

ANDREW MACNAUGHTON: GEELONG'S FIRST PUBLICAN

By **Ken McNaughton**

The first liquor to be served in a public house in Geelong, the second largest city in the state of Victoria, was on April Fool's Day, 1839. The name of Geelong's first publican was Andrew Macnaughton.

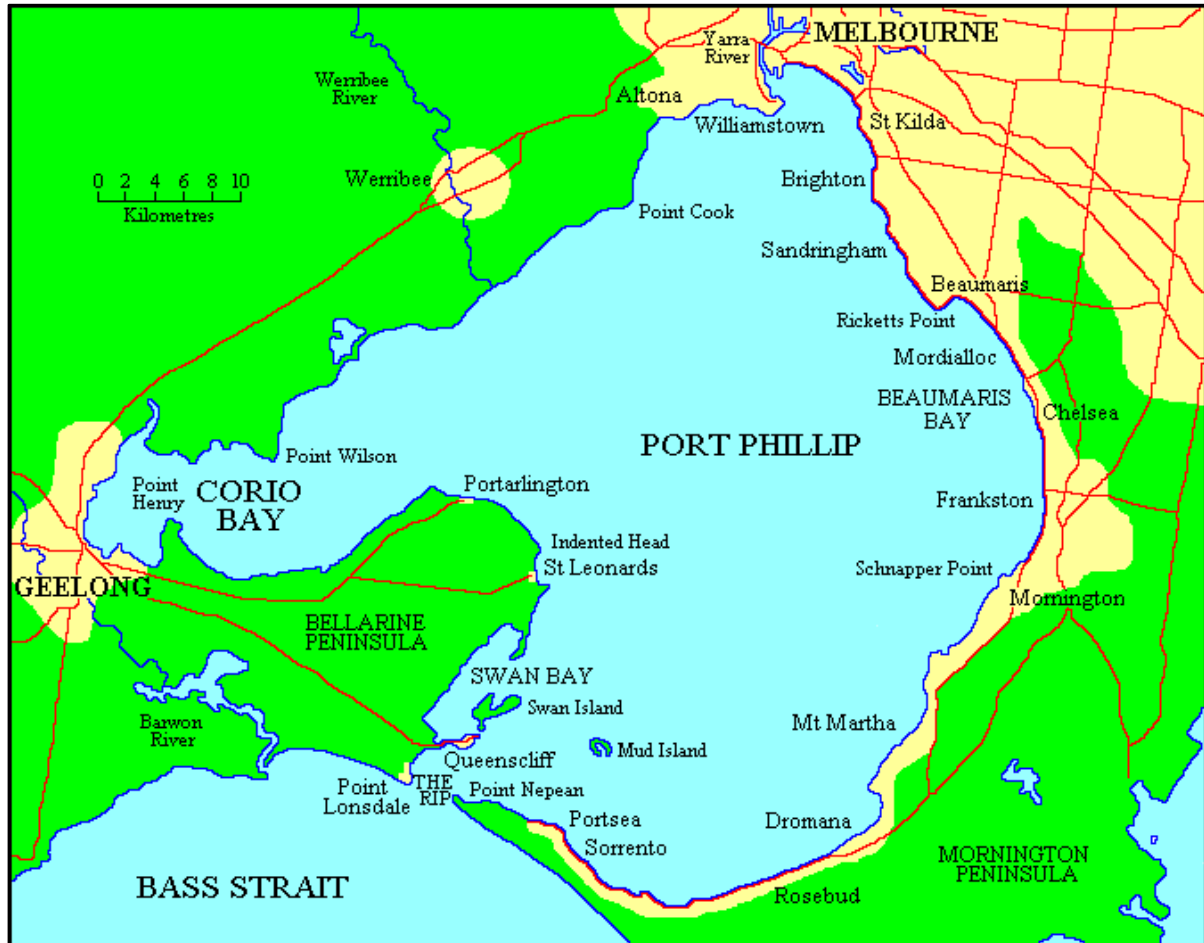
When William Lonsdale arrived in Melbourne as police magistrate toward the end of 1836 he found that three people had established unlicensed public houses [1]. He issued temporary licenses for £25 each. These were validated by a retrospective Act in 1838. For the year June 1837 to June 1838 in Melbourne, licenses were issued for six public houses, where the licensee could supply accommodation and retail spirits. In June 1838 it was decided to establish towns on the road between Port Phillip and Yass, where the road crossed the Goulburn, Violet Creek, The Ovens and The Murray; it was also decided that at those locations, places of entertainment should be established. In September 1838 an application was made for a license to keep a public house at Werribee, halfway between Melbourne and Geelong. In November 1838, twenty-one settlers in the Geelong area signed a petition to establish a licensed house, since they had frequent occasion to visit the Corio area to procure supplies. They suggested a licence be granted to the first respectable applicant. No doubt the person they had in mind was Andrew Macnaughton.

On 21 November 1838, accompanied by a recommendation from James Simpson, who was a Justice of the Peace in the district of Geelong, Andrew Macnaughton made application to Captain Foster Fyans, police magistrate. "Having built a house at Corio for the purpose of an Inn and general accommodation, I take the liberty to inform you that it is now ready to be opened, and beg to request that a licence may be granted to me for that purpose." On November 26th Fyans sent the application to the colonial secretary and said, "... the applicant has expended a sum of money in erecting a suitable place to entertain travelers, and in my opinion he is a respectable and well conducted man. As this is the first house of the kind to be built in Geelong ..." The Governor, Major George Gipps, responded on Christmas Day 1838, "Let a licence be granted under the provision of the new Act." On 13 April 1839 Lonsdale sent £6 5s 0d to the colonial treasurer for Andrew Macnaughton's general license to cover the period 1 April to 20 June 1839. On 1 May 1839 a wine and beer licence in the Geelong area was approved for Frederick Champion, which enabled him to also handle bulk spirits.

A large number of conditions were attached to the granting of licenses. It is doubtful whether even the best intentioned innkeeper could observe all of them. Offences connected with liquor were fewer in Geelong than in Melbourne. Andrew Macnaughton is mentioned several times in the Geelong Court Register 1838-9. There was an incident on the very first night, resulting in the dismissal of a police clerk involved. Andrew Macnaughton stated in the register on 3 April 1839:

"That on the night of the 1st instant, Mr. [Charles H.] Seymour Wentworth [police clerk of the bench, Geelong] took [Police] Captain Fyan's letters from a constable who arrived from Melbourne, and rode to Captain Fyans. He returned to my house after 9 o'clock and

said the licence was come and said you are perfectly safe in allowing drink to be used. So for the first time in my house, there was some brandy, champagne and wine used in a public way. After 11 o'clock the constable came and cleared the house. Mr. Wentworth was there enjoying himself. After the house was cleared, Mr. Wentworth remained and left my place about 1 o'clock in the morning. I would not have opened my house only for Mr. Wentworth and he was solely the cause of my doing so."



Apparently Fyans told Wentworth he would issue the license in the morning, but Wentworth gave Macnaughton the impression it had already been issued. Fyans reported previous poor conduct by Wentworth, who was forced to resign. Wentworth took it badly, rode on horseback to the police station on May 1st, asked to see chief constable McKeever and threatened police magistrate Fyans. It appears Macnaughton may not have been all that innocent. He was summoned to court on September 23rd, but did not appear. Constable Job Williams testified:

"That on Friday 20th instant I was on duty at North Geelong. I cleared the Public House excepting the lodgers at nine o'clock. I visited again at about half past eleven o'clock. I heard singing and tumult. I went to the door, I was not admitted. Mr. Macnaughton was singing in the parlour with some company. I sent for him and told him that it was improper to be making such disturbance. He said that he could see no harm in it, that he had as good a right to do so as others (saying Mr. Smith and Mr. Harper of Melbourne). I

saw Mr. Timms who resides close to the Public House. He was one of the party and not a lodger.”

George Smith was the third person to be granted a license in Melbourne. William Lonsdale recognized three such people who were already serving liquor in his letter of 1 November 1836 to the colonial secretary. William Harper was granted a license there on 28 June 1838. Constable George Lee testified:

“I accompanied Constable Williams on Friday night. Mr. Macnaughton’s public house was cleared at nine o’clock excepting the lodgers. About half past eleven o’clock we were again going rounds, we heard a great noise towards Macnaughton’s. We went up and knocked at the door, his servants opened it. I saw Mr. Macnaughton in the parlour with a large party drinking, a Mr. Wentworth and a Mr. Brown and several others ...”

Lee and Williams of course would coordinate their testimonies. It seems Wentworth, the disgraced former police clerk of the bench, could not resist a party. Macnaughton was fined £2 and costs of 4s 6d. He did appear in court on December 4th or 5th, again charged with having his house open after hours, on the night of December 3rd, in defiance of the Act 51 of Council, to which charge he pled not guilty. Lee testified:

“That on the 3rd instant about ten o’clock, I visited the Public House at night. Mr. Macnaughton was singing in the parlour. I sent for him. The District Constable told him that he must be aware that he was not allowed to go on in that manner. He said he considered that he has as good a right as Smith in Melbourne, to keep his house open until 12 o’clock at night, ‘the tap was clear.’”

Macnaughton stated “That I had a party and gave them some drinks, and a charge for some spirits after nine o’clock was made by me.” This time he was fined the same amount, £2, but costs increased to £2 2s 6d. It seems there was some resentment that people could drink in Melbourne until midnight but only until nine o’clock in Geelong. I am reminded that, when I grew up the Burwood 1940-1963 the entire Camberwell area was dry, with no public houses. Elsewhere the pubs all closed at six p.m., resulting in the famous “six o’clock swill,” when workers raced to drink as much as possible in the limited time after they finished work at 5 p.m. Hours were extended in New South Wales in 1955 and in Victoria in 1966. Geelong was gazetted as a town on 10 October 1838 with a population of 545. There was a church, a hotel, a store, a wool store, and 82 houses.

REFERENCES

1. “Historic Records of Victoria, Foundation Series, Volume 4: Communications, Trade and Transport 1836-1839,” Eds. Michael Cannon and Ian MacFarlane, Victorian Government Printing Office, Melbourne 1985, Part III The Liquor Trade, 389-486.

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