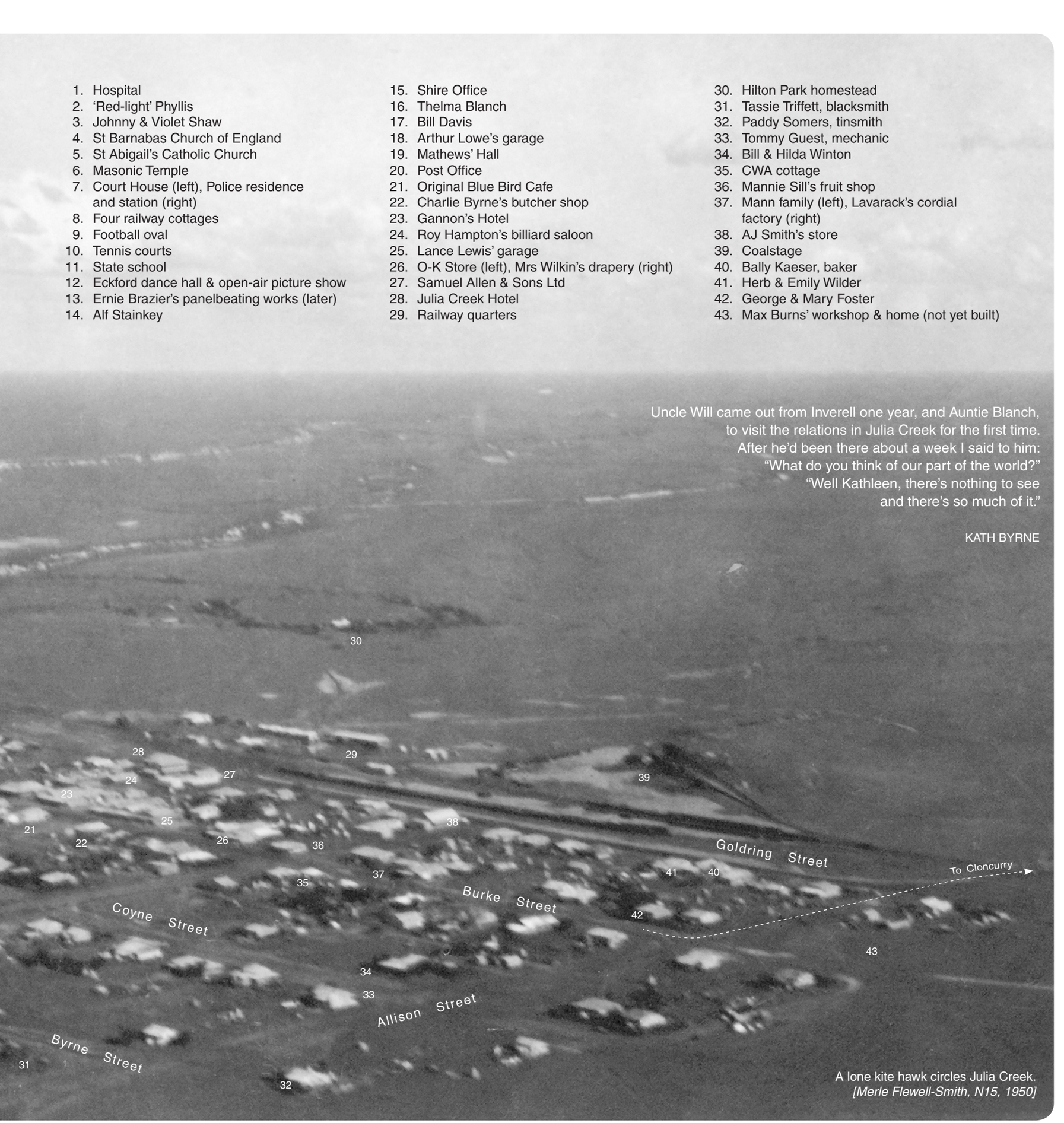
A map of the Julia Creek district showing surrounding properties is printed on the end paper.

1. Hospital
2. ‘Red-light’ Phyllis
3. Johnny & Violet Shaw
4. St Barnabas Church of England
5. St Abigail’s Catholic Church
6. Masonic Temple
7. Court House (left), Police residence and station (right)
8. Four railway cottages
9. Football oval
10. Tennis courts
11. State school
12. Eckford dance hall & open-air picture show
13. Ernie Brazier’s panelbeating works (later)
14. Alf Stainkey
15. Shire Office
16. Thelma Blanch
17. Bill Davis
18. Arthur Lowe’s garage
19. Mathews’ Hall
20. Post Office
21. Original Blue Bird Cafe
22. Charlie Byrne’s butcher shop
23. Gannon’s Hotel
24. Roy Hampton’s billiard saloon
25. Lance Lewis’ garage
26. O-K Store (left), Mrs Wilkin’s drapery (right)
27. Samuel Allen & Sons Ltd
28. Julia Creek Hotel
29. Railway quarters
30. Hilton Park homestead
31. Tassie Triffett, blacksmith
32. Paddy Somers, tinsmith
33. Tommy Guest, mechanic
34. Bill & Hilda Winton
35. CWA cottage
36. Mannie Sill’s fruit shop
37. Mann family (left), Lavarack’s cordial factory (right)
38. AJ Smith’s store
39. Coalstage
40. Bally Kaeser, baker
41. Herb & Emily Wilder
42. George & Mary Foster
43. Max Burns’ workshop & home (not yet built)

Uncle Will came out from Inverell one year, and Auntie Blanch,
to visit the relations in Julia Creek for the first time.
After he’d been there about a week I said to him:
“What do you think of our part of the world?”
“Well Kathleen, there’s nothing to see
and there’s so much of it.”

KATH BYRNE




A lone kite hawk circles Julia Creek.
*[Merle Flewell-Smith, N15, 1950]*

This page won’t be printed.

Imposition details on page 817.

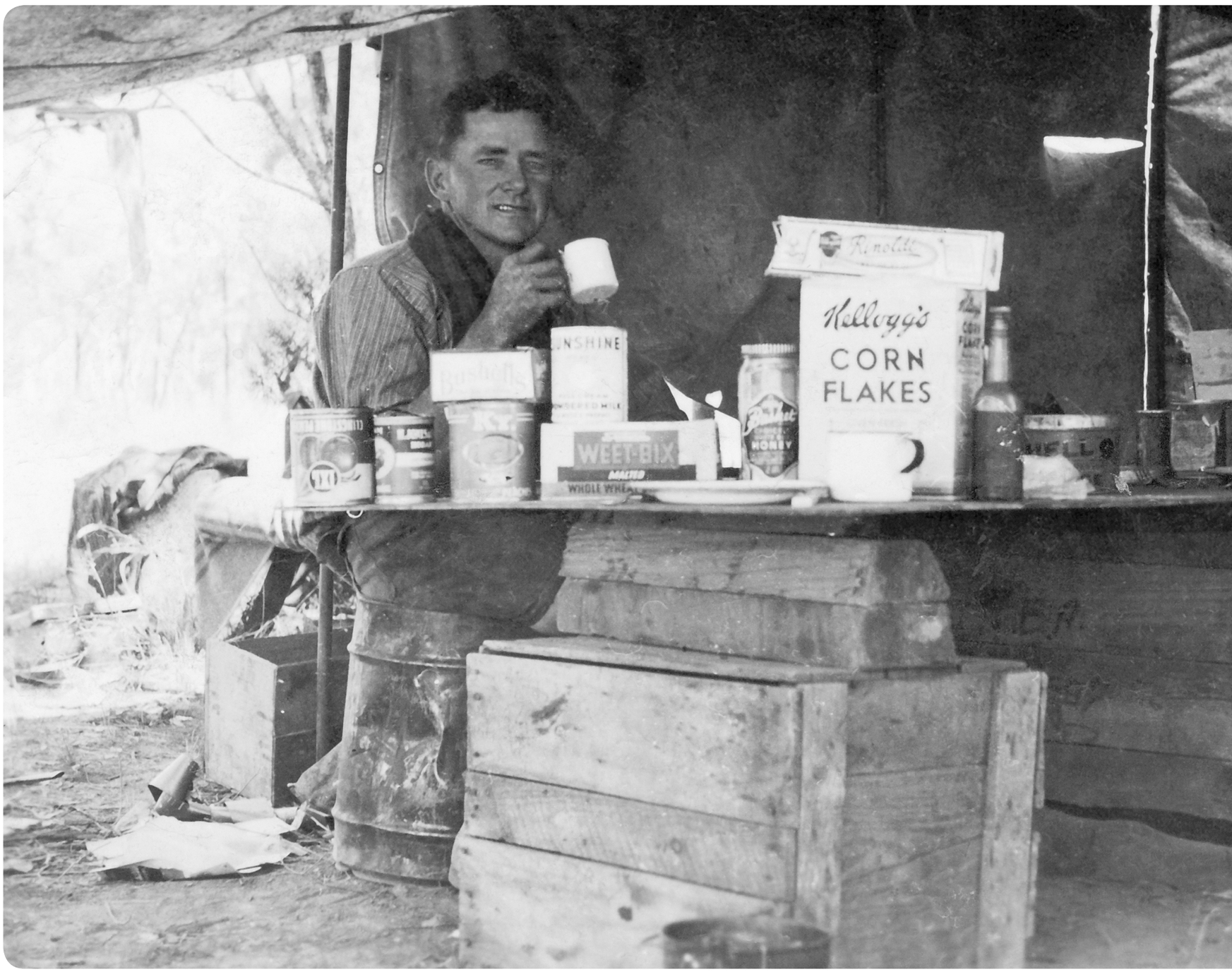
**Above**: Front and back cover of the Blue Bird Cafe menu.
The inside of the menu is on page 258.
*[Harry Liaros, LH05, ca 1964]*

Fear no more the heat o' the sun,
    Nor the furious winter's rages;
Thou thy worldly task hast done,
    Home art gone and ta'en thy wages;
Golden lads and girls all must,
    As chimney sweepers, come to dust.

Shakespeare

Outside the Blue Bird Cafe, Burke St, Julia Creek,
5.35 PM, Friday 6th September, 1957:
a little boy comes to dust.
Story page 764.

P RIRL




**Above**: "The boys snap the boss having his dinner."
My grandfather, Max Burns, tanksinker,
Clermont area, North Queensland.
*[Joy Burns, J60, ca 1946]*

"You couldn't get Kellogg's Corn Flakes when the war was on. It was only when the war was over did all those things come available again."
(Barry Burns)

Printed on a Xerox iGen3, November 2009,
on Saxton Chardonnay 115 GSM paper
in a limited edition of 40 copies.

For details of how to purchase a copy of this book,
or to download a free PDF version, visit
*http://sites.google.com/site/tanksinker*.

Guy Burns asserts his rights to be identified as the author.

# COME TO DUST

## A Work in Three Parts

Book One

# Tank Sinker!

## The Story of Max Burns & Julia Creek

Book Two
*Bad Penny*
The wartime love letters of Ned Flewell-Smith

Book Three
*Tuppence For Tuppence*
The story of Jill Burns and her betrayal

What year did you become interested in earthmoving --- 8th October 1940 was when I first started off in tractors.

What happened on that day --- I took delivery of this tractor.

Why did you mention the 8th October. What is the significance --- I always remember that day because that was the day I went out officially contracting for money. But before that, to get a little bit of experience and know something about what I was taking on, I practised earthmoving on my own property where no one could see me.

That date is fixed in your mind because that was the date you started your rise to wealth --- Yes.

Max being questioned by the Official Receiver,
Supreme Court, Brisbane, 17 August 1961.

**Below**: The only photo of Max on a tractor, a Cletrac BDH, putting in fluming in the Julia Creek area. A part of the completed tank is just visible on the left of the photo. A Cletrac FDE is on the right. The lettering on the horizontal arm of the BDH reads: "Max Burns, Earth Moving Contractor"
*[Erol Davis, DE18, ca 1951]*

"That's Max there. Of course it is. I recognize him. He's on a little dozer and he's covering the fluming. When the water outside the tank rises up during flood time, it runs through that pipe into the tank.

Very seldom Max ever come out on the job – and he wouldn't hang around long when he did come out."
(Freddie Holznagel)

Throughout all your business activities you have used your creditors always to the fullest extent, haven't you? --- Yes, I have. That's very true.

In other words, you have used the Taxation Department, by keeping them at bay as long as you possibly could, to acquire assets; and you have used your other creditors to the fullest extent --- Yes, and my creditors were quite happy to let me use them too.

H.C. Sleigh couldn't have been very happy because they were the petitioning creditor --- I am talking about the earlier years. I think Sleigh's action was very ill-timed. Had they taken their time, most of the creditors would have got their money.

The position is this: you could never have acquired these assets which, through the years, you did acquire, if you had met your tax commitments and paid your creditors when they were entitled to be paid --- That's probably right.

Max being questioned by the Official Receiver, Supreme Court, Brisbane, 17 August 1961.

**Below**: Some of Max's assets (purchased with unpaid tax) at work: two Cletrac FDEs towing Britstand C14 scoops, sinking a 12,000 cubic yard tank on Belford Station near Winton. Cecil Willis, the foreman, is driving the crawler on the left, which is actively scooping on the downward run into the tank. The crawler and scoop on the right have finished a scooping run and are moving out of the tank to dump a load of dirt (14 cubic yards) on top of the bank. Just visible on the left skyline is a ripper, used for ripping the ground before the scoops move in.

The boy in the foreground is Beven Flewell-Smith, Max's nephew. The man on the right is Ivor Matsen, a new member of Max's team who was about to begin his short-lived apprenticeship as a tanksinker (page 507). Both were part of a convoy of Max's workers and equipment which had travelled up from Brisbane. Beven and his family were on their way to Balootha (page 481); his father had been employed by Max to build a homestead on the run-down property.

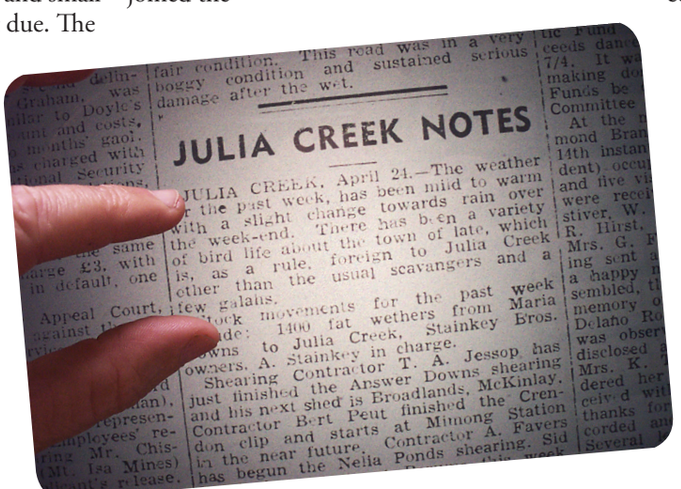
*[Merle Flewell-Smith, N06, May 1950]*

# Introduction

I was Max Burns' first grandchild and I should have been born in Julia Creek, but I wasn't. The Julia Creek Hospital was in between doctors in January 1958 when I was due, so Mum went to Cloncurry.

My parents, Don and Jill Burns, lived on the corner of Burke St and Allison St[1] in a small fibro house, the front part of which was a showroom for cars being sold by my grandfather. Max had an engineering workshop[2] further along Burke St at the extreme western end of town and he had been selling cars from a showroom there, but the location fell outside the main sweep of traffic. People driving through town along Burke St on their way to Cloncurry, turned left at Allison St before they reached the workshop and therefore missed seeing the cars on display. Max was losing potential customers and so the showroom was relocated to the corner; and it was in the house behind the showroom that I spent the first 12 months of my life.

The Burnses had no connection with Julia Creek before 1947. In that year Max drove west from Charters Towers looking for tanksinking work, and found it in large measure on Clio. It was a lucrative business. Soon, money came gushing in like flood water filling a dam through a fluming pipe. Cash rained into Max's cupped hands, and just as quickly drained through his fingers into hotels, cattle properties, two homes, multiple blocks of land, the golf course and convent at Julia Creek, and women – anywhere but the Tax Department. Towards the end of Max's golden years, his everyday creditors – businesses large and small – joined the Tax Department in not being paid their due. The Tax Department was willing to wait but the other major creditors were not, and in 1959 my grandfather was bankrupted by the fuel company H.C. Sleigh. They were the instrument by which he entered bankruptcy, but of course the real reason was that he was a country boy with a pocketful of money at a city fair; a man new to wealth who was unable to restrain his urge to spend.


JULIA CREEK NOTES

JULIA CREEK, April 24.—The weather
the past week, has been mild to warm
with a slight change towards rain over
the week-end. There has been a variety
of bird life about the town of late, which
is, as a rule, foreign to Julia Creek
other than the usual scavangers and a
few galahs.
Stock movements for the past week
ade: 1400 fat wethers from Maria
owns to Julia Creek, Stainkey Bros.
owners, A. Stainkey in charge.
Shearing Contractor T. A. Jessop has
just finished the Answer Downs shearing
and his next shed is Broadlands, McKinlay.
Contractor Bert Peut finished the Cren-
don clip and starts at Mimong Station
in the near future. Contractor A. Favers
has begun the Nelia Ponds shearing. Sid

Because of the impending bankruptcy, all the Burnses living in Julia Creek (Max, his wife Marj, his sons Don, Barry, Mal and Butch, and Mum and I) left during 1959. Who now can know the real reason for the mass departure? Marj offered three in her testimony[3] before the Supreme Court during Max's bankruptcy proceedings: "I had a sun complaint (you can see the scars) and I was advised to leave the west"; "My son, Donald, was very keen on a hotel"; and "All we were looking for was to get away from the Julia Creek climate and live a little decently". No mention of what was almost certainly, in Max's case, the real cause: to escape the awkward situation of being a bankrupt and living among people to whom you owed money – and with no intention of repaying them – while still retaining access to wads of money yourself. Enough money[4] for the Burns family (except Barry) to buy into the flashest hotel in Lismore. Bankrupt economically and morally, Max would have been a social pariah had he remained in Julia Creek. Small-town mores compelled the Johnny-come-lately Burnses to move out.

Max left Julia Creek in August 1959. He died in 1979, parted from his wealth, separated from his wife, and divorced from Julia Creek. This book began as the story of the man and the town in the happy years they were together. In the telling, the story grew beyond those constraints to become a history of the man, of the town, and of tanksinking in the surrounding district prior to 1960, the end date being chosen to coincide with my grandfather's departure.

One of Max's legacies is his bankruptcy record which runs to almost 500 pages of court transcripts. Not only Max, but his wife and two eldest sons were subpoenaed to answer questions about where all the money went. Max's story begins on page 15 with the transcript of his first day in court.

While researching this book, I sat in on a debate entitled "All History is Fiction" during a writer's festival at Southbank in Brisbane. The title should have been "All *Interesting* History is Fiction". The argument from the affirmative side was that written history (unless it consists solely of a list of indisputable dates and events – *boring* history) requires interpretation by the author to make the history interesting; and the process of interpretation, the 'livening-up' of the story, introduces fiction to some extent. The fiction is dishonest if the story is distorted to fit a certain political view, or for other dubious reasons. The fiction is honest, and we give it the name 'history', if the basic historical facts are retained and the fiction seeks only to embellish, to bring alive for the reader, what otherwise might make for dull passages.

Although, above, I called this book a history, it is largely honest

fiction. It is oral history of events remembered from many years ago – events each person truly believes happened as described – but the events, often personal, cannot be verified from other sources and are subject to memory distortion. For instance, occasionally I heard accounts of the one event from different people, accounts which differed significantly from each other[5]. There was no fabrication; the varied memories had simply evolved in different directions over the years and had unintentionally drifted away from the facts. Anyone who believes they can recall events from 50 years ago with perfect accuracy, or even within cooee of it, is practising self-deception.

Stories that are verifiably wrong or which seemed to me to be exaggerated have been changed (sometimes I was told a date, which, upon checking, I found to be incorrect). Third-party stories ("I was told…") and common gossip have been left out entirely, except in a few cases where they have been included to highlight the tricks memory can play on us – the story that gets better as the years go by[6]. But otherwise, I have not overly concerned myself with the accuracy of what people told me. This is a personal history of Max Burns, of Julia Creek, and of tanksinking as seen through the eyes of people who experienced the events they relate. Herein, they speak for themselves. If you disagree with what someone says, first ask yourself: "How can I be sure *mine* is the correct memory?"

1. The house was located about halfway between sites 42 and 43 (see photo, front endpaper). At the time the photo was taken, the house did not exist.
2. Site 43, front endpaper.
3. See transcript page 56, first column.
4. £9000 in cash (~$400,000 in 2009 dollars). See page 56, third column.
5. See, for instance, descriptions of the Holznagel and Cecil Willis fight, page 521 and bottom of page 525.
6. See page 754 (*Verities and Lurid Rumours*, third column); and *One Chop Usher* stories, pages 274, 275, 276.
7. Bryan Fels, Stumpy Malone, Mannie Sills.
8. One in Tasmania, one in South Australia, two in Victoria, four in NSW, and the rest in Queensland. Queenslanders, I've found, don't often move south of the border.
9. From the *North Queensland Register* (NQR) and *Cloncurry Advocate* (CA). The photo, opposite, shows me framing an article on a microfilm reader ready to photograph.
10. Photo captions are of the form *[Guy Burns, GB08, 1948]*. The person named was the owner of the photo when I scanned it, not necessarily the person who took the photo. The middle letters, *GB08*, identify the name of the photo on the DVD that comes with this book.

I BEGAN THIS BOOK on Nan's 90th birthday, 2nd October, 2001. The yarns she spun on her birthday were oft-told and familiar – Julia Creek, tanksinking, Max's women – and it was during the telling that her age and declining health urged me to collect the stories before they could be told no more. Nan had already entrusted me with the majority of her photo collection, thinking I would be the most likely of her grandchildren to do something with them. Her trust engendered in me a responsibility to document the history of the Burns family and preserve the photos and stories in a permanent form – in this book.

Since most of the stories revolved around Julia Creek, I had to go there and talk to people. Within a month of Nan's birthday I was sitting on a form outside the newsagency in Julia Creek's main street, yarning with three men[7] who remembered Max Burns. I returned each year for the next four years. One person led to another and the project fattened to include the town of Julia Creek and tanksinking.

In July 2006, with 3000 scanned photos, stories from 200 people[8], and numerous Julia Creek Notes[9], I opened the computer program called InDesign and began the layout.

My aim was to put together a beautiful book about a dusty town, and how that town, set lonely on the treeless, waterless black-soil downs of western Queensland, affected people who had passed that way. The photos[10] and the text were to be equal partners, complementing one another, entwined on the page, embracing and bringing alive bygone days. The stories by themselves were mundane, the Box Brownie photos often blurred, but by their marriage I hoped to meld the mundane and blurred into an interesting whole. But foremost, the book had to have beauty. Whether I have succeeded is left to the judgement of others.

Although I have made an effort to present the stories in chronological order, the result is more an encyclopaedia than a narrative. I expect readers will turn the pages back and forth as fancy takes them. To assist in this leaf thumbing, over the page I have compiled a list of contributors in alphabetical order in addition to a normal contents listing, to make it easier to find friends, relatives, or someone the reader might have heard about.

Apart from the people who contributed stories and photos, I would like to thank Stephen Wilson for his imaginative drawings, Jenny Pearce for her thorough editing, and Anne Kiely for her diligent proofreading.

*GUY BURNS*
Leith, Tasmania
December 2008

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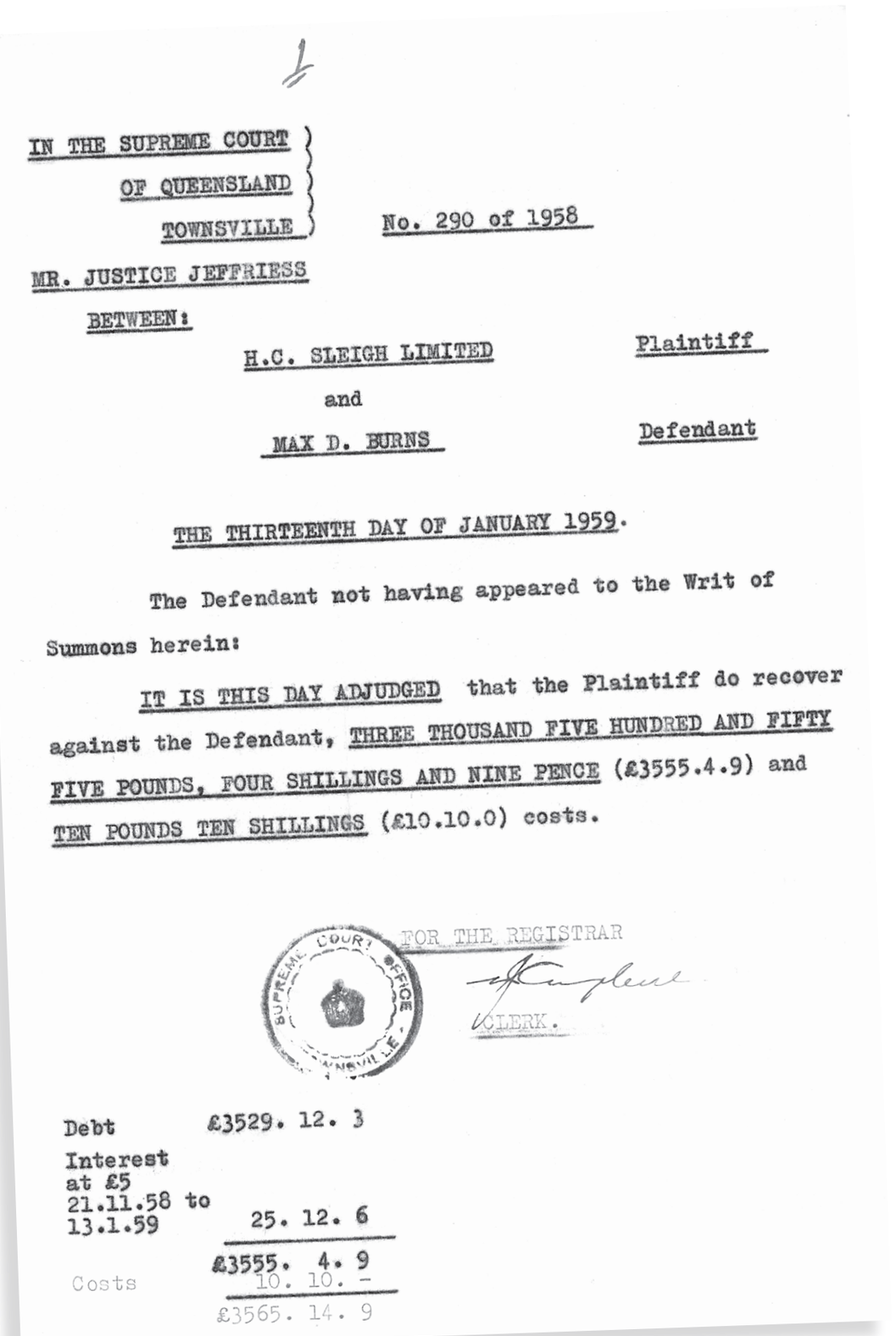
# Max Becomes Bankrupt



1

IN THE SUPREME COURT
OF QUEENSLAND
TOWNSVILLE

No. 290 of 1958

MR. JUSTICE JEFFRIESS

BETWEEN:

H.C. SLEIGH LIMITED — Plaintiff

and

MAX D. BURNS — Defendant

THE THIRTEENTH DAY OF JANUARY 1959.

The Defendant not having appeared to the Writ of Summons herein:

IT IS THIS DAY ADJUDGED that the Plaintiff do recover against the Defendant, THREE THOUSAND FIVE HUNDRED AND FIFTY FIVE POUNDS, FOUR SHILLINGS AND NINE PENCE (£3555.4.9) and TEN POUNDS TEN SHILLINGS (£10.10.0) costs.

SUPREME COURT OFFICE TOWNSVILLE

FOR THE REGISTRAR

CLERK.

| | |
|---|---|
| Debt | £3529. 12. 3 |
| Interest at £5 21.11.58 to 13.1.59 | 25. 12. 6 |
| | £3555. 4. 9 |
| Costs | 10. 10. - |
| | £3565. 14. 9 |

**Left**: This is the court action that ultimately led to Max's bankruptcy. H.C. Sleigh supplied fuel to Max for his tanksinking business, but lost patience waiting for payment. During 1958 they initiated action to recover a debt. Max didn't bother to contest the action and on 13 January 1959 was found to owe H.C. Sleigh £3,555/4/9.

A Sequestration Order, an order for Max's assets to be transferred to the Official Receiver, was made against Max in October 1959 (see point 1, opposite).

The Bankruptcy Act 1924 - 1959

AFFIDAVIT IN SUPPORT OF APPLICATION FOR TRANSFER OF PROCEEDINGS.

IN THE SUPREME COURT OF QUEENSLAND, TOWNSVILLE.

BANKRUPTCY DISTRICT OF THE NORTHERN DISTRICT OF THE STATE OF QUEENSLAND.

No. 40 of 1959.

(No. 1 of 1961) re MAX D. BURNS (whose full name is Malcolm Douglas Burns) of Julia Creek, Earth Moving Contractor. Date and place of public examination: 17th August 1961 at 11 a.m. at Bankrupttcy Court Commonwealth Offices, Brisbane. 27/7/61. L. T. STAPLETON, Official Receiver, Commonwealth Offices, Adelaide Street, Brisbane.

Courier Mail: 27 Jul 1961

I, ARTHUR WILLIAM BRASNETT of 10 Wentworth Avenue, Mundingburra, Townsville, Official Receiver in Bankruptcy, being duly sworn, make oath and say as follows:

1. THAT a Sequestration Order was made against the above named Malcolm Douglas BURNS on the twenty-third day of October 1959 on the petition of H.C. Sleigh (Q'ld) Pty. Ltd., a creditor, and I was appointed Official Receiver of the estate of the said debtor.

2. THAT the said bankrupt, his wife and two sons, subsequent to Sequestration, took up residence in Brisbane and are still resident there.

3. THAT all the real estate and chattel property of the bankrupt situated in the Northern District of the State of Queensland, have now been realised.

4. THAT the only remaining assets to be realised are the collection of outstanding debts due to the bankrupt, and a farm property at Caboolture in the Southern District of the State of Queensland.

5. THAT claims in the estate are as follows:

   Twenty-eight (28) domiciled in the Southern District.... £29,170/-/4

   Six (6) other claims from creditors who have an office in Brisbane.... £1,061/9/3

   One (1) domiciled in the Central District.... £151/2/3

   Nineteen (19) domiciled in the Northern District.... £4,130/16/1

6. THAT investigations made in the estate to the present time, in my opinion, indicate a definite intention of the bankrupt, for over five (5) years preceding his Bankruptcy, to transfer his property to various members of his family with the object of defeating his creditors. Consequently, the duration of the Public Examination of the bankrupt will be lengthy, and is anticipated to exceed a fortnight. In my opinion, it will also be necessary to examine the wife of the bankrupt and two (2) of his sons.

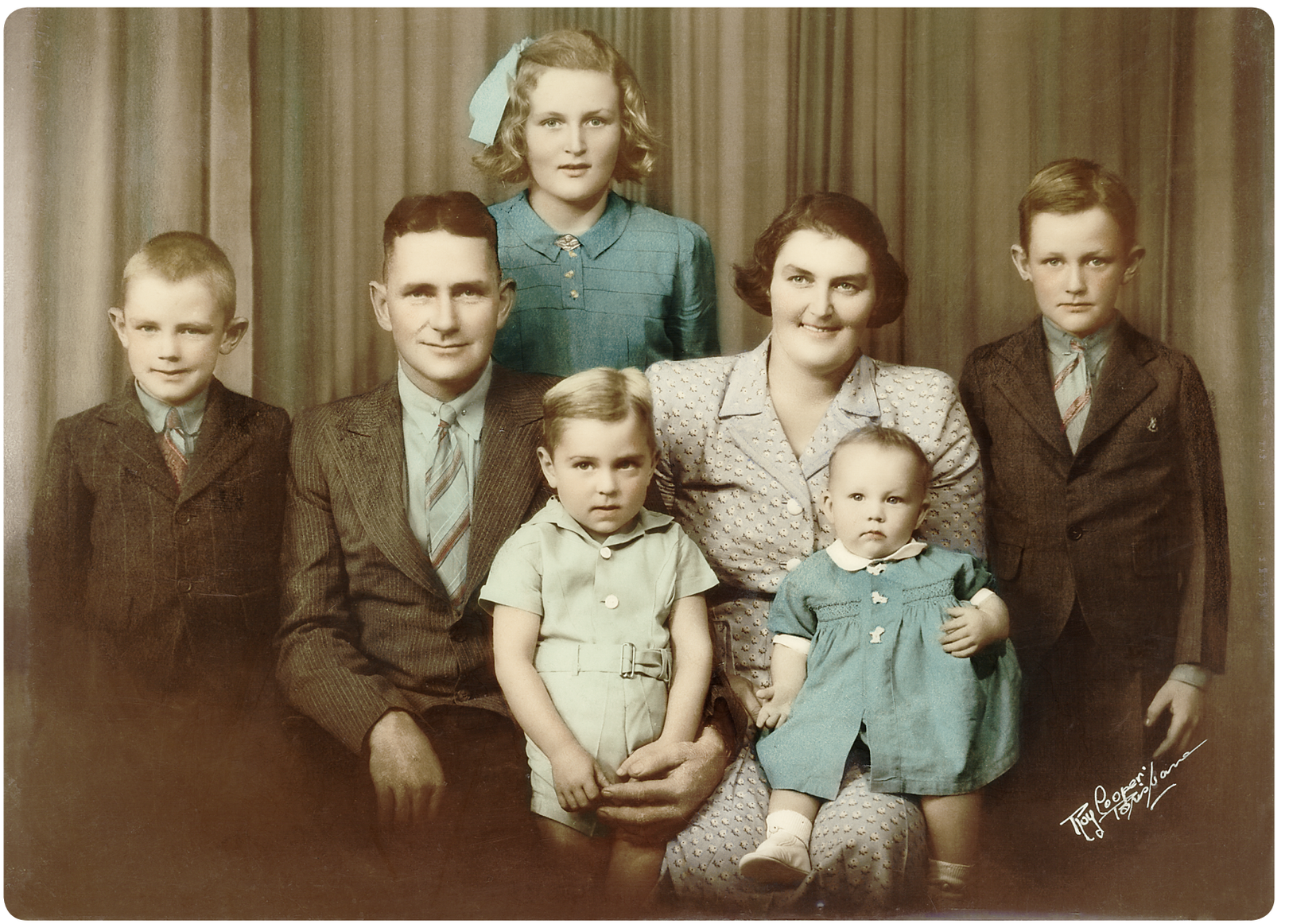
7. THAT the cost of holding the aforesaid examinations in Townsville would be considerable, as the bankrupt, his wife and sons are resident in Brisbane; and also Court Reporters and their typists would have to be sent from Brisbane or Sydney.

8. THAT as the majority of the creditors, in number and value, are domiciled in Southern Queensland, and the only remaining asset to be realised is also situated there, I consider that the administration of the estate could be handled more efficiently (particularly in the conduct of the Public Examinations and prosecution for any offences under the Bankruptcy Act) if the proceedings were transferred to the Supreme Court in the Southern District.

SIGNED AND SWORN by the above-named Deponent at Townsville in the State of Queensland this fifteenth day of December 1960 Before me -

A W Brasnett

A Justice of the Peace.



**Above**: The Burns family.
From left: Barry, Max, Joy, Mal, Marj, Alan (Butch), Don.
*[Guy Burns, GB35, 1945]*

**Opposite**: *Dewarn*, the Burns farm at Brigooda, Proston area.
*[Guy Burns, GB46, 1932]*

# Bankrupt Called & Sworn

## Max Burns

**My grandfather appears in court, along with his wife and two sons**

MR MOYNAHAN: What is your full name --- Malcolm Douglas Burns.

What is your present address --- At a farm at Ebbw Vale on the Toowoomba line.

You have a farm --- My wife has a small farm.

What is the postal address of that farm --- The nearest Post Office, or most convenient, would be Redbank.

Are you regularly on the farm --- Most of the time, yes.

Would you then describe your present occupation as being that of a farmer --- Yes.

What age are you --- 54.

The Sequestration Order under which you became bankrupt was made on 23rd October 1959 --- Yes, that's right.

The Sequestration Order was made on an act of bankruptcy which was committed on 6th February 1959. You were served with a Bankruptcy Notice were you not --- That's right.

By H.C. Sleigh --- Yes

You recall that the Bankruptcy Notice was served on you on 23rd January 1959 --- Yes, I do.

In connection with that Sequestration Order, do you recall that you supplied a statement of your affairs under the Bankruptcy Act which was filed in the court --- Yes.

In paragraph 2 of your statement of affairs you said: "That I am now, in fact, bankrupt, and I became unable to pay my debts in due course as they became due about late 1948. The cause thereof, was monies were all tied up in capital assets". Is that statement correct --- That's right.

Is not the position this: as from about late 1948 right up until the time of your bankruptcy you were never in a position to pay your debts as they came due --- Not in cash, no.

What year did you marry --- 1932.

You would then have been about 25 years of age --- Yes.

I want to just run through the members of your family. How many children have you --- Five.

The first child was Marjorie Isobel Burns --- That's right.

Was she born on 3rd July 1933 --- That would be right.

Marjorie Isobel Burns is usually known as Joy --- That's right.

And the next child is Donald Douglas Burns --- That's right.

Was he born on 2nd September 1935 --- That's right.

And the next was Barry John Burns born on 13th October 1937 --- That's right.

Malcolm George David Burns born on 8th February 1942 --- That's right.

Alan Clive Burns born on 2nd June 1945 --- That's right.

The Sequestration Order that was made against you referred to you as Max Burns --- It's a nickname I have had for years.

You have used the name Max as a nickname throughout the whole of your trading activities have you not --- Yes, I would have been better known by that name.

Now, Mr Burns, as a young man you operated a farm at Proston, did you not --- That's right.

You operated that farm at Proston from about September 1932 until about 1937 --- That is so.

What sort of farm was that --- A dairy farm.

Was it '37 or '38 that you sold your farm at Proston --- '38.

Was the price that you obtained for the Proston farm £2500 --- That's right.

You in fact made a capital gain of about £1500 on that sale --- Around about, yes.

At that time you used that profit and you bought a farm at Biloela, did you not --- That would be correct.

In 1938 you moved to the Biloela farm --- Yes.

What was the purchase price of the Biloela farm --- £1600 in round figures.

When you moved to the Biloela farm, your wife and the children then born, of course, were moved to the Biloela farm also --- That's true.

That also was a dairy farm --- Yes.

Any other type of farming conducted other than the dairy --- Like most dairy farms you have a go at most things – a bit of cotton.

Did you in fact farm it for various products other than the dairy --- Mostly dairy, the others were only sidelines. I don't remember selling anything else. It was used as a dairy farm.

The Biloela farm was eventually sold about 1950 --- 1948 I think it was. It could have been '50. In round figures I thought '48.

While you were on the Biloela farm you became interested in earthmoving, did you not --- Yes.

How did that come about --- I had always been keen on it because there's a lot of money in it. I had a friend who was an agent for a machinery firm and he came out one day and said:

Would you like to have a go at tractors.
Yes, but where would I get a tractor?
You book up some work and I'll get some machinery out there. I'll juggle around with the deposit until you get enough to pay.

You did acquire one tractor then --- A tractor, a scoop, and a plough for about £600.

What happened was that you were taking on contracts in that district --- Yes, around Biloela.

Who ran the farm? Was it at that point you put a share farmer on the farm --- No, my wife actually took over the farm and ran it. After a few weeks, when I found there was a quid to be made out of tractors, I said: "You'd better take over the farm and take the cows". I think we agreed she'd pay me about £100 for the cows. There were about 40 cows. I said: "Make your arrangement with the butter factory to pay your half direct to you", which they did. Then after a few weeks, or a couple of months possibly, as I was only home weekends I said: "You'd better get a share farmer. It's too much for you". And, as it was, she did, and the share farmer got one half and she got the other half.

How many cows would be worked on that Biloela farm --- There would have been approximately 40 at that time and increased as the years went on. Would probably be about 100 at the time I sold it.

In that first year that you commenced in the earthmoving contracting, your income was comparatively small, was it not --- Yes. It would be natural, too, because in everything new you go into, you have to buy your experience. The prices were low and I was doing most of my work for the Bureau of Rural Development, who pay periodically and were pretty long-winded about it.

What year did you become interested in earthmoving --- 8th October 1940 was when I first started off in tractors.

What happened on that day --- I took delivery of this tractor.

Why did you mention the 8th October. What is the significance --- I always remember that day, because that was the day I went out officially contracting for money. But before that, to get a little bit of experience and know something about what I was taking on, I practised earthmoving on my own property where no one could see me.

That date is fixed in your mind because that was the date you started your rise to wealth --- Yes.

Coming then to the period 1st July 1940 to 1st July 1941, you still conducted the Biloela farm --- Yes, I used to go backwards and forwards.

And in that year you acquired another tractor --- That's probable, yes.

That was the year the share farmer came onto the farm --- That would probably be right, yes.

And the share farmer continued to conduct the Biloela farm from at least 1941 right up to the time when it was sold --- It wouldn't be the same farmer, but a share farmer, yes.

It was during that particular year of 1940 that Mrs Burns – and we haven't yet got your wife's full name… --- Gertrude Marjorie Alice Burns.

… that was the year your wife and family moved into Biloela township --- That's true.

And from about the year 1941/42, the earthmoving you were doing was your main source of income --- That's right.

**Left**: Looking towards Flat-Top Mountain, Calvale, at the base of which, under the morning mist, was Max's farm *Bauhinia* in the Biloela district. Taken from near the site of the Calvale school (now defunct). Joy and Don Burns were among the first intake to this school when it opened in 1941 (see BL05 page 51). *[Guy Burns, GK93, 2003]*

**Opposite**: The first page of Max's bankruptcy proceedings. The transcript runs to almost 500 pages and is available online at *http://sites.google.com/site/tanksinker*.

And that was the position running right through till the income tax year of 1944/45 --- Yes.

Don't agree with me Mr Burns if you don't know --- If you're talking about the bulk of it, yes.

I am saying that the bulk of your income arose from contracting --- Yes.

As a result of your own returns through the years, the position was this: that your income in these earlier years, starting from the year 1938/39, was £291 --- Yes.

The year 1939-40: £397 --- I'd only be guessing, but it sounds correct.

The year 1940-41: £697. Do you accept that --- Yes, near enough.

The year 1941-42: £801 --- Yes, near the mark.

The year 1942-43: £613 --- That's right.

The year 1943-44: £1491 --- Somewhere near it, yes.

In 1944: £1369 --- Yes, sounds like it.

Coming then to the income tax year of 1945-46 your income rose to £2445 --- Yes, that would be right. It would be due to the increase in the number of machines I had just after the war.

I take it, as your income was increasing, you were well aware that a tax liability would accrue and was existent --- That's right; but at that stage it could have been quite easily paid and kept up to date. Had I had better advice on the accountancy side of it, I don't think I would have spent as much as I did and kept expanding as I did. I was very lax. I just went along and went along until it got really serious with the Income Tax Department. I didn't even know myself that the income tax returns had not been lodged, until I suddenly found I was two or three years behind.

And, of course, you knew at that particular time, just after the war and during the war, that taxation was a very very heavy item --- Yes, that's right.

In the 1946-47 year your net income rose to £3462 which was quite a substantial increase over the previous year --- Yes.

And in that year you paid a certain amount of taxation. You were paying your tax each year --- Yes.

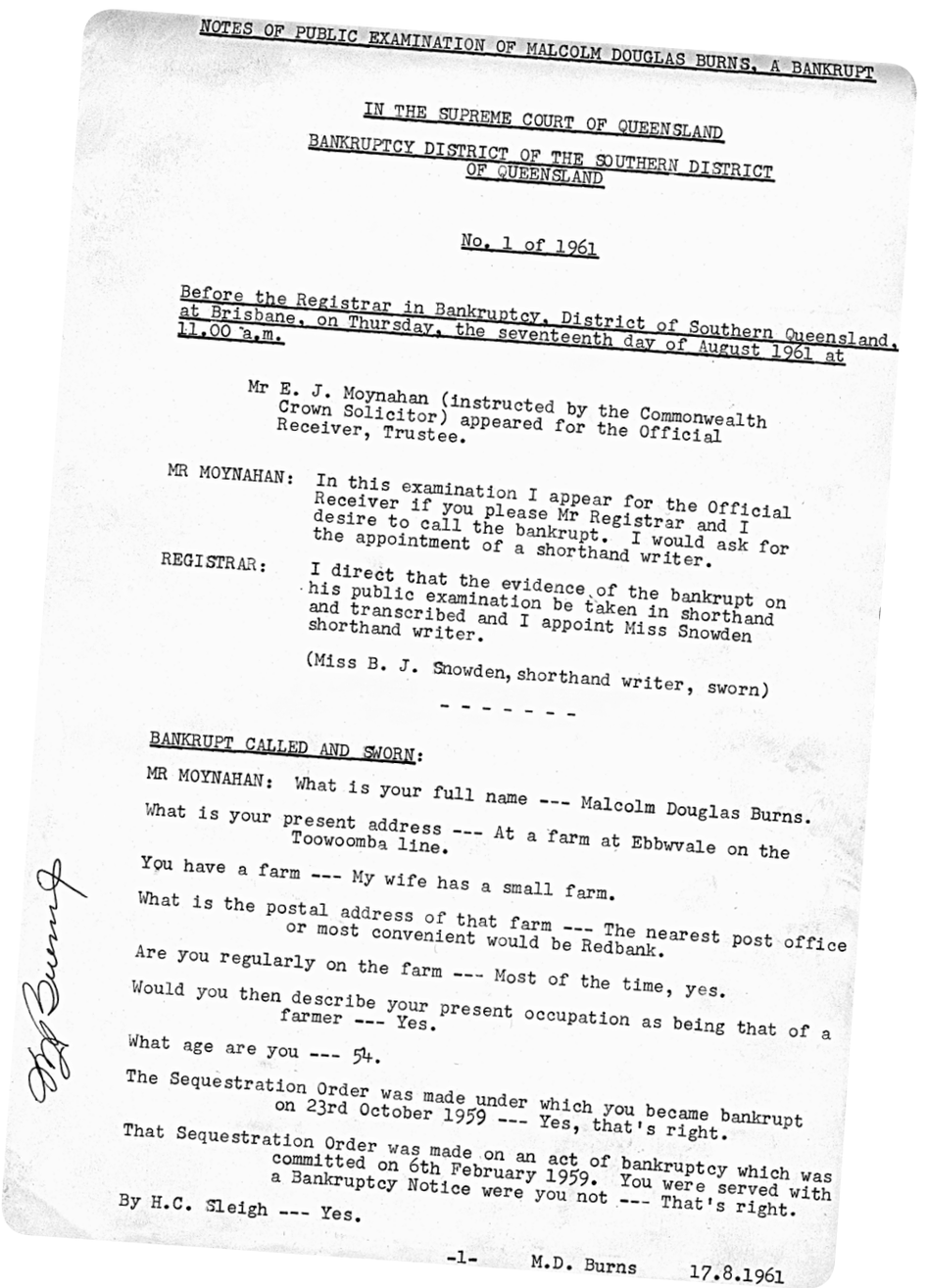
Do you recall, in relation to that 1945-46 year when your income tax was £2445, that you paid an amount of taxation amounting to £1176 --- Well, I just can't recall it, but I suppose it must have been paid if the record is there.

I thought that since that was the first large amount of tax, you might remember it --- No, the money was so easy to get and coming in so fast – £1100 wasn't a lot of money for me in those days.

Do you recall, Mr Burns, around about those particular years, 1946-48, that you, in fact, did not pay very much taxation at all --- I fancy that could be right. I think the reason was that I was arguing with the Tax Department about the five year average. I thought I was entitled to go to a Board of Appeal.

You do recall, of course, that there was a tax investigation into your affairs --- That's right.

That was in 1953 --- I think it would be about that time, yes.



NOTES OF PUBLIC EXAMINATION OF MALCOLM DOUGLAS BURNS, A BANKRUPT

IN THE SUPREME COURT OF QUEENSLAND
BANKRUPTCY DISTRICT OF THE SOUTHERN DISTRICT OF QUEENSLAND

No. 1 of 1961

Before the Registrar in Bankruptcy, District of Southern Queensland, at Brisbane, on Thursday, the seventeenth day of August 1961 at 11.00 a.m.

Mr E. J. Moynahan (instructed by the Commonwealth Crown Solicitor) appeared for the Official Receiver, Trustee.

MR MOYNAHAN: In this examination I appear for the Official Receiver if you please Mr Registrar and I desire to call the bankrupt. I would ask for the appointment of a shorthand writer.

REGISTRAR: I direct that the evidence of the bankrupt on his public examination be taken in shorthand and transcribed and I appoint Miss Snowden shorthand writer.

(Miss B. J. Snowden, shorthand writer, sworn)

- - - - - - -

BANKRUPT CALLED AND SWORN:

MR MOYNAHAN: What is your full name --- Malcolm Douglas Burns.

What is your present address --- At a farm at Ebbwvale on the Toowoomba line.

You have a farm --- My wife has a small farm.

What is the postal address of that farm --- The nearest post office or most convenient would be Redbank.

Are you regularly on the farm --- Most of the time, yes.

Would you then describe your present occupation as being that of a farmer --- Yes.

What age are you --- 54.

The Sequestration Order was made under which you became bankrupt on 23rd October 1959 --- Yes, that's right.

That Sequestration Order was made on an act of bankruptcy which was committed on 6th February 1959. You were served with a Bankruptcy Notice were you not --- That's right.

By H.C. Sleigh --- Yes.

-1- M.D. Burns 17.8.1961

In that year of 1946-47, when your net income rose to £3462, you bought a house and land at Woody Point, did you not --- I think it was later than that, but it may have been '46.

The records show that the Woody Point house was acquired on 21st January 1947 --- That could be right.

And in that same year of 1947 you bought several pieces of land at Redcliffe --- That's true.

What was the purpose of buying the house at Woody Point. Was it a holiday place for the family --- No, it was just a cheap little place. I think it was about £300.

My records show £450 --- Was it? Anyway, the seller was a commission agent and a friend of mine. He said: "Why don't you buy this thing? You can make a quid on it one day". We never lived there. We had no fixed home at that time.

Coming to the 1947-48 year: you still, at that time, had the Biloela farm, and you were earthmoving also --- Yes.

In that particular year your income jumped very very steeply, did it not --- Yes, according to my accountant.

**Below**: Mat Maleza, Billy Britten, Max, making out they are jumping over an International T6 tractor.
*[Joy Burns, J59, 1946]*

"That's outside Clermont. Mat Maleza on the end, Dad on the right, and Billy Britten. Dad bought that T6 in late '44. He bought that after we moved to Clermont.

"All around Capella, Emerald, Clermont, up to the Belyando – it was all heavy brigalow scrub. You'd spend three or four weeks getting rid of the trees before you could put in a dam. Billy Britten was the best one. He used to scale up the trees and put a rope around them so they could be pulled over." (Barry Burns)

Your returns from around this period were late, weren't they --- Yes, they were just done… anyhow.

In fact your 1948/49 return was only lodged in March of 1954… --- That's right.

… after Mr Scott from the Taxation Office investigated the position --- That's very true; yes, unfortunately. After Mr Scott got to know me better, he said if the two of us had got together a few years earlier, the both of us might have made a fortune. He was an accountant; and with my energy, he said, we both could have made a fortune, indicating to me that I didn't get the deductions I was entitled to.

You apparently got on very well with the taxation investigator --- Yes, a nice old chap. He had to do his job and that was that. He came to Julia Creek in a very hot period of the year, and he had to walk back to his hotel in the heat. I offered to drive him, but he said no. After a few days he told me: "You have got yourself into trouble. Don't rob anybody over it". We got on very well.

In 1947-48 you had a spectacular increase in your net income to £16,274 --- That's right. They were the figures that were submitted.

That was on an increased turnover in your contracting business --- Yes.

From a turnover of £9218 the previous year, up to a turnover of £31,400 --- That would be right. I had to acquire a lot of machinery, of course, to do it.

At that time you must have known that you would be subject to very heavy taxation --- Yes, it was getting me worried by this time. I had to come down and see my accountant. Unfortunately, I was 1000 miles away and he was in Brisbane – doing very little – and it was getting into a real mess.

In that year of 1947-48, you bought the freehold of the Commercial Hotel, Charters Towers, for £2700 --- That would be right. It was bought more for a home than a hotel.

Up to this time, your wife and family had been living at Biloela --- No. Before we bought the Commercial they were living at Clermont. We sold the home in Clermont, and the hotel was somewhere to go.

When you bought the hotel, the family then moved to Charters Towers, is that the position --- Yes, between that and caravanning. We had quite a collection of caravans in those days. During school holidays the family lived in a caravan near tanksinking jobs.

The older children were going to school at Charters Towers --- The boys, yes. The girl went to school in Brisbane.

The three older boys, Donald, Barry and Malcolm, what school did they go to in Charters Towers --- All Souls.

Did those boys also go to Southport School --- Yes, later on for a little time. It was too far away, so we shifted them back.

In this particular year, 1947-48, did your contracting business take you west --- Yes, earlier than that. As early as 1947 I was in the Far North West.

In regard to the Commercial Hotel, who held the licence --- My wife.

But it was your purchase --- I think it was. The idea behind it was that the wife's brother, Ned Flewell-Smith, a young chap who had come home from the war, it was something to fit him into – which he didn't fit into. We bought it for a home, with the hope he would take it over and run it, but he didn't fit into it. He'd been in the army too long.

What was the arrangement between you and your wife in regard to the Commercial Hotel --- I am just a bit hazy on what went on there. Primarily, I bought it for a home; not with the idea of making any money out of it, but with the idea of getting this young chap into it and getting an income for him. I'm afraid I can't recall what the setup was. My wife was in it. Whether I was in or not… I could have been.

**Right**: Joy, Don and Butch Burns at Woody Point.
*[Joy Burns, J64, Dec 1948)*

"That's the tent, army disposal stuff, and it was pitched back about 20 yards from the hut built on the waterfront at Woody Point." (Barry Burns)

"Butchy used to love Mum. Every time he got roused on he'd take off and come and stay with Mum. He'd sleep at our place. Pedal over in this little red pedal car. Marj would be worried sick. Mum'd have to ring Marj and say that Butch had arrived in his little red car." (Judy Burns, Butch's cousin)

The Commercial Hotel was never a paying proposition --- No, it was never intended to be.

You did not run the Commercial Hotel for very long --- No.

Where did the family move to then --- The boys were boarding at All Souls, the daughter went to school in Brisbane, and my wife and the youngest son went with me in the caravan, tank-sinking anywhere in Western Queensland.

In this year 47/48 you bought further parcels of Redcliffe land, including a vacant block in Georgina St --- That's right.

That piece of land at Georgina St has a house built on it today, hasn't it --- Yes, that's true.

In whose name is that today --- It's in my daughter's name.

That's Joy --- Yes. Her grandmother lives there, my wife's mother.

Coming then to the 48/49 year, your taxable income for that year was in the vicinity of £18,799 --- According to my accountant, that's right.

Now, in this particular year of 48/49, you purchased a grazing property known as Balootha, and your wife purchased two adjoining grazing properties, Abydos and May Downs. Balootha was a property of something like 33,000 acres --- Roughly in round figures, yes.

And Abydos and May Downs, were, in round figures, something like 34,000-35,000 --- Very close to 40,000 I think.

These three properties, they were really one weren't they? They were contiguous and made up one entire hold --- Yes, they adjoined each other.

And they were operated as one property --- I owned all the stock at all times, yes, certainly; and they grazed on Abydos and May Downs.

It's a fact, is it not, that it would not have been permissible for you, as an individual, to hold in your name Balootha, Abydos and May Downs, because it exceeded the 60,000 acres which was the maximum for a grazing homestead area --- I don't know if I investigated that part of it, but that was probably right. There had to be a second name to hold it.

Neither of you could hold the lot. Isn't that the reason Balootha was put into your name, and Abydos and May Downs in Mrs Burns' name. --- The story behind it is this. We were offered this property. We were told it was cheap, and it would be very easily resold and we could make a quid out of it, so I said to my wife: "You take Abydos and May Downs, and I'll take Balootha". I supplied most of the money to buy them.

In this 1948-49 year, that's the year that you bought Balootha, you also bought further land in Redcliffe --- Yes, I bought quite a few allotments. Mostly off one man. They were dirt cheap.

Didn't you buy a property in Macdonnell Road, Redcliffe; house and land for £3600 --- Yes, my wife and I.

You lived there --- Yes. Our occupation was mostly in the west, but when it got too hot and wet we used to come down here.

This was the family holiday home --- That's right. You could call it a holiday home. It was the only home we had really.

It was, was it not, the practice for the whole of the family to reside at Macdonnell Road, Redcliffe, from say before Christmas right through to Easter --- Yes.

The whole of the family, in effect, spent the wet months down at Macdonnell Road because you couldn't carry on your contracting --- Yes.

What was the purpose of putting that property in joint names --- We both provided the money and bought half each.

You see, this happens in the same year your wife comes in on the grazing property. Where do

**Below**: Max's tanksinking plant on Clio. Some time in 1947, before Max began work on the ovals at All Souls, he went west with his machinery for the first time, to begin earthmoving on Clio, about 60 miles north of Winton. From left: Max (with dog), ?, Butch Burns, Deric Flewell-Smith, Marj Burns, Clive F-S, Dawn F-S, Ned F-S. *[Dawn Flewell-Smith, DF74, 1947]*

"Those are the vehicles we had when I first started with Max [a few months after this photo was taken]. The first on the left is definitely a TD18. See the twin exhaust pipes and the air breather? And that's the Le Torneau scoop behind. You can see the arm along the top that lifts the cutting edge up and down. Next is the first Cletrac FDE Max had; and that'd be the Britstand scoop behind it. That Cletrac would be one of the older models – it's got two headlights. The newer models had one headlight. Then there's the water tanker, always parked close to the caravan.

"I suppose that would be Max's van on the right, and in front is his Ford Deluxe ute. That's the one I rode in the back of when we went from Clio to Charters Towers, to visit my wife who was staying at the Commercial Hotel[1]."

(Pat Luhrmann)

1. See photo page 452.

I FIRST encountered Max Burns in 1950. He came to put down two tanks for us on Gairloch: one was 20,000 yards and the other about 15,000. The first one was a beautiful site and a first class job. The second one, unfortunately, Max struck a seam of sand about 3 or 4 feet deep, and it didn't hold water for years and years until the stock tramped the banks in and sealed it off. Not that it was Max's fault. It was the site we'd picked. He did a good job with what we gave him.

Just a little story about those tanks: Mum and Dad were away and left me the cheque book to pay Max when the job was finished. I paid for the first dam, but when it came to the second one I wasn't too happy about the sand seam. Max said: "Well, I'll toss you double or quits what we do about the second one". I wasn't game to take him on; it was Dad's cheque book.

Before Max arrived, we had all those war years when nothing happened in the west. Absolutely nothing. And prior to the war years you had the Depression. There were only a few tanks before the war. Some had been built with small tractors (though a lot of them would have been done by horse teams), but they weren't of the same magnitude as the tanks Max put down.

Max did a lot of work in 48/49 and into the early fifties. There hadn't been earthmoving plants of that magnitude around that country previously, and a lot of people got in with Max and had tanks put down, us being one of them. The only other contractor that I knew of at the time, would have been Bode & McKay[1], and they were based in Winton.

In the mid-fifties work tapered off for Max, and for anyone in earthmoving. Wool prices, for a start, came back dramatically and people tightened their belts after the few good years between the end of the war and the end of the wool boom.

Very few tanks go down now because the Julia Creek area has good artesian water. Drilling plants to get to the water have improved to such an extent that you can put down a bore in a fraction of the time, and deeper, than you used to be able to do it.

Tanksinking still happens, it's just done in a different way. Now it's done with a 4-metre bucket on a front-end loader. They didn't have buckets then; not to the extent they have them now, or the size they have them now.

*ERIC SLACK-SMITH*

1. See story page 432.

you suggest your wife got the money, if she paid half of £3600 --- I don't know, but she had it at that time. If you have got an entry there you could refresh my memory.

Now, Mr Burns, come to the 1949-50 year. In that year your taxable income dropped to £12,416 --- Yes.

Apart from living for certain months of the year at Macdonnell Road, Redcliffe, did the family go and live at Gayndah --- Yes, we bought another hotel.

There was a purchase of the Burnett Hotel at Gayndah --- That's right.

That was purchased for £5437 --- That's the figure, yes.

Was that a leasehold or a freehold of the Burnett Hotel --- Leasehold.

How long was that lease operated at that hotel --- Approximately a year.

With regard to the acquisition: who acquired the lease. Was it you yourself, or was it you and your wife --- Jointly. Originally, it was for my wife's brother. He wanted to go into a hotel, but he knew nothing about it. My wife had had some experience and so they went into it together. That was the story behind the Burnett Hotel.

In that remark about your wife's brother, you're not confusing the Commercial Hotel at Charters Towers with the Burnett Hotel at Gayndah --- Another brother-in-law, but not the same person. This was Stan Flewell-Smith. The other one was Ned, his brother. Stan was a policeman and had had no experience in hotels. When he got in there and found you had to work pretty hard, he pulled out and we were left with the hotel.

When he pulled out who ran the leasehold then --- My wife.

Were you living there also --- No, I was in Western Queensland with the tractors.

Returning to your purchase of Balootha, you paid £8000 for the property --- That's right.

And £7900 was paid for Abydos and May Downs --- That's true.

It's correct, is it not, that you provided all the funds --- I think my wife may have provided £100.

In addition to your £7900? So each property cost £8000 --- Yes, that's right. £16,000 was the total, and my wife was to pay me back £7900.

At the time you purchased Balootha, 1947-48 year, you had had a spectacular increase in your net income --- Yes.

That was when it jumped up to £16,000 odd --- Yes.

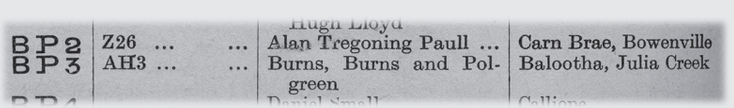
And in 1948-49 year your income went up again to £18,799 --- Yes.

But you knew of course that you must face heavy assessments, didn't you --- Fairly heavy. Yes, I would think so. I was still bargaining on a 5-year average from the Tax Department.

I understand that, but the point is: I am just curious as to your knowledge. You must have known you would be facing crippling taxation --- I knew the earning rate was going up alarmingly, but at that time I wasn't greatly concerned, because it looked as though we were going to keep going. I didn't stop to think the income might slow down. It ran itself out, unfortunately.

Your biggest years – 1946-47 and the next year – you didn't receive your assessments for those two years until September of 1949 --- I think that would be somewhere about then.

Your tax commitments crystalised into the assessment, in September of 1949, of £21,557 --- Yes.



| | | | |
|---|---|---|---|
| BP2 | Z26 ... ... | Alan Tregoning Paull ... | Carn Brae, Bowenville |
| BP3 | AH3 ... ... | Burns, Burns and Polgreen | Balootha, Julia Creek |

## Having a go at me **Jack Polgreen**

Died 22 Feb 2004

I WAS MANAGING INGLE DOWNS when I first met Max Burns. I gave him a tank to put down and clean out another one. I drove for him for half a day. Old Oliver crawlers he had. Well, they were new Olivers then.

Max was looking at Balootha. He was mad keen to get a bit of land, so I rang the agents and they told me Balootha looked like good buying – which it was. Plenty of water.

About eight or ten months I was on Balootha. Might have been longer cos I had to build cattle yards, and that took a while. I had men with me, of course. And Bosie Byrne was there. He was a butcher from Julia Creek.

I was managing the place. There was absolutely nothing on Balootha when we bought it. When I say 'we', I was to be a third share. Three of us were supposed to be in it: myself, Marjorie Alice Burns and Malcolm Douglas Burns. (The names are right, aren't they?) We even registered a brand. But when I got the rate notice my name wasn't on it. That's when I packed up. Didn't worry me. I was young and had plenty of ability.

I went back to Balootha only to get my horses, that's all. I had about 20 head of horses that I took up to run the place with. That was all I was left with after my experience with Balootha and Max Burns, and I brought them all back here to Winton.

I WAS BORN in Port Pirie, South Australia, 1915. My father had a little place called Corona. I pretty well did most of my schooling at a Catholic college in Adelaide – King's College. Then Dad shifted to Queensland, to a place outside Cunnamulla. We started droving and frigging around and the years went by.

I broke in horses at a place outside Charleville. Never forget the little yella fella they had. He'd be one of the missing kids the blackfellas are moaning about now. Murrays, the owners, adopted him. He had a good home. He'd come down the yard and watch me handling horses. Sit there all day watching; didn't matter the weather.

I went up to the house one day for smoko, and when I got there Mrs Murray said to me:

*Send young Murray up. I want him to clean the silver. Righto.*

That was the first very large assessment that you received --- That would be right, yes.

In September 1949, the position was: you were well-aware that you must face very heavy assessments --- To be quite honest I never worried too much about it. My job was out in the bush making money, instead of attending to bookwork. If I had to go over the same track again I'd know much better. I was never very fond of bookkeeping, but when it came to active work out in the open – yes, I liked that.

In fact, Mr Burns, knowing that you must inevitably face heavy tax assessments sometime, you nevertheless went into the purchase of this Baloothа, Abydos and May Downs --- It seemed to be a method of helping. The Biloela farm was sold for £12,000, and the Tax Department got the complete proceeds against that £21,000 you mentioned.

I want to ask you about the agistment agreement. What was the arrangement between you and your wife – you said she was to pay you back --- It would be an arrangement for agistment. If I ran so-many head of cattle on Abydos and May Downs she would be entitled to some payment for it. I'd run cattle, and be charged a reasonable agistment rate. I'd be paid back that way.

The position is this, is it not: there was an arrangement whereby you were to pay your wife £100 per month agistment for your use of Abydos and May Downs --- I don't think it was a set figure. It was according to the cattle that were on there. I am a little bit hazy, it's a good while ago.

Do you recall if there was an agistment agreement drawn up between you and your wife --- There could have been.

Have you any idea where that written agreement might be --- I'm afraid I wouldn't have a clue. It would have been kept normally with the rest of the books in the office.

Would Mrs Burns have it by any chance --- Not very likely.

What I am suggesting to you is that you told Mr Scott, the tax investigating officer, that there was a stamped agistment agreement for £100 per month and you told Scott that cheques were actually paid to your wife to the extent of £100 per month. Now, does that assist you, because I want to know where that agreement is and what the date of it was --- No, I'm afraid I couldn't help you on that…

The taxation rates applicable in the late 1940s when Max had his highest income years would be somewhere between the two sets of rates listed: (taken from NQR: 29/9/1951). Max was probably paying tax at a rate of 75-80%.

| INCOME (£) | WARTIME TAX | 1951 TAX |
|---|---|---|
| 100 | – | – |
| 200 | 22 (11%) | 4 ( 2%) |
| 500 | 127 (25%) | 36 ( 7%) |
| 1000 | 355 (36%) | 135 (14%) |
| 5000 | 3,530 (71%) | 2,088 (42%) |
| 10,000 | 8,155 (82%) | 5,621 (56%) |
| 20,000 | 17,405 (87%) | 13,121 (66%) |

**Opposite**: Jack Polgreen.
*[Guy Burns, GK114, Sep 2003]*

I came across two pieces of evidence that Jack was in partnership with Max for a short time. The first was a brand registered in the name of Max Burns, Marj Burns, and Jack Polgreen, BP3 (Burns-Polgreen 3), opposite, taken from the 1948 *Queensland Brand Directory* in the possession of Tidly Triffett. The second was in the Julia Creek Notes in the *North Queensland Register* of 12/3/1949: "48 mixed cattle were driven from Nelia Ponds to Baloothа for Messrs Burns, Burns and Polgreen of Baloothа."

So I sent him up and she got him the silver. When I came back for dinner, here he is – phutt – spitting on the silver to clean it. I told Mrs Murray and she turned up her nose:

*Never again will I use that silver.*
*Ya only gotta wash it.*

Yella fella reckoned: "Got rid of that job quick".

My old man was managing a property for a bloke named Sol Green and I took on overseer when I was about 17 or 18. Eight men in the camp, four boundary riders, both sheep and cattle, 1200 square mile.

Got married in 1934 I think. Married on a Sunday and was caught in floodwaters trying to get into town. I couldn't get in. Camped there with bloody mosquitoes. I couldn't swim it cos I had too much gear. It was about a mile and a half wide anyway. And of course all the boys around town who knew me said: "Oh, he's shot through". Wife had a wedding breakfast without me. She thought I'd gone.

After I was married I went out onto Dundoo as overseer. Sol Green owned that too. A million acres; hundred thousand sheep. And that's where I came from to manage Ingle Downs.

I joined up for the war and they sent me to Melbourne in the Light Horse, teaching Yanks to ride horses. Anyway, they discharged me because I was an overseer on a property. I was overseer on Ingle Downs when the war finished and that's where I first met Max.

Max made a lot of money. Buggered if I know what he did with it. He never drank nor smoked. He was a good fella, a good-lookin' bloke. He could converse with anybody. That was his trouble: he was such a likeable fella and could get away with things. I believed everything he told me. Not that I had any reason to doubt him; only when the rate notice thing came up, of course.

I think the partnership in Baloothа would have worked – though I think he was having a go at me, y'know. I don't know why I should say that, but yeah… Max was having a go at me.

ALL I KNEW was that Jack Polgreen was claiming to be a partner in Baloothа, but I don't think he put anything into it. Max'd have the money, Polgreen wouldn't. Just might have been a working manager; manage it to become a partner. I don't think any capital was put in, but you don't know. It's only what you hear.

*TIDLY TRIFFETT*

MY GRANDFATHER'S bankruptcy proceedings in the Supreme Court in Brisbane began on Thursday, 17 August 1961. Over the next month until 22 September when the examination was adjourned, he and three other members of his family were questioned for a total of 10 sitting days. There was no further examination and it was never proved that he committed any offences under the Bankruptcy Act.

Max has been dead for almost 30 years. Because I want this book to speak to the reader as a first hand account wherever possible, I have chosen to allow Max to talk for himself via edited excerpts from his bankruptcy proceedings, rather than me intervening and rewriting the transcripts and trying to turn them into a coherent narrative.

On the following pages are four more stories taken from Max's bankruptcy records. They concern Joy, Burns Burns & Burns, phantom tractor drivers, and Nan becoming mute (a rare occurrence for talkative Nan) when she realizes her evidence is being shredded and shown to be a fabrication.

Max comes across in the transcripts as a gentleman. I imagine Max the bankrupt, and Mr Moynahan the examiner, as being of similar ages, mid-fifties, and of similar intellect. The examiner knows that Max expended considerable effort in avoiding his creditors (phantom tractor drivers, nonexistent agistment agreements, and various other sham arrangements), and wants to prove that Max did so outside the law. On the other hand, Max knows that the examiner won't have any local knowledge of tanksinking in North-West Queensland, 1000 miles from Brisbane, allowing Max the opportunity to mishandle the truth when questioned about his tanksinking operations. As for the examiner trying to prove the non-existence of documents: given that it is not possible to prove that something doesn't exist, and also given the time lapse, Max would be little concerned at being caught out by his financial infidelities from a dozen years previously.

The agistment agreement (which supposedly gave Marj the means to repay her husband the money he loaned her to buy Balootha) never existed. But Mr Moynahan couldn't prove its non-existence. If he had been able to – if he could show that the agistment agreement was a sham arrangement and that Marj had not repaid the £8000 loan for her share of Balootha – then Marj would have owed the £8000 to the entity who had taken control of Max's affairs – the Official Receiver. The same held for Max's children, Joy, Don and Barry. If Max had loaned them money which they hadn't paid back, that money would also have been due to the Official Receiver for disbursement to Max's creditors.

An examination of a bankrupt person like my grandfather, even though it involved a lot of money and a lot of creditors, was a low-key affair. Other than Max and the examiner, the only people present would have been the male Registrar, who interjects occasionally, and a female stenographer. Every word was recorded by shorthand and transcribed into type; a man's life condensed to 449 pages of intimate fiscal dissection, and made public.

As I said, Max comes across as a gentleman. There are no heated exchanges, just one man probing and the other answering – and sometimes dodging. The few times that Max felt the need to be firm in his response, when asked a question that piqued him, he replied with the graceful phrase: "No, I won't have that".

Max retained his poise throughout the proceedings because he had full knowledge of every aspect of his many businesses, though of course he feigned forgetfulness when it suited him; whereas my grandmother, when it came her turn to appear in court, was befuddled most of the time. She had never been truly involved in Max's financial dealings, except in name, and under intense scrutiny her pretence failed. Max would have coached her about what to say, but poor Nan didn't have the native cunning, or full knowledge of the dealings to which she was a party, to enable her to deal with the examiner's queries. And as such, she was exposed in court as lying for her husband, and was in one instance reduced to shamed silence.

Two of the Burns Burns & Burns partners were also subpoenaed to appear: Don (my father) and Barry (my uncle). The third Burns Burns & Burns partner, Joy, missed out on a court appearance because she had moved to Melbourne.

Unlike their father, the sons showed no poise, grace, or respect for the court. In one exchange, Barry was warned about his behaviour when, in response to a question, he answered curtly: "Now lay off it". The Registrar interrupts the examination[1]:

*THE REGISTRAR: Behave yourself. You will be in trouble if you don't. You went to school at Southport School, didn't you? Isn't that true? And All Souls --- Yes.*
*Do you expect a person of that education to come and behave like that in a Court? I certainly wouldn't --- Maybe I've been out west with the boongs too long.*
*You remember: you are not in the west now. Just listen to the questions and we will get on better --- All right, Sir…*
*Mr MOYNAHAN: I don't know why you are aggressive --- I'm not aggressive. If we could get to the point we could get on a lot quicker.*
*THE REGISTRAR: Mr Burns, you are doing yourself a grave injustice --- All right, Sir, I'll sit back. I'd better get a solicitor down here. I think that's the best bet.*
*Mr MOYNAHAN: That might be a very good idea because you might then get somebody sensible to advise you --- That's true.*

Max made a lot of money between 1947 and 1951, the rosy years just after the war until the end of the wool boom, and he didn't want to give it to his creditors or to the Tax Office. He wanted to spend it. He spent almost everything he earned. Barry (page 774) provides a litany of acquisitions:

*You wouldn't believe the money Max was earning in '48 and '49. Within a few months he went from one FDE crawler – a massive investment in itself – till he had three. And paid them off. He was turning over nearly a thousand quid a week in '48, and when the wool boom was on, even more. Bought – and paid for – all the FDEs, all the scoops, and the three Macks and semitrailers. Paid cash for Balootha and put a homestead on it; built a double-storey house in Julia Creek and the engineering works next door; bought half a dozen blocks of land at Redcliffe, and a house, the one in Macdonnell Rd. It was on a double block, a beautiful home called 'Rodville'. A Mr Rodway built it. Max paid a lot of money for that house; we're talking about 4000 quid. That was the boom after the restrictions of the war years. Fantasy it was.*

Add to Barry's list the Commercial Hotel in Charters Towers and the Burnett Hotel in Gayndah, plus a big-spending lifestyle, and you have some idea of the extent of Max's wealth at its zenith; and the extent to which, because of that wealth, he was able to hurt businesses, small and large, and individuals, when he chose not to pay his substantial debts.

The way in which I introduced my grandfather (previous pages) ended with Max replying to Mr Moynahan: "I'm afraid I couldn't help you on that." I chose that endpoint on purpose because it was an elbow in the interaction between Max and Mr Moynahan; a change in direction. Up until then, Max's answers had a positive lilt ("That's true", "Yes, near the mark", "Yes, sounds like it"). The examiner is asking non-threatening questions, and Max gives honest answers. The cooperation comes swiftly to a close when Mr Moynahan broaches a threatening topic – the agistment agreement. Over the course of five questions, Max's stance turns from compliant to recalcitrant:

*I'm a little bit hazy…*
*There could have been…*
*I'm afraid I wouldn't have a clue…*
*Not very likely…*
*No, I'm afraid I couldn't help you on that…*

But when he was questioned about circumstances beyond Mr Moynahan's ken, such as earthmoving in the Julia Creek district, my grandfather loses his reticence and becomes impish.

In September 1949 Max received a large tax assessment (~$1,500,000 in 2009 values) which prompted him to do something about reducing his taxable income. He formed a partnership, Burns Burns & Burns, between his three older children, and diverted work their way. In the extract, opposite, Mr Moynahan is trying to establish that it was a sham arrangement. Max is in his element, playing with the truth, knowing that Mr Moynahan will have no way of checking the accuracy of his answers.

Later, he must have chuckled when remembering exchanges such as this (£7 is ~$500):

*You suggest a grazier would be perfectly happy in paying £7 on an hourly basis to boys of 12 and 14 years of age --- Quite happy. My word, quite happy. They were very good workers.*

This was at a time (1950) when Max was paying his men £12 a week, and the basic wage was £6.

1. Page 418 of original court transcripts.

# Burns Burns & Burns

## Three of Max's children take up tanksinking 'in spite of their tender years'

Mr Moynahan: At the luncheon adjournment we were discussing the taxation year of 1949-50. Now that was the year in which you received, in September, that first large assessment for £21,557 --- Yes.

Your tax commitments crystallized into the assessment, in September of 1949, of £21,557 --- Yes.

In fact, in September of 1949, was there not a partnership formed of Burns Burn & Burns --- That's right, yes. The three children.

Comprising your daughter, Joy, who was at that time 16 years of age; Donald, who was 14 years of age; and the third member was Barry, who was 12 years of age --- That's right.

The operations of that partnership were solely directed to the earthmoving and tanksinking business --- That's right.

And that, of course, was the business that you were practically exclusively operating in yourself --- That's right.

Now, will you tell the court how that partnership came about. How did it come into existence --- In spite of their tender years, they could drive tractors at 9 or 10, during their holidays. The wife and myself thought, seeing as they're so keen, we ought to do something for them. And that's exactly what happened.

I take it these tractor units and earthmoving units were rather massive units --- Yes, mine were very big, but the partnership had lighter units, very easily operated.

And you say the three children… --- Not the three children. The two boys, not the girl.

… the two boys had had a considerable amount of experience --- Not considerable, but during their holidays they took their turn on the units.

How did they acquire this knowledge and experience to handle these heavy units of equipment in the tanksinking business --- Only during their school holidays.

The main school holidays are the Christmas recess --- Yes, but they get about a fortnight in the middle of the year.

How did it come about that the partnership of Burns Burns & Burns came into existence in September of 1949; because, you see, it coincides with the crystallization of your heavy tax assessment --- I'm afraid it's got nothing to do with that. It was thought of long before that.

If it was thought of long before, with whom was it thought? With the children or your wife --- I think we discussed it all together. They were young, but they knew what they were doing. Call it schoolboy enthusiasm. They thought they'd like to run their own plant later on. I went to Charters Towers to see a solicitor and I asked was there anything wrong with the children starting off at this age with a small plant. He said he could see nothing wrong with it as long as it was drawn up properly and I didn't receive any benefit from the plant they were operating.

Were these discussions prior to September 1949, or at a very much later date --- Before the partnership was brought into being. I'm quite sure of that.

What I am suggesting to you is that there is in existence a partnership agreement between the three children, but that it was executed at a much later date than September 1949 --- Not as far as I can remember.

Are you suggesting it was fully discussed prior to September 1949 --- I think so. I don't think we went wildly into it. I think it was given quite a bit of thought and we got some advice before we went into it. It certainly wasn't an afterthought.

Did you at one time as far back as 1951 employ an accountant named F. J. Bennett --- Yes, he was the local accountant in Julia Creek.

And he attended to your taxation business --- Yes.

Now, here's a letter written by F. J. Bennett, "Accountant, Julia Creek", dated 7th May 1951 to the Deputy Commissioner of Taxation. It reads: "In response to your request in yours of 7th March, I now enclose copy of the partnership agreement made between the above named". Your accountant attaches to that letter, a certified copy of the partnership agreement between the three children, which is dated 26th day of February 1951. It's quite obvious the actual written Deed of Partnership came into existence in February 1951 --- It looks like it, yes.

That's 18 months after you say the partnership was formed --- It looks like it, but I think you will find that everything had been arranged prior to that date.

Arranged by whom though? Arranged by you --- On their behalf, yes.

And you conducted the whole of the partnership business on their behalf --- That would be right, yes.

What was the real purpose of the formation of this partnership? Didn't you get the contracts, quote for them, see that the work was done --- I supervised it certainly. They only did small jobs that would be too small for me to be interested in doing with the bigger plant.

You say the contracts were too small for you to be bothered about, yet you were the individual who was arranging those contracts and controlling that same small plant that you speak of. Why couldn't you then have got a couple of items of small equipment and included it in your business --- I could quite easily have done so.

It wouldn't have made a scrap of difference; you were still obtaining the contracts, seeing they were being carried out --- Yes, but it was to create something for them in later life that the partnership was started.

That's the reason that this partnership was formed, so as to create something

for the children later in life --- Yes, when they grew up.

Just broadly, the operations of Burns Burns & Burns were carried on by you; in effect, by you sidetracking contracts that you had obtained --- The boys did them – the small contracts that I wasn't interested in.

When the partnership was formed, would you explain how the partnership was capitalised. Where did it get its plant from --- I had some money, approximately £1000, and the wife and I put it in together. We scraped up this £1000 and we gave it to them for this partnership. The plant cost in the vicinity of £4000. We borrowed the rest on hire purchase. I think that being minors, we possibly, my wife and I, had to guarantee this hire purchase agreement. That might have been possible.

In September 1949 the partnership purchased a tractor for £4566 --- It wouldn't be a tractor, it would be the whole of the equipment. They bought a tractor, a scoop, and a ripper from Dominion Motors. I think there could have been a truck too, but they were the three main items, the essential items.

Is it not correct that the only partnership accounts recorded are recorded in your books of account --- That would probably be true too. For convenience, the bookkeeper would have done that.

Most of the activities of Burns Burns & Burns comprise just three or four entries at the end of each financial year, merely by a posting of so-many cubic yards carried out during the year. So many thousand yards at so much, a credit to Burns Burns & Burns --- Yes, there wouldn't be a lot of entries in it.

Don't you think this was a rather advantageous arrangement for you at that time --- I don't think so. I don't think I ever got any benefit from their partnership.

Didn't you get this benefit: that you were reducing your turnover and you were charging off certain expenses to that partnership which had a very very advantageous effect on your tax assessment --- I never thought of it that way.

Until the boys left school and commenced work, you operated the whole of the transactions in relation to Burns Burns & Burns, did you not --- If you're referring to the books and any banking, yes.

This partnership is in existence for at least four years anyway before the boys leave school --- That would be right.

Well, now, during that four years you said they performed contracts, who obtained those contracts? You did, did you not --- They'd be offshoots of small contracts I didn't want.

In these four years, the only time the boys could have worked would have been during the Christmas school holidays --- No, they get two breaks during the winter: one in April and one in August, a fortnight each.

Are you suggesting that the plant was only used by the boys during their school holidays --- Mostly, yes. Very rarely used otherwise.

Who used the plant at periods other than the school holidays --- It would not have been used.

It wouldn't have been used at all --- No, that's why it lasted so long.

Isn't it almost axiomatic in the earthmoving business that you have to keep equipment working to do any good with it? Would you consider it good business to invest some thousands of pounds in equipment and then have these boys only use it during their school holidays --- Yes, quite good. If I had done the same with mine I wouldn't be here today.

And the boys were able to work the plant only in the school holidays --- Yes, about a month in April and August, plus a portion of the Christmas holiday.

Mr Burns, what was the average price, around about 1950, of tanksinking work --- About 2/3d, 2/6d a yard; something around about that.

Could you tell me how long would it take to do a contract, say, of £500 --- Three days.

What you mean by that is, of course, three days actually operating on the spot --- Yes, it would be possible with my plant if I started on Monday morning I'd have £1000 on Saturday night without any trouble.

Your children commenced work, you say, about September of 1949 --- That's about the time they acquired the plant.

How long, actually, would the boys have available out of the 1949 Christmas holidays to perform any work --- About three to four weeks.

And that would be putting it at an absolute maximum, wouldn't it --- Yes.

All right. Come to the Easter period, the Easter holidays 1950. There's travelling time to be allowed. Out of the Easter holidays, the boys wouldn't have a week available to do any work, would they --- Oh yes they would. They left Charters Towers by train in the afternoon at 4 o'clock and would be home next morning at 9 o'clock.

Wouldn't you allow them any time at all for Easter jollifications with the family --- It wasn't a case of allowing them; we were living in a caravan on site at a tanksinking job. They got quite a lot of fun out of driving a tractor.

Taking the Christmas period and the Easter period, the total amount of time available could not have exceeded about four weeks --- Five to six weeks.

These two boys, then 12 and 14 years of age, what amount of work do you think would be a reasonable amount to expect them to have produced during those two holidays --- They did their eight-hour shift the same as anybody else.

Can you make a suggestion as to what they could have earned in that time --- They were paid a good rate; about £7 an hour for the dozer they had. Multiply that by 16 hours a day, 7 days a week, and that would be a reasonable estimate.

Are you suggesting these two boys, 12 and 14 years of age, worked 16 hours a day --- No, eight hours each.

At £7 per hour. Don't you think £7 an hour would be a rather extravagant rate to pay to a boy of 12 or a boy of 14 --- That's the usual pay.

You suggest a grazier would be perfectly happy in paying £7 on an hourly basis to boys of 12 and 14 years of age --- Quite happy. My word, quite happy. They were very good workers.

I am showing you an income tax return of the partnership, the first one they put in. It shows their income for the year ended 30th June 1950:

"Contract dam construction, £2507/12/8" (shows document to witness) --- That would be quite reasonable, yes.

You are suggesting these two young boys did that amount of work --- Yes.

That you didn't have anything to do with it; didn't supply any labour or anything of that kind --- I may have lent them a man, if they came back and did a bit of greasing in return, yes.

Don't you think this is rather a remarkable amount of dam construction to be performed by two boys of 12 and 14 --- No, no. If you had been out there in the West and seen them, there's nothing remarkable about the work they did.

Did they transport their own equipment --- They generally drove it.

They drove it? Two young boys drove this equipment from one job to the next --- Yes.

Did you ever transport their equipment for them --- It's possible, if it was a long shift.

It would not be economical to drive the equipment over any great distance, would it --- 20 miles.

Anything over that --- There weren't many shifts over that.

They were working within a 20-mile radius --- Mostly.

And you say that in that period the boys were able to do this construction work worth £2½ thousand --- That would be quite likely.

With very light equipment, I think you said --- Yes, light compared with mine.

In the next year, the income tax year ending 30th June of 1951, the boys then would have been 13 and 15 years of age --- Yes.

And again, the only time they would have had available to work would have been a maximum of four weeks or a little bit more --- Give them six weeks.

Apparently, according to their returns for the 1950-51 year, the children's income from dam construction was £4079/19/-, quite a substantial increase on the previous year --- That's possible. The price probably went up considerably.

Wait a while. It couldn't have gone up considerably. You have already said the average price was 2/3 or 2/6 --- No, it depends on the size of the contract. Smaller jobs go up to four shillings.

But in the main, the price was about 2/9, something like 3/- a cubic yard --- Mine.

Are you suggesting the boys were able to charge a higher price --- Yes, definitely, on smaller jobs. You wouldn't do a small job for the same price as you would do a bigger one.

Why would that be --- Because a grazier couldn't get a contractor to do it.

Because there was waste of time involved --- Yes.

Getting your plant out to the job and getting it away from the job, that would account for the extra price --- In part. I had 10 years out there doing that type of work and you could always get more per yard for a smaller job than a bigger one. The grazier wanted to get it done, he needed water storage, and he's quite prepared to pay a higher price.

**Below**: The Burns boys playing with a toy handcart near a tank on Clio. From left: Barry, Butch, Don and Mal. According to Max, the following year Barry and Don outgrew the handcart and moved onto Cletrac and Britstand earthmoving equipment, earning £7 an hour (~$500) as tanksinkers.
*[Joy Burns, J29, 1948]*

# £ 234 Commission

## ‘There would be a story behind it for sure, but I just can’t recall it’

Mr Moynahan: This same year, 1952-53, your daughter Joy still resided in Julia Creek --- She could have been. I think she may have been.

Wasn’t that the year that Joy went on an overseas tour of the continent --- She did go overseas, but I couldn’t tell you whether it was that particular year.

When did she go away on that trip. It was in April, was it not --- She was in London for the Coronation, that’s all I can remember.

How many months was she away --- Approximately seven, I think.

And she remained on your payroll the whole period --- Probably.

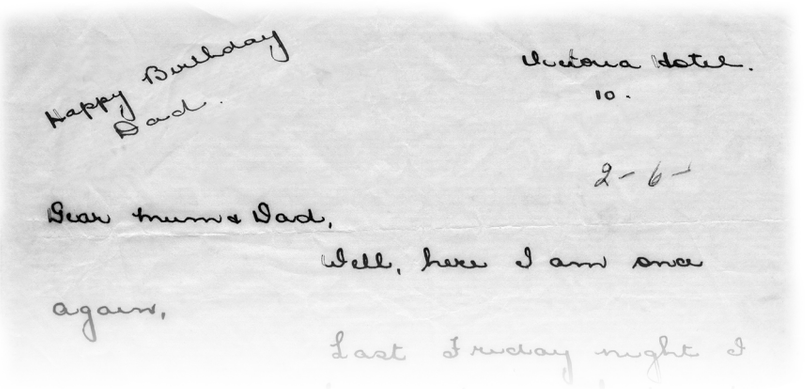
She got the wages for the seven months she was away --- Yes. That was only reasonable because she did fairly long hours and her pay was never very much.

Did you advance Joy any money in connection with her overseas tour --- I think she had some of her own and we probably put in the rest.

Do you remember what it was --- It would be in the vicinity of £400 I think.

What I want to know is: this £400 you say you advanced in connection with this overseas tour, was that on the basis of loan or gift --- It would be just given to her straight out. I don’t think there was any question of her paying it back. She just wanted to go and that was it.

Your daughter commenced work as a trainee nurse at the Brisbane General Hospital in the 1954-55 year. Do you recall if she commenced at the hospital in July 1954 --- It would be approximately the time. I just couldn’t swear to it. It would be about that period.



Happy Birthday Dad.

Victoria Hotel.
10.

2-6-

Dear mum & Dad,

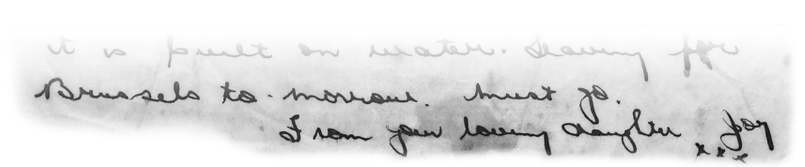
Well, here I am once again.

Last Friday night I went and saw Sonja Henie skate at Earls Court. She was marvellous. On Saturday I booked my seat on a tour bus and went to the Epson Derby. We arrived there at 9.45, so I stood by the track till one o’clock and I got a lovely view, first of Queen Elizabeth, her husband, and Princess Margaret. On one side of the track there are gypsy caravans, merry-go-rounds, hoop-lahs, just like a carnival; and on our side were tea cars, ice cream carts and fish shops. I had a wonderful day.

On Sunday night I went to the Royal Festival Hall to see and hear Burl Ives. He was super. He sang *A Dying Stockman*, *Foggy Foggy Dew*, *The Blue Tail Fly* and many others. On Monday I packed, and at night went and saw *South Pacific*. It was very good.

Tuesday we left Liverpool Station for Harwich. Arrived there at 11 and then boarded Queen Emma for the Hook [of Holland]. Oh boy was it rough and was I sick. Landed at 6.10 and caught a train for Amsterdam. Holland is lovely with its old windmills and lovely green fields. The tulips are off, but saw a few fields of them and they were glorious. There are lovely things to buy, but they will either get broken or Customs will collar them, so I am only getting little souvenirs.

Amsterdam is a city of canals and 350 bridges. Mostly it is built on water. Leaving for Brussels to-morrow. Must go.



it is built on water. Leaving for Brussels to-morrow. Must go.
From your loving daughter x Joy

**Right**: Letter from Joy to Max and Marj while she was on her 1953 tour of the continent.
*[Kerri Burns, BuK24, 1953]*

The letter shows an aspect of English that has altered since the 1950s: the written words ‘today’ and ‘tomorrow’ were once hyphenated (‘to-day’ and ‘to-morrow’). I was intending to use the hyphenated versions in this book, for the same reason that I have used imperial measurements instead of metric – to retain the feel of the era – but ‘to-day’ and ‘to-morrow’ look so strange to modern eyes that I decided against it.

During that year your accounts show that Joy received commissions from you totalling £234 --- I'm afraid without seeing the actual book and the entry I just couldn't recall at the moment.

Can you suggest any reason why Joy, while she was a nurse at the hospital, should be paid commissions by you --- No, but there would be a story behind it, for sure, but I just can't recall it.

You can't give any explanation at the moment --- No, I can't even recall it.

Joy continued her training at the Brisbane General Hospital as a nurse, and in the following year also she received an amount of £234 from you as commissions --- No, I wouldn't know. Commissions doesn't sound right, but I might be able to recall what it was.

In this particular year, on the 12th October 1955, you transferred to your daughter, Joy, the Georgina St, Redcliffe property, a property registered in your name --- Probably would have been around that time. I think that I just said: "Here it is". I am a bit hazy about the story. I originally gave the block of land to her grandmother. Joy was a bit of a favourite of hers and she wanted Joy to have it, so I transferred it to Joy.

This grandmother that you refer to is your wife's mother, Mrs Flewell-Smith --- That's right.

At the point of transfer to your daughter the land had a house on it --- The grandmother put the house on it. I said to the grandmother – she wanted to build a house of her own with some money from a son of hers who was killed in the war – I said: "You can have that block of land. It's not the best, but you can have it".

Was the property to be transferred to your daughter as a gift --- I just said: "There's a block of land. It's not very valuable, you can have it". I think I left it to Huller, the old bookkeeper. I said to him: "The grandmother is getting on in years and wants that property transferred to Joy". Huller would have arranged it.

Coming to the next year, 1956-57, Joy was still a nurse at the Brisbane General Hospital and residing there --- Yes.

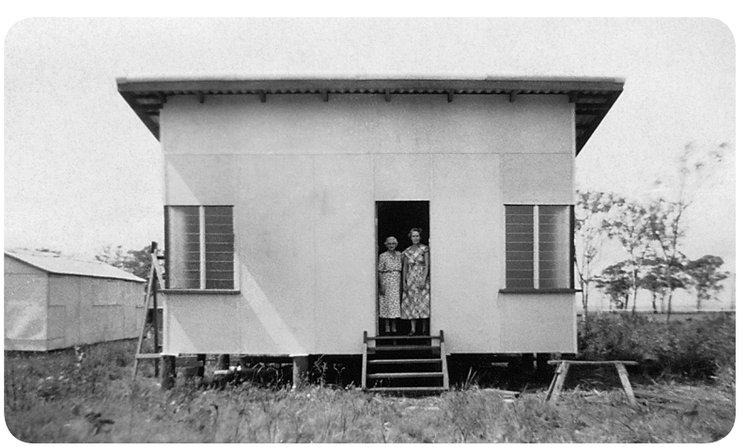
And in that year also she received commission from you of £234 --- Yes, I am rather intrigued as to what that definition of commission was.

In the 1957-58 year, Joy continued to be a nurse at the Brisbane General Hospital and again she received £234 in commissions from you --- Yes, well, I don't know what that definition of commissions is. I couldn't answer you there.

**Above**: Joy Burns as a first year nurse.
*[Joy Burns, J25, 1954]*

**Below left**: Lou Flewell-Smith's house at Georgina St, Woody Point, nearing completion, transferred to Joy in 1955. Built by Alan F-S (son). Lou and Hazel F-S (Alan's wife) in doorway.
*[Beven Flewell-Smith, BV33, ca1955]*

**Below right**: Georgina St house after extensions on the left and right of original. The home was named Ambon, after the island where Lou's son, Clive, died in a POW camp at the end of WW2.
*[Isabel Flewell-Smith, I28, ca1960]*



# A Man Named Bird

## Max and his phantom tractor drivers

**Max & The Official Receiver, 21 Aug 1961**

Mr Moynahan: Now, Mr Burns, did you have an employee working in your earthmoving business named Bird --- There could have been. I can't recall him.

You can't recall him --- No.

Are you quite sure that you can't recall this man Bird --- If you tell me what period he was there and the wages he drew it might help.

Would he be a tractor driver --- Yes, he'd be a tractor driver.

Your records show employment of a man named Bird as a tractor driver, and it was in May 1954. He ceased to work for you on 16th July 1954 --- It's quite possible that he could have come and gone and I wouldn't have even caught up with him. They came and went pretty quickly. The foreman might have given him a job.

This man named Bird, his initials were G.M.A. Bird. Notice any similarity in the initials --- Certainly. My wife's initials.

You can't tell me anything about this man Bird who is supposed to be an employee of yours --- If it was only for a short period he could have come and he could have gone. That's possible.

Can you tell me – and you should recall this one – did you have an employee named Ball --- I think there might have been.

These are the men who are out on the jobs. You were the man who looked after the outside jobs --- That's right.

And you can't tell me anything about Ball --- No.

Do you remember that this fellow Ball was supposed to be a man with three children and his address was Post Office, Toowoomba. Does that help you --- I can't just recall him at the moment.

His initials are M.J. Don't know anything about him --- No.

Do you recall that you had an employee named D. Walden --- Yes, I think I remember that name.

Is Walden still about --- I wouldn't know.

Do you recall having an employee named J.B. Williams --- What period was he there?

All these names I have mentioned to you, seem to have been employees around about the same time, around about September 1954. Did you at any time have an employee named Wilson --- If he was only there for a short period, there could have been an employee named Wilson. Tractor drivers in the west came and went. You were lucky if they stayed two months.

D.N. Wilson, does that help you --- No, I can't say that it does.

**Marj & The Official Receiver, 24 Aug 1961**

Mr Moynahan: Mrs Burns, do you remember a man named Bird, a tractor driver --- There could have been.

It doesn't mean a thing to you --- It all depends how long he was there. If they were there for any amount of time I certainly knew them. Sometimes they were only there a week. They'd say: "We're not living like blacks" and they'd go.

Do you remember a tractor driver named M.J. Ball --- I just don't remember. There were so many who came and went.

Did you ever lend any money to Bird or Ball --- Not that I know of. I have never heard the names before.

The initials of Bird are the same as yours apparently: G.M.A. Bird --- Are you sure it's Bird. It might be Burns. I have never heard of the initials of G.M.A. for anyone other than myself.

So far as you know, you can't recall ever having had any dealings with a man named Ball or a man named Bird --- If they were on the books for a long time I should have known them, but not if they were on the books for only a short time. It all depends on what they were doing.

Here's an account of Mervyn John Ball --- We had a Mervyn[1] working for us, but his name wasn't Ball.

You see his credits for wages. You see the various entries running from January 1955 through to the end of June: wages January 1955 (£61), wages February-April (£76). Turn over the page and you see further credits for wages until you get to the end of June when M.J. Ball is in credit to the extent of £367. He's drawn practically no money at all for that six months and this man is supposed to be a married man with three children. Now, on June 30th, you see a transfer to Mrs G.M.A. Burns of £367 --- I don't understand it. Why should he give me money? I don't know anything about it. I have never seen it before and I have never heard of it.

Why should you get £367 wages earned by M.J. Ball --- But I didn't. I have never even heard the name before. Ball – never.

This is a married man with three children, apparently, who is credited with wages for six months from January to June, and he's never drawn one penny of that. He's in credit £367 and that amount is just handed over to you --- I don't know anything about it. Fred Huller did it. It was not with my authority. I wouldn't work under anyone else's name.

It's a highly suspicious circumstance isn't it --- It does look so, but it's nothing to do with me.

Your account was credited with that £367 in your husband's books --- But why M.J. Ball? Why G.M.A Bird? I have never heard of them.

1. Possibly Merv Brand, page 540.

# Exhibit 36 & Cheque 598

**Marj spins a turkey's nest yarn ('Oh what a tangled web') and is silenced into no answer**

Mr Mornahan: Coming then to 1948/49, did you acquire any pastoral interest in that year --- Probably the year of Abydos and May Downs.

Would you explain how it came about that you bought Abydos and May Downs stations --- My husband had bought Balootha. The two neighbouring properties were a very good buy and I wanted to have them, so he said if I gave him a promissory note he would lend me the money.

What was the price of it --- I think my portion was about £8000.

How did you finance it then, your purchase of Abydos and May Downs --- As far as I can remember I gave my husband a promissory note. I think I had some cash and I paid a deposit. I just don't remember how much. I did pay that back through agistment. I let it on agistment.

Will you explain what was the arrangement between you and your husband about this purchase by you of Abydos and May Downs --- I wanted to live there.

You wanted to live on Abydos and May Downs --- Yes.

But was there any homestead on Abydos and May Downs --- No, the only homestead was a very old building on Balootha.

But there was no homestead on Abydos and May Downs --- No, but I wanted to have a homestead there and to live there.

Then you said something about agistment --- That was the only way that I could pay him back. It was all properly drawn up.

You say there was a properly drawn up agreement. Accepting the fact that there was, can you tell me what the arrangement with regard to agistment was --- I know I agisted cattle for my husband. The bookkeeper did all the bookwork.

You never at any time had your own cattle on Abydos or May Downs --- I didn't own any.

I will come back to this agistment question. In this same year of 1948/49 that you purchased Abydos and May Downs, do you remember buying any other property in conjunction with your husband --- That would be the Redcliffe home.

Yes, the Macdonnell Road, Redcliffe home. That was purchased in conjunction with your husband --- Yes.

In your joint names --- Yes.

Do you remember what was the purchase price of that --- £3000 and some hundred pounds I think.

How did you finance the purchase of your half share in that --- I had £100 in the bank and I paid that as deposit.

What about the balance of your half share --- The children and I, during their school holidays, did a small job with the tractors for a Mr Arthur. I think that's where I got the money from to pay my half.

Where was this job done --- Outside Julia Creek, about 30 miles. I have forgotten the name of the property, but I will think of it.

You and the children… --- My brother, Ned[1], was there. My husband was away at the time. I wanted the Redcliffe home half in my name because we had sold the home at Clermont and we were living in a caravan on tanksinking jobs.

Would your half be £1800 --- I think it would be about that.

You said you had £100 and the other £1700… --- Well, it might not have been just that much, but it was somewhere around that amount.

And you say the funds that enabled you to purchase your half interest came from a job that you and the children carried out for a Mr Arthur --- And my brother helped me. I can drive a tractor, but I can't do any tanksinking.

This job which you did for Mr Arthur, that would have been done with all your husband's equipment --- Yes, but it was lying idle while he was away.

When you say you and the children, that would be the two boys, Don and Barry. Weren't they quite young --- While they were on school holidays they did four-hour shifts. Donald could drive a tractor before he was 8.

Are you suggesting that they did in fact drive the tractors --- Yes they did.

On that job --- Yes, they did.

And the boys were 10 and 12 at the time --- Yes.

You see, I am seeking to ascertain the source of your funds that enabled you to buy a half interest in the home at Macdonnell Road Redcliffe. Did this Mr Arthur pay you and the boys for this job --- I think he did. I just don't remember that.

What do you say the price of the job was --- I think it was approximately £1700, something around there, but I just couldn't remember the exact amount.

Was there any labour employed on it --- No.

Who did in fact drive the tractors --- The two boys. £1700 is not a very big job. They're only turkeys' nests, as they're called in the west. But my brother, Ned, who was there, sort of kept them at their bats. He told the boys where to dump and what to do.

1. Marj gives the date of this job (see next page) as July or August 1948. At that time Ned was working at the RAAF base, Macrossan, outside Charters Towers and Marj was running the Commercial Hotel (bottom of page 53). She was not in Western Queensland tanksinking.
   Ned had worked for Max on Clio in 1947 (photo, page 20), but that was the only time he worked as a tanksinker. He was killed in the Macrossan Smash on 16 September 1948.

A turkey's nest as distinct from a dam. A turkey's nest: is that where the surface of the land remains at the same level but you build up banks --- Yes.

What was the name of this station that Mr Arthur owned --- I have forgotten it at the moment but I will remember. It's only a short distance out of Julia Creek.

You say it was the earnings from the job for Mr Arthur, carried out by you and your two young sons, that gave you the finance to pay for your half interest in Macdonnell Road, Redcliffe --- Yes.

After that property was purchased, did you go and reside there with the family --- No. We only used it when we came down during the year on business, and again for about a fortnight at Christmas time during the boys' holidays.

Just pausing there for a moment. Did you and the children do any other jobs for anyone else other than Mr Arthur during these particular years --- I wouldn't be sure about that.

I was just curious as to whether you and the children had done any other work for anyone else other than Mr Arthur. Can we take it then that this transaction with Mr Arthur was an isolated transaction --- No, we did others, but I don't remember just when.

Do you remember how Mr Arthur paid you for this job that you and the boys did – by cash or cheque --- It would hardly be by cash.

Well, I am asking you if you recall how you were paid --- I remember receiving a cheque.

What did you do with the cheque? Would you have banked it --- I just don't remember now.

I draw your attention to certain deposits made into your bank account. In particular I draw your attention to Exhibit 36, a deposit by your husband of £1342. And I draw your attention to Cheque 598 for £1700. It went through your bank account on 29th December 1948, £1700. Can you recollect what that £1700 would be for --- It would be for the house at Redcliffe.

That would be the balance of your half share of the Macdonnell Road, Redcliffe, residence --- Yes, I think so.

So it's quite clear that Cheque 598 paid your half share of the Macdonnell Road house --- Yes.

Coming back to Exhibit 36, this deposit of £1342 by your husband, is there any connection between that deposit of £1342 and you then being in a position to draw a cheque for £1700 to pay your half interest --- It's so long ago. I just don't know what happened there.

This £1342. You see, it goes into your bank account only a month or so before you pay the £1700 for the house. Your husband puts it into your account. Isn't that linked up with your ability to draw a cheque for £1700 to pay your half share in Macdonnell Road --- No, I don't think so.

How could you have paid the £1700 without… --- Because we did some work for Mr Arthur, the boys and I.

Who did you do this work for --- It was Mick Arthur. I can't remember the name of the property. That's not his right name, but that's what they called him.

They called him Mick --- Yes.

You can't remember where you did this job – the job, you say, you and your two oldest boys did --- No, but I know the name of the man.

How long did this job take you and the boys to do, on this property you can't remember the name of --- About 8 or 10 days.

Tell me this: was this Mick Arthur a manager of the place or was he the owner of this place --- He was the owner.

It was somewhere near Julia Creek --- Yes.

You said you would have received payment by cheque and you would have banked it to your account --- I think so.

Since you drew £1700 on 29th December, and if you say that the money came from this Arthur job, then you must have done the job for Arthur just prior to the 29th December --- We did the job in the holidays and that would be in July/August.

Well, now, all your bank accounts are here. You identify for me this payment you say you received from Arthur for this job. What I want to know is: that £1342, Exhibit 36, we know your husband deposited it, but where did it come from --- I couldn't say. I only know we did that job in July or August.

If your story is true regarding a job done for this Mr Arthur – that you received the money and it went into your bank account – I am putting to you the only amount that could be referrable to that job would be that amount of £1342 deposited by your husband on 8th November of 1948 --- I just couldn't be sure.

But you can't point out any other moneys that could be referrable to the Arthur job… --- No.

… except that £1342 deposited by your husband. That is the position, isn't it --- As I told you, I don't remember, but it could be.

This is not a question of remembering at all, Mrs Burns. This is not a question of remembering. I have shown you your bank account. You say you did this job for Arthur in July of 1948 and he paid you --- Yes.

Whether it came to you direct from Mr Arthur, or via your husband, doesn't matter for the moment. You were paid for the Arthur job, and with that money you paid the £1700 which, you say, purchased your half interest in the Macdonnell Road, Redcliffe, property. Those are the facts that you state, isn't that correct --- Yes.

I have shown you your bank account for the relevant dates, and I have asked you to identify this amount that you received from Arthur. You aren't able to do that, are you --- No.

Or you aren't prepared to do that --- I'm not able to.

I have shown you the whole of your bank statement, Mrs Burns. There is a deposit by your husband on the 8th November 1948 for £1342, and very shortly after you drew your own cheque for £1700, which we know went in payment for the Macdonnell Road, Redc1iffe, property. What I am suggesting to you, is that if your story is true, Mrs Burns, the deposit by your husband of £1342 on the 8th November must have come from the work you and the boys did for Arthur --- We did do it.

Listen to my question… and listen very carefully… If your story is true about working for Arthur, then that deposit made by your husband of £1342 must be payment for the job that you say you and the boys did

for Arthur. That's the position, isn't it --- I don't know. I don't disagree. I just don't know.

As I have already said, it is a question of facts, cold facts that are now before you in the witness box. It is not a question of knowledge at all. I don't want to waste a lot of time going over this again. The only explanation of the deposit of £1342 made by your husband on the 8th November, Mrs Burns, is that the amount is in payment of this Arthur job. Do you understand that? Do you follow that --- Yes.

That is not a question of knowledge; this is just a question of obvious inference from proved facts. So in the face of those facts I now ask you: what is your explanation of that deposit of £1342 made to your account by your husband? --- I don't know. I can't remember. I don't know.

I am asking you to draw the explanation from your own evidence. That's all. It's not a question of knowledge, or suggestion, or anything else. This is just cold hard facts, Mrs Burns. You appreciate that. If your story is true, the only explanation of that £1342 is that it is payment to you from Arthur. That is, if your story is true.

You are left with this, Mrs Burns: where that amount of £1342 is concerned, you have two alternatives. One alternative is that you accept the fact it is payment from the Arthur job; the other is that it did not come from Arthur. Now, there is no middle course; it either did or did not come from Arthur. If it didn't come from Arthur, why did your husband make that deposit to your bank account --- I don't know why.

If that £1342 didn't come from the Arthur job, how and when were you paid by Arthur? All your accounts are there. You show me where the money came in from Arthur --- I still don't know. I only know that the money was paid in.

Look, Mrs Burns, what I am putting to you – and I will put it very bluntly to you – is that £1342 went in from your husband, so that you would then be in a position to draw that cheque for £1700 --- No. We did do that job. I'm not exaggerating. The two kiddies and I. We did quite a few jobs. It's so long ago.

It could have been a long time ago, Mrs Burns, but it was *you* who told us the story of how you financed your half share in Macdonnell Road. *You* told us it came from a job you did for Arthur --- Yes. If my husband was away and the kiddies were home, we often worked, and we were paid for it.

You were paid for it? Are you suggesting that you and the children, while the children were as young as they were at this time, did jobs for which you were paid --- I don't say we always got paid, because we didn't.

What I am suggesting to you is that this story of yours about getting payment for the Arthur job – and I'm not saying whether you did the job or not – is just a fabrication to explain your ability to pay the £1700 --- No. We did do that job for Arthur and I did pay my share of the house. Whether I did it then or later, I don't know. I'm not lying.

I put also to you, Mrs Burns, that the £1342 was money lent to you by your husband for the purpose of your acquiring the half interest in Macdonnell Road, Redcliffe --- No.

You deny that also --- It was always understood I earned that £1342.

I am only interested in cold facts, you see, not what was understood. I am putting to you that that £1342 deposited in your account on 8th November 1948 was a loan… --- No, I have never had a loan.

…made by your husband to you for the purpose of enabling you to acquire the half interest in Macdonnell Road --- No.

Do you recall giving your husband a promissory note for an amount of £1342 on the 8th November 1948 --- I don't know.

Well, I'm asking you, Mrs Burns, and I am putting it straight at you: Did you give your husband a promissory note for £1342 on the 8th November of 1948 --- No, no, I couldn't say.

Mrs Burns, my information from the Stamps Office records shows that on the 8th November 1948 there was a promissory note for £1342 from you to your husband --- I do remember something about a promissory note.

You remember something about it now --- I don't remember whether that was for Abydos and May Downs. That's the only one I remember.

Mrs Burns: you have already given a promissory note to your husband for £8000 in October of 1948 to enable you to purchase Abydos and May Downs. I suggest this £1342 has nothing whatever to do with Abydos and May Downs --- I just can't remember.

I am just trying to ascertain the facts about this, and I am telling you what my information is and the source of it. There are statutory declarations in the Stamps Office to the effect that on the 8th November of 1948 a promissory note for £1342 passed between you and your husband, the date your husband paid £1342 into your account. If that money is secured with a promissory note, then you will agree with me, I think, that it must be a loan and can have no relation to doing a job for Arthur --- (No answer)

You can't have it both ways. That £1342 is either payment from Arthur, in which case your story is true; or your story is a fabrication, and the £1342 has nothing to do with Arthur and is a straight out loan from your husband, secured with a promissory note --- (No answer)

Mrs Burns, I would like you very much to make a note. I want to know the name of Mr Arthur's property. I would like you, if you can by tomorrow morning, to be in a position to tell me exactly the name of that property[1] --- Yes. Can I write it down?

Yes, you can make any note to assist yourself. I want to know exactly the name of the property and Mr Arthur's name and address if you know it --- No, I wouldn't know it. He sold out and went away.

Well, his address at that time.

1. The next morning Marj informed the court that the property was Yorkshire Downs owned by Hugh Arthur.

   Keith Coleman, head stockman on Yorkshire from 1952-55, has been able to confirm that at least some aspects of Marj's story are true:

   *At the end of November 1948, as soon as school broke up, Dad and I left Hughenden and went to Bodel Station. We went from there to Yorkshire Downs, right up on the head of Julia Creek about 23 miles from town. Went there in '52 and left in June 55.*

   *Hugh 'Mick' Arthur owned Yorkshire, and lived there until Dad came to manage the property. Arthur sold out during the drought of '52 and went to near Dalby.*

   *There was a tank on Yorkshire in the south-east corner of "wether paddock" where all the wethers went, put down by Max before we arrived. The tank hadn't been long established as there were no trees around it.*

**Above**: The three youngest Flewell-Smith children.
From left: Ned, Marj, Clive.
*[Joy Burns, J79, 1923]*

"I was about 12 there. Clive'd be about 6, just before he had his curls cut off. I don't think he ever wanted his curls, but in those days they didn't cut their curls, they left them. I remember them being cut when he went to school." (Marj Burns)

Marj Flewell-Smith ♥ 1932 Max Burns

- ↪ Joy ♥ 1960 George Everest
  - ↪ Barry
  - ↪ Andrew
  - ↪ Donald
- ↪ Don ♥ 1957 Jill Brennan
  - ↪ Guy ♥ Jenny
  - ↪ Kal
- ↪ Barry ♥ 1959 Josie
  - ↪ Trevor
  - ↪ Karen
  - ↪ Jeffrey
- ↪ Mal ♥ 1967 Mary
  - ↪ Kerri
  - ↪ Stephen
  - ↪ Kalli
- ↪ Butch ♥ 1969 Liz
  - ↪ Tony
  - ↪ Jason

**FLEWELL-SMITH.** — In loving memory of our dear Sons and Brothers, QX10858, Sapper Clive Flewell-Smith 2-11, Gull Force, died P.O.W. Ambon 9-6-45; also Edgar (Ned) Torbruk Rat, QX3199, 2-15, killed Charters Towers, 16-9-48.
Loved and remembered always.
Mother and Family.
**MARTIN.** — In loving memory of Flight-Sergeant Douglas Martin killed in air

**ROLL OF HONOUR**

**FLEWELL SMITH**, Clive Burwood.—2/11 Fld Coy., 8 Div.—In loving memory of our dear Son, Uncle, and Brother, who died P.O.W., Ambon, 9th June, 1945.
Gone is the face we loved so dear,
Silent is the voice we loved to hear.
Deep in our hearts a memory is kept,
Of one we loved and will never forget.
Inserted by Mother, Marjorie, Max, Joy and Boys, Julia Creek.
**McKENZIE.**—Tribute of love to the Flying-Officer Gordon

# I Grabbed the Po

## Marj Burns

Died 29 Mar 2005

**Gertrude Marjorie Alice Burns**
**1911 – 2005**

You can ask me questions but I don't think I'll remember much. Lately I've even started to forget bloomin' birthdays. I haven't had a chance to forget my own though – this 90th birthday. Oh God, I'm just sick of hearing about it.

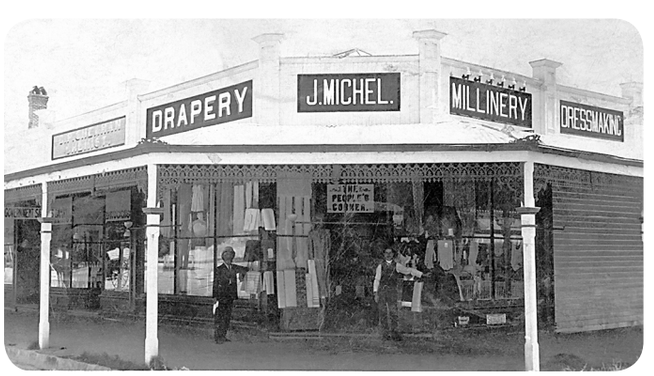
Second of October, 1911 – I can remember *that*. I was born in Lowood. I haven't seen it for years.

My father was a builder. William Weir Flewell-Smith. All around Lowood he built houses. He was born in 1868. I think he was 85 when he died. Lowood cemetery is where most of the elder Flewell-Smith people are buried. Both my grandfather and grandmother are buried there.

Mum was a Michel and she was born in 1880. She was 12 years younger than my father. She was born in Australia. They both were – in Queensland. They lived in Lowood for many years. She was called Lou but her name was Louisa Isabella. When the grandkids came along we called her Gran. I objected to being called Gran when my turn came, so I was Nan.

My brothers are all dead. I didn't have any sisters, I had six brothers – Douglas, Stanley, Alan, Keith, then me, then Clive and Ned. I remember my brother's names but I don't remember their birthdays. Stan, he was the second eldest. He lived to 93. He's been dead just a couple of years. Now I'm 90 and I'm the last one left.

The two young ones, they died in their 20s. Clive died as a POW on Ambon just as the war ended. It was a terrible thing. Ambon's a little place; you can see it on the map. Australia's here and Ambon's just up there. And Ned, he was a Tobruk Rat. He did something to his knee during the war and they tossed him out. He was in Charters Towers in 1948 working for the army when a semi went over a bridge. He was killed in the Macrossan Smash.




**Above**: My grandmother, Marj Burns, on her 90th birthday.
*[Guy Burns, GB56, 2001]*

**Right**: The Michel store at Lowood.
*[Joy Burns, J04, undated]*

"That store would be in Lowood. Some people say 'Mickel', but it wasn't. The proper pronunciation is Michelle." (Marj Burns)

"Gran Flewell-Smith always said her maiden name was 'Mickel'. I happened to be stopping with Gran – I was 18 at the time – and we went out together somewhere, Gran and Auntie Marj and I. And Aunty Marj, talking about relatives, says 'Michelle'. Gran leans to me: 'Mickel, it's Mickel'. She blamed Marj for trying to put on airs and graces." (Merle Flewell-Smith)

I grew up in the Wondai district. When I was about 6 we went to a place called Cloyna, 25 miles north of Wondai by road, and we lived there. Glenrock was the name of our property; a dairy farm, but my father still did building.

My mother never worked outside on Glenrock. She never went and milked cows and kept pigs and all that sort of thing – but I did. I did quite a lot of the mustering and I helped with milking. I did help with the pigs on occasion too – cows, pigs, horses. We didn't have a lot of horses but we had to have them because we did a lot of riding.

I was pretty good at mustering cattle, which was my job more or less when I got up to 10 or 11. I lived on a horse in those early years until I was about 18. Then we sold the farm and moved to Wondai. My father mostly did building then. He and my brother Alan, they were both builders. Actually, two of my brothers were builders. They were taught how to build by my father. He was able to give them lessons on it. They were good carpenters.

At Cloyna there was a little shop that had everything in it, and a school house, and that was where I first went to school. I was about 8 I suppose. It was 5 miles to school – 10 miles a day. First of all we had to walk. There was no road to school, so being bush kids we cut through paddocks. Eventually there was a road and we used to ride. I can remember riding horses to school until I was nearly 14. We all went to school until 14. Grade 6 was the top grade.

My father and brother built a little church at Cloyna. A Baptist church, because it was Baptist people that got it going, but we were Methodists. Way back, my people were Church of England when they first came out from the old country, but at Cloyna there were no ministers of religion until the Methodist minister came. Then we just went with the Methodists and we grew up Methody.

We had a big barn and every month some minister would come out; might be it was Baptists, Methodists, Anglicans. The Catholics never came but the other denominations did, once a month. Everyone used to go to that church, the one my father built.

First of all, we had church in our barn. No – first of all, in our house. But then when we got the barn – it was bigger than the house – it was more convenient to have it in the barn. It was primitive in those very early days.

Everybody went to the same church. Whatever faith didn't matter; whether it was Anglican or what it would be. I suppose it would only be the Catholics that didn't come to our church because they weren't supposed to. I remember in Julia Creek – everybody in that little place was friends and they'd all be invited to a church wedding. One that I particularly remember was Anglican. When we got there I thought we were early; the people were still in the yard. They said: "No, it's just about to start". I didn't wake up that the Catholics weren't supposed to be in the church. A few weeks later there was a Catholic wedding. Everyone was inside except one man at the gate and I said to him – I knew him of course – and I said:

What are you doing here? Why aren't you inside?
I'm not going into that bloody church. They wouldn't come in
ours last month and I'm certainly not going in theirs!

Our entertainment? Well, we had school fetes and dances. That was our entertainment – dancing. I suppose we'd have them every month; we wouldn't have them every week. We looked forward to them. Most kids, we all danced. We'd go to Murgon to a dance or Wondai to a dance. People would come from 60 miles away. There weren't a lot of cars, but somebody always had a car. I remember there was a young couple who lived near us, they had a car and we'd all go together. Never cost me anything. I suppose the boys put in for petrol.

Balls – there were a lot in those days, and you always had a long dress. Even if you didn't have any money you always had a long dress.

We had an old gramophone. They were popular. The old ones with the big horn. The wireless didn't come in until the thirties when Joy was born. I can remember one of the first words she said was "whyliss". Do you know: I still call it a wireless occasionally.

And there was a travelling picture show came around. They came out to all the little towns and everybody went to it, especially kids. Mostly in schools or halls. They had their own screen with them.

The first car we had – I can remember it. I must have been about 15 I'd say. Before that it was sulkies. We never had buggies. A sulky is a two seater. It has a little seat up front that two kids can sit on, and it sits two adults. A buggy is double seated – four people. Sulky one horse, buggy two horses.

MARJ BURNS was not my real grandmother, but Guy's. Nevertheless, I called her 'Nan' because she was like a grandmother to me. And there was something about Nan that made you like her. She was matter-of-fact, down to earth, easy-going, and funny without meaning to be.

I got to know her in the 1990s when Guy and I stayed in the Sandgate unit with her. She always made me feel welcome and part of the family. We would chat for hours while doing a bit of housework or drinking cups of tea. She told me of her young days, her marriage to Max, stories about Julia Creek, and she talked a lot about Guy's mother, Jill. I think she really loved Jill. Her death so young was a great tragedy for Nan.

Nan and I found we had one interesting thing in common – we both liked opals. She fossicked for opals and other gem stones and polished them. It was a favourite hobby of hers. One day she gave me a piece of blue opal potch that she had found and polished into a small oval shape. Later, when I told Guy that I would like to have it set to make a necklace, he took it to a jeweller, had it set in silver, and gave it to me for my next birthday. Today I treasure that necklace made from Nan's opal.

Nan also gave me her fossicking tools and a white lace headscarf which had belonged to Guy's mother. Jill had worn it for 'best', and to church.

As Nan became older, it often happened that the name of an object would momentarily slip from her memory. In substitute she would use the word 'whatsiname'. It wasn't always the case that you knew what she meant, although Phyllis, her flatmate, seemed to have no difficulty in understanding Nan's intent:

*Phyl, where's that whatsiname?*
*I don't know Marj; haven't seen it for ages.*
*It was here yesterday. I put it down*
*and now it's gone…*

And so the conversation went on, without anyone else having a clue what they were talking about. Yes, there was something about Nan that made her a memorable character.

*JENNY PEARCE*

**Opposite top**: "14 LBS, W.W. F-SMITH"
Cream can label belonging to Marj's father, William Weir Flewell-Smith, found on Glenrock, May 2002. Dug up by the owners (the Kapernick family) while fencing.
*[Guy Burns, KH06, 2002]*

**Opposite bottom**: Cloyna School. Keith F-S, back row fourth from right; Marj in front of Keith.
*[Joy Burns, J06, 1922]*

**Right**: Lou F-S sitting on verandah of Glenrock with a sulky underneath.
*[Joy Burns, J15, Nov 1929]*

**Left**: Mondure XI. Max, second from left, front row.
*[Robin Burns, R42, 1929]*

**Below**: Extract from an exercise book in which Max kept quotations ranging from the ancients (Plutarch, Plato), through Shakespeare to the Romantic poets and modern philosophers. There are several from Swedenborg. This one reads:
"Many a writer and poet dies young
in the breast of the ignorant".

The book includes several hundred quotations and indicates that Max was very widely read. He even authored a few pithy homilies himself:
"Man retains in manhood's prime,
The habits of his boyhood years".

**Opposite**: Opening day of the Mondure Hall. Max and Marj had their first dance together in this hall on the 16th November 1929.
*[Bill Burns, BuW12, 15 Sep 1928]*

## *Wilf Compagnoni*

I WAS BORN in Wondai in 1910. My father was on the land, mixed farming: some cattle, some agriculture. The property was called Hillcrest, 9 miles from Wondai in an area called Mondure. Mondure was a huge cattle station at one stage. Most of the Wondai district belonged to Mondure until it was broken up for closer settlement in the early 1900s.

It used to be a fairly busy little area. They had a school at Mondure and a school at North Mondure. They had a hall which the Burns family helped build, and they had dances. There was a butcher shop and a grocery store, but, like a lot of small country towns, disuse has set in I'm afraid.

I went to school at North Mondure about a mile away from where we lived. RL Burns, Max's father, had a farm opposite the school. We always knew when he was about. He didn't mince his words when it came to talking to his horses or his dogs in his Scottish brogue. Our school mistress used to say: "Listen to the voice of Burns".

We had 15 to 20 pupils at North Mondure school. When it closed down we all went to school at Chelmsford, about 2 miles south-east of our farm. I remember Max Burns pretty well at Chelmsford. He was a couple of years ahead of me and was always a get-up-n-goer. He liked to be in front and lead if he possibly could.

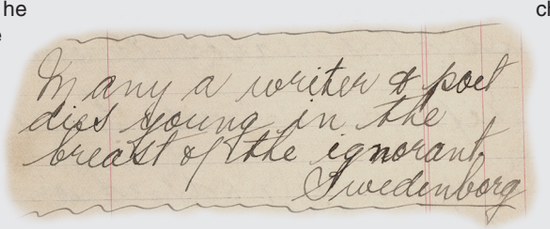
We had a fantastic record as school cricketers. No school could beat us. I was a left-hand bowler, fairly accurate, and nobody could handle my leg breaks. Max was an excellent batsman; they couldn't get the beggar out. We were always very successful in our cricket.

Max continued to play cricket as he got older. He was an important member of the Wondai Cricket Club because he was a good batsman and he had quite a few centuries to his name. He played in composite teams a number of times and he did pretty well. What they'd do is assemble the best players from North Queensland, from the Burnett district, from the Darling Downs, and bring them all to Brisbane. I think it was to promote cricket. In the Wondai area cricket was the most important sport, followed by football and tennis. During the summer season we played cricket every weekend and some of the time we'd go away.

Max was a natural sportsman, more so than the other members of the family; and because of his sporting ability, especially at cricket, he was a bit of a personality around the place. If there was something going on Max would try and be in it. He had get-up-n-go.

Max showed me a letter one day at a cricket match[1]. It started off: "Dearest Lady". I remember that clearly. "Dearest Lady" is how it started off – the opening gambit. This was a letter to Marjorie Flewell-Smith. Here was Max declaring his good intentions and making his play for her. I don't remember the year, but I remember it was during a cricket match at Mondure. He had the letter with him. He wanted to get some comment on it.

I met Max again at a school reunion after the war and we talked about old times and renewed old acquaintances. He asked me to come around to where he was staying because he had a book he wanted to talk about. He'd gotten hold of some books by German philosophers. He was reading them in English, but he wished he could read them in German. One of the books he was very keen on was by Swedenborg. Max was interested in human destiny, where we were going. At that stage I think he was more interested in philosophy than making a living. He was always keen to improve himself.




Max was intelligent, there's no doubt about that. He was the most intelligent of the Burns family. He had ambition, and if he wanted to do something it took an awful lot to stop him. He could be aggressive and straight-talking.

Sometimes, when I was home from boarding school, I'd go to the Burns' farm at Mondure and play a bit of cricket with him. He'd say to me: "You're not a bad bowler, but you can't bat. If you were playing against yourself you'd bowl yourself every time." That was Max, y'see.

I'd say if you tried to take Max for a ride you'd lose. He was inclined to want to get his own way irrespective of the cost. If anybody had an argument with him, or a difference on some commercial thing, they wouldn't take Max down. He'd make sure he got the best of the deal. He'd find ways of getting around things. That's probably why they called him… what was it? … a mongrel.

Max got into tanksinking at Julia Creek and it became a lucrative business. He bought the machinery, worked it, paid it off, and showed a fair bit of profit. The problem was – and why tanksinking became his downfall – it didn't challenge him to any great extent. He wasn't that interested in it except as a way to earn money. Max had abilities and talents that were really never developed – that couldn't be developed while he was an earthmover.

I don't think he was ever satisfied with his life. The impression I have, and I'm quite sure of this, is that Max was never quite content with what he was doing; that he was looking for something which always evaded him somewhere along the line.

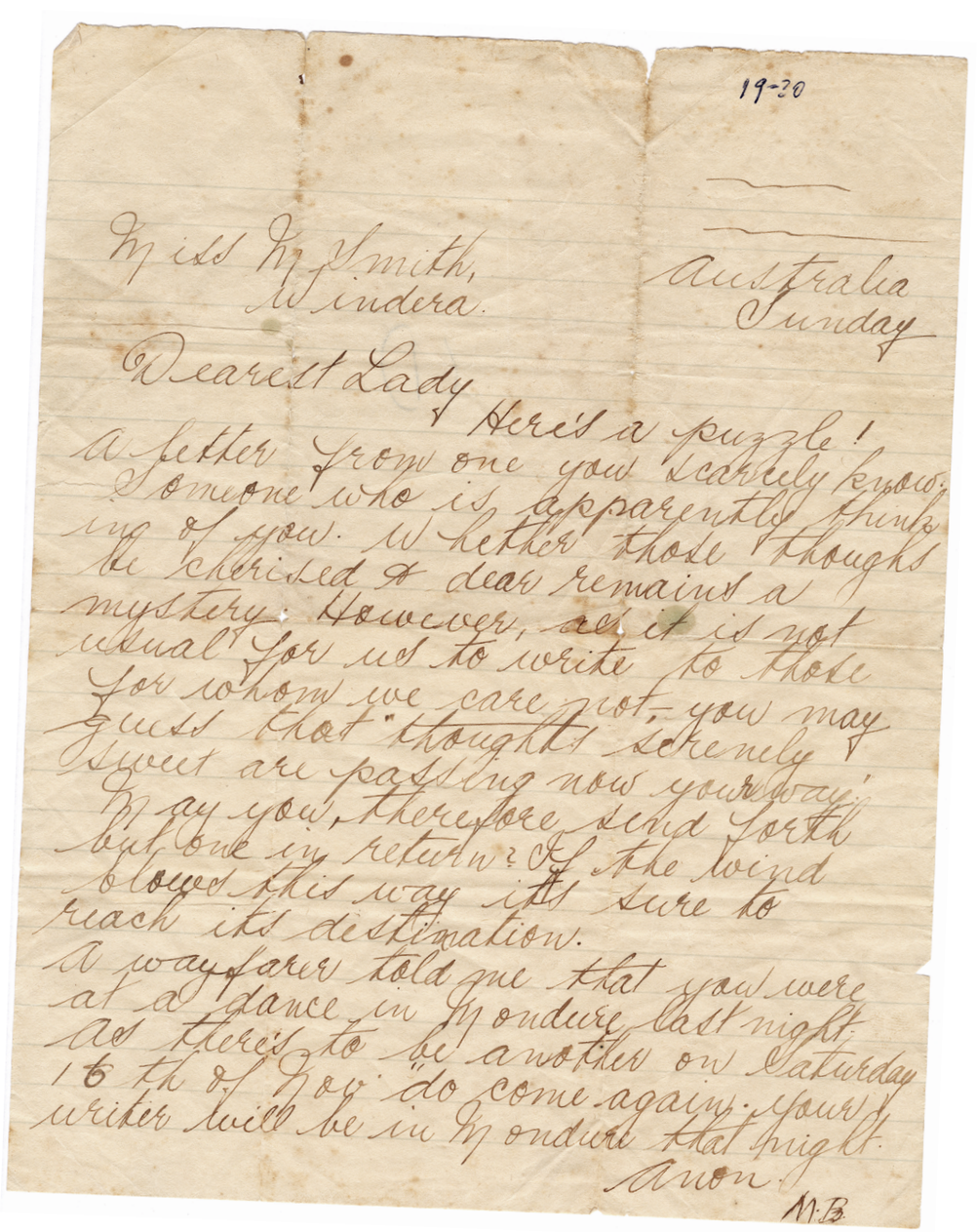
1. Wilf came out with this comment unprompted. He was referring to the first letter written by Max to Marj (opposite). I had a copy of the letter on my laptop, and when I showed it to him he recognised it as the letter he was describing.

With six brothers – four of them older than myself – there were always plenty of boys around Glenrock. The place was alive with boys. I had quite a few boyfriends before Max, though nothing was very serious. None proposed marriage. I think it was more just friends.

I met Max while we were still living at Glenrock. Max lived at Mondure and he used to play cricket for the Mondure team. My brother Keith used to play cricket too – for Windera. We went to Mondure for this cricket match and that was where I was introduced to Max. He must have been a bit taken with me. All he knew about me was my name, but we all knew about Max Burns because he was a good cricketer. Then I got an anonymous letter with no name on it. It was quite a romantic start: how he'd seen me at this cricket match and he'd like to meet me. As soon as Keith saw it he said: "That'll be Max Burns". His name was Malcolm but we all called him Max.

The next Saturday night I went to a dance at the Mondure Hall and that was how our romance started.

Max romanced me mostly by writing and sometimes a telegram. The first time I met him he was living at home at Mondure and I was living at Glenrock. Then he bought a little farm at a place called Wooroonden. He didn't have a motor car and we didn't see each other very much unless he rode into town or came by sulky. He'd use the phone or I'd use the phone; there was always a phone somewhere. And letters of course. He wrote the most beautiful letters and I kept them all for years and years. Anyway, we had a barney one night – be in the late sixties not long before he left me – and I gathered all his letters and burnt them. All except one – that first letter.




**Right**: The first letter sent from Max to Marj, probably written on Sunday, 10th November 1929. Although dated by Marj (at the top) as 1930, it was actually 1929. There was no Saturday, 16th November (third last line) in 1930. *[Kerri Burns, BuK01]*

Australia, Sunday

Miss M. Smith
Windera

Dearest Lady,

Here's a puzzle! A letter from one you scarcely know. Someone who is apparently thinking of you. Whether those thoughts be cherished and dear remains a mystery. However, as it is not usual for us to write to those for whom we care not, you may guess that thoughts serenely sweet are passing now your way. May you, therefore, send forth but one in return? If the wind blows this way it's sure to reach its destination.

A wayfarer told me that you were at a dance in Mondure last night. As there's to be another on Saturday 16th of November, do come again. Your writer will be in Mondure that night.

Anon

Max was born at Maryborough in 1907. He was four years older than me. He had one sister and three brothers. His father was Robert Lindsay Burns; people called him RL. He was a tough man, but he was also a gentleman and well-respected. He wasn't just a nobody; he had his own farm, Avondale, and he was on the council. In his little group at Mondure he was well-known, well-liked, and into everything.

Although RL wasn't poor – Avondale was quite a good farm with a nice home – there wasn't much money. Avondale was a lovely place really. It was a going concern when I first knew the Burnses. [continued page 46]

**Right and far right**: RL (Robert Lindsay) Burns, shire councillor, front row, second from left.
*[Murgon Council Office, MC01, ca 1910)*

**Below**: Avondale.
In 2008 the house was still being used as a dairy farming residence at 482 Flats Rd, Wondai.
*[Bill Burns, BuB09, 1925]*

I CAN REMEMBER as a little kid visiting the grandparents' farm at Mondure with its big old rambling home and a wide verandah all the way round. And there's two things I remember. Grandpa Burns loved sour cream and bananas. Absolute putrid, eh. And Grandma used to make junket. Every time we went there she made junket and we'd say: "Oh, not again!"

Anyhow, she'd always put it out on the verandah to set. Us kids'd be running around the farmyard with shit all over our feet and Christ-knows-what. Don would be chasing me, trying to catch me as usual (but I could always run a lot faster than him), and here I was running round the corner of the verandah – and straight into the junket went me cowshit-covered foot. I was shaking me foot and wiping it down, and at the same time trying to smooth over the bowl of junket.

Come dessert time Don said: "No thanks Grandma", Joy said: "No thanks Grandma". "Oh, you gotta have some." But she couldn't get any of us to eat it.

*BARRY BURNS*

**Above**: Unidentified man harvesting lucerne on Avondale.
*[Robin Burns, R40, 1933]*

**Above**: Jane & RL Burns, Max's parents.
*[Bill Burns, BuW08, 1 Dec 1925]*

E.T. No. 2

COMMONWEALTH OF AUSTRALIA.—POSTMASTER-GENERAL'S DEPARTMENT.

RECEIVED TELEGRAM.

| Station From. | Words. | Charge. | Time and Date Lodged. | No. |
|---|---|---|---|---|
| Mondure | 17 | | 12 45pm | |

Remarks.

To Miss Flewellsmith
-Wondai

OFFICE POSTAGE STAMP. WONDAI 1 -20030 QUEENSLAND

This message has been received subject to the Post and Telegraph Act and Regulations

Sweetest birthday greetings and wishing you many happy returns of the day

Max

12 58pm SM.

Time received at this Office.

Sched. C 107—6/1926

**Above**: *There's no place like home.* Avondale, with grapes growing around the verandah. Max's writing.
*[Bill Burns, BuW32, 1 Feb 1926]*

**Left**: *Sweetest birthday greetings and wishing you many happy returns of the day.* Telegram from Max to Marj for her 19th birthday, 2 Oct 1930. Marj was then living in Wondai at the Flewell-Smith boarding house. Max was living at Avondale (the telegram was sent from Mondure, the nearest Post Office).
*[Dawn Flewell-Smith, DFT05, 1930]*

**Opposite**: Burnses outside Bob Burns' house at 23 Georgina St, Woody Point. Bob was Max's brother. Their father, RL Burns, was living with Bob at the time.

From left (as related to RL):

- Judy (granddaughter, daughter of Bob)
- Kal (great grandson, son of Jill)
- Jean (daughter-in-law, Judy's mother)
- Robert Lindsay
- Jill (granddaughter-in-law, married to Max's son, Don)
- Guy (great grandson, son of Jill)

*[Guy Burns, GB94, 1960]*

I WAS ONLY A LITTLE KID when I first remember Pop and Gran Burns. We were running around the verandah at Avondale pinching grapes, that's all I can remember. We weren't allowed in past the kitchen – old Grannie didn't like us grandkids. We'd pinch the grapes off the vine and she'd rouse on us; but Pop, he'd pull off a big bunch and give them to us and we'd hide up the backyard eating grapes.

Pop had a Scottish roll. I think he was born in Scotland. They both were. He had relations come from Scotland to visit us and you couldn't understand what they were talking about. Really Scottish. She had a bit of a Scottish accent too, old Gran. That's when she spoke at all. I'm pretty sure they both came out from Scotland when they were kids.

I was born in 1944 and I was 15 in that photo. That's Pop on a visit to our house at 23 Georgina St, Woody Point. He never smiled. Grouchy old bugger he was – God yeah. He had a house at Margate until Gran died, then he came and lived with us at Georgina St. He lived with us for about five years. I mostly remember him from that house. I'd sit by and cut his tobacco for him, and all I'd get in return was a snortch. Big plugs of tobacco I used to have to cut up for Pop. I'd stick them in his stinky old pipe.

He used to go to bowls a lot. He had his little bag of bowls and he'd polish them every day. That's about all he'd do, other than rousing on us for making a noise.

Sometimes he didn't want to eat with us, he wanted to eat in his bedroom. I'd have to take him his lunch and dinner. He was just used to being waited on, I think.

And Gran – old crotchety face, that's how I remember her. She totally disliked us. She'd growl at us the whole time. We had to tippy-toe through the house at Avondale and the one they lived in at Margate. She was very strict; even her boys were scared of her. She loved her boys, I know she did; but their families – no, forget it.

I don't know when she died or what she died of. Probably died whinging!

*JUDY BURNS*

Max and I were married on August 17, 1932 at Wondai in the Methodist church. I was 20. I don't remember when he asked me to marry him. I know we couldn't afford a ring; I had a watch. Never heard of an engagement party either.

Max had this farm at Wooroonden and we were intending to live there, but he sold it before the wedding and bought a farm at Brigooda, outside of Proston.

**Right**: Max and Marj Burns' wedding reception, Flewell-Smith boarding house, Wondai. Bob Burns, Max, Marj, Alice Compagnoni. *[Guy Burns, GB37, 17 Aug 1932]*

"Alice Compagnoni was one of Max's little friends when she was only a kid. Then I met her in Wondai when we were living there and she was my bridesmaid. She came to Julia Creek and stayed with us for a while. I always thought that Max had an affair with her, but I wouldn't know."
(Marj Burns)

**Below**: *Utopia*, Max's farm at Wooroonden. Max's writing. *[Guy Burns, GB13, June 1932]*

I WAS BORN in Wondai in 1914. My parents were on a farm 9 miles out from town. I went to the North Mondure school when I was 5, just across the road from the Burns' farm. I was in the same class as Max's younger brother, Billy. Sometimes after school I would go over and recite poems for their mother.

In the middle of the Burns house there was a room with polished floor boards. Max used to put on parties when I was a young teenager, an evening with a gramophone, and he taught me to dance. Not only me, he taught my sister and other girls too.

Max left the farm. He didn't want to work at home for his father anymore. He bought a little place at Wooroonden and do you know what he called it? *Utopia*.

Max married Marj Flewell-Smith. I didn't know Marj until her family moved into Wondai at the start of the Depression, not long before she was married. The Flewell-Smiths ran a boarding house and were making no money. They hardly had enough to set a decent table for their boarders. I was staying at their boarding house and that's how I met Marj.

Before she married Max she used to go and watch the cricket matches. That's the sort of thing you did for an outing. Max was playing cricket at Mondure. That was his home town. He saw Marj and he got in touch with her. I said to her at the time: "You're not going to marry Max Burns, are you?" But he did have some good qualities: a fine cricketer and very good at tennis. Later, in Julia Creek, he played golf. He was good at sport all round.

I didn't think Marj should marry him. To me Max seemed too far above her. See, he was a smart man. He used to read a lot. He didn't have much education beyond primary school, but he was a reader and he studied and he was clever; clever enough – or so I thought – to do something other than starting up that jolly engineering place in Julia Creek and going bankrupt through not paying his bills.

I wasn't terribly interested in Marj as a friend, and I must admit I didn't want to be her bridesmaid because we didn't have many things in common. But, with her being new in Wondai and not having many friends, when Max suggested me as bridesmaid I said yes.

They were married at the Methodist Church in Wondai and that photo was taken at the bottom of the Flewell-Smith boarding house at the reception. Marj got married with no teeth, y'know. You can tell she's got no teeth. She had all her teeth taken out while she was arranging to get married.

Bob and Bill Burns, Max's brothers, were at the wedding, and the parents. Nobody much else. After they were married I didn't have much to do with Max and Marj.

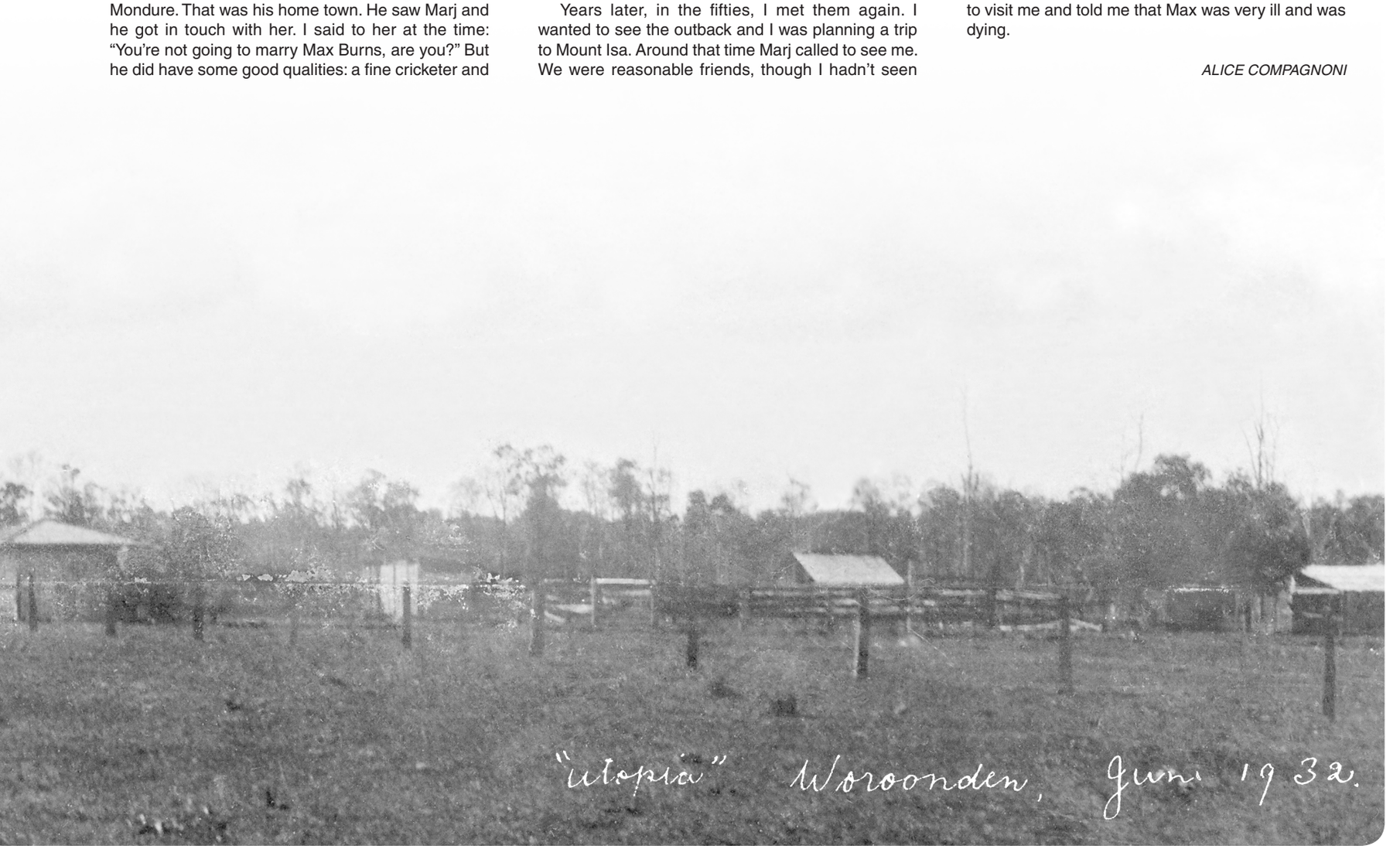
Years later, in the fifties, I met them again. I wanted to see the outback and I was planning a trip to Mount Isa. Around that time Marj called to see me. We were reasonable friends, though I hadn't seen her since she lived at Brigooda a few years after she was married. I told her I was going to Mount Isa and she said: "Look, Max and I will be going back to Julia Creek in a few days. We'll take you. You can come by car with us as far as Julia Creek". We went out through Mitchell, Tambo, Longreach and Winton. At Mitchell, Max paid my accommodation overnight. He was generous like that; he knew I didn't have a lot of money.

When we got to Julia Creek I ended up with a job at the shire office. Max and Marj were kind enough to offer me a room upstairs at their double-storey house beside the workshop. But I didn't know the position would arise that I would be stopping in the house with just Max. I wasn't responsible for that happening.

I knew that Max had had an affair when he was in Brigooda, and I knew that he'd had a woman in Proston. And now, while Marj was away visiting her father in Brisbane, he was trying to be sweet on me – trying to get me to have a relationship with him. I objected. I felt I couldn't stop with him in the house any longer, so I booked into Gannon's Hotel. I think I stayed in Julia Creek eight months.

I never saw Max again after I left Julia Creek. Never saw him. I did see Marj once more. She came to visit me and told me that Max was very ill and was dying.

*ALICE COMPAGNONI*



**Right**: Proston XI 1935-6. Back row, 3rd from left: Keith Flewell-Smith (Marj's brother), Max, Bob Burns.
*[Robin Burns, R38, 1935]*

**Below right**: Max & Marj celebrating their first Christmas on *Dewarn*, the farm at Brigooda. The writing below is Max's, taken from his photo album.
*[Guy Burns, GB14, 1932]*

**Opposite**: Christmas Day at Brigooda with a wind-up gramophone for music. From left: Ned Flewell-Smith, William F-S, Marj, Lou F-S, Max.
*[Guy Burns, GB07, 1932]*

**Below**: Max and Marj at the Brisbane Cricket Ground, 1st Test, 8 Dec 1936. Marj has an umbrella; Max has a wooden fold-up chair and a waterbag. *Courier Mail* flier in the background reads: "Mr Baldwin Speaks". Stanley Baldwin was the British Prime Minister at the time.
*[Joy Burns, J66, 1936]*

We got married in the morning and went out to the property in the afternoon. It was called *Dewarn*. Three hundred and something acres. Max grew mainly potatoes or whatever was going, and we had nearly a hundred dairy cows. Every month we got a cheque for the cream.

I can remember going to a neighbour's place at night to listen to the cricket. We'd get home at 3 o'clock in the morning. Max was a great Bradman fan. We used to find enough money to go and watch Bradman play when he was in Brisbane. We went to Sydney once to see him. Might have gone to Melbourne too, I just can't remember. Max was mad on cricket.

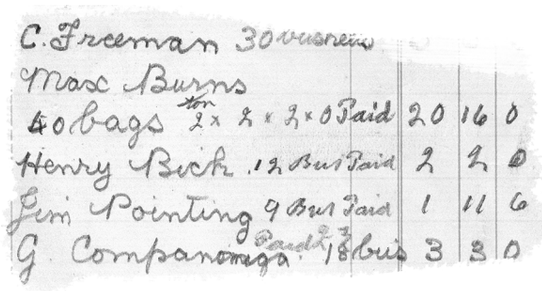
We had our own team at Brigooda. Properties in that area were only about 300 acres – they weren't big farms miles apart – and with 20 or so farms close by we had enough men for a cricket team. Every Sunday they played. They'd go to Proston or Wondai. A few times Max was picked to go to other places further afield. He was a batsman, and he bowled quite well too. Slow bowler – spin.

We saw quite a lot of tramps pass by *Dewarn* during the Depression and we always gave them a cup of tea and a slice of bread. Sometimes they'd do a bit of work and sometimes they'd just call in. We were near the road. It was the main road through, but it was a very lonely road. We never turned anybody away. Even if we could only give them bread we always gave them something to eat for the next day. Our place was always known you'd get a feed. And when the salesmen came around they always dropped in because, as they said: "We know we can get a cuppa here".

We were never poor enough that we had to stint on food. There was always plenty of flour and sugar; we got them by the bag. You didn't get a pound of sugar, you got a bag of sugar. I do remember, though, we were often short of bread. I hated making bread. Instead, I used to bake muffins from Mum's recipe because they were easy to make. Now I've lost the recipe and I've forgotten how to cook them.

We were on the farm when Joy was born, 3rd July 1933, and we were still on the farm when Donald Douglas arrived in 1935. Donald, after Bradman, and Douglas after Max's middle name. You never planned, not like women do today. It was pot luck. And all my kids were born in hospital. I wouldn't be having any home birth, thank you. That'd be too much like hard work.

**Right**: Account book of Mr R. J. Ronald, Mondure, showing 40 bags of oats sold to Max at a cost of £20/16/0. Max regularly purchased large quantities of oats from Mr Ronald, a close friend of Max's father (both of whom were trustees for the Mondure Hall). "G. Companonga" is George Compagnoni, Wilf and Alice's father (see page 38 and 47).
*[Mondure Hall documents, MN02, 1935]*


C. Freeman 30 bushels
Max Burns
40 bags 2 x 2 x 2 x 0 Paid 20 16 0
Henry Buck 12 Bus Paid 2 2 0
Geri Pointing 9 Bus Paid 1 11 6
G. Companonga Sacks 23 18 Bus 3 3 0

**Below**: Max's store in Proston. Under the awning on the left is a hand plough (two handles in the air); in front of the plough and lying flat on the ground are harrows (a heavy frame that is dragged over ploughed land to break up clods and remove weeds); and on the right is a horse-drawn mower (the cutting blade is stored vertical against the wall). Max's passion for cricket is highlighted by the cricket bats for sale in the display window.
*[Robin Burns, R26, 1935]*

After a couple of years at Brigooda we moved into Proston and Max started a produce business. We had a shop in town and we lived behind it. We did all right. Max travelled all over the place selling produce. I think it was a drought that finished him as a produce dealer. Once that sets in, well…

From Proston we went to Biloela, in 1938, after Barry was born. It was opening up, it was new land. Max heard about it so we went there and started another dairy property. It was bigger than *Dewarn*, six or seven hundred acres, with a lot of scrub. Scrub felling was a big job so we got the Cherbourgs in; the blackfellas. Cherbourg is near Wondai. It's an Aboriginal settlement. If you asked for assistance in clearing scrub, Aborigines were sent out to help.

Biloela was undeveloped country like Brigooda had been. Max got the farms going at both places and made quite a bit of profit when he sold them.

We weren't actually at Biloela, we were at a district called Calvale. Dad built the first school at Calvale with the help of the locals, and Joy and Don were among the first intake in 1941.

I've forgotten what we called the farm. We always gave names to our properties and homes. Wait a minute… *Bauhinia*. Although that name really came from Proston. Where we lived in Proston there was a beautiful bauhinia tree growing and that's how the Calvale property got the name.

The house we first lived in at Calvale was made of slab. The roof was high in the front and sloped down to the back. It had one big room which we dined in – a fair-sized room, but just one – and it had a little skillion which we used as a bedroom. They were primitive days, Guy. There was no real homestead.

In my memory, when I close my eyes, I can see the dairy shed. Solly – he was an Albanian working for us – he lived in that little shed. The cream separator was in there, and Solly was there as well. Every morning without fail, the kids used to ride over on their tricycles to say good morning and have a biscuit, or whatever he offered. Joy had a tricycle with a tray at the back. Barry was about 9 months old and he used to sit in the tray. Don had his own little bike. Then the three of them would pedal on over to the milking shed. I suppose Max and I kept them entertained for a while until they went back to Solly's and over to the house. That's what they did before they were old enough to go to school.

**Below:** Extract from *Application for the Development of a Provisional School* at Calvale. Max lists his daughter Marjorie (Joy) as being of school age (5), and living 2½ miles from the proposed new school.
*[Biloela Library, BL05, 20 Apr 1939]*

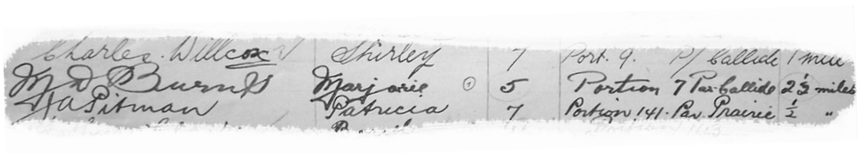
**Middle**: "In my memory, when I close my eyes…" Buildings on *Bauhinia*, Max's farm at Calvale. Cream shed in foreground (where Solly lived); milking shed in background.
*[Joy Burns, J19, 1939]*

**Bottom**: Barry, Don, Joy, on Creamy.
*[Joy Burns, J54, 1940]*

"Creamy was Don's and mine. We always took him to school. The two of us rode him. We had a little saddle for two kids with two sets of stirrups. Dad got it specially made." (Joy Burns)

"Joy and Don didn't come home from school one afternoon and I was worried that something had happened to them. The school teacher knew that they had to catch their pony, but he'd gone home and left them. I had to go down and catch the damn thing myself. So I went to the teacher and he really got my tongue." (Marj Burns)

**Bottom left**: School at Calvale, built by Marj's brother, Alan, in 1940; since removed.
*[Biloela Library, BL01, ca1948]*



Max started tanksinking at Biloela. He made enough money out of the farm to buy a tractor. I don't know where he got the idea from, but he got the idea at Biloela. Later on, out west, he went into tanksinking in a big way. At Biloela he was mostly building dams. Dams have three walls and the water comes in the open side, whereas a tank's got four walls, is dug in the ground, and water comes in through a pipe. Max was doing tanks in the end, but he started off building dams.

I can remember the first dam he built because I drove the tractor. The two men who had been working for us enlisted, so Max and I ran the farm. We did all the milking ourselves, and we put that little dam in ourselves. It was only small, it wasn't very big.

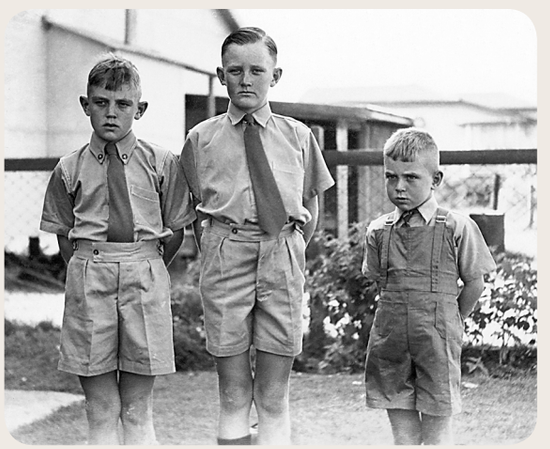
THE BIGGEST DISAPPOINTMENT of my life was the Min-Min light at Julia Creek, the time Beven Flewell-Smith was with me. We got bogged about 15 mile south of Julia Creek on the way to Kynuna. The road curved round in a big loop, so we cut across country and were walking back to town. Three or four hours we'd been walking. It was night, dead flat, not a tree in sight, and this light appears – the Min-Min light. Perfectly round. You hear all sorts of weird things about it – blokes getting killed chasing it on horseback; it will get you lost; a ball of lightning. This one seemed to vary from between 10 feet and 50 yards away. For an hour and a half it was there, right up till dawn. It would go out and it would flash on; it disappeared and then it was a flame. It was actually there, we could see it.

What it was, this particular one, was the flame of a railway oil lamp fluttering in the breeze, sitting beside the tracks throwing light around. It just sat there all night, and then a bloke picked it up before dawn and walked along the track with it. That was the flickering. To find out it was just a railway light – that it wasn't something from outer space like Beven and I imagined – that was the disappointing part. Scared the hell out of us at the time though.

I STARTED SCHOOL at All Souls in 1947 when I was 5. I went because Don and Barry were going. You did Prep 1 and Prep 2 in the first year, then Prep 3 and Prep 4 in the second year, and then grade 1. Max was building ovals at All Souls, and I remember being there in Prep One while they were being built.

Except for half of 1950 in Southport, and a term in Gayndah, I did all my schooling at All Souls, right through to 1958, through to Junior.

In 1959, after I finished school, I had three months at the Royal Hotel, Lismore. Max bought it. On the ground floor was the main bar and the saloon bar. Underneath were the beer cellars. On the second floor was the Ladies' Bar – women weren't allowed in the others – and behind the Ladies' Bar was the dining room. Up on the third floor were the bedrooms. Mostly for permanents. I don't think we did much overnight stuff.



Beautiful woodwork in the bars, and that's where I worked. Max walked around looking important and buying everybody beers. I think Mum did most of the work. Max occasionally got behind the bar, but when he did he never seemed to charge anything.

Then Donny had some tanksinking jobs to do, so I went back to Julia Creek with him. Max had gone bankrupt. All his equipment was still out there, so Donny just took it over and I worked with him.

At the end of '59 when I came back to Brisbane, I was walking past the naval registry office one day and thought: *That'd be a good idea*. So, in April 1960, I joined the navy.

*MAL BURNS*

**Left**: Burns Field, All Souls.
*[Guy Burns, GK076, 2002]*

**Opposite top**: Max's first dam on Bauhinia, built with the help of Marj. Flat-Top Mt in background.
*[Guy Burns, GK093, 2003]*

**Opposite middle**: Barry, Don, Mal dressed in All Souls' uniform, outside Lou Flewell-Smith's home, *Ambon*, Beaconsfield Terrace, Brighton.
*[Joy Burns, J58, ca 1947]*

**Opposite bottom**: Royal Hotel, Lismore. In January 1959, nine months before his bankruptcy, Max purchased the lease for £14,000 (£9,000 of which was in cash) showing little concern for his small creditors in Julia Creek. (See Downey p210, and McMahon p232).
*[LS02, 1954]*

Then the war came and we went with the war people and helped with aerodromes. The army called our tractors in. As a country we had to build things up; we thought we were going to be invaded. Our tractors were requisitioned and we had to go. We lived in a tent for a while on the Rockhampton aerodrome. Joy and Don were going to school only in the morning because the war scare was very real. One lot of kids would go in the morning and the other lot in the afternoon.

My third son, Mal, was born in 1942 at Yeppoon while Max was working on the aerodrome; and Butch in 1945 at Clermont. We moved to Clermont during the war. We bought a house and we shifted there. Max continued his dam building and was gradually moving north towards Charters Towers, following work.

In 1947 Don, Barry and Mal went to school in Charters Towers, boarding at All Souls, and somehow Max got the job of making ovals for the school. One of the ovals is still called Burns Field.

At the end of '47 Max leased the Commercial Hotel. It was going fairly cheap and Max thought it would be a good place for us to live, close to the boys and close to his work. My youngest brother Ned and his wife Dawn ran the Commercial for a while. I didn't want anything to do with it. I only went in and took it over because Ned got a job at Selheim, the nearby army base, a few months before he was killed.

We didn't have the Commercial long; not quite a year.

Max began to get a lot of tanksinking work out west: Clio, Rosevale, all around the Julia Creek area. For a couple of years we lived in a caravan on site. We were making a lot of money, and within a short time Max bought three cattle properties north of Julia Creek: Balootha, Abydos and May Downs, and God-knows how many blocks of land at Redcliffe. Then he got the brainstorm that he'd lease the Burnett Hotel at Gayndah and my brother and I would run it. Stan was a policeman and had six months long service leave. After the six months, Stan went back to the police force and I was left running the hotel on my own. I think I had about 12 months in Gayndah.

When we gave up the Burnett Hotel – I'd had enough by that time, I never wanted to be in the hotel to start with – we shifted to Julia Creek. Money from tanksinking was still pouring in, helped along by the wool boom. By the end of 1951 we had a large engineering workshop and a double-storey house in Julia Creek, and a homestead on Balootha – all built by my brother Alan.

Burnett Advocate: 20 Dec 1950

MR MOYNAHAN: Now, Mrs Burns, when you were last in the witness box on Tuesday we had referred to you going into the Commercial Hotel at Charters Towers. Before you went into the hotel where had you been living or residing? Was it in Julia Creek --- No. I was in a caravan with my husband while he was tanksinking.

At this time the children, the boys, were going to All Souls, Charters Towers --- Yes.

Will you explain how did it come about that you went into the Commercial Hotel --- My young brother Ned was tanksinking with us on a property called Clio, and his wife Dawn didn't like being out there. I thought it would be a good idea if we all had a home – we were in caravans on Clio – and it always worried me that if anybody got sick we'd have nowhere to go except to come to Brisbane to my mother. I think that was the reason we bought the Commercial.

Did you hold the licence --- Yes, but only for about three months. My sister-in-law (Ned's wife, Dawn) held the licence for the first few months. We didn't own it very long.

Those three months, was that the only period that you ran the hotel --- Actually, I ran it even when I wasn't the licensee. I was still in charge of it all the time we had it.

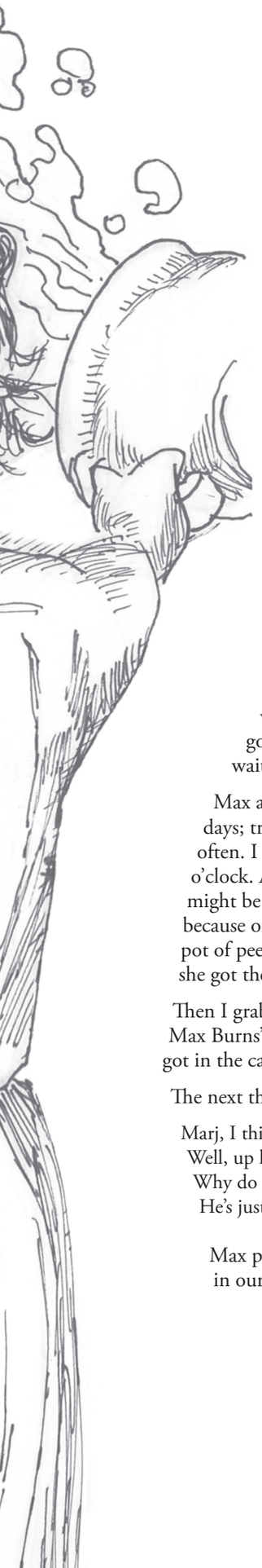
Was it a profitable concern --- No, it didn't make any money. We knew we wouldn't make any money. It was more-or-less a home for the children to come to at that moment.

On the sale of the licence, when you left the Commercial Hotel, where did you go and reside --- Must have gone back to the caravan with my husband. Yes, I did. I went tanksinking again.

*MARJ & THE OFFICIAL RECEIVER*
24 August 1961

Northern Miner:15 Nov 1947
The initial 'M' is for Mabel, but she was known as Dawn.

S. Wilson



It was around this time that Max had a fling. Well, he had lots of women, but this was one I caught him with. They worked for us; at least her husband did. I knew there was something going on. I'm not a fool; I'm not a fool altogether. Anyway, I ignored her. We were somewhere – a hotel, the whole lot of us. It was after golf. She didn't play golf. They happened to be there and I ignored her. The husband came up and complained to Max that I ignored his wife. One thing led to another and I think I might have accused her, openly, of having an affair with Max. Some days later she ups and catches the train. She's going away, leaving Julia Creek. And Max disappeared. Something told me he was only going to the next town.

I had a friend who knew Max. We were at a dance and I said: "Wanna come with me to Richmond?" "Yeah, I'll come with you."

She knew all about Max; knew he was a bit of a ladies' man. We went to Richmond, miles and miles away on a dirt road. When we got there, right in front of the hotel was Max's truck. So I said: "You wait here. You don't want to get into this".

Max and I used to stop at this hotel. We used the hotels quite a lot in those days; travelling, y'see. I knew that hotel like my own place, I'd stayed there so often. I just marched up the stairs, torch in hand – it was late at night, 2 or 3 o'clock. And as I walked down the corridor, never thinking that this woman might be there too, I saw Max and her in bed. Everybody left the doors open because of the heat. I bowled in, grabbed the po (under the bed I could see this pot of pee), and before she could get out – Max got out, he didn't cop it – but she got the lot.

Then I grabbed some clothes of hers and said: "You won't need these, not with Max Burns" and shot the whole lot out into the street. With that I walked out, got in the car and started for Julia Creek.

The next thing the lass with me said:

Marj, I think Max is following us.
Well, up him. I couldn't care less.
Why do you think he's following us?
He's just going home. Don't worry about him.

Max passed us and we caught him up down the road. He was standing there in our headlights, if you please, having a leak!

I assumed nobody knew about that night until someone said to me:

I'll take my hat off to you, Mrs Burns.
What are you talking about?
I saw all those clothes in the tree at Richmond. They're still there.

I didn't know they were stuck in a tree until then, and this was weeks and weeks later. Max must have spread the bloody story, I suppose. To this day I believe he did. He thought it was a wonderful story. I reckon he got a laugh out of telling that story – mongrel!

I think Max had quite a lot of affairs. I don't know of any others, really, except I suspected there were. I think he just had a roving eye. He was always on the go, moving about chasing work; and with plenty of money he had plenty of opportunities.

There was not much I could do about it. I didn't make a big fuss. The kids came first. To go for a divorce cost money and a lot of dirt, and I didn't want to put the kids through that.

I never saw or heard from the woman or her husband again, apart from two occasions. I got a phone call one day. Joy sang out to me: "Somebody wants you on the phone, Mum". It was this chap. His name was Rickertt, the husband of this woman. He was going for a divorce and he wanted £2000 from Max as compensation. I told him: "If Max has £2000 he can give it to me, never mind giving it to you". I wouldn't come into it. I wanted nothing to do with it. My kids meant more to me than a bit of gossip in the papers. That's what it would have amounted to. You know what divorces were like those days; every bit of dirt was written up. I just hung up the phone and I never heard from him again. He wanted my evidence as well as £2000. He wasn't there in the hotel, y'see. He wasn't a witness. And without my evidence he had *no* evidence.

A number of years later I ran short of petrol in Brisbane. I called into a petrol station and who should bloomin'-well serve me but that woman. I looked at her for a minute and she looked at me: "It *is* Marj Burns, isn't it?" She called out: "George, come over here". It was George Rickertt. He didn't appreciate being reminded of his wife's infidelity, though by that time, of course, not much venom was left.

At the end of the 1950s it just all fell in for Max. This tax thing was hovering about and took all the money. I never realised what was coming. Max might have known but I didn't. We went from being as poor as a church mouse, as the saying is, up into the higher brackets once he started tanksinking, then back again.

The Official Receiver took everything. We had no assets left out west. Nothing. The only thing they didn't get was Gran's house in Georgina St. The house was in Gran's[1] name and the tax couldn't take it. It was our money, but we bought it in Gran's name. Everything else that Max owned the tax grabbed.

We sold what we could in Julia Creek before the bankruptcy and Max bought a hotel in Lismore with money that was in my name, and Don's and Joy's. I held the licence and I ran it, more or less. Max, as usual, dealt with all the finances. Don and Jill and you two boys were there for part of the time.

**Right**: "You two boys were there for part of the time." Kal, Jill and Guy at the Royal Hotel, Lismore. *[Guy Burns, GB106, Aug 1959]*

1. Transferred to Joy in 1955.

MR MOYNAHAN: Your next venture in business, apparently, was in the Royal Hotel, Lismore --- Yes.

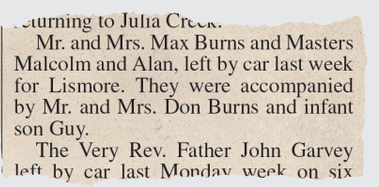
When did you go into the Royal Hotel, Lismore --- February 1959.

Or was it January --- No, it was February. We didn't leave Julia Creek until then. I think it was 8th February we took over the hotel.

How did it come about that you went into this venture, the Royal Hotel, Lismore --- I had to get out of Julia Creek. I had a sun complaint (you can see the scars) and I was advised to leave the west. My son, Donald, was very keen on a hotel and we intended to come somewhere around Brisbane. We didn't intend to go to New South Wales, that wasn't in our plan at all, but on talking to the agents they said: "Why not New South Wales?" We went to the Northern Rivers first and thought how beautiful it was. We fell for Lismore, and I'm afraid we didn't really go into it. We didn't know there were poker machines subsidising lower beer prices in the clubs. They were unheard of in North-West Queensland. All we were looking for was to get away from the Julia Creek climate and live a little decently.

Was your husband with you on this visit --- He was with me when Donald and I looked at it.

Is that when you made the decision to buy into the Royal Hotel at Lismore --- Yes. We went down for a week just after Christmas, early in January, and we went back to Julia Creek for three or four weeks. I think we left Julia Creek for Lismore on about the 3rd February.



…turning to Julia Creek.
Mr. and Mrs. Max Burns and Masters Malcolm and Alan, left by car last week for Lismore. They were accompanied by Mr. and Mrs. Don Burns and infant son Guy.
The Very Rev. Father John Garvey left by car last Monday week on six

NQR: 14 Feb 1959. The author's only mention in the *North Queensland Register.*

Did you take it over yourself. Were you the licensee --- Yes. But Donald was with me, and his wife, Jill.

Was there a partnership operating the hotel --- Yes, definitely. Burns Burns & Burns. There was Donald, my daughter Joy, and myself.

Your daughter was residing in Melbourne at the time --- She was nursing. She was with us for three months.

You bought the leasehold of this hotel --- Yes.

It wasn't a freehold --- No.

What did you pay for the lease --- About £l4,000, but we didn't pay all that at once. It was nearly 12 months before we made the final payment. We didn't pay that until I had sold again.

How long did you run it --- About 11 months. In the meantime we were unfortunate enough to have two new clubs go up. It was such a bad proposition. At first it was all right.

How much actual money was paid when you went into the Royal Hotel, Lismore --- I think my share was about £3000.

What about Donald and Joy --- They put in about the same.

Where did you get your £3000 from --- The first two payments from the sale of Abydos and May Downs went to pay my husband's tax, but the next payment was mine. I kept that one. And I had some money from the sale of furniture at Julia Creek.

You say there was £9000 in funds available for the purchase of that lease. £3000 from you, £3000 from Donald and £3000 from Joy --- I just don't remember the exact amount, but I think that was what we had.

You ran this hotel for 11 months and then you sold the lease --- Yes.

What was the sale price --- About £6000. I think £6000 would be near enough. We tried to sell it for the price we paid, but we couldn't.

So you lost heavily --- Yes. As a matter of fact we didn't save a thing out of it. By the time we had finished paying our debts there was nothing left.

About a year later we came back from Lismore with nothing. Unless Max had a secret stash, whatever was left after the tax went through us we lost in Lismore. We moved in with Gran in Georgina St.

I ended up in court over the bankruptcy. We all did: Max, Don, Barry. Joy was in Melbourne so they didn't question her. It would have been 1960 or '61. In the court room I felt about that big. They must have thought I was pretty dumb, but I really didn't know anything about the money side of things. I never did anything with the finances. Not in Julia Creek, not anywhere. I was lucky to be given a couple of quid. I had nothing to do with the money part of it at all. That was Max. He had studied to be an accountant, y'see. Most of his brothers went to Maryborough Grammar School, but Max didn't. He did this accountancy course instead and he always handled the money. And as it turned out, he didn't do a very good job…

**Right**: "We moved in with Gran in Georgina St." Lou Flewell-Smith holding Kal; Jill holding Guy; outside the Georgina St home *Ambon*, named after the island where Lou's son Clive died of berri-berri in the closing months of World War 2. *[Guy Burns, GB095, 1960]*

None of the capital came back at all --- No.

You mean you lost the whole amount. You got nothing back --- By the time we had paid everything, there was nothing left. The books are all there. We tried to sell it, but it was difficult because we didn't have poker machines. We couldn't even get an offer. We were going downhill, and my son, Don, decided to go back out west in early August, tanksinking.

What amount of money do you say you lost in the Lismore Hotel --- Near enough to £14,000, probably more because we didn't get our price. We lost very heavily. The overhead expenses were terrific. It was run on three storeys and we had to have a big staff. It would have been all right except for the RSL Club and the new Workers Club that went up. Trade just dwindled away. They sold beer for 1/- a glass and we had to charge 1/4d.

Who, and for what amount, was your largest creditor when you came to sell out --- They would be the breweries, Tooheys and Grafton.

If the price of the lease was £14,000 and if you sold it for £6000, wouldn't that have represented only a loss of £8000 --- Our beer bills to Tooheys would be about £1000 a month.

Were you able to, out of the sale, pay all the commitments in relation to the Lismore Hotel --- Yes, I think pretty well. But not out of the sale; out of what I had in the bank and the sale.

Was there no surplus at all left for division between the partners --- I doubt if there would be a penny left because I know I paid a small account out of my own, £32 something. There may have been others. The books are all there and they'll tell you the story. It was just an unfortunate affair. The man who sold the lease to us was desperate to get out of it. I think £9000 was paid as a deposit and the rest wasn't to be paid until September. By that time we were pressing for a misrepresentation case, but there was nothing we could do about it. We had to pay what we still owed because the solicitor said even if we went for misrepresentation we'd still have to pay what we owed.

You didn't pursue your action --- No, we would have lost more money than we already had. The man who owned the hotel – I've forgotten his name – offered us £6000 to take it back.

For the lease --- Yes.

When you left the Royal Hotel, Lismore, that would have been when --- I think it was February 1960 before I got away from there.

Where did you go and reside then --- I went down to my mother's at Georgina St, Redcliffe.

Where are you residing at present --- Well, we have a small farm out on the Ipswich Road, at Ebbw Vale, near Redbank. We go home to Georgina St every weekend. I have an 80 year old mother who lives there on her own.

How long have you had this farm at Ebbw Vale --- Since about last August.

Did you purchase this farm --- Yes. It's about 8 or 9 acres.

What crops would be grown on it --- We had tomatoes, and at the moment we have gladioli, but there doesn't seem to be any sale for them.

Is your husband actually working this farm property, personally --- Well, he helps.

Apart from this farm, have you today any other property --- No

No land or anything of that kind --- No.

Apart from real property such as land, have you assets or property of any other kind --- No.

What is your source of income at present --- My husband keeps me; and what we grow on the farm. That's all we have.

Has the farm been producing much income --- It has produced some. It hasn't been a real success. We haven't been with it long enough. It was a bare property when we went on it last August.

Your only source of income at present are the earnings of your husband and what comes off the small farm --- Yes.

*MARJ & THE OFFICIAL RECEIVER*
24 Aug 1961

In 1962 or ’63 I started a snack bar in St Paul’s Terrace in The Valley, where Whiskey au Go Go was later on, before it was burnt and all those people died. Your mother used to come in and help me.

After the snack bar we got into real estate. It was under my name; I had the licence. Max was the salesman and he did quite well. We had a good little business there in Brunswick St, just around the corner from where I had the snack bar.

In 1965 we sold Gran’s Georgina St house and built a house at Tingalpa[1] in my name. Max also had about 10 acres of market garden at Ebbw Vale, on the way to Ipswich. I didn’t have much to do with it because by that time he had a lady friend, Judy. She lived next door to the farm.

Max was cleared from his bankruptcy in 1967, and that’s when he went haywire over Judy. He was having an affair with her. It had been going on a good while – and God, she was ugly as sin. How he ever went and lived with her in that pigsty I don’t know. Judy’s still alive. She’s Joy’s age, and she’s in the phone book under Philippi if you want to look her up.

I don’t recall kicking him out, but Joy says she remembers standing in the kitchen at Tingalpa and hearing me say to Max: “Go pack your bags and get out!” I suppose it was about 1972. When he left he didn’t take much with him. I bet he had a bit of money though. I think he probably had a secret bank account.

1. 73 Boundary Rd, Tingalpa.

**Opposite**: The gathering of the Burnses for Butch's 21st birthday.
*[Guy Burns, GB32, 2 June 1966]*

Standing:
Butch, Lyn Mellish
Josie & Barry
Marj & Max
Mal & Mary
George Everest & Joy

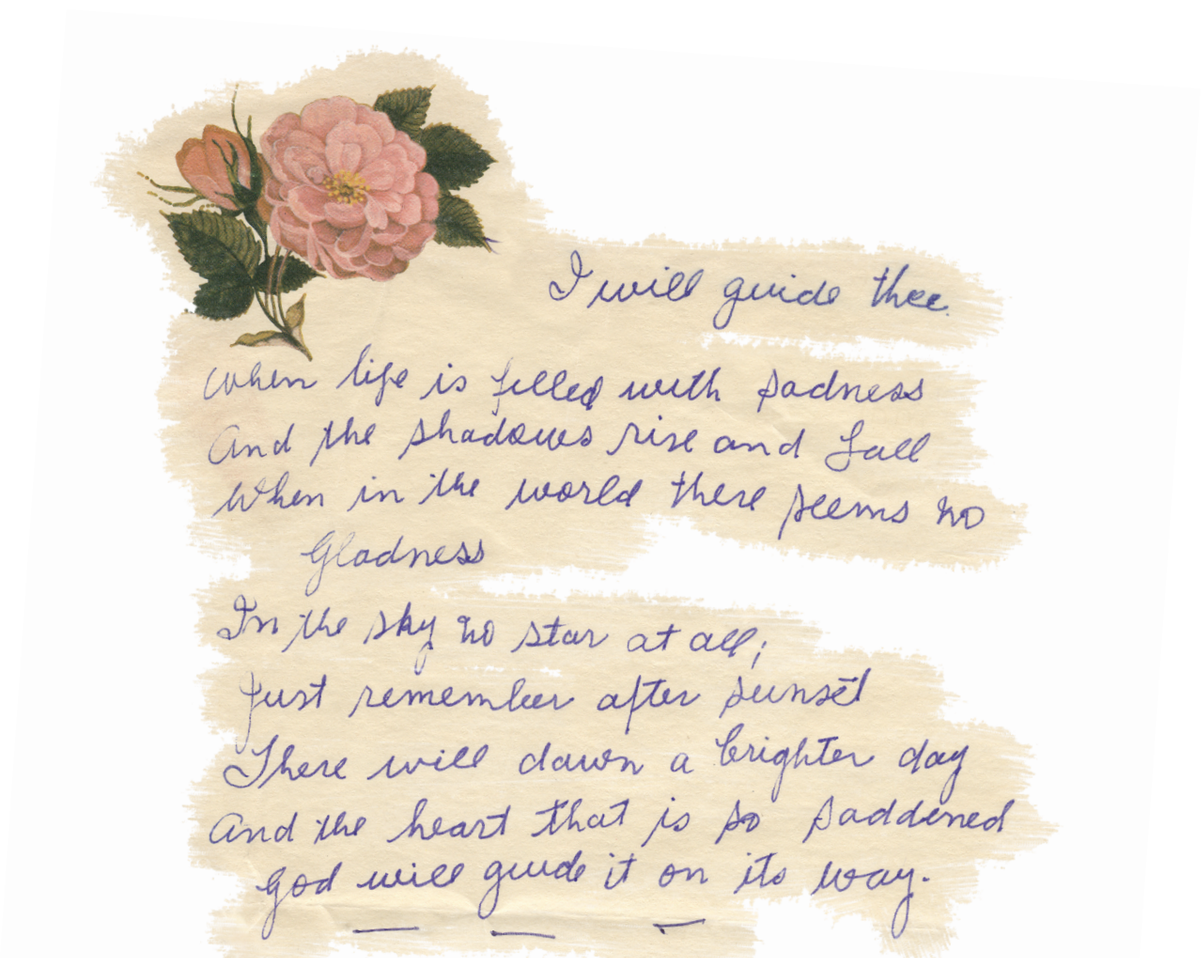
Sitting:
Don, Lou Flewell-Smith, Trevor, Jill

**Below**: In her fading years Nan was wont to write out poems and sayings that appealed to her.

She refers to this particular poem,
*I Will Guide Thee*,
as her bible during the bad years with Max:

"This one was like my bible
when I had my bad years.
Now I'm too old to have bitter memories.
Love of my grandchildren,
and mother and family,
saved my sanity in those far-off years.
Now it's time to forget & forgive."

*[Kerri Burns, BuK16, 2001]*



I will guide thee

When life is filled with sadness
And the shadows rise and fall
When in the world there seems no
gladness
In the sky no star at all;
Just remember after sunset
There will dawn a brighter day
And the heart that is so saddened
God will guide it on its way.

I WAS WORKING at Brisbane Realty in St Pauls Terrace when I first met Max and Marj. I was 17, it was 1965, and I was working as a receptionist. It was just after Marj sold the snack bar on the opposite side of the road. They started selling real estate at Brisbane Realty and I became friendly with them.

Then they began their own business around the corner in Brunswick St – Burns Realty. Marj had to get the licence; Max couldn't because of his bankruptcy. So she got the licence and I started working for them. I'd just got married, September 1967, so it would be towards the end of that year. I probably called in to see them – I tried to keep in touch – and they offered me a job. They hadn't been going long because nobody worked there before I did.

Max was selling farms; Gatton and all out that way. I can remember him going out to Gatton and Dayboro. He specialised in rural properties. I remember distinctly quite a lot of farms and acreages and things like that. Marj looked after the listings, whereas I looked after the office part and collected rentals. They had quite a few rentals, too, which they got commission from.

Max was great to work for. He was fine. You did what you liked, more or less, as long as you did your job. I never had any problems; I never had a run in with him. He was fairly laid back and easy going, but I don't think he would have been if I hadn't done my job.

I'd say Max was just scraping by in real estate, because at night he drove a taxi. He drove the taxi nearly every night for most of the time I knew him. He'd go home from work, have his tea, get changed, and go straight out to drive the cab, so he couldn't have been making a lot of money in real estate, unless… Y'know, sometimes I think maybe the cab was an excuse for him to be not at home. I know that Max and Marj didn't get on really well the last few years. You can't blame her. I think he would have been a mongrel to live with. I think he did what he wanted to do without much thought for anybody else.

I worked at Burns Realty from the end of '67 till about August 1970; nearly three years. And that's when Judy came. Judy ended up working there. She came in only a couple of times before I left, but she definitely worked there after July 1970.

I knew about Judy from Marj because I was such good friends with Marj. She had suspicions for a long time. A couple of months before I left I'd see Judy waltz into the office, and that's when Marj stopped coming. She didn't turn up anymore after Judy arrived on the scene; it was mainly Max and I. And I have a feeling that if I hadn't been leaving anyway, that I would have had to go as well – to make way for Judy.

Max was definitely a gentleman. I would never have called him anything else. He conducted himself well, anywhere at anytime. He knew how to conduct himself and he always treated me with the utmost respect. He could be very charming in public; but I also knew, through Marj, what a bastard he could be in private.

*LYN MELLISH*

# *Timeline of Max Burns and Family*

**1907** *Jun 14* ..... Malcolm Douglas Burns born.

**1929** *Nov 10* ..... First letter from Max to Marj.
… *16* ..... Max and Marj meet for the first time at Mondure Hall.

**1932** *Aug 17* ..... Max and Marj marry at Wondai.
*Sep* … ..... Move to Brigooda farm.

**1933** *Jul 03* ..... Joy born at Wondai.

**1935** *Sep 02* ..... Don born at Proston.
… … ..... Max starts produce business in Proston.

**1937** *Oct 13* ..... Barry born at Proston.
… … ..... Move to Biloela farm.

**1940** *Oct 08* ..... Max begins contract earthmoving with a tractor.

**1941** … … ..... Move into Biloela.
… … ..... Max starts work on Rockhampton aerodrome.

**1942** *Feb 08* ..... Mal born at Yeppoon.

**1943** … … ..... Move to Clermont to escape war work. Max starts earthmoving in the area.

**1945** *Jun 02* ..... Butch born at Clermont.

**1947** *Jan 21* ..... Max purchases land at Woody Point for £450.
… … ..... Max begins tanksinking on Clio with Ned Flewell-Smith, Cecil Willis and Bob Pulley. Pat Luhrmann arrives towards the end of the year.
*Nov 22* ..... Max purchases Commercial Hotel, Charters Towers. Dawn Flewell-Smith is the first licensee.

**1948** *May 20* ..... Deposit paid for Abydos, May Downs and Balootha.
*Sep 30* ..... Commercial Hotel sold.
… … ..... Pat Luhrman and Alec Crowley begin work on the two Rosevale tanks, the largest Max built.
*Nov 20* ..... 34 Macdonnell Rd, Redcliffe, purchased for £3600.
*Dec* … ..... Rosevale tanks are completed and the Burns family spend Christmas on site.

**1949** *Sep* … ..... First heavy tax assessment, £21,557.
..... Burns Burns & Burns earthmoving partnership formed (Joy, Don & Barry).

**1950** *Apr* … ..... Convoy of Max's equipment and about a dozen people leave from Brisbane and Murgon for Julia Creek. In June, Alan Flewell-Smith begins work on the Balootha homestead.
*Apr* 20 ..... Marj becomes licensee of Burnett Hotel at Gayndah.
*Jun* 30 ..... Burns Burns & Burns earn £2507/12/8 for the year.
*Oct* … ..... Erol Davis, Freddie Holznagel and Bill Beutel leave Murgon for Julia Creek to start work with Max.

**1951** … … ..... Biloela farm sold for £12,000; £10,000 paid to tax. *Julia Creek Engineering Works* and *Dew Drop Inn* are completed.
*Apr* 02 ..... Burnett Hotel sold.

**1952** … … ..... Don finishes school and starts work for Max.
*May 23* ..... Earthmoving partnership of Goundry & Burns formed (Harry Goundry, Marj Burns).

**1953** … … ..... Mr Scott of the Taxation Office comes to Julia Creek to investigate Max's affairs.
… … ..... Joy goes to the coronation.
*Oct 12* ..... Fred Huller starts as Max's accountant.
*Nov* … ..... Barry starts work for Max.

**1954** *Jul* … ..... Joy starts her training as a nurse.
*Oct 30* ..... *Dew Drop Inn* burns down. It is uninsured. Max rebuilds a low-set home and calls it *Midnight Sun*.

**1955** … … ..... Don learns to fly.

**1956** *Mar* … ..... Goundry tries to get his capital out of Goundry & Burns. Max is reluctant to let him have it. A legal dispute ensues.
*Jun 30* ..... £32,370 tax owing by Max.
*Nov 13* ..... Max has interview in Brisbane with the tax office.

**1957** *May 01* ..... Barry takes over workshop in Julia Creek.
*Jun 08* ..... Don Burns marries Jill Brennan of Nelia.
*Nov 04* ..... Max buys an Oliver OC18 tractor for £14,468 under hire purchase with the Commonwealth Bank. He is still trying to make a go of earthmoving, though prospects look dismal.

**1958** … … ..... Goundry & Burns dissolved.
*Jan 19* ..... Max's first grandchild, Guy, born at Cloncurry (no doctor in Julia Creek). On the same day H.C. Sleigh Ltd applies for *Issue of Bankruptcy Notice*.
*Jun 30* ..... Barry finishes at workshop, and leaves the partnership of Burns Burns & Burns. Takes certain equipment as his share and starts work on his own.
*Sep 17* ..... Mr Ney buys Balootha (£14,067), Abydos and May Downs (£16,326).
*Oct* … ..... Fred Huller finishes working for Max.

**1959** *Jan 13* ..... H.C. Sleigh Ltd wins case against Max for £3565/4/9. Max did not appear in court to contest.
… *16* ..... Marj draws a cheque for £1000 as deposit for Royal Hotel, Lismore.
*Jan 21* ..... *Bankruptcy Notice* issued by the Supreme Court. Max has 14 days to pay £3565/14/9. By not complying Max commits an act of bankruptcy.
… *23* ..... *Bankruptcy Notice* served on Max in Julia Creek.
… *31* ..... Redcliffe home sold for £4,500.
… *31* ..... Auction in Julia Creek of Max's household items raises £494/7/9.

**1959** *Feb 03* ..... Burnses leave Julia Creek.
… *08* ..... Marj becomes licensee of Royal Hotel, Lismore. Price: £13,000, of which £9,000 was paid up front.
*May 28* ..... H.C. Sleigh Ltd applies for a *Sequestration Order* to sell Max's assets.
*Jun …* ..... Max obtains an earthmoving contract on Iffley, Miranda, Glenore and Vanook in the Gulf area. This is his last earthmoving contract.
*Jul …* ..... *Julia Creek Engineering Works* closed. Don returns to Julia Creek from the Royal Hotel to take over Max's Iffley contract.
*Aug …* ..... Max leaves the west and never returns. Hires his earthmoving equipment to Don for £800 a month.
*Sep 08* ..... *Creditor's Petition* served on Max in Lismore.
*Oct 07* ..... Barry leaves Julia Creek.
… *23* ..... Sleigh obtains a *Sequestration Order On Creditor's Petition*: "The following act of bankruptcy has been committed, namely: That the said Max Burns failed to comply on or before the sixth day of February 1959 with the requirements of a *Bankruptcy Notice* duly served on him on Friday the twenty-third day of January 1959 at the hour of one-fifty o'clock in the afternoon. A sequestration order is hereby made against Max D. Burns of Julia Creek in the State of Queensland, Earth Moving Contractor". Max did not oppose the order.
*Nov 02* ..... Tax Office lodges *Proof of Debt*. There were 54 unsecured creditors owed a total of £32,220. Proofs of Debt were still being lodged as late as 3/10/1966 (Elphinstones for £20, page 786)
*Dec 02* ..... The Trustee is authorized by a meeting of creditors to dispose of Max's assets by auction, public tender or private treaty at his discretion.
*Dec 25* ..... All the Burns family gather at the Royal Hotel in Lismore for Christmas.

**1960** *Jan …* ..... Don abandons an Oliver OC18 on Iffley and returns to the Royal Hotel. The Burns family have no further involvement with earthmoving.
*Feb 13* ..... Ad in the *North Queensland Register* for the Official Receiver's auction of Max's assets in Julia Creek.
… *26* ..... Max's property auctioned on Friday, 9.30 a.m. under instructions from the Official Receiver.
*Mar 19* ..... Public meeting in Max's garage at Julia Creek regarding the formation of a Town & Country Club.
… *31* ..... Max's interest in *Midnight Sun* transferred to the Official Receiver.
*Sep …* ..... Marj purchases two blocks of land at Ebbw Vale for about £1300.
*Oct 25* ..... *Midnight Sun* transferred to Murray Halloran.

**1961** *Mar 21* ..... *Midnight Sun* transferred to Mrs Godier who still owned it when this book went to print.
*Jul 21* ..... *Order for the Public Examination* of Max, beginning 17/08/61.
… *22* ..... *Summons* for Don and Barry to appear.
… *24* ..... *Summons* for Marj to appear.

**1961** *Jul 29* ..... Notice in *Courier Mail* regarding public examination of Max.
*Aug 17* ..... Thursday: Public examination of Max by Mr Moynahan starts in the Supreme Court in Brisbane.
*Aug 18* ..... Friday: Max's examination resumes and continues until Tuesday afternoon. It is adjourned at 3.55 till Monday 18th September. Marj's examination starts after Max leaves.
… *24* ..... Thursday: Marj's examination continues all day. Adjourned till 18/9/1961.
*Sep 18* ..... Monday: Marj's examination restarts after a month's break.
… *19* ..... Tuesday: Marj's examination continues; adjourned after the morning session to 20 November. Max's examinatioin continues in the afternoon.
… *20* ..... Wednesday: Max's examination continues; adjourned at 4.00 p.m. till 22 November 1961. Don's examination begins after Max leaves.
… *21* ..... Thursday: Don's examination continues all day; adjourned till 20 November 1961.
… *22* ..... Friday: Barry's examination starts and continues all day; adjourned till 21 November 1961.
*Nov 21* ..... Mr Drapes appears before the Supreme Court, Brisbane, for the Official Receiver, and adjourns all the examinations of the Burnses until a date in March 1962.

**1962** *Mar 12* ..... Mr Drapes, for the Offficial Receiver, asks for the examination of the Burnses to be adjourned to a date to be fixed. Further examination was never proceeded with.
… *22* ..... Application by the Official Receiver for £3500 of Max Burns' estate to be held on fixed deposit with the Reserve Bank of Australia for three reasons:

(1) The investigation into the affairs of the bankrupt are not yet complete and that further examinations will be held in the near future.
(2) To pay the cost of my examination and to have funds in hand to pay the costs of any litigation which may arise after consideration has been given to the results of the proposed examination.
(3) That all funds realised in this estate to date will be absorbed in payment of preferential claims lodged by the Deputy Commissioner of Taxation.

**1967** *Mar 16* ..... Max writes letter to the Official Receiver asking for discharge from bankruptcy.
*May 09* ..... Discharge is granted. It was not proved that Max committed any offences under the Bankruptcy Act, or any other offence connected with the bankruptcy. But proof was made: "That the bankrupt has, after knowing himself to be insolvent, continued to trade, or obtained credit to the amount of one hundred dollars or upwards".

**1979** *Sep 20* ..... Max dies in Brisbane. He had been separated from Marj for about seven years and was living with Judy.
… *22* ..... Saturday. Max's funeral held at Mt Thompson Crematorium, 11.45 a.m.