1838. Few of her brothers and sisters had moved far beyond Kent and Surrey as they reached adulthood and started their own families. Emigrating would cut her off from this large

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group of kin, except for her younger brother, Robert. He had run away from home as a youngster, joined the royal navy, worked in the early 1830s on ships suppressing the slave trade off the coast of West Africa, then sailed to Australia. He jumped ship in Hobart and moved to Melbourne in 1837, where he met and married Mary Duane. After two babies died they moved briefly to Portland Bay, securing pastoral leases first at Poolaijelo, then Dorodong Creek Station, in the south-west of the area that became the colony of Victoria in 1851. Information from them surely influenced the family as they considered their futures, for it was to that area of the colonies that they would head soon after arriving in Australia (see map, page ix).<sup>12</sup>

In a perplexing move for a man of his class and education, William Bax sought an assisted passage for himself and his wife and children. Candidates had to send their applications to the Colonial Land and Emigration Commission in London, either independently or through local clergy or emigration societies. The well-educated Baxes no doubt had little trouble completing the complicated paperwork or finding three people willing to provide character references. They had to secure medical certificates as well. Eligibility criteria included health, character, age, marital status and family status. Specific occupations were favoured. None of the Bax males could claim experience in the favoured categories – agricultural labourers, shepherds, herdsmen or country mechanics. Young William and Robert would pass muster as potential farm workers. Caroline, her sisters, indeed almost all female migrants, were seen as potential female servants – a category in high demand. Their application was accepted, so they had to send half the required deposit to London. The rest would be paid on arrival in Australia. Things could move quickly after that. Embarkation orders were issued. Emigrants scrambled to get to their assigned vessels in time.<sup>13</sup>

Plymouth, the main departure port for assisted emigrants, was far from Cuckfield. No direct road or single railway line covered the 380-kilometre trip west from their home, though the expanding network of local railways was making the trip easier. The first step was a short one – east by carriage to the Haywards Heath station on the Brighton to London line. Then a 75-kilometre trip north to that company's terminus in London. There they had to make their way to Paddington Station. Great Western trains took passengers the 170 kilometres west to Bristol. Another change, and on to the recently completed South Devon Railroad, which carried emigrants south to Plymouth. As assisted emigrants the Baxes were eligible for shelter in the emigrant depot on the departure pier in Mill Bay at government expense. Plymouth's depot had been built in 1847 to house the thousands of Irish fleeing the potato famine. On arrival, assisted emigrants presented their embarkation orders and were inspected by the ship's surgeon.<sup>14</sup> When all the passengers bound for Australia on the *Earl Grey* had been prodded and probed and found healthy and Captain Urquhart deemed the ship ready to sail, the Baxes and other passengers could embark.

All the 257 emigrants on this vessel chartered exclusively for emigrants travelled in steerage. Here, with little privacy and less comfort, passengers lived cheek by jowl for the four-month voyage. The Baxes seem to have stood out like sore thumbs. They were all literate. Many others passengers could read but not write. More could do neither. Most male passengers were recorded on the passenger list as farm labourers. William Bax's identification as a 'late excise officer' stands out, but so do the listings for young William as a baker and Eleanor as a milliner/dressmaker. Caroline and her other sisters blend in with the other single women emigrants identified as domestic servants. Caroline's parents were among the eldest of the 37 married couples on board. Only one other couple,

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two of the three widows and the one widower were close to them in age. Most other couples were in their thirties or younger and either childless or had only young children. The 57 single men and 27 single women were predominantly in their late teens or twenties. Among them the Bax girls might find some congenial companions. The vast majority of their shipmates were Irishmen and -women, virtually all Catholic. The Baxes belonged to the Church of England. There were a few Presbyterians, dissenters of diverse kinds and the odd unbeliever.<sup>15</sup> Distinguished by their class, religious denomination, age and literacy, it is unlikely that they mixed easily with the other passengers.

One hundred and nineteen days at sea. South from Plymouth on the Atlantic to the equator, further southward around the Cape of Good Hope, then east across the southern Indian Ocean, taking advantage of the prevailing westerly winds. Always the risk of high winds, massive waves and sometimes icebergs. All depended on the weather and the condition of the ship.<sup>16</sup> Few of these lengthy sailing trips were free of troubles, and the Baxes were travelling before 1855, when a new Passenger Act tightened up the regulation of safety conditions on board, making the trip less of a 'gamble with survival'.<sup>17</sup> They were reasonably lucky. The *Earl Grey* took roughly the average amount of time to complete the voyage. Their four months at sea were marked by an outbreak of scarlet fever that lingered, spread and killed six young children. One pregnant woman died during childbirth at sea. On the final stretch of the journey they struck 'foul weather'; the captain claimed this was the cause of the dirty state of the vessel, which shocked the immigrant agent when they arrived in Port Jackson.<sup>18</sup> These were relatively minor complaints compared to the scandals and dangers that provoked investigations of some voyages.<sup>19</sup>

Caroline and her fellow passengers sailed into Port Jackson on 15 October 1851. On arrival the passengers again had

to undergo the bodily intrusion of a medical examination. All received a clean bill of health. The medical officer also offered the newcomers the chance to make any complaints 'respecting treatment on board this ship'. Neither Caroline's family nor others had any. The final instalment of their deposit was due on arrival. They paid £19. Most family groups on the *Earl Grey* owed similar amounts.<sup>20</sup>

The Baxes had landed unwittingly on a continent infected with gold fever. Since their departure from England news of gold finds in Australia had burst into newspapers across the colonies, in England and around the world. Information travelled slowly. The first mention of Australian gold did not appear in the *Times* of London until 2 September 1851. It reproduced a *Sydney Morning Herald* article of 20 May, entitled 'Gold Fever in Australia', that confirmed the discovery of gold in New South Wales and described the numbers of people of all ages, sexes, denominations and callings who were heading for the diggings. More significant discoveries were made at Ophir in mid-July that year. The movement of people within, across and into the colonies exploded. New areas opened up. Dramatic transformations were underway. For their own reasons, the Bax family had been swept into this watershed moment in the history of the Australian colonies.<sup>21</sup>

On arrival in Port Jackson, the single women travelling without family members were whisked off to the immigration barracks, where eager Australian colonials competed to secure domestic servants. Squatters from miles away rode into town, desperate to replace workers who had deserted their farms to seek their luck in the goldfields. Within days the *Sydney Morning Herald* was informing readers that 'almost all the families' on the *Earl Grey* had been hired at 'high rates of wages'. Remaining families would be available for engagement that day between 10 am and 4 pm.<sup>22</sup> Within a week most of the married men had

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been hired as farm servants at between £20 and £24 a year. Just eight married men with families were still at the depot.<sup>23</sup> I suspect the Baxes and the other older family heads were among them, though their two sons may have found work. It is unlikely that William Bax senior would stoop to, or be chosen for, labouring work.

I have found no traces of what happened to them over the following two months. On 4 January 1852 all the Bax family except one of the boys boarded the 123-ton brig *Essington* at Circular Wharf in Sydney. Formerly a whaling boat, this coastal sailing ship carried a few passengers and their belongings, as well as cargos of tea, flour, sugar, alcohol and various other goods, between Sydney, Port Fairy and Portland Bay on the south-western coast of the new colony of Victoria.<sup>24</sup> This was the Baxes' first experience sailing along this treacherous coast. It was not a good one. The *Essington* hit such bad weather that ten days after leaving Sydney Captain Mills sailed her far south into Hobart's harbour to escape the 'stress of weather', before heading north again from Van Diemen's Land.<sup>25</sup>

They were bound for Portland Bay. Why this small coastal town? Indigenous peoples of that area had encountered Europeans first when whalers and sealers made it a base decades earlier. From the 1830s on, settlers keen to run sheep over their hunting grounds began taking up the best grazing lands in the wider region. In 1840 it was laid out as a township. It briefly became one of the colony's main centres as the numbers of pioneer squatters taking up vast tracts of land far to the north and west increased. Among those purchasing land there was James Allen, the man Caroline's sister Esther would marry a few years later. For a while it was the main market town for the young James Hamilton and his family, whose stations Bringalbert and Ozenkadnook were some 200 kilometres almost due north. Later, he married Caroline's

elder sister, Eleanor. In 1848, when he was twelve, James and his father took ten days to take their years' wool clip there by bullock cart, camping and staying with other squatters along the way. He described it as a 'nice compact town built mostly of stone'. They sold their wool to George Henty, a member of a family recognised as pioneers in the region. There were several other wool merchants, an iron merchant, a draper, a saddler and a tanning yard as well as a doctor and chemist's shop. James Hamilton had taken up rooms at the small, square and mediocre London Inn, facing the sea.<sup>26</sup>

It was to Portland that Caroline's mother's younger brother, Robert Steele, and his wife had moved briefly in 1846 after leaving Melbourne. The Baxes' decision to sail there was surely no coincidence. Letters from relatives were among the strongest influences on emigrants' decisions to migrate, sometimes initiating chain migrations that led to clusters of kin in particular locations. Perhaps this was the latest address the Baxes had for Robert. Or they may have known that he now ran a sheep station at Dorodong Creek, some 150 kilometres north-west of the Bay, and sought to travel there, or to catch up with him when he came to town to sell his wool and secure supplies. They certainly renewed their links with Robert Steele over subsequent years. Portland Bay was their first foray into the broad southern border region between the new colony of Victoria and South Australia that would soon become home to Caroline, her parents and most of her siblings. How long they remained there, I don't know.<sup>27</sup>



Gold was luring men young and old, and some women, from cities, small towns and stations across Australia to Clunes, Castlemaine, Ballarat, Buninyong, Bendigo and the other

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successive finds. Caroline's two brothers, William and Robert, and even her father were surely tempted to try their luck in the goldfields. William junior disappears from the Australian records I have unearthed for the period between their arrival in late 1851 and his marriage fourteen years later. I have not found a single trace of young Robert's movements after they left the *Earl Grey* in Sydney. Sadly for historians, there is remarkably little record of the names and activities of goldminers, in contrast to the detailed information kept on convicts in Australia or slaves in the Americas. But we know that gold lured at least one married man named William Bax. The 'Messages to the Diggings' section of the *Adelaide Observer* in September 1852 included a plea from the wife of a 'William Bax', 'anxious to hear from him as she intends to leave Adelaide for Melbourne'.<sup>28</sup> Bax was a relatively common name. This might have been written by Caroline's mother, or by the wife of one of the several other William Baxes in and around Adelaide at the time. Shreds of evidence do connect the Bax family to the Norwood region, south-east of Adelaide, before they moved to the town of Robe, where Caroline's parents lived out the rest of their lives. A William Bax is listed in the *Biographical Index of South Australians, 1836–1885* as residing in both Norwood and Robe. Later, the births of the two sons of Caroline's sister Esther were registered at Norwood, and her sister Mary would marry a man whose father lived in that area.<sup>29</sup>

Robe, then known as Robetown, occupied the territory of the Buandig peoples. It sits in the large arc of Guichen Bay on the coast of the Great Australian Bight, some 340 kilometres south of Adelaide and about 250 kilometres up the coast from Portland Bay. In the early to mid-1850s this coastal town eclipsed Portland Bay as the main port and supply centre for sheep stations in western Victoria and south-eastern South Australia. Europeans

interested in settling arrived only in the 1830s. In 1846 the governor, Frederick Holt Robe, selected it as the main port and administrative centre for the South-East. A rectangular township was then carefully planned in the bay. 'Sea locked on three sides, accessible by land only from the east', it was laid out like an English village, with a village green at its centre and a small grid of streets, five leading up the gentle rise from the seashore intersecting with six running parallel to the bay. Within a few years there were some 20 local families, a population of over 70, and resident 'stonemasons, quarrymen, carpenters, blacksmith, a butcher' and numerous carriers and other transportation workers.<sup>30</sup>

When members of the Bax family arrived in the early to mid-1850s it was a small, bustling town that served as a pastoral port, an administrative centre, and above all a service centre for the growing hinterland of sheep and cattle runs stretching east and over the border and north as far as the Murray River and the Tatiara country. The government resident for the South-East, Captain Charles Philip Brewer, presided over the town from his gracious sandstone house. He was the second military man to hold this position. Brewer had 'served in South Africa, Ireland and Corfu' before sailing to South Australia in 1839 with his wife, four children, a 'collapsible timber house and a milking cow'. Brewer also served as the local magistrate. His other duties included distributing rations of flour and meat and blankets to local Aboriginal people to prevent them starving – awful testimony to the profound disruption settler colonists were making to their former ways of life. The gold rush offered some reprieve. Aboriginal men and women moved into positions as shepherds and bullock drivers, vacated by men departing for the goldfields, surprising some colonists with their valuable contributions.<sup>31</sup>

The region's courthouse, customs officer, police station and barracks were in Robe. By the 1850s, residents and visitors could

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find pubs, hotels, a few shops and later a gaol, school and a telegraph office.<sup>32</sup> The town lots sold quickly. Houses built from the attractive golden limestone quarried in the area began to give an air of permanency to the place: a stark contrast to other shacks, and the rows of bullock-drawn carts carrying wool bales along the rough track that became known as Victoria Street to the offices of its leading merchant and the port. Despite its ‘oft-noticed atmosphere of an English village’, I imagine it seemed new, rough, raw and utterly different from Cuckfield and the other ancient villages in which Caroline and her family had lived.<sup>33</sup>

I have found no traces of how Caroline’s father made a living over their first years in the colony. Nor can I pin down exactly when they arrived in Robe. William’s mathematical skills and experience as an excise officer in England could have opened up job possibilities in what was then South Australia’s second most important port. Robe needed men with his credentials and experience. However, colonial coffers could only support one full-time customs officer, and that position was already filled. William turned instead to teaching. In 1858 he was officially appointed to replace Betty Hamshaw as Robe’s only licensed teacher. Her marriage had made her ineligible to continue in the role.<sup>34</sup>

The town grew rapidly as the number of sheep stations sending their wool to the port increased. More and more people opened businesses and services for the squatters and the growing number of men, women and children who lived in and around the town. Within months there were 30 boys and girls attending the school ‘under the superintendence of Mr. and Mrs. Bax’ – though government pay rates did not recognise the contributions of wives in such teaching teams. Robe historian Kathleen Bermingham reports that William’s annual stipend was £60. At least one newspaper report considered it an ‘excellent preparatory school’, noting funding support from the government. Caroline’s parents

are said to have also held evening classes for illiterate adults.<sup>35</sup>

The Baxes' school sat 'on the rise to the side-rear of the first house in Syleham', fronting the main route into town, Victoria Street. Syleham was one of three new subdivisions, then referred to as 'villages'. As the town expanded, men who had been granted land around the original central area profited by subdividing and laying out lots on tracks that awkwardly joined and extended existing streets. The lots sold at auction in late 1858. William Bax purchased a lot, and probably built its first residence – the typical early settler's cottage that still sits there today. Soon they started adding more space so they could accommodate a small number of boarding pupils.<sup>36</sup> Mrs Bax's daughters surely helped their mother with the additional cooking, washing and domestic labour that housing live-in students entailed.

Bermingham writes that William Bax was 'not brilliant, but gave his pupils a good grounding in the 3 R's'. Captain Brewer, in his capacity as school inspector, was more generous. He noted that the organisation, supply of requisites, quality of instruction and discipline were all good. Bermingham also reports that Bax was one of the town's 'Red coats', and that every afternoon after school, he donned his red military coat and marched the children out to the Fellmongery Corner before dismissing them. 'Military training and military bearing' mattered to him.<sup>37</sup> This is puzzling, as I have found no evidence that William Bax ever served in any military capacity. Such very British behaviour was hardly likely to endear him to his future son-in-law, Edward Kearney, whose eldest son later described as 'hating all English'.<sup>38</sup>



Around the time that Caroline arrived in Australia, Edward Kearney began working the lease known then as Champion's

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Run on the Mosquito Plains in the South-East district of South Australia. This land lies close to where the old Padthaway homestead still sits today. Padthaway was the name Robert Lawson, the most successful pastoralist in the area, gave to his station. After Robe was developed as a port, squatters from stations on the 'Mosquito Plains and the intervening country' as well as western Victoria took their wool clips there rather than to Portland for export to London. They left with six months' to a year's worth of supplies. Local historian Alan Jones reminds us that 'these early sheep stations were very isolated and had to be almost completely independent'.<sup>39</sup> The 120-kilometre ride on horseback or bullock wagon south-west to Robe from Edward's lease was shorter than attempting to travel to the colony's capital, Adelaide, over 300 kilometres to the north-west, or to Portland Bay. Robe's most prominent merchant, George Ormerod, who soon monopolised the wool export trade, held several leases on the Mosquito Plains, including one close to Champion's Run and another that later became the town of Naracoorte. When Edward arrived on the plains, Ormerod had recently moved permanently to Robe, married and was devoting his attention to his growing complex of businesses there.<sup>40</sup>

In Robe, the government resident took care of legal and political matters. Ormerod was vital to the town's and region's economy. His entrepreneurial energy boosted Robe's expansion. Virtually every bale of wool and other merchandise passed through the hands of George Ormerod's company. He built a jetty when government attempts were slow, monopolised imports and exports, and after 1857 owned the *Ant*, an early iron screw steamship that traded along the coast and played an important role in the development of trade in South Australia, Tasmania and Victoria.<sup>41</sup> Ormerod purchased numerous sections in Robe, in addition to those that he held on the Mosquito Plains and

elsewhere in the colony. He was at the heart of the complex networks of trade, lending, borrowing and social and cultural connections of the wider area. Cash was scarce. Before the first bank opened in 1859, his 'company's promissory notes constituted perhaps 40 per cent of the currency used in the region'.<sup>42</sup>

By all accounts Ormerod was both an excellent businessman and a kind, caring and generous person. It was 'not uncommon for him to grant free passage on his ships to people with little money, including clergymen of all denominations, and he was said to carry many of his clients through hard times'. He earned the confidence, custom and 'respect of South Australian settlers'.<sup>43</sup> Caroline and Edward's brother-in-law, James Charles Hamilton, recalled in later life that Robe 'was a great business centre in those days, and Ormerod was the reigning Monarch'.<sup>44</sup> Ormerod's centrality to commerce and his ownership of land on the Plains placed him in a position to inform Kearney that Campion planned to return to Ireland, so that the lease to his run was available. Both Edward Kearney's future brothers-in-law, James Allen and James Hamilton, already resident in the area, might have also passed on such news.<sup>45</sup>

Perhaps Ormerod introduced Edward to the Bax family. He and Captain Brewer, the government resident, both liked to welcome newcomers of standing to town. Caroline's future neighbour Frances Jones harboured fond memories of the reception the Ormerods gave her and her husband, Henry, when they arrived in Robe in 1857. Finding domestics and potentially brides for the single male settlers of the South-East was definitely among his many interests. A few years after Caroline arrived, Ormerod was involved in caring for 80 women who were sent to Robe as part of a broader South Australian scheme to set up depots for the large number of single migrant women arriving in the colony. They were chaperoned by the wife of one of his employees, guarded by

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the police, sheltered in one of his wool stores and the courthouse, and then distributed on bullock wagons – like commodities – to stations across the area, including on the Mosquito Plains.<sup>46</sup>

Robe was a marriage market too! In 1853 Eleanor was 21, Caroline nineteen, Esther seventeen and young Mary sixteen. Bachelor squatters would have received word of the newly arrived Bax family and their four daughters. There were 165 men but only 95 women aged 21 to 44 in the whole of Robe County, which stretched from the Victoria border to the coast and north through the Mosquito Plains, and many of these women were already married.<sup>47</sup> Within a decade of arriving in Australia, the three eldest Bax girls would marry men who ran stations in Robe's hinterland and shipped their wool and secured their supplies there. Caroline's, Esther's and Eleanor's husbands had all spent many years as bachelors, working their leases, seeking gold and accumulating land, cattle, sheep and experience before deciding to marry. Edward Kearney was fifteen years older than Caroline. James Allen was 21 years older than Esther. Eleanor, in contrast, remained single longer. She was 29 when she married James Hamilton in 1860. He was five years her junior, but had many years of experience as the son of a pioneering family. Mr Ormerod's wife, Mary, was only seventeen when she married the 27-year-old George. Frances Eliza Caton was also seventeen when she agreed to marry 43-year-old Henry Jones of Binnum Station and leave Wales to join him on the Mosquito Plains. Such large age differences were not as unusual then as they would become in the 20th century. Still, they heightened the power differentials and challenges of married life.<sup>48</sup>

Kearney had migrated to the colonies some ten years before he met Caroline. He left Ireland before blight hit Irish potato crops in 1845 intensifying the long history of exploitation, misery and hunger among tenant farmers and leading to widespread

starvation and death. Relatively few Irish migrated voluntarily to Australia then. Voyages to the United States or British North America were shorter, cheaper and often subsidised or paid by landlords keen to rid themselves of unwanted tenants.<sup>49</sup> Some were sent as convicts. Others were assisted by the emigration commissioners of one colony or another. Edward does not appear among these two groups of well-documented migrants. Indeed, locating verifiable information on exactly when he migrated has proved challenging. His death certificate and later court evidence place his arrival in 1843.<sup>50</sup>

Edward, like so many Irish emigrants, came from a tenant farming family. Yet unlike many of his countrymen, his family had done reasonably well. In County Westmeath, where he and his siblings were born and raised, the land was better than in many parts of Ireland. Cattle rearing and beef exports along with textile production from this region helped feed and clothe the growing urban working classes of British cities. Landlords rewarded good tenants with long-term leases. The Kearneys were 'strong' farmers – that small minority of families who had the security of long-term leases because their productivity benefitted their landlords.<sup>51</sup> Edward's father, William, and then his elder brothers had accumulated leases to a growing number of agricultural plots around Athlone as well as holding some sections in the town. Williamstown, the farm named after his father, was in the townland of Ballykeeran, to the north-east of the town of Athlone. They leased it from Lord Castlemaine, the main local landowner and politician. An 1837 Ordnance Survey map shows a substantial farmstead and three outbuildings facing onto a common farmyard.<sup>52</sup> This was probably Edward's birthplace. Dwellings on the farms of tenants of their status were usually well built and might be two storeys high, with stone walls and roofs made of slate rather than thatch.<sup>53</sup>

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So Edward was not a poverty-stricken Irish tenant farmer, but he was the third son. His father, William, died in November 1825 when Edward was just five and a half years old. His mother, Mary (née Mulrain), raised at least eight children beyond childhood. Incomplete baptismal records mean that there may have been others who did not survive and that their exact ages are unclear. Edward definitely had two elder sisters, Bridget, born around 1809, and Mary, who was baptised in January 1814 but born earlier. His two elder brothers, Francis and William, were both baptised later in 1814. Edward was baptised in June 1820, Joseph in May 1822 and Patrick in 1823. Mary's youngest child, Margaret, was born in the year their father died. Mary Kearney became a widow while still in her early thirties, with eight young children to raise.<sup>54</sup>

It was important to keep the farm productive if they were to retain their lease with Lord Castlemaine. Francis and William would have already worked alongside their father as they moved into their teens. They could play their part in the family labour that kept such farms going. Hired herders spanned labour deficits until the sons were able to take over.<sup>55</sup> William Kearney senior's death might diminish their chances of securing more good leases to set up all the boys on the land. Yet it also meant that Edward's older brothers, Francis and William, could become independent, marry and take control of the lease and homestead while still quite young, rather than waiting until middle to late life, as elder sons of Irish farmers often had to do.<sup>56</sup> The widow Mary and William junior retained the lease on the properties surrounding Williamstown. William remained single until the age of 30. Francis, in contrast, married at 20 in 1834. He either took over or secured the lease to a farm named Renaun in Ballinahown wood to the south-east of Athlone. The family genealogist reports that the couple lived in Athlone for a while, perhaps while the Renaun

house was being built on the farm. That property has been passed down through generations of Francis's descendants, proof of the capacity of such strong farming families to 'continue in occupation of the same holding over a number of generations'.<sup>57</sup> The growing commercialisation of agriculture, the significance of exports from such areas and the resultant exposure to overseas price fluctuations left even such relatively privileged farm families vulnerable to economic swings well before the Great Famine dramatised the colonial economy's dangerous fragilities in the 1840s.

Edward's departure left one less mouth to feed. He was in his early twenties when he headed for Australia around 1843.<sup>58</sup> Some personal issue, trouble with the law, or particular dreams or demons may have precipitated his move. Some of the Kearney boys were heavy drinkers, quick to use their fists and physical force to settle arguments or apply rough justice. Excessive drunkenness, dangerous use of firearms and several assaults in the community led several Kearney brothers into brushes with the police.<sup>59</sup> In the rough local economy of words and blows, they were probably little more or less prone to violent behaviour than most of their neighbours. Some such occasion that got out of hand may have precipitated Edward's departure. Most likely he left as a 'superfluous son': Irish farmers sought to avoid subdividing their holdings. Francis and William were established. Edward was highly unlikely to inherit, or to earn access to the leases necessary to maintain the standard of living he hoped for. Migration to Australia offered the promise of land and better material prospects.<sup>60</sup>

Unlike Caroline, Edward migrated alone. His siblings remained in Ireland, most within County Westmeath. His invisibility among the carefully listed assisted immigrants like the Baxes suggests he was among that small minority of Irish migrants who could afford to pay their own way.<sup>61</sup> He might well have been the

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Mr Edward Kerney (sic) who sailed to Australia on the *Haidee* in 1842. It left Belfast on 1 May and London on 9 May and arrived in Hobart, Tasmania, on 30 August that year. A year later there was an Edward Kearney managing a property for the prominent Tasmanian pastoralist Simeon Lord junior. His workforce comprised at least eighteen men, including former and current male convicts on tickets of leave employed as shepherds, stockmen and general labourers on the property. Edward Kearney's common name and the lack of any concrete corroborating evidence make it impossible to know if this was the man that Caroline later married. Yet it seems likely. In such a position the skills he had learned farming and raising stock in County Westmeath would serve him well. Later, Hobart newspapers reported on Edward's purchase of a sheep station in Victoria, which suggests that he was known in Tasmania.<sup>62</sup>

To move from manager to owner of a run, Edward had to secure significant funding. Henry Jones suggested that a minimum of £6000 capital would provide a good down payment on an existing station, allowing that amount again to be paid off over four or five years.<sup>63</sup> In 1851, gold made all dreams seem possible. Surely Edward was tempted. One lucky find could furnish some of the capital needed to start farming independently. If he went to the diggings, he, like so many others, left no traces in the documents that have survived. If he struck it lucky, he used it well. In 1853, while many men were still seeking their fortunes in gold, Edward Kearney looked to sheep and the land for his future. The first time we can pin him down with certainty is in 1853 as the owner of *Campion's* sheep run in the South-East region of South Australia, near where the town of Padthaway is today. Sheep were gold on legs. Prices and demand had soared with the gold rush. His lease was not far from the border and the routes to the diggings in Victoria.<sup>64</sup>



South Australia was established in 1835, centred on Adelaide. The founders of the South Australian Association were strongly influenced by the humanitarian movement sweeping England. The slave trade within the empire had been successfully abolished and now they sought to protect Indigenous peoples from the worst ravages of colonialism and to encourage conversion to Christianity. Unlike in other Australian colonies, Aboriginal peoples in South Australia were designated legally as British subjects.

Following the principles of Edward Gibbon Wakefield, the sale of land to settlers was supposed to finance the migration of a population of small yeoman farmers. Settlers would in turn fund their land purchases by working initially as wage labourers. They would bring wives or marry in the colonies.<sup>65</sup> This yeoman farmer ideal never worked in the Australian colonies. This was as clear in this south-eastern part of the colony as elsewhere on the continent. In 1838 legislation allowed farmers to take out leases on the lands from which local Aboriginal peoples had secured their food for centuries. Soon European occupiers were running sheep on vast tracts of land.<sup>66</sup> Prior to 1850, licences involved only a small fee but the government could take back the land and put it up for sale. Aspirant pastoralist squatters, overrepresented in the colony's legislative council, had some success in making tenure more secure, without requiring purchase. Legislation in 1851 replaced occupation licences with fourteen-year leases secured at an annual rental of between ten shillings and one pound an acre, depending on the quality of the pastures. In return for such a lease, squatters were obliged to stock each square mile with sixteen cattle or 100 sheep.<sup>67</sup>

It was two years after this change in the ways pastoral land was secured, and the careful mapping of boundaries that it

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initiated, that Edward was working the lease numbered Run 156, commonly known as Campion's Run. Roland Campion was also an Irish immigrant. He had grazed sheep there in the late 1840s and secured the lease in 1851. It occupied 88 square kilometres at the north-eastern end of the Mosquito Plains – later renamed the Padthaway Plains. This region sits to the east of the broad, swampy plain that stretches inland from the lagoons, sand hills and marshes of the Coorong Coast, east of the rows of low coastal inclines left by former seashores, and just to the west of the rolling hills that stretch eastward to the border with Victoria. It merges to the north with the dryer area known as the Tatiara, or 'good country'. The Tatiara straddles both sides of the border between Victoria and South Australia. Later, Caroline and Edward will move to the other side.<sup>68</sup>

Edward Kearney arrived in the area too late to choose prime land in the 1851 scramble for leases. On the Mosquito Plains, as throughout the South-East region, men who arrived in the 1840s had identified and claimed the best stretches of country. George Ormerod, Robert Lawson, William McIntosh and John Robertson had owned or worked leases in the area for a decade. All were immigrants from Scotland. All made sure to formalise their holdings when the fourteen-year leases were initiated in 1851. Because squatters drew their own boundaries to incorporate the better bits of land, the resulting maps resemble crazy patchworks of oddly shaped properties. Some of today's roads follow those old property lines. Robert Lawson formalised his claim to lease 157, which bordered on Campion's Run, number 156. James Allen, future husband of Caroline's sister Esther, took up number 154, then known as Swede's Flat – about 10 kilometres north-east of Campion's run – as well as co-ownership of Mount Monster, to the north-west.<sup>69</sup> Newcomers interested in farming in the area would have few good choices, unless they could purchase an

existing run.<sup>70</sup> (See image 2 in the picture section for a map of Tatiara Country, Mosquito Plains and Robetown, showing Edward's and James Allen's leases.)

Edward was lucky. Campion appears to have sold him his run when he decided to return to Ireland around August 1853. It is possible that Edward had already worked for him as a supervisor or manager for a while. It was a good time to raise sheep. This was pretty good grazing land – dryer than most of the Mosquito Plains and indeed most of the South-East region. Campion had cleared enough trees and scrub by 1848 to run 4000 sheep and some 70 cattle. A gold find, a mortgage from George Ormerod or both may have placed it within Edward's reach. From then on Edward was recognised as being in charge of the lease in correspondence and in newspaper reports, though the official listing of leaseholders was never updated to include his name.<sup>71</sup> He and the other squatters of the area travelled the long journey to Robe once or twice a year to arrange export of their wool clips, secure supplies, dispatch letters, connect with other squatters, down a pint or more, 'let their hair down' and perhaps even find a wife.<sup>72</sup>

Many pioneers ran stations for a while without a helpmate, wife or family. It was hard work to establish a run and build even the rudimentary huts from bark, twigs or rough timber that served as the earliest dwellings. But life on the isolated stations on the late frontier could be eased by the presence of a woman. Wives promised female companionship, domestic comforts, good cooking and sex. They could tend gardens and care for cows or pigs, freeing men up to patrol their borders, keep track of their sheep and construct fences and buildings. In 1853 Edward was 34 years old. Like many Irish immigrants, he likely waited to marry until he had 'decided to stay in Australia', 'felt like settling down', and had 'sufficient wealth to keep a wife and family' in the style he wished. Many Irish immigrants married much younger

women. If he looked anything like his sons, he was a dashing man with an aquiline nose, dark hair and piercing blue eyes. His eldest son later described him as a man of contradictions – ‘good hearted to the last degree ... but ... if he was thwarted on anything, he would be as obstinate as the native animal of his own country (pig)’.<sup>73</sup>

Somewhere he and Caroline Bax crossed paths. Did this older Irishman sweep the nineteen-year-old Caroline off her feet? Seduce her – emotionally, sexually, or both? Much later his brothers claimed that the couple married in 1853. I have found no official record of their union. No registration. No newspaper announcement. Though this is not very surprising, it still puzzles me. Historian of Irish migration to Australia David Fitzpatrick has noted that many alliances ‘were never recognized by church or state, and that these irregularities had to be veiled from upright Irish readers’.<sup>74</sup> In Margaret Kiddle’s superb study of the squatting period in the western district of Victoria, she argues that many ‘men died and were buried without benefit of clergy, the form of marriage was often dispensed with, and children remained unbaptized’.<sup>75</sup> Ministers were rare in such new areas of colonisation. And yet there were visiting ministers and occasionally a priest in Robe at the time. The town’s only doctor acted as the registrar of marriages. Local historian Roland Campbell reports that in 1853 he married three couples whom the registrar-general then refused to accept. A mixed marriage – as unions of Protestants and Catholics were called – could provoke such a response. If Caroline and Edward were among them, this might explain the lack of evidence of their marriage.<sup>76</sup>

Later, Edward’s brother William presented a different account of their union from Caroline’s. William Kearney claimed that Edward had been ‘married first by a Protestant, then by Catholic clergy’. Caroline’s rebuttal that they were married by a minister

of the Established Church and that there was no subsequent Catholic marriage seems more credible. This was her family's denomination and there were more Anglican ministers in the area than Catholic priests. Mixed marriages were widely discouraged by Protestant ministers, Catholic priests and often parents too. Catholics considered them scandalous. Some bishops refused to allow them. At the very least it would have required a special dispensation and Caroline's conversion. None of this was easy anywhere, let alone on the frontier. Anyway, Edward apparently 'cared very little about' 'cultivating the faith of his fathers', in his early years in the colony, so it is unlikely that he insisted on a Catholic marriage.<sup>77</sup> The very English and Protestant William Bax may well have disapproved of his daughter's union with an Irish Catholic. However, she was a minor, and he had to give his consent.<sup>78</sup> Perhaps the lack of publicity is not an accident. Catholic-Protestant conflict was as virulent in the Australian colonies as in England and elsewhere. A quiet wedding would keep this 'mixed marriage' out of the public eye for a while.

William Bax did not set any property or money aside for Caroline in a pre-nuptial agreement, as wealthy fathers often did. He presumably provided some furniture, plates and other household items to set up the new couple. Edward may well have expected a more significant dowry. In Ireland, parents gave marriage portions to their daughters well into the 20th century to help with setting up their new households or purchasing farms.<sup>79</sup> Unless William Bax had been lucky in the goldfields, it is unlikely that in their two years in the colony he had accumulated much to launch any of his four daughters in married life. Nor might it matter. With twice as many single men as women in the county of Robe there was no shortage of men seeking wives.<sup>80</sup> Women's assets were their domestic skills, labour power, and ability to produce children and potential heirs.

## Migrations and marriage

Caroline never achieved the independent legal status that single woman over the age of 21 attained. On marriage she ceased to be a minor, legally subject to the wishes of her father, and became subject to Edward's. As a wife her identity and rights were subsumed, buried, in his. The technical term applied to wives' legal state – *coverture* – captures this covered state of identity. So too the British custom of referring to them by their husband's name – Mrs Edward Kearney or, worse, simply Mrs Kearney. 'Husband and wife are one person ... the husband is that person', the great English jurist Blackstone is said to have explained. Marriage to Edward meant that anything Caroline already owned, anything she might earn through her own labour and any wealth they accumulated together belonged to him. In South Australia Caroline would be just as subject to these common law rules of husband and wife as her mother had been in England.<sup>81</sup>

This did not change across the British Empire until the 1870s and 1880s, and in South Australia until 1884, when legislation allowed wives to keep their own property separate. But few married women had much property or earned wages then. Wives would not have a claim on assets accumulated during their marriage until the 1970s. Marriage law thus served as a powerful instrument of male accumulation. Men gained more than ownership of the fruits of their wives' labour, their earnings and property at marriage. The law made them owners of their wives' bodies – and hence gave them the right to all the services those bodies performed, including domestic labour, sex and the children they produced. Edward would later exercise those rights fully when he wrote the will that sought to extradite his whole family from Australia.

For now, Caroline's future was largely in his hands. She would learn more about this man she had married as they settled into their new life together on his lease on the remote Mosquito Plains of South Australia.

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