

# Captain Foster Fyans and Mrs. Eliza Fraser

by J.S.Ryan

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The following note has been compiled to clarify various general remarks in the *Journal*, both on Captain Fyans as Commandant at Moreton Bay (1835-37), and referring to his behaviour at the time of the wreck of the *Stirling Castle* in 1836. A biographical overview of all the officers-in-charge of the penal settlement was given by Louis Cranfield in his 1963 paper<sup>1</sup>, 'Early commandants of Moreton Bay', while Fyans was again referred to in passing by the present writer in his long 1983 paper, 'The Several Fates of Eliza Fraser'<sup>2</sup>. Neither had access to Fyans' own 'Autobiography to 1843', held in the La Trobe Library in Melbourne,<sup>3</sup> to the accompanying matching typed transcript made by Dr. Philip Brown, nor to the latter's own editorial material.

The Geelong Historical Society<sup>4</sup>, in whom copyright of all this material<sup>5</sup> has been vested, has recently issued a 6-sided folded brochure card, captioned 'The Memoirs of Foster Fyans', which refers to the autobiography ending abruptly in 1842 without explanation, adding

but the Captain's official military and civil service records, plus surviving private papers and published references, have enabled his story to be checked and completed. There is evidence to suggest that his only son, also Foster Fyans, made a fair copy of these memoirs, which may still exist. It might add another decade. (side 3)

It also observes that Fyans has been harshly condemned for his conduct in Norfolk Island, 'and traduced in the film and book *Eliza Fraser*'. Yet the unsigned 1966 article<sup>6</sup> on John Knatchbull (1792?-

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1844), the naval captain and convict, had quoted Judge Burton's reprimand for Fyans' leniency in that matter and Brown's article had called him 'sympathetic but strictly practical', and (at Portland Bay) as acting 'firmly and fairly, seldom unwisely' ... 'although with the reputation of a martinet.'<sup>7</sup> Thus the biographic piece on Knatchbull – although listing C. Roderick's *John Knatchbull* (1963) – did not follow that romantic work's stress on the Commandant as being 'arbitrary' and 'brutal'<sup>8</sup>

In short, the 'Memoirs', their meticulously researched editorial matter, and the life sketch by P.L. Brown, – all show him in quite another light to the harsh image, almost akin to that of Captain Logan's at Moreton Bay, or to the depraved and vicious sadist of the film, and still more of the Kenneth Cook novel. What Fyans has to say about his own life is highly articulate, persuasive, paternal yet sympathetic, and possessed of considerable internal consistency, despite occasional confusions about remembered numbers – details which have been sorted out by Philip L. Brown<sup>9</sup> through editorial insertions in the typescript text.

Yet Fyans has always had a complex image – Cranfield quoting<sup>10</sup> the *Geelong Advertiser's* description of him as 'rather eccentric and inclined to be harsh and severe', and concluding that 'his outstanding qualities as a pioneer appear to be marred by his dictatorial attitude to those who served under him.'<sup>11</sup> Probably the truth is nearer Brown's various assessments, indicating that he was a man of his time and not deserving Cranfield's final negative appraisal. Fyans' stern yet logical tone is well caught in his own evidence before the Victorian Select Committee upon Penal Discipline.<sup>12</sup> His delight in the validation of trust is well caught in the 'Memoirs' passage concerning the Moreton Bay establishment:

Five hundred convicts ... were well and usefully employed; there was none of that lurking feeling in the men, ... I was always of opinion that mitigation to the deserving tended to good ...<sup>13</sup>

Another passage – forwarded by P.L. Brown – concerns a letter, published in the *Geelong Advertiser* of 2 August 1855, on the occasion of Fyans' retirement from many public posts after 17 years of service. In it there is reference to the Captain's 'steadfast honesty' and 'common sense', as well as his 'never having lost a friend, or made an enemy'. Similarly, there is quotation of the contemporary comment in the Legislative Council that:

a poor man can always find a patron and protector in the honest old veteran who would ever see him righted.

In the matter of the actual contact between Captain Fyans and Mrs. Fraser, there is considerable material in the text,<sup>14</sup> after much

concerning the actual convict rescuer, John Graham, the rescue party leader Lieutenant Otter, and specific details of Mrs. Fraser's reception at Moreton Bay. Indeed, having sighted the various passages of the Fyans collections, it would seem that Patrick White, in his fictional recension *A Fringe of Leaves* (1976), had had access<sup>15</sup> to or knowledge of the Commandant's memories of the events.

All the Moreton Bay Fyans sections are of a piece – dispassionate, friendly, interested in individuals and prepared to make representations on their behalf to Governor Bourke, and to reduce the size of the penal establishment. His management of some 90 women convicts is sane, firm, courteous, and surprisingly modern, in its sympathy for them as women despite their various outbursts of occasional unruly behaviour, and in its concern for their children. Thus it is with no surprise that one reads in Chapter 34, of 'John Graham and Mrs. Fraser', of the said convict's linguistic ability, courage and sense of strategy, and fluent powers of description.<sup>16</sup> Further, Fyans is both detailed<sup>17</sup> and dramatic in his account of events.

The Commandant has much to say of his meeting with Mrs. Fraser touching her appearance, distressed mental state, need for both medical care and feminine solicitude, and of her subsequent conveyance to Sydney. Indeed, this part of the text makes it clear that he was an old-fashioned sort of gentleman, Irish and romantic, kindly and discreet, and more than sensitive to both her ordeal and to her need for spiritual rehabilitation.

Thus, as the Geelong Historical Society stresses, the *Eliza Fraser* film and book leave alike a distasteful, distorted and grossly unfair image of Captain Foster Fyans (1790-1870), fifth Commandant at Brisbane (1835-37). His support of the Logan School in Brisbane, his time as first President of the Geelong Mechanics Institute<sup>18</sup> from 1846, his desire to open up the Moreton Bay settlement<sup>19</sup> to free selection, and well attested sympathy for religious observations – all combine to underscore his progressive thinking and democratic sympathies.

1. Reproduced in *Journal*, Vol. VII, No. 2 (1963-64), pp. 385-398. Captain Foster Fyans is discussed on pp. 391-93 and 398.
2. Presented in somewhat cut form in the *Journal*, Vol. XI, No. 4 (1983), pp. 88-112. These particular Fyans references occur on pp. 94-5, 102-3, 106-8 and 111.
3. The text was listed in the life in the *Australian Dictionary of Biography*, Vol. I (1966), pp. 422-424, 'Foster Fyans (1790-1870)' whose contributor, Dr. Philip L. Brown of Geelong, refers to Fyans' 1853 retirement in Geelong and to his 500 pages of

- recollections. Fyans had sailed to Port Phillip in September 1837, to become the first police magistrate of Geelong. (See also the summary entry on him, p. 56 of R.V. Billis and A.S. Kenyon, *Pastoral Pioneers of Port Phillip* (1932).
4. Hon. Secretary, Mr. F.W.J. Morrow, 23 Cook Street, Newtown, Victoria 3220.
  5. Since more than 40% of the original is concerned with Norfolk Island and Moreton Bay, and another 40% with Fyans' antecedents and career prior to 1833, the ultimate publication will clearly appeal to members of R.H.S.Q.
  6. *Aust. Dict. Biog.* (vol. I, pp. 65.66).
  7. *A.D.B.*, vol. I, pp. 422, -23, -24.
  8. *John Knatchbull*, p. 192.
  9. F.R. Hist. S. Vic., Hon. F.A.H.A., D. Litt. He is best known as the meticulous editor of the 7 volumes of the *Clyde Company Papers* (London, 1941-71), containing the documents and letters of that company which held extensive runs in the Western District of Victoria.
  10. *Loc.cit.*, p. 392.
  11. *Loc.cit.*, p. 398.
  12. *Report*, pp. 74-80, being questions and answers, 1257-1334.
  13. *A.D.B.*, I, p. 424.
  14. The various acknowledgements made by Michael Alexander in his *Mrs. Fraser on the Fatal Shore* (1971, 1976) prove that he had had some access to the Fyans 'Autobiography'. (See also J.S. Ryan (*loc.cit.*), p. 101) Dr. Brown informs me that an acknowledgement of his help was accidentally omitted by M. Alexander in his book.
  15. E.g. in details of the surrounding country, farms, free women of the settlement, doctor, chaplain, etc.
  16. See Ryan, p. 91, referring to Robert Gibbings, (p. 8) of his *John Graham Convict* (1937), as to Graham's education.
  17. In addition to his own notes, one assumes that he had some of the contemporary pamphlets to refer to.
  18. This making him a proto-founder to Deakin University.
  19. See L. Cranfield, (*loc. cit.*), p. 392 and various despatches as in letters to the Colonial Secretary (Archives Office of New South Wales).