

BUNSTER HOVENDON

Brewers & Skippers

by

Rosemary Rope

EXTRACT ONLY



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ISBN: 978-0-6451425-0-1 (softcover)

ISBN: 978-0-6451425-1-8 (ePub)

PART 1: AUSTRALIA

1 - The Theresa Passengers

All complex lives start out simply. As we reach out from our family nest, we decide who we are going to be and what we are going to do. Those decisions are made in small moments, so small we don't see the unique web we are creating until we look back. The Hovendon family grew up in Stradbally in Queens County (now County Laois), not far from Dublin. Life in Ireland became difficult in the 1830s; there was religious and political unrest. The loss of income and starvation due to the potato blight, which started in the 1840s, added another reason for many of them to leave their homeland. The Hovendon siblings could not have imagined all the choices they would make after leaving Ireland, nor the consequences of them, but they were ready for the adventure.

There were several choices for people who wanted to leave Ireland. England was already crowded but many ships were leaving for America and Australia. There was a constant stream of advertisements for settlers to come to Australia. This appealed to the Hovendons as they already had relatives here. Travelling as *bounty passengers* meant the trip would also be free and they would have no further obligations once they arrived.

The *bounty* system was set up by the NSW Colonial Government to bring out workers from England and Ireland; particularly farm labourers. Shipping agents were contracted to find ready-to-work immigrants and to bring them here. The agents were paid a certain amount for each healthy man, woman and child they brought out. That *bounty* payment was to reimburse them for the cost of the passage and a little on top. Arnold & Company were shipping agents who did a lot of business transporting people and goods to and from Australia. They had filled the ship *Theresa* with immigrants who they were bringing to Australia so they could collect the *bounty*.

Thomas Hovendon arrived in Sydney on the *Theresa* on the 26th August

1842. He had travelled from Ireland with his sister Mary and her husband William Barnier and their family. It was a harrowing journey for all on board and in the end only 233 immigrants were landed. The ship had been plagued by illness and 33 passengers died on the journey from Plymouth. In Sydney it was reported that 10 deaths were from typhus and the others had died from remittent fevers, many of them were children. Oddly though, the ships officers were praised despite so many deaths: "*The universal cleanliness which pervades the ship after so long a voyage, is highly creditable to the surgeon, captain, and officers*".¹ Presumably the commendation was because there were no longer any sick people on board and the surviving immigrants were reported to look very healthy.

Sadly, the deaths included the two youngest Barnier children, two-year-old Thomas and one-year old Albert. The baby boys were buried in the churchyard at Pernambuco in Brazil, along with the rest of the dead. The ship had laid in quarantine in Pernambuco from the 21st February until the 1st May, 1842. They received great kindness from the English residents who paid for a monument that was erected on the mass grave.² The heartbroken family stepped ashore with their remaining children, Claudius, Nicholas, James and Samuel. They had also brought Joseph, William and Sarah, who were William Barnier's niece and nephews from his brother James. There was also Bridget Costigan, who was noted in the records as a long-time friend under the protection of Mrs Barnier. According to the Bounty Entitlement Certificates, the agents were paid £68 for William and Mary Barnier and their 4 surviving children.³

There is very little information about the early activity of the Barnier family. Mary disappeared from all official life event records after her arrival and so her ultimate fate is unknown. There is only one newspaper notice for a letter waiting at the General Post Office for her in Sydney in July of 1844.⁴

It is known that Mary's husband and most of the children moved to the Mulberry Creek area near Maitland by 1845. They lived next door to the Slattery's. Joseph Barnier was assaulted by young Dennis Slattery in January of 1845. The Slattery's cows had been stomping on the Barnier's pumpkins. After a verbal exchange, young Dennis Slattery struck Joseph on the back with a stick and "without much parley". Joseph turned around and slapped Dennis in the face. Then Mr. Halfpenny's nephew joined in and

threw rocks at Joseph. The Court listened to the contradictory evidence and gave young Dennis Slattery “the honour of having struck first”. Slattery was accordingly charged with assault and fined 10 shillings and costs.⁵

There were no further marriages found for William and he died in 1853. His obituary says that he left only his six sons to mourn his loss, so Mary had died or run away by then.⁶ He only had four living sons but the two nephews would probably have been included in the “six”. It is known that Joseph and William, the sons of James Barnier, declared that William was their father on various records, and so he had stepped in to take the place of his brother to care for them. Young William Barnier, the nephew, is known to have worked with Thomas Hovendon in Sydney for a while.

Per the NSW Bounty Immigrant Records, “Thomas Hovenden” was a native of Ballyroyda, Queens County, Ireland, and he arrived as an unmarried 21-year-old farm labourer who was in good health. His parents, Nicholas and Anne Hovenden, were both still alive. Thomas was an Episcopalian who could both read and write. He had no comments about the journey except to complain of the short supply of flour through unspecified mistakes. Poor food supply was a common complaint of bounty passengers. Dr. W. D. Lawlor, of Stradbally had testified to his healthy condition before the journey. The following men had certified to his good character on the 5th January 1842: John Tarleton and Thomas Moreton, both of Stradbally. The shipping agents were paid £19 for the healthy young specimen that was Thomas Hovendon.⁷

Thomas’ baptism record has not been found but he was born around 1821, given the age he stated on arrival and the ages he declared on later documents. Episcopalians were followers of the Church of Scotland but Thomas’ family were actually part of the Church of Ireland, so he may have changed his faith. Mary and her husband declared that they were Protestant, which covers the Churches of England, Ireland and Scotland. Mary confirmed that their parents were alive and that they were Nicholas and Anne Hovendon of Ballyroyda, Stradbally, Queens County, Ireland.⁸

Their elder brother William had also come to Australia about the same year. He came as a free Gentleman, which means he paid his own passage, and his details have not been found on any shipping immigrants list searched to date. The siblings had several aunts, uncles and cousins already in the

Colony. William Budds was my great-great-great-grandfather, and he was also the maternal uncle of Thomas and William Hovendon and Mary Hovendon-Barnier. When the Hovendon siblings arrived, William Budds was residing with his family in Geelong and he was buying and selling real estate in the general Melbourne area. William Budds' younger siblings, Andrew and Catherine Budds, had also come to Australia and more family members were to follow.

In May of 1843, Catherine Budds married John Treacy Esquire in Melbourne. In March of that same year, William Hovendon had married John Treacy's sister, Anne Treacy. In effect William had married his Aunt Catherine's sister-in-law. William Hovendon and his Aunt Catherine were of a similar age because William's mother, Anne Budds-Hovendon, was 25 years older than her sister Catherine Budds-Treacy.

Anne Budds-Hovendon's younger sister Mary married John Payne in Ireland. Over time the Payne family also came to Australia. Their eldest son was Thomas Budds Payne, who later became a lawyer. This cousin of the Hovendon siblings also dabbled in real estate in the Melbourne area, and he was one of Australia's wealthiest men at the time of his death.

These interconnected families set up their homes in the greater Melbourne-Geelong area. They would have helped guide each other through the processes to obtain property and the relevant licences required. There were many opportunities in the new Colony, especially for young men with family support.

Working the Land

In the early years the Hovendon brothers were labourers. William Hovendon started stripping bark, having been given a depasturing licence for the Western Port area in September of 1842. It was a joint licence with a Mr Payne.⁹ This may have been a relative given that he had Payne cousins. In September of 1843, both William Hovendon and Charles Payne got separate licences for the Western Port area.¹⁰ When William married, he declared he was living in Arthur's Seat, which is on the Peninsula next to Western Port Bay. The newly-weds, William and Anne Hovendon, stayed in Arthur's Seat for a while.

In about 1845, William and Anne Hovendon went to live in Belfast at

Port Fairy, which is on the coast not far from Port Phillip in Victoria. (See Map 1). The earliest evidence of them living there is a shipping report of haberdashery for the name Hovendon. It came by the *Ellen and Elizabeth* from Melbourne in June 1845.¹¹ They felt at home there because a large number of Irish people had settled in Belfast. The settlers named the main street “Sackville”, in honour of the main street of Dublin. Sackville Street in Dublin is now known as O’Connell Street.

This is how Belfast was described in 1843 when few people knew of its existence: -

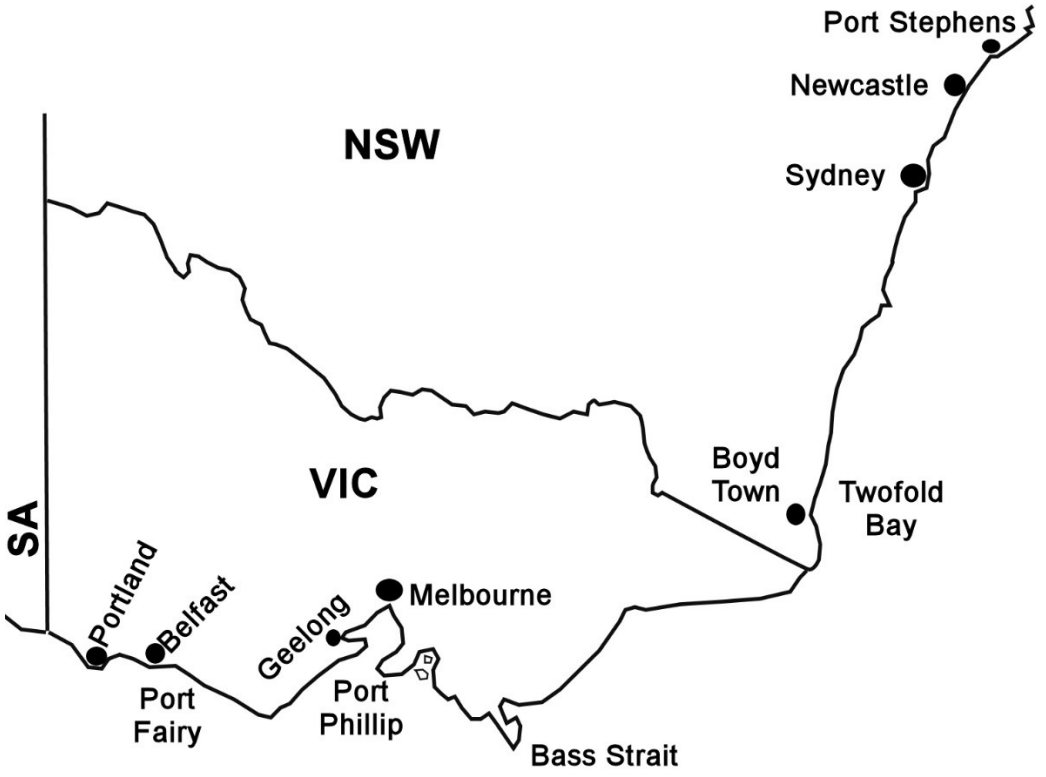
PORT FAIRY.

A NEW settlement is being formed in the Port Phillip district, which is likely to become of considerable importance. We allude to the recently established town of Belfast at Port Fairy, which has already above thirty houses, and is attracting a considerable population from Van Diemen's Land. The situation of Port Fairy in a geographical point of view is very advantageous, and it is said there is a considerable tract of good country in the neighbourhood. Port Fairy is about sixty miles to the eastward of Portland Bay, with which place as well as with Melbourne it has frequent communication. We shall feel obliged to anyone who will furnish us with sailing directions for the port.¹²

On the 1st July 1844, Thomas Hovendon got a depasturing licence for the Portland Bay District. It meant that he could do various things including graze sheep on the town common and strip bark and cut timber on the Crown Lands in Portland.¹³ The Hovendon brothers had set themselves up to live off the land along the southern coast. They were following the way of their parents, who farmed their property in Ireland. This would not last for very long though as the sea was close and it was calling to Thomas. His spirit of adventure was not ready to be contained. He was young and single and anxious to start a different life in his new country.

Map 1: South East Coast of Australia

from Port Stephens to Portland
(Author's sketch)



14 - Tahiti

The *Will Watch* landed in Tahiti six weeks after leaving the *Eagle* in her wake. According to Bateson, the ship arrived there on the 19th December 1849 and Thomas was still there in June 1850.¹

It took time for letters to reach Australia and so the first news report about Hovendon's whereabouts wasn't published until the 11th February 1850. That report said that he was attempting to sell his ship and her cargo and to buy another one.² On the 1st March 1850, the contents of a private letter were published in Hobart, the letter was written in Tahiti on the 22nd December 1849. It appears that upon arrival Thomas was in a bit of a mess having had a falling out with the men who had sailed with him.³

At the end of March 1850, it is made known that Thomas succeeded in selling the ship in Tahiti and had bought an estate with the proceeds. It is unclear whether that means he bought a large property or something else.⁴

As a matter of interest, the *Will Watch* did eventually make it all the way to San Francisco. She sailed into Honolulu on the 8th May 1850, after a 35-day trip from Tahiti. By that time, she was registered as a Tahitian schooner and was captained by Mr Salmon.⁵ On the 1st July 1850 she arrived in the harbour at San Francisco after a trip that took 88 days from Tahiti via the Sandwich Islands.⁶ She had collected many delicious products from the islands including lime juice, preserved bananas, cocoanuts(sic), and oranges.⁷ This was a sunny retirement for a hard-working ship that had once literally sunk to the bottom of the ocean in Portland Bay.

International Law Issues

Having got wind of his whereabouts, the creditors went to Tahiti to chase after Thomas. George King, the Official Assignee in the insolvency, tried to get an order to impound his assets. However, there were several technical legal difficulties to overcome before he could enforce an Australian order in a foreign jurisdiction.

The first issue that had to be overcome for George King was that he had

no standing in Tahiti. He was not a French citizen and so he could not make a claim upon the judicial system there. He sought the assistance of a local Papiti merchant, who was a citizen, by the name of Hort. George King gave Mr. Hort his Power of Attorney. This allowed Hort to represent King in the French jurisdiction of Tahiti.⁸

Hort filed the paperwork for King and a Tribunal sat in April 1850, which was 4 months after Thomas had arrived in Tahiti. The tribunal's decision was that the French Island of Tahiti would allow the seizure of assets but not the arrest of Thomas, as that arrest was not in the original order as issued in Sydney. It was agreed that the execution of the seizure did not go against any French law and it was similar to how France dealt with insolvents, and so it was reasonable to do so. The full report as published in Australia in September 1850: -

HOVENDON'S INSOLVENCY

Tribunal of First Instance, of the Society of Islands.

In the name of the French People.

This 23rd day of April, 1850, the Tribunal of First Instance, sitting at Papiti, composed of the President Monsieur de Cugis, Messieurs Touchard and Laharrague, Judges, and Robin, registrar, assembled on urgent business, at the usual place of sitting, to pronounce judgment upon a request this day addressed to the said Tribunal, by Mr. Hort, merchant, at Papiti, who, acting in the name of Mr. George King, appointed by the Supreme Court of Sydney Official Assignee of the Estate of Thomas Hovendon, and in virtue of a power of attorney transmitted to him by the said George King, executed by the latter at the French Consulate in Sydney, on the 2nd March, 1850, and authorising him to prosecute the said Hovenden, and to seize upon his property for the benefit of the said creditors of the aforesaid Hovenden.

Mr. Hort stated that he had the honour of presenting the documents relating to the judgements pronounced by the Supreme Court of Sydney, in the matter of the sequestration of this estate, and ordering seizure of the goods of the insolvent, and requested that in conformity with the 946th article of the Code of Civil procedure, this Tribunal would be pleased to declare this judgement as executory in Tahiti. Also,

That in conformity with the 499th article of the Code of Commerce, his effects be secured under seal, and the person of the insolvent incarcerated.

The Registrar having read the documents handed in by Mr. Hort, in support of his petition and his concluding demands, the tribunal declared having sufficient evidence, and deliberated with closed doors, on the aforesaid petition.

On the documents deposited by Mr. Hort, which had been certified in conformity by Mr. Barff, sworn interpreter of the said tribunal:

On the 946th Article of the Code of Civil Procedure:

On the decision, of the tribunal, touching the following questions: -

Are there grounds for making executory the judgment given in Sydney on the 17th October, 1849?

Are there grounds for complying with the second part of Mr. Hort's petition, namely the putting on of seals, and arrest of the insolvent?

REASONS.

Considering the 946th Article of the Code of Civil Procedure explicit, and as not leaving any doubt on the rights of a French tribunal to render executory a judgement given in a foreign country:

Considering that the judgment of the 17th October, 1849, pronounced by the Supreme Court of Sydney, does not speak of sealing up of effects, or arrest of person, but only of the sequestration of the estate of Mr. Hovenden:

Consequently, this tribunal having but to render executory the judgment pronounced in Sydney, can add nothing thereto.

Considering, the judgment just and well founded, and that no injustice can be done by ordering its execution here, in so far as it is in conformity with the laws of France:

For all these reasons—

The tribunal renders executory the judgment pronounced in Sydney on the 17th October, 1849, against Mr. Hovenden, merchant, of that city, in so far as the same is not contrary to the laws of France and in conformity with the 946th Article of the Code of Civil Procedure, which is to the following effect: —

Judgements pronounced by Foreign tribunals, and records received from officers of Foreign powers, will not be susceptible of execution in France, except in manner and case provided for by articles 2123 and 2128 of the

Civil Code.

The costs of the proceeding to be borne by the petitioner, without prejudice to his rights of recovery against those interested.

Done and judged in public audience at Papiti, in the Island of Tahiti, on the day and month above named.

In faith of which the present judgment has been signed by the President, the Judges, and the Registrar.

The President signed — DE CUGIS.

The Judges signed — TOUCHARD, LAHARRAGUE.

The Registrar — signed ROBIN.⁹

As a consequence of the Tribunal's decision, an order was issued to seize all of Thomas Hovendon's assets held in Tahiti. That order was dated the 29th April 1850. ¹⁰ The good news for creditors took a while to reach the Sydney papers. The article about the tribunal did not appear until the 2nd September, a little over four months after the decree was issued in Tahiti.

The tone of the next article, which was printed a few days later on the 7th September, is quite angry. This article refers to the "buck" of Hovenden, that is to say his "skin", being the only thing left to him. It declares that he has traded his good name for no ultimate profit, as all the things he took were returned. Although it is clear from some of the other reports that he did not lose it all: -

"HOVENDEN THE BOLTER- This "worthy" specimen of the migratory genus has at last been brought to book; not to the extent that all lovers of honesty could wish, because, both body and goods were forfeited by law and justice. However, a stoppage in transitu has been effected upon the property he surreptitiously obtained from the Sydney dupes upon the strength of his piety (Heaven! Save the mark!)

... It is some satisfaction to know that the buck of Hovenden only remains and that for which he bartered fame and name has passed from him, leaving him nothing in their stead but undying infamy and an accusing conscience." ¹¹

The report makes it clear that the unpaid for goods will be collected and returned as a “stoppage in transitu” has been given. That term refers to the legal right to reclaim goods from a purchaser who has become insolvent and can no longer pay for them; it effectively **stops** them from **transferring** (selling) the goods to someone else. It also declares that Thomas Bolter Hovendon will have an “undying infamy”. That infamy has since been lost to time and I don’t think his conscience accused him too sharply as he continued to brew up schemes into his final years.

Doing a Hovendon

The newspapers loved a good joke about the people of the day, and this first one from December 1849 is rather funny. It takes a swipe at Thomas “Bolter” Hovendon and tells creditors to be on the lookout for more like him who may weigh anchor and depart: -

THE KETCH "CURLEW."—It is reported that this vessel entered outwards for Shell Harbour, contemplated extending her trip to California, having given receipts to certain parties who had engaged passages in her to the gold country. Great credit is due to the Water Police Magistrate for his promptitude in taking the necessary steps to prevent her clandestine departure with any "bolters" who might have calculated upon a trip *a la Hovenden*. Creditors, keep a sharp look out, for "where there's a will there's a *weigh*," according to the o'er true adage.¹²

Then in May of 1850, after Thomas had bolted, and before news had reached Australia of the seizure of his assets, another man left the country for San Francisco. It was reported that he was either in search of or imitating Hovenden. At that point in time Thomas was definitely infamous! The difference is that this man was a much loved and lauded Crown Solicitor: -

FASHIONABLE DEPARTURE. — It is rumoured that Mr. George Cooper Turner, ex Civil Crown Solicitor, has “namman’d”, either in pursuit or in imitation of Mr.

Hovenden, for the Lord knows-where, or some other equally remote and indefinite country, with an equally near and definite object. It is further whispered that his race horses (which accompany him) are entered for the California Hurry Scurry; he may, therefore, be expected to leave anxious enquirers distanced, at least behind him, in the long run.

In the Ladies' Sporting Issue of this week, we find the following entry for the "Old Aged Stakes," – "G. C. T., aged, ridden with a side saddle, bolted off the course" to Newcastle, "to post the coal." The fair Stewardesses, disappointed in the "Meeting", ordered the following distich to be placed on the Judges Stand: - "Gone: gone! Is he – ye maids and matrons wail –

Who ne'er till now upon us did turn tail ! ! !"

Quite clearly George C. Turner was a strong favourite with the ladies at the race course and around town. He was after all a Solicitor and an extremely eligible bachelor. It is misspelt in the extract about his departure, however, 'Naaman' was a Syrian General written about in the Bible. He had leprosy and was outcast until he was sent by a prophet to the muddy Jordan River, where he bathed seven times and was cured. ¹⁴ The newspaper columnist is saying Turner has made an outcast of himself by simply leaving like Thomas Hovendon. They did not expect George to return "in the long run".

A story was printed about him in the *Bell's Life in Sydney and Sporting Reviewer*, in October 1847. It had a sketch, shown below, and was entitled "The Gentleman Jockey". George had ingratiated himself with the sporting society by supporting the races and being a jockey himself, "so far as compatible with his official duties".



Image 6: Sketch of George Cooper Turner

Image from Trove, NLA15

The reporter was right in that George did not return to Australia. George Cooper Turner was born in 1814 in Devonshire, England. He worked in NSW as the Crown Solicitor alongside John Moore Dillon, from 1839 until the end of 1849.¹⁶ After his foray in California, he went to China where he continued to work as a Crown Solicitor in Hong Kong. He died in Shanghai on the 2nd Feb 1861, he was only 47 years old.¹⁷

Escaping Tahiti

Despite seizing all of his assets in Tahiti, the creditors were not entirely satisfied. They still wanted to arrest Thomas, to return him to Australia, so he fled with nothing but the clothes on his back. In December of 1850, the *Sydney Courier* printed the story: -

ESCAPE OF HOVENDON FROM TAHITI

—Letters just received in Sydney give a graphic account of the escape from Tahiti of this accomplished swindler. He put off in a slight canoe (a heavy sea running at the time), to a large American ship bound to Valparaiso, and begged to be taken on board. Had the captain refused, Hovendon could not have made the shore again, and although the Captain was aware of the real character of the man who thus claimed his protection, and would, had the weather permitted, have landed him again, *perforce*, at Tahiti, humanity urged him to receive him on board, and doubtless by this time Hovendon is beyond the pale of British insolvent laws. Our informant says, that it was considered at Tahiti, that Hovendon had upwards of £12,000 secure, in specie, but we are somewhat disinclined to believe this statement. —*Sydney Courier*.¹⁸

It is difficult to say what happened to Thomas in the few years after he left Tahiti. His name was known around all waters and so he could not run a shipping business without being noticed. It was time to change career.

PART 2: WISCONSIN

19 - Councillors

The launch into local politics was a steady and measured saunter for the Bunsters. The people of Janesville had come from far and wide. There was no long-standing allegiance, to country or otherwise, that gave anyone an automatic ticket in. In fact, being Irish actually went against them on occasion. Building connections and developing a solid reputation was the only way into this circle, and that would take time and loads of their natural Irish charm.

H. B. Bunster and A. Hyatt Smith

The citizens of Janesville held a meeting on the 31st March 1853, to appoint committees to choose who would run in an election for various Offices in the Town Council. Two citizens from each ward were appointed to these committees to discuss the matter. Henry B. Bunster was appointed to be on the committee for the 2nd Ward; there were 4 wards in the town. The committees later reported back and A. Hyatt Smith was unanimously named to run for Mayor. After Smith satisfactorily addressed certain allegations that he had tampered with a recent charter in the legislature, his nomination was supported with three rousing cheers.¹

Abraham Hyatt Smith became the first ever Mayor of Janesville City. Given the support he had, Henry must have trusted Smith implicitly because he lent him money in 1854. Unfortunately, Smith did not repay the money and so he is now forever connected to the *Croft vs Bunster* case which is detailed in Chapter 23.

This monetary rift caused allegiances to change and in March 1855, Henry Bunster and Charles C. Cheney were in business together. These two men, and a great many other businessmen, all signed a request to Mr.

Edward L. Dimock Esquire, to run for the office of Mayor of Janesville. Abraham Hyatt Smith was not on the list as published in the *Janesville Gazette*.² Edward L. Dimock won the election and became Janesville's third Mayor.

H. B. Bunster and Charles C. Cheney

The Lafayette Insurance Company did not operate for long as the last advertisement for it appears on the 18th August 1856.³ Perhaps profits were low because Henry gave his banking customers an excessive number of choices. I suggest this because he allowed Charles C. Cheney to operate out of the Janesville City Bank in December of 1855. Cheney was a Director of Lafayette Insurance but he was also the "Northwest" insurance agent who represented nine different insurance companies apart from Lafayette.⁴

It would have been more profitable for Henry personally if he only allowed the sale of Lafayette insurance at his own bank. However, profits were not the aim of this joint use of the building. Charles C. Cheney was the Generalissimo of the Templar Knights of Wisconsin. Allowing the General the use of his premises, to make money for himself, was a quid pro quo for Henry to later become a Templar Knight. This one favour was a significant step forward into the politics and management of the town of Janesville.

Henry B. Bunster, Templar Knight

After having run Janesville City Bank for a few years, and allowing a certain Mr. Charles Cheney to use the premises, Henry was considered an upstanding citizen of the town of Janesville. His wife and daughter had come across from England to join him and, for all intents and purposes, he was an admirable family man. In early 1856 he became a Templar Knight. The Knights are leaders of the Masonic Order, a brotherhood where members support each other and do charitable community works. The Janesville Command No. 2 was officially constituted and its officers installed by their ancient ritual on the 12th November 1856. Sir Henry became the Captain General for Janesville, serving under Generalissimo Cheney: -

JANESVILLE NO. 2. A dispensation was issued on the twenty-ninth day of June, 1856, by Most Eminent William

B. Hubbard, Grand Master of Knights Templar for the United States, to Eminent Erastus Lewis, Commander; Sir Charles C. Cheney, Generalissimo; Sir Henry B. Bunster, Captain General, and others, authorizing them to open and hold, Janesville Encampment at the city of Janesville, Wisconsin. By virtue of such authority, said encampment was, on the thirty-first day of July 1856, opened in due form, by Eminent Henry L. Palmer, Commander of Wisconsin Commandery No. 1, Milwaukee, Wisconsin, and other Sir Knights from Commanderies in the United States. Three Sir Knights were created up to the day of the convening of the General Grand Encampment of the United States, in the month of September, A. D. 1856, when said dispensation was returned, and a charter granted to Janesville Commandery by the General Grand Encampment, on the eleventh day of September, A. D. 1856, authorizing and recognizing the same; and Most Eminent Grand Master Hubbard, appointed Eminent Thomas Sherley as his proxy, who assembled and met the Sir Knights and members of Janesville Commandery No. 2, at the Asylum on the twelfth day of November, A. D. 1856, and constituted Janesville Commandery No. 2 of Knights Templar, and installed its officers according to the ancient ritual...5

Joining the local charitable group gave Henry access, as a brother, to all the respected and wealthy men of Janesville. It would help him to influence decisions that would be best for his own interests as well as the town. It also provided a certain degree of integrity and substance to his persona when he presented investment opportunities to the locals.

Arthur on the Council

The first dabbling into politics for Arthur Bunster happened when he was appointed to the Janesville Town Council in April 1857.⁶ Arthur was elected to represent the 6th Ward. When Henry was involved in the 1853 elections there were only 4 wards, so the town had grown quite a bit in those

few short years.

Arthur actually put a great deal of effort into this job. In June 1857 he presented a petition for the grading of Hickory street in his Ward.⁷ Then, in November that year, Arthur requested that some Council money to be given as a charitable gesture to a Mr. Wilkinson. The elderly Mr. Wilkinson was suffering badly after having fallen and broken his leg on a city sidewalk. This was before lawsuits for accidents were commonplace and it was possibly Arthur's first attempt at a truly altruistic gesture. Other councillors argued against it because, in their opinion, poor people didn't live in the city, they only lived in the country. The final, and less insulting, argument presented was that relief for the poor was a County responsibility and outside the scope of the City Council.⁸

The reporter of the story added his own opinion in brackets at the end. Wherein he stated that he had good information to say that Mr. Wilkinson was drunk at the time of the accident. He suggested that the person who sold him the liquor should look after him until he got well. He thought this was such a clever idea that the debating societies should argue the question. He also urged that the public should think hard about the possibility. The reporter may have been ahead of his time with what we now know as the Responsible Service of Alcohol but it was pointless postulating. In spite of all this impractical cleverness, poor old Mr. Wilkinson received no help from him or the city. Only Arthur issued orders to help the man.⁹

In November of 1857, Arthur was sitting on the Finance Committee. His role was to decide how much money was needed to be raised by local taxes, to accommodate both the orders already issued by the Council and the normal expenses for the upcoming year. The other members of the committee were Mr. Vermilye, of the Janesville City Bank, and a Mr. Hutson.¹⁰

On the 11th December 1857 a list, detailing Council expenses, was printed in the *Daily Morning Gazette*. It showed that Arthur W. Bunster was paid \$6 for his work overseeing the elections and rents for the City Council.¹¹ Arthur was steadily becoming more involved in local politics. This was the training ground for his later service for the people of Canada.

Sir Henry for Mayor

Sir Henry B. Bunster had become so well known and respected that it was fitting that he ran for Mayor in 1858. He was given a rousing reception in a packed-out hall of the “Peoples Meeting” on the 31st March 1858. This is where a ballot was to be held to choose who would run as the Democratic Candidate for Mayor.¹²

Bill Dimock nominated Henry to run against his old cashier John Vermilye; who had already been working on the Council with Arthur Bunster. After a highly excited election process with cheers filling the room at times, apparently to let off steam, the tellers announced the result. Of the 403 votes cast, Bunster had 267 and Vermilye had 136, a clear 131 majority for Henry B. Bunster.¹³

When Henry was proclaimed as the town’s Democratic Candidate, the hall broke out in a roar of acclamation which was described in a poem by the reporter.¹⁴

The lines he quoted are from *The Lady of the Lake*, a poem which includes a battle between several clans near Loch Katrine in Scotland. It was written by Sir Walter Scott in 1810. The lines he quoted are: -

At once there rose so wild a yell
Within that dark and narrow dell,
As all the fiends from heaven that fell,
Had pealed the banner-cry of hell!¹⁵

With such a passionate group of people backing Henry, all looked good for a positive result. However, Arthur was not so certain of the integrity of the election process. In Ward 4, Alderman Vermilye, who had run for nomination for Mayor, was given the key to the sealed ballot box. Arthur was naturally concerned and he demanded that he put his signature on the seal, which the aldermen agreed to. Alderman Hume was given the ballot box to hold overnight until counted the next day. Arthur, who was normally an overseer of elections, requested to accompany Hume to watch the box overnight. Hume would not allow that because Arthur’s brother was a candidate. That being refused, Arthur then asked that the box be placed in Hume’s window so that he could stay up all night and watch the box until

the counting began. This was again refused. Interestingly, the reporter of this story commented that he personally didn't like the class of the voters who predominately lived in the ward, and he was against Arthur for allowing them to live there.¹⁶

Unfortunately for Henry, despite all of the screaming at the nomination night and all of his brother's attempted precautions, he lost the election. Henry was beaten by the Republican Candidate, William A. Lawrence. In a mix up by the Madison press over the Mayoral election, it was printed that A. B. Bunster was defeated by Lawrence.¹⁷ It was of course H. B. Bunster, Henry.

On the 8th April, the *Janesville Morning Gazette* ran a story saying that Lawrence, who ran as a Republican, had also received the votes of many Democrats *because* Henry was Irish. It was implied that Irishmen were not well regarded at that time by Americans. This was in keeping with the attitude in the earlier report with its snide comment about the class of people in Ward 4. The current report also called for an investigation into the 4th Ward; the Ward that Arthur was very concerned about. Apparently, that Ward appeared to have imported votes because 554 votes were counted when the normal amount was less than 450.¹⁸

The result of the vote stood and Henry Bunster's tilt at a political office was over. He stuck to his business dealings after that. Arthur on the other hand, who must have been angry over the interference with the ballot box in his Ward, became hungry for more.

PART 3: CANADA

25 - Militia Court

Young Nicholas Bunster was in the militia in Canada and he had missed his drill duty whilst Arthur was out of town. Arthur had just returned one Sunday from a session of sitting in Parliament. The very next morning, he fronted up in court to represent his son. Arthur had not ever practised as a lawyer, and I have found no proof that he had ever even studied the law. However, this triviality did not stop him standing up to be heard whenever he wanted to be. In this case, his 18-year-old son was in trouble and Arthur insisted on being heard by the local magistrate.

The newspaper gave quite a funny report of the event which showed the spirit of Arthur when he had an audience. Both events were reported in the newspaper on Tuesday the 5th April 1881. In a tiny “Parliamentary” section at the bottom of column 1 on page 3, it was stated that “Senators Macdonald and Cornwall and Messrs. Bunster and McInnis returned from Ottawa Sunday.” The Militia case was in columns 2 and 3 of the same page.¹

Cases were summarized in these reports and so some of the questions and answers appear to be quite odd. It is presented here as it was in the newspaper, with all typographical errors and without any attempt to correct obvious omissions. Nonetheless, the changing moods in the court room are quite obvious and the essential details are included. Both Bunster and Dupont butted in on each other during the hearing and made statements during questioning, all of which make it a little difficult to follow sometimes. Throughout it all, Arthur Bunster was not happy with the general behavior of Captain Dupont, and the same could be said in reverse. The Magistrate was not happy either, but he was trying to accommodate all parties. The names have been emboldened at the beginning of each part for ease of reading: -

THE MILITIA ACT

An Amusing Test Case in the Police Court Yesterday.

Nicholas Bunster was summoned by Capt. Dupont for neglecting to attend drill after having been duly notified to do so on 1st April at 7:30 p.m.

Mr. A. Bunster, M. P., appeared for his son, the defendant, and pleaded ignorance on his part. He therefore put in a plea of not guilty.

Capt. Dupont here made a remark to the Court which was inaudible to Mr. Bunster, who requested Capt. Dupont to speak out, as he wished to hear what was said.

Capt. Dupont had no idea of being bullied in Court.

His Honor did not intend to allow any bullying in the Police Court on either side.

Capt. Dupont, on being sworn, testified to the correctness of the information laid, and read the section of the Act under which he had laid the charge. He would show that the defendant had neglected orders on numerous occasions and specified several of them; one was a written order to the acting adjutant commanding every member to attend drill; a notice was also published in *The Colonist* newspaper for parade, and at that parade an order was read for drill every subsequent Friday evening.

The roll of admission was then read and put in as evidence, in which the defendant agreed to comply with all the rules and regulations of the Victoria artillery corps.

Mr. Bunster claimed exemption on the part of his son and proceeded to address the Court on Capt. Dupont losing his temper.

His Honor could not admit of Mr. Bunster saying anything about Captain Dupont's losing his temper. He must confine himself to asking questions.

To Mr. Bunster — Did give personal orders to other members.

On another question being put, Mr. Bunster insisted on the witness answering his question.

Witness had never insisted on the defendant's attending drill when sick; a doctor's certificate was always accepted.

Mr. Bunster did not wish to ask the witness any other question, but desired to address the Court. He was willing to let the case rest on its own

merits.

His Honor intimated that he would hear Mr. Bunster after Capt. Dupont's evidence was closed.

Mr. Bunster here asked the witness as to whether he had not intimated a wish that the case might be settled without coming into Court?

To this **Capt. Dupont** replied that no application had been made till within a few minutes of the case being heard and then in an insulting manner on the part of Mr. Bunster.

This **Mr. Bunster** denied.

Charles Mellor sworn — Was Sergt-major of the battery; was present at the first parade this spring.

Mr. Bunster here wished to address the Court again when **Capt. Dupont** said he would have to go into the witness-box again on a certain point.

Mr. Bunster — I am addressing the Court, sir; not you.

Witness proceeded — Called the roll on Friday evening last; the defendant did not attend the drill on the occasion complained of; he has not been at a drill at all this spring; has only attended about three times during the last 18 months.

Mr. Bunster called the attention of the Court to the keen manner in which his boy had been watched by Capt. Dupont. It was a case of persecution of his boy, and why it should be so was more than he knew. He wished to throw the case on the mercy of the Court. His boy had charge of his mother and brothers and sisters during his father's absence from the province. That was better than attending drill. He was willing now to comply with all the requirements of the corps.

Capt. Dupont — After Mr. Bunster's apology —

Mr. Bunster (leaping to his feet) - I made no apology. I deny it. I deny it.

A copy of *The Colonist* was here put in.

Mr. Bunster— Did you purchase that paper at *The Colonist* office?

Capt. Dupont — No.

Mr. Bunster — Do you swear that is *The Colonist*?

Capt. Dupont — Yes.

Mr. Bunster — Did you see it printed?

Capt. Dupont — No.

Mr. Bunster — Then I ask that an objection be noted. How do you know it is *The Colonist*?

Capt. Dupont — I assume it to be.

Mr. Bunster — Put that down, your Honor! Put that down! He *assumes* that that is *The Colonist*. That is not evidence, is it?

Capt. Dupont said he was responsible pecuniarily for the property of the corps. Nicholas Bunster received an entire uniform and outfit of the Victoria Artillery, and he had persistently refused and neglected to attend drill.

The Magistrate said that that matter must be settled elsewhere. Mr. Dupont's course in coming here required no justification. He simply did his duty.

Capt. Dupont then asked that the law be enforced.

Mr. Bunster said he was at the mercy of the Court. The prosecutor had shown great temper.

The Magistrate — You are not serving your son by your course.

Mr. Bunster said that the youthful indiscretions of his son should be looked over. He was attending to his sisters and his little brothers while he (Mr. B.) was absent at Ottawa attending to his parliamentary duties.

The Magistrate — That is spoken in a proper spirit. You should say that you are sorry for the omissions of your son. I don't want to send him to gaol for 40 days.

Mr. Bunster — If you think the ends of society and justice would be served by sending my son to gaol for 40 days you had better do it. He is a good, obedient lad and I am proud of him for looking after the family while I was absent.

The Magistrate — Come, come, Mr. Bunster, your son has not obeyed his commanding officer and he must be told that he has done wrong. If he wishes to retire from the corps and send back his clothes —

Mr. Bunster — Your Honor, he's proud of his clothes — he is proud of being a soldier of her Majesty. I will not apologize.

The Magistrate — Then I'll have to impose the fine of \$5.

Mr. Bunster — If it's \$5 or \$50 I'll pay it.

The Magistrate — He must obey his captain.

Mr. Bunster — I'm his captain. He obeyed my orders and I'll pay the

money. Where honor and dignity are concerned, there can be no concession or apology. He was filling my place while I was at Ottawa.

Capt. Dupont said that Nicholas Bunster had not asked permission to absent himself from duty and that he persistently refused to give up his uniform, etc.

Mr. Bunster declining to apologize, a fine of \$5 was imposed and promptly paid.²

Thoughts on the interactions

At the beginning of the case, Dupont snickers at Bunster but then acts innocent and claims that he was being bullied. Bunster attempts to have the Court address what he believes was a personal insult, but the Magistrate continues to draw attention back to the case.

Listening to the voices of these characters, both men have clearly got ego issues with each other. Neither will give in until the other one apologizes. I have a suspicion that their personal enmity went beyond Nick not turning up for militia training.

It is clear from the questions that Arthur thinks Dupont is personally attacking Nick, because others were not expected to rely on the newspaper to be told when to turn up at drill. Clarifying the copy of the paper is actually *The Colonist* is the funniest interaction I have seen for Arthur. Of course, he is full of bluff and bluster with it but he knew how to attract the attention of the room. It must have been easy for Arthur to declare that he had studied law at Trinity College in Dublin, because he could talk his way around anything.

Interestingly, at the end of the theatrics, when the Magistrate threatened to put Nicholas in gaol for neglect of duty, Arthur revealed what I think were his deeply personal thoughts on family and honour. He had great love for his wife and children and he put his family's safety and well-being above all else, so he ordered Nicholas to stay close to home to protect them. He also put great stock in personal honour and dignity: "where honour and dignity are concerned, there can be no concession or apology". He believed Nicholas was behaving honourably by filling his post in looking after the family whilst he was away at Parliament, and neither he nor Nicholas would

apologize for that.

In the end the Judge sided with Dupont in saying that Nick should have attended the drill. However, the Judge would not enforce Dupont's wish to disgrace Nick by taking his uniform from him. Ultimately the charge was not too serious as it was all washed away with a \$5 penalty. This was enough to allow Arthur the dignity he wanted to maintain his moral position about personal family duty being an imperative. Clearly the Judge worked hard to allow all parties to retain their personal dignity above anything else.

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The following photo of Arthur was taken in 1876. It is one of many official photos taken for members of Parliament. Given that it was taken just six years before the Militia Court case, he would have had a similar look: -

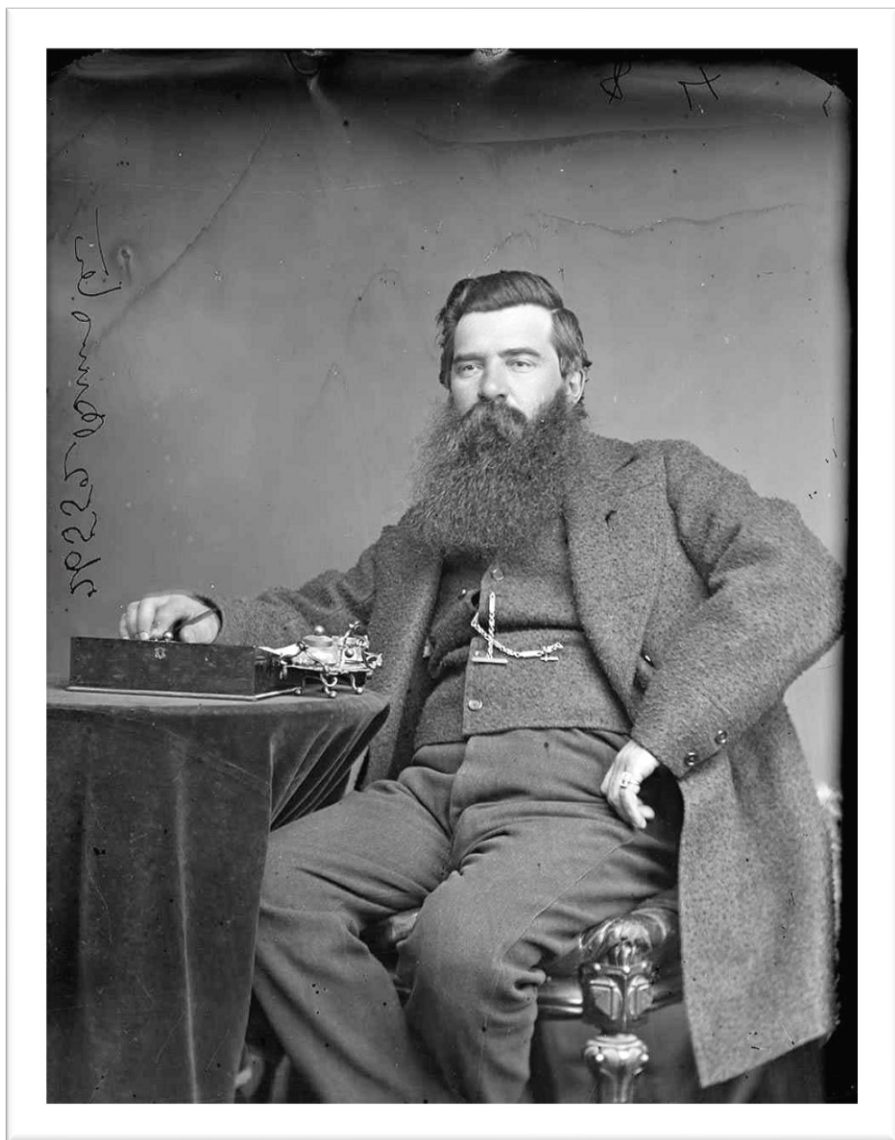


Image 21: Hon. Arthur Bunster, M.P., (Vancouver), April 1876

Source: Library and Archives Canada/Topley Studio fonds/a033428in 3

Endnotes