

Glass's Creek Pound

The City of Boroondara currently advises that any dogs and cats 'found at large' will be taken to the Council Pound in Glen Iris. Before the amalgamation of individual cities into the City of Boroondara in 1994, most cities funded and managed their own pounds.

The term pound comes from the Middle English 'pund', used to define or describe an enclosure. Current usage of the term derives from this original meaning and encompasses places for the detention of stray animals, a space where automobiles are impounded, a section of a canal between two locks, and even a type of fishing net.

It can be difficult to establish with certainty the dates when the first pounds were established in the Port Phillip District. A Proclamation by Governor Gipps in 1840 ordered and directed that 'Notice of all Cattle impounded in the Public Pounds in the District of Port Phillip should be published by the Poundkeepers of such Pounds in one or more of the Newspapers published at the Town of Melbourne, in the County of Bourke ...'. The Proclamation, amended in 1846, presupposes that a number of public pounds already existed.

While the first successful land sales in Boroondara occurred in Hawthorn in 1843, and Kew in 1845, these areas were to be without local pounds until April 1858, when the Governor of Victoria, in accordance with *Act 18 Victoria No 30*, was pleased to direct the establishment of a Pound at Glass's Creek on that part of land bounded by the Kilby Road, Burke Road and High Street.

While the Governor was required to proclaim the establishment of a pound, the appointment of a poundkeeper was the responsibility of the Justices of the Peace in the local Court of Petty Sessions. Following the appointment of Mr. John Oakes as Poundkeeper by the relevant court ('Warringal' *later* Heidelberg) in April 1858. Kew at this time was not a discrete political entity, being governed by the Boroondara Roads Board, which had been proclaimed in 1854.

The location of Glass's Creek Pound can be identified in one of the earliest maps of Boroondara (above right). This identifies a triangular section of land on the northwest corner of Bulleen (High Street) and Burke Roads. The four-acre Pound Reserve was initially a triangular section, separate to Lot 90. William Oswin had purchased the latter on 16 October 1851. Oswin's Lot 90 adjoined Lots 52 and 53, which he had purchased in August of the same year, on the northern side of what was to become Kilby Road.

The Pound took its name from the most distinctive natural feature of the area, Glass's Creek, named after the early pastoralist Thomas Glass. From its source in Balwyn, just north of the land defined as 'Elgar's Special Survey', the Creek meandered across Balwyn to reach Kew near where Kew High School is now located, before reaching the Yarra River at Hays Paddock, East Kew.

The 'Table of Rates' to be charged by the new Poundkeeper for the 'Trespass of Cattle and the Sustenance thereof' had been determined by the Justices in Petty

Sessions at Warringal on 24 April 1858. In establishing the Rates for different animals the Justices followed established precedent that had been more or less consistently defined since the 1840s. Impounded livestock included: the equine and bovine (horses, mares, geldings, colts, fillies, asses, mules, bulls, cows, oxen, heifers, steers, calves); the ovine (rams, ewes, sheep, lambs); goats; and pigs.

Each class of animal was charged at a separate rate; three rates for trespass and one rate for sustenance. The highest penalty charged was for trespass in any 'Garden, un-cut Meadow, or Growing Crop of any kind, enclosed by a good substantial Fence'; while the lowest penalty for trespass was that which had occurred in any 'Forest or open Pasture Land, open Stubble, After-Grass, or other enclosed Land'. The fine was 10s. for horses and cows; 1s.6d. for sheep; 12s. for goats; and 15s. for pigs. For Sustenance, the rate charged for horses and cows was 2s., whereas that for pigs was 1s., goats 6d., and sheep 1d.

Like other poundkeepers, John Oakes was required to advertise the impounding of animals and notify when they would be sold. Once the Notice of Impounding was published, owners usually had less than 30 days to pay their fine and collect their animal.

On 7 May 1858, a bullock, two cows and five heifers were listed as impounded. Most animals could be described and identified because of the brands used: One 'light strawberry cow, small hoop horns, black muzzle, tanned ears, notch in milking ear, CPR off ribs, 5C milking thigh'. During 1858, most of the animals impounded were cows and heifers, with horses the only other animal listed. Presumably, goats and pigs were not as popular or were placed under greater control by their owners.

Due to the number of animals impounded, one might have presumed that the Pound was profitable, however in May 1861, John Oakes was declared insolvent due to the 'pressure of a judgement creditor, and falling off in pound receipts'. His assets were declared to be £20; and his liabilities £142.7s.4d.

The secession of Hawthorn and Kew from the Boroondara Roads Board in 1860 initiated a period of conflict between both municipalities, and subsequently boroughs. While the boundaries of the new municipalities were quickly established, the status of Glass's Creek Pound was to be a source of dissension. George Wharton, Kew's first Chairman, wrote a letter of complaint in September 1861 to the Hawthorn Council regarding the removal of surface soil from Hawthorn's reserve, or 'common' at Glass's Creek Pound. Because each municipality claimed sovereignty over parts of the Pound, magistrates in both municipalities could meet and rule on issues such as the Rates to be collected. The issue was not resolved until 1864, when Hawthorn decided to create its own pound. As a result of this decision, John Oakes was to write to the Hawthorn Council, complaining of 'the injury likely to be inflicted upon him by the establishment of a pound within the Borough, and offering to hand over any fees that may accrue from cattle impounded from Hawthorn'.

Political dissent was not the only calamity to be visited on the Pound during the first ten years of its operation. In April 1864, *The Argus* reported that 'On Wednesday, soon after midday, a flash of lightning struck the house at Glass's Creek Pound. There were four men in the yard, and two women in the house, at the time. The electric fluid appeared to have struck the large gum-tree

overshadowing the cottage, and then to have passed in at the back window, over the head of one of the inmates. It passed out at the front door, where it encountered another inmate, who received a severe shock, was upset, and severely scorched about the body. This person stated that she saw the fluid pass close by her, but could not decide what direction it had taken. In the yard the shock was felt in different degrees by the four men - one was stunned and temporarily blinded; another was struck on the feet. A horse was thrown down, having been momentarily paralyzed. Six persons, it thus appears, escaped most imminent danger in what would appear to have been either a broad blaze of electric fluid discharged over a huge surface, or a narrow stream which descended the tree, passed outwards over a space of forty or fifty feet, and spent its force in various directions.'

No subsequent calamities were reported as being visited on the Pound. The intervening years until the death of John Edmund Walter Oakes at Glass's Creek in 1878, aged 68, were to be filled with conventional impoundings; minor disputes over issues such as whether animals should have been impounded at Hawthorn or Kew; and family notices listing the marriages of his children into local farming families.

Poundkeepers known to have succeeded John Oakes included Samuel B. Cash in 1890, Edward Stephen Delaney in 1892, and Emma Oswin in 1894.

In 1901, a Congregational Church was to be situated on the edge of the Pound's triangular block, facing Burke Road and High Street. In 1908, an A. Oakes was to be the final Poundkeeper at Glass's Creek. In 1910, F.G.A. Barnard records that the Pound was no longer in existence.

Which brings us to the 'Pound Fees Book' in the Kew Historical Society's archive. Mr. J. Smith of Laburnum donated the leather bound ledger to the Society in July 1992. It was presumably Mr. Smith who discovered the document on a local rubbish tip. Due to the volume having suffered some damage, the earliest entries in the ledger may be missing. The surviving entries cover a 24- year period from 1874 to 1896. The ledger dates to the period when Kew was a borough (1863-1910), as 'Borough of Kew Pound' and 'Glass's Creek Pound Fees' are printed at the top of odd and even pages respectively. On each double page, the first page lists details about impounded animals, noting: 'Number', 'Date', 'Particular of Cattle Impounded', and 'Brand or Mark'. The second page, which continues the entry, lists: 'Time when Sold or Released', 'By Whom Released or Bought', 'Fees for Public sale', 'Sustenance', 'Trespass', 'Advertisement', and 'Total'.

Two entries from 1878 include animals owned by a Mrs. Britt. On 3 November 1878, a light brown horse with a heavy saddle and collar was apprehended. The horse had a blaze on its face. Its nostrils and its near hind fetlock were white. The horse had a brand like TB near its shoulder. When Mrs. Britt collected the horse she had to pay 3s.6d. for sustenance, 1s.6d. for trespass, and 3d. for costs. Nine days later on 12 November, Mrs. Britt had to redeem a black and white cow at a cost of 2s.6d. for sustenance, 3s. for trespass, and 3d. for the notice. Within a month, she had paid a total of 8s.6d. These were not to be the only occasions on which Mrs. Britt had cause to visit the Pound.

Historic documents such as the Pound Fees Book enable us to gain a picture of life in Kew during a period when most of the northern and eastern parts of the Borough were predominantly agricultural.

Robert Baker, 2014