

DIXON

MS 3764

**Father Dixon and the Stuart Case
1958-1987**

FINDING AID

Australian Institute of Aboriginal and Torres Strait Islander Studies

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ACCESS

Open access – reading. Partial copying and use. Not for Inter-Library Loan. [Access code R1 C1b]

SCOPE AND CONTENT NOTE

Extent: 1.2m (6 boxes) + 3 folio boxes

Thomas Sidney Dixon and Michael Stanislaus Parer donated the papers to the Library in 1988, under the Taxation Incentives for the Arts Program. Michael Parer, of Alella Books, collaborated with Thomas Dixon in publishing Dixon's book on the case entitled *The Wizard of Alice: Father Dixon and the Stuart case* (Morwell, 1987).

The papers consist of documents, writings, notes, articles, letters, newspaper cuttings, personal memorabilia and other papers relating to the Rupert Maxell Stuart case and the subsequent Royal Commission. In addition, a significant part of the collection consists of various drafts, notes, chapter outlines and other papers relating to Dixon's book, *The wizard of Alice: Father Dixon and the Stuart case* (Morwell, 1987).

Sound recordings received with the collection have been passed to AIATSIS Audiovisual Archives. These are discoverable through the Mura catalogue at call number, Dixon_TS01.

For a complete listing of material held by the Institute about the Max Stuart case see the Mura catalogue at http://catalogue.aiatsis.gov.au/client/en_AU/external/.

Some papers on the Stuart case can also be found in the Records of the Australian Association for Cultural Freedom, held by the National Library of Australia at MS 2031. The Mortlock Library of South Australiana holds material and notes assembled for, and carbon typescript of, Kenneth Inglis' book *The Stuart case* (Melbourne, 2002) at PRG 194.

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BACKGROUND NOTE

The papers relate to Father Thomas Dixon and to the trial of Rupert Maxwell Stuart.

Stuart was convicted in Adelaide, in 1959, of the rape and murder of a 9-year-old girl at Ceduna in the previous year. He was sentenced to death at the age of 27. A Royal Commission investigated the trial and reported that there had been no miscarriage of

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justice. However, after new evidence had been gathered and much public agitation, Stuart's death sentence was eventually commuted to life imprisonment. Although he was released in 1974, having spent 14 years in prison, he was never pardoned. Stuart became a respected elder and chairman of the Central Lands Council.

Thomas Sidney Dixon (BA, University of Macquarie) was born on 9 February 1916 at Mascot, New South Wales. He was ordained a priest in July 1941. Dixon was a missionary at Palm Island from 1942 until 1949, taught at Downlands College, Toowoomba, Queensland (1950), was Parish Priest of Thursday and Hammond Islands (1951-54) and established the Santa Teresa Mission, Northern Territory (1955-56). He was a curate in the Hindmarsh Parish, Adelaide, was in charge of Flinders Park area (1956-60), and served in Queensland and Tasmania. He married in 1969 and subsequently taught at St Pius X College, Chatswood and Saint Ignatius College, Riverview. He retired in 1981.

Dixon was the priest who would have accompanied Max Stuart on his walk to the gallows. He became interested in Stuart's case after he was told some facts about it, and after becoming aware of, and shocked by, the lack of protection for Aborigines under criminal law.

In 1987 Dixon's book *The Wizard of Alice: Father Dixon and the Stuart case* was published by Alella Books. Michael Parer, of Alella Books, collaborated with Dixon in the publication of this book.

Reference:

The Wizard of Alice: Father Dixon and the Stuart Case (Morwell, 1987)

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SERIES DESCRIPTIONS

Series 1 Trial of Rupert Maxwell Stuart, 1958-59, 1982

This series consists of legal material and other papers relating to Stuart's trial. Included are transcripts of some of the trial evidence, handwritten extracts of evidence and pleadings, as well as notes regarding evidence. There are also notes, timetables and a chart constructed to show Stuart's movements, notes on matters raised at the trial, copies of Stuart's confession, and a comparison of Stuart's confession as presented by the police and as translated from the Arrernte by Stuart. Other papers include copies of the police evidence and various statements, affidavits and statutory declarations, a small amount of correspondence, and an essay on the case by Dixon.

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Item

- 1 Full court pleadings - Stuart's movements. Handwritten in partly used, fragile accounts book
- 2 'Movements of Rupert Max Stuart, Saturday 20th December 1958'. Typed chart
- 3 Transcript of evidence, 1959. Annotated photocopy
- 4 Handwritten extract from evidence. Also handwritten draft of 'Who I am' outlining how Dixon became interested in the Stuart case plus notes on evidence
- 5 Handwritten transcripts in ledger book of trial evidence (1959), affidavits by Devaney and Scarfe, Full Court appeal and end of Royal Commission.
- 6 Handwritten notes on evidence, pages numbered but not in consecutive order. Also typed copies and carbon typed copies of statements, statutory declarations, excerpts of evidence and affidavits from Armin Rupert Adolph Kleinig, Clement Anzac Chester, Alexander Adam Phin, Allan Raymond Moir, Colin Eric Ware, Mary Ellen Wardrop, Horace Lincoln Baker, Kathleen Roberta Marjorie Binns, William McNeish, Veda Ethel Miller, Brenda Veronica Kent, Donald James Kelly, Olga Bertha Betts, Dennis Thomas Kelly, Roy Wilgena Wells, Alan Haig Wardrop. Some annotated.
- 7 Documents relating to Appeal and Royal Commission:
 - Handwritten list of item contents:
 - 'Executive references to a Court of Criminal Appeal', by Alex C. Castles. Carbon copy typescript.
 - T Playford's (Acting [SA] Attorney General) reply to Miss Helen Devaney (Solicitor)
 - Correspondent identified on Father Dixon's list as 'David O' tto Principal Registrar of the High Court
 - Two copies of High Court's decision on appeal:
 - 'Stuart v. the Queen Order: application for leave to appeal refused' (Typescript)
 - Annotated copy of Stuart v. The Queen
 - Extracts from the judgement (Typescript)
 - 'Statement of RM Stuart as given to Father Dixon. (Annotated typescript)

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- 'The Stuart case', by Dixon, an essay for Aboriginal History Studies, Macquarie University, c1982. (Photocopy of typescript)
- 'Memorandum by Father Dixon, re Rupert Max Stuart', sent to Attorney General. (Carbon copy of typescript)
- 'The Stuart Case: a chronology of events since the trial', by Ken Inglis. Annotated typescript.
- 'Stuart time table, Saturday 20/12/58'. Annotation: 'Dr Bray's summary'
- 'Submission for extension of the terms of the Royal Commission' Annotation: 'N Morris's statement for Helen D.'.

8 Trial documents:

- Handwritten list of item contents:
- Trial transcript. Incomplete photocopy
- 'Police court evidence' extract. Photocopy
- Jones' brief, less 'confession'
- Stuart's statement. Carbon copy of typescript

9 Evidence and trial documents, Part 1:

- 'Stuart's confession to the police signed by him at Ceduna on 22nd December 1959' and 'Transcript of tape recording obtained from Stuart in the Adelaide gaol on 19th August 1959' in Aranda [Arrernte] with English translation by Stuart under each phrase. The two documents are presented in two columns for comparison. Typescript
- 'Rupert Stuart Recording'. Transcript of recording in Aranda [Arrernte] with English translation underneath. Carbon copy of typescript
- 'Chamberlain to Jury'. Carbon copy of typescript
- Notes made by Shand on Eileen Slade's transcript, originally taken in shorthand, of Stuart's translation of confession from Arrernte
- 'Starke interview'. Handwritten notes
- Starkes[sic] Summary, Handwritten notes.
- Letter from Starke to Father Dixon (1979). Holograph
- Trial transcript, pp. 1214-1291 – first part, Starke's final address. Photocopied typescript.

10 Evidence and trial documents, Part 2

- Trial Transcript from pp. 1292-1359 – completion of Starke's final

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address, and Brazel's final address

- Envelope with notes on chapters 14-26 of *The Wizard of Alice*

11 Evidence and trial documents, Part 3

- Defendant's unsworn statement from the dock. Typescript
- Transcript of evidence, pp. 69, 84-97 Photocopied annotated typescript.
- Comparative table of evidence given by Phin and Moir. Handwritten.

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Series 2 Royal Commission in Regard to Rupert Max Stuart, 1959, 1972

In this series are papers on the Royal Commission in Regard to Max Stuart which was convened by the South Australia government in 1959. The Commission was appointed to enquire into matters raised in statutory declarations regarding Stuart's movements, actions and intentions, Stuart's movements on the 20th December 1958, why the information in the declarations was not raised to the Supreme Court or another authority before the declarations were made and the circumstances in which the declarations were obtained and made.

A copy of the report is also held in the Library at P SOU.

Item

- 1 Royal Commission in regard to Rupert Max Stuart. *Report*. (Adelaide, 1959). Three copies. Copy two is extensively highlighted. The front cover of copy three is missing; copy is annotated.
- 2 Royal Commission judgement, pp. 6-84. Carbon copy of typescript.
- 3 Transcript of Stuart's evidence in Royal Commission, pp. 764-824. Photocopy of typescript
- 4 Transcript of Dixon's evidence to Royal Commission, pp. 536-575. Photocopy of typescript
- 5 'Comment on the Stuart Case Royal Commission of 1959', by T.G.H. Strehlow, 2nd March 1972. Photocopy of typescript

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Series 3 'My Documents', 1958-79

This series consists of three large scrapbooks, compiled by Dixon, containing material relating to the Stuart case and Dixon's efforts on Stuart's behalf.

The scrapbooks mainly contain correspondence and newspaper clippings from major newspapers and journals, for example, *Advertiser*, *Sun*, *Nation*, *Sydney Morning Herald* and the *Bulletin*.

There is also an original cartoon relating to Dixon and the Stuart case and some pencil drawings, a sketch of the layout of the Ceduna Fun Fair, a comment on the case by T.G.H. Strehlow and other papers.

Item

- 1 Newspaper clippings (1958-79). Includes other papers, including a typed copy of 'Defendant's unsworn statement from the dock (23 April 1959), 'Comment on the Stuart Case Royal Commission', by T.G.H. Strehlow (typescript carbon copy), results of Moran Gallop poll on the death penalty and letter criticising Dixon
- 1a Original Norm Mitchell cartoon. (Published in *News*, Adelaide, July 31, 1959.) [Removed from scrapbook 1 for preservation]
- 1b Norm Mitchell cartoon, mounted.
- 2 Newspaper clippings, 1959-76. Also includes brochure for Ceduna Community Hotel Motel.
- 3 Correspondence, including telegrams, cards, postcards and other papers (1959-74). Included are a pencil drawing of O'Sullivan and Shand, from memory, by Stuart, a pencil drawing of the layout of the Fun Fair at Ceduna, Stuart's baptism certificate, newspaper clippings, Dixon's submission to South Australian Attorney General on the case, leaflet 'Why not hang Rupert Stuart?', maps, copies of statements by Stuart (typescript) and notes

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Series 4 Correspondence, 1959-86

This series consists of correspondence, mainly relating to the Stuart case.

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Correspondents include Stuart, E. Gieseman, Rohan Rivett, Alan Wardrop, Isabel Roads (Miss Penny), Ken Inglis, A. Worthington, R. Sutherland, Father Clancy and Donald Grey-Smith.

- 1 Correspondence, 1959-83.
Typescripts, holographs, envelopes, handwritten notes

Also includes article on death of Rohan Rivett (1977), a return thanks for a sympathy card from Lady Rivett and her sons and Rivett's article on a visit to Burma (1974)
- 2 Correspondence to Dixon about the Stuart case, 1970-86.
Typescripts, holographs, envelopes, handwritten notes

Includes a letter to the Editor of *The Advertiser*, by Dixon
- 3 Correspondence, 1983-84
Typescripts, holographs, envelopes, handwritten notes

Includes letter from Rupert Stuart

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Series 5 Other Papers, 1959-86

The papers in this series mainly relate to the Stuart case, of widely varying content. For example, there is, information on the weather at Ceduna at the time of the murder; and Dixon's notes from his interviews with people concerned with the case.

Item

- 1 Stuart's letters and cards to Dixon (1963-84), information on tides and weather at Thevenard, drafts of leaflet 'Why not hang Rupert Stuart?' (early edited typed copy and two edited carbon copies of typescript) and notes by Dixon. Also notes of Aranda [Arrernte] phrases made by Dixon preparatory to talking to Stuart (handwritten), a typed precis of the case, a copy of memo from J.L. Travers to Royal Commission (1959) and a polysyllabic document from Stuart to Royal Commission (1959)
- 2 Notes taken from tape made on an investigating trip to Adelaide of talks with Helen Devaney, Kathy Strehlow, Ted Strehlow, Miss Penny (Isabel Roads), Father H O'Loughlin, Justice Travers and Jack Clarke (of *News*). Handwritten. Also Dixon's University of Macquarie Academic record (1983), Northern Territory Welfare ordinance (1953), notes taken from tape of Ceduna trip and

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notes from *West Coast Sentinel* (1959-60)

- 3 Typed extract on hair from *Modern criminal investigation*, by Soderman and O'Connell pp 168-69 and an unsigned typed memorandum on the possible time of the crime. Carbon copy
- 4 Handwritten notebook, two sketch maps
- 5 Two handwritten notebooks
- 6 Oddments on Stuart. Includes notes, for example, taken at Yatala and at Royal Commission and Dixon's early analysis of the Report of the Royal Commission
- 7 First Ceduna Trip, second summary, 1974? Handwritten in foolscap book
- 8 Newspaper clippings about Stuart and the Yatala prison, 1963-86
- 9 Correspondence requesting information, for example for essays for journalism courses, 1974-79, copies of two of the essays and journalist's notes at the time of the Royal Commission
- 10 'Sir Thomas Playford: a portrait', by Walter Crocker (Melbourne, 1983), pp.70-91. Photocopy

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Series 6 The Wizard of Alice: Father Dixon and the Stuart Case, Editorial papers

This series consists primarily of drafts of Dixon's *The Wizard of Alice: Father Dixon and the Stuart case*, which was published with the assistance of the Literature Board of the Australia Council by Alella Books in 1987. AIATSIS Library holds this book at B D621.93 W1.

Drafts include early handwritten chapter drafts, edited typescripts, edited photocopies of printed drafts, edited computer printouts, and a proof copy.

There is also a small amount of correspondence about the book, chapter outlines and notes on chapters, drafts of the foreword and the dedication and lists of photographs required.

Item

- 1 Outlines

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- 2 Book sections.
Includes: Pointers (not in consecutive order), Interrogation and Violence, Plan of book, Stuart's English, Tracks and Trackers, Confessions, Aboriginal Evidence, Synopsis of Points, 'Have I made my point clear?', other notes
- 3 Draft of foreword
- 4 Early drafts, proofed typescript
- 5 Early draft, pp38-41, 323-414
- 6 Draft Chapter One
- 7 Chapters 1, 8, 11-13 and notes
- 8 Annotated drafts, Chapters 1-5, Dedication and Frontispiece
[Two copies of Chapter 1]
- 9 Annotated drafts, Chapters 1-12
- 10 Annotated drafts, Chapters 2,7,8,16,17
[Two copies of Chapter 8]
- 11 Annotated drafts, Chapters 1-11, excerpts from Chapter 14, Chapters 16,17
- 12 Annotated drafts, Chapters 9-14, Chapters, 12-17, pp234-298
- 13 Annotated drafts, Chapters 16-22
- 14 Photocopy of draft; dual pagination: pp. 16-31 and 299-314; 'New Chapter', pp315-332
- 15 Annotated drafts, Chapters 16, 56 and 57
- 16
 - Handwritten summary of Chapters 27-37, pp. 191-206
 - Annotated draft, Chapters 14-26, pp77-190
- 17 Annotated draft, Chapters 18-34, pp110-233
- 18 Edited proof, Chapter 19
- 19 Annotated draft, Chapters 23-33, pp154-264
- 20 Chapters 27-37
[Photocopies]

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- 21 Chapters 38-43
- Handwritten summary of Chapters 38-43
 - Annotated draft, Chapters 38-43, pp266-306
- 22 Chapters 44-51
- Handwritten summary of Chapters 44-51
 - Annotated draft, Chapters 44-51, pp307-382
- 23 Chapters 51-60
- Excerpt from printed proof, pp310-316
 - Handwritten summary of Chapters 52-58
 - Handwritten summary of Chapters 51-60
 - Annotated draft, Chapters 51-58, pp380-482
- 24 Chapters 59-63, and notes
- Handwritten summary of Chapters 59-63
 - Handwritten notes on Chapter 59
 - Annotate drafts, Chapter 59-62, pp483-539
- 25 Proof, pp1-126
- 26 Proof, pp127-221
[Photocopy]
- 27 Proof, pp222-300 and index
- 28 Proof, pp310-412
[Photocopy]
- 29 'The Wizard of Alice; Father Dixon and the Stuart Case'; complete proof
- 30 Table of Contents
- 31 Papers and correspondence relating to book photographs and dedication
- 32 Correspondence re book production, 1981-1985

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- 33 Other papers regarding book production, 1981-1985
- 34 Computer printouts, Chapters 19-23
- 35 Computer printouts, Chapters 48-51

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BOX LIST

Series	Items	Box
1	1	7 (Folio box)
1	1a and 1b	Manuscript Plan Cabinet, PC6 Drawer1
1	2	Manuscript Plan Cabinet, PC6 Drawer 1
1	3-11	1
2	1	1
2	2-5	2
3	1	10 (Folio box)
3	2	11 (Folio Box)
4	1-3	2
5	1-4	2
5	5-10	3
6	1-7	3
6	8-19	4
6	20-30	5
6	31-33	6

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6	34	8 (Folio box)
6	35	9 (Folio box)

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