

Adopted Apprentices: Juvenile Recruitment in Australian Circus, 1847–1942

Mark St Leon*

Recent studies on the history of circus in Australia draw attention to the practise of recruiting male and female juveniles as trainee performers to augment a circus family or circus troupe. In oral recollections, circus people loosely described these juveniles as “apprenticed” or “adopted.” Although several nefarious examples of recruitment have been previously described in detail, historians have not explained the wider contexts in which such recruitment took place. The constant need for circus proprietors to embellish their programs drove the demand for these juveniles. This article explores the factors influencing the supply of juvenile circus labour, focussing on the evolving social, legislative and economic contexts within which juveniles were recruited into circus between 1847 (the foundation year of circus in Australia) and 1942 (when most circus companies temporarily ceased operations owing to wartime restrictions and by which time juvenile recruitment was largely extinguished). The study highlights the worth of deeper scholarly enquiry into this previously neglected group of young workers. It also demonstrates the complexity of labour practises in theatrical entertainments, generally, and in itinerant entertainments such as circus in particular. In doing so, the study suggests the need to reconsider the distinction between the margins and mainstream of Australian labour and social history.

Although once a major form of entertainment in Australia, the circus has long been overlooked by academic historians. In his monumental six-volume history of Australia, Clark made only passing mention to “acrobats and strolling players” who wandered the goldfields of the 1850s.¹ Davidson briefly recognised the social significance of circus by explaining how colonial circus people – whose “mastery of the rural skills of animal training and horsemanship” appealed strongly to isolated bush folk – belonged to a distinct class of mobile Australians, the “travellers.”² Today, however, the richness and diversity of itinerant entertainments delivered throughout Australia in the pre-electronic era are the subject of considerable scholarly attention.³

It has been observed that the nature of a society’s entertainments sheds light upon the character of that society and, potentially, on posterity’s perception of that society.⁴ If so, should historians study only the public face of such entertainments, or should they also examine the contexts within which such entertainments were produced and delivered? In recent years, historians in Australia and elsewhere have

* The author thanks Emeritus Professor John Ramsland and Dr Brian Dickey for reviewing preliminary drafts of this article. The author also acknowledges the diligent and critical evaluation of *Labour History*’s anonymous referees.

1. C. M. H. Clark, *A History of Australia, Volume 4: The Earth Abideth for Ever, 1851–1888* (Melbourne: Melbourne University Press, 1973), 55.
2. Graeme Davison, J. W. McCarty and Ailsa McLeary, *Australians: 1888* (Sydney: Fairfax, Syme & Weldon Associates, 1987), 241.
3. Victor Emeljanow, Editorial, *Popular Entertainment Studies* 5, no. 2 (2014): 1–5.
4. Katharine Brisbane, ed., *Entertaining Australia: An Illustrated History* (Sydney: Currency Press, 1991), 8; M. Willson Disher, *Fairs, Circuses and Music Halls* (London: William Collins, 1942), 20.

begun to place circus – that spurned branch of the performing arts – within wider contexts to extract meanings that enrich our understandings of those contexts.⁵

The erstwhile – and all but forgotten – practise of recruiting juveniles to be trained as circus performers was frequently mentioned in the oral testimonies of elderly circus people, with the reasons given for a juvenile's availability for recruitment ranging from the social (eg abandonment, illegitimacy) and economic (eg poverty) to the ethnic and cultural (eg miscegenation). For instance, the oral recollections of Mervyn King, who was recruited into a travelling circus at the age of seven in 1915, exposed in some detail circus practises relating to juvenile labour as well as associated – and quite inseparable – issues relating to child welfare, health and education.⁶ Nevertheless, the academically-grounded literature on Australian labour pays limited attention to juvenile labour, even less to children in theatrical employment, and none whatsoever to the employment of children in circus.⁷ An on-line word search of *Labour History* covering the period 1994–2015, employing terms such as “circus,” “theatre,” “vaudeville,” “juvenile,” “children,” “apprentice” and “adoption,” yielded several results relating to apprentices and other young workers *per se* but none directly pertinent to the employment of juveniles in circus.⁸

In their study of Australia's circus children, Ramsland and St Leon examined descriptive material and original voices to review, *inter alia*, circus apprenticeship, adoption and training practises.⁹ More recently, Arrighi, in her history of the famous FitzGerald Bros Circus, has pointed out how, in earlier eras, circus “commonly accepted children who demonstrated raw physical aptitude that could be developed into circus-specific skills.”¹⁰ However, neither of these works methodically explored wider social, legislative or economic contexts. On the other hand, Assael linked the cultural history of the English circus with evolving nineteenth century politics, religion, economics, and society. In particular, she outlined the attention increasingly given by English legislators to the protection of juvenile performers in the Victorian era.¹¹

Beyond the labour history literature, the wider, academically-grounded literature on child welfare, health and education rarely embraces theatrical employment, and completely overlooks employment in circus, juvenile or otherwise. In their

5. See for example: Lorne Cummings and Mark St Leon, “Juggling the Books: The Use of Accounting Information in Circus in Australia,” *Accounting History* 14, no. 1 (2009): 11–33; Kim Baston, “Circus Music: The Eye of the Ear,” *Popular Entertainment Studies* 1, no. 2 (2010): 6–25; Gillian Arrighi, “Negotiating National Identity at the Circus: FitzGerald Brothers' Circus in Melbourne, 1892,” *Australasian Drama Studies*, no. 54 (2009): 68–86.
6. Mervyn King with Mark St Leon, *The Silver Road: The Life Story of Mervyn King, Circus Man* (Springwood, NSW: Butterfly Books, 1991).
7. Bradley Bowden, “Re-considering the Use of Child Labour: Why Nineteenth Century Australia was Different to Other Modernizing Nations” (paper presented at American Academy of Management Best Paper Proceedings, Chicago, 2009).
8. See for example: John Shields, “Deskilling Revisited: Continuity and Change in Craft Work and Apprenticeship in Late Nineteenth Century New South Wales,” *Labour History*, no. 68 (May 1995): 1–29; Maree Murray, “The Child is Not a Servant: Children, Work and the Boarding Out Scheme in New South Wales, 1880–1920,” *Labour History*, no. 77 (November 1999): 190–206; Cameron Nunn, “Juveniles as Human Capital: Re-evaluating the Economic Value of Juvenile Male Convict Labour,” *Labour History*, no. 108 (May 2015): 53–69.
9. John Ramsland and Mark St Leon, *Circus Children: The Australian Experience* (Springwood, NSW: Butterfly Books, 1993).
10. Gillian Arrighi, *The FitzGerald Brothers' Circus: Spectacle, Identity and Nationhood at the Australian Circus* (Melbourne: Australian Scholarly Publishing, 2015), 25.
11. Brenda Assael, “The Circus and Respectable Society in Victorian Britain” (PhD diss., Graduate Department of History, University of Toronto, 1998); Brenda Assael, *The Circus and Victorian Society* (Charlottesville: University of Virginia Press, 2005).



Juvenile Performers of the Wirth Bros Circus, New Zealand, 1900

Muriel Wirth, daughter of one of the proprietors, with three “apprenticed” boys

Courtesy: The late Mrs Margaret Wright

respective works, Ramsland, Jaggs, O’Brien and Seymour examined the foundations of Australian child welfare legislation but did not link welfare issues to juvenile employment in circus.¹² Both Kociumbas and Van Krieken considered child labour, boarding-out practises, issues concerned with illegitimacy, adoption and “baby-farming” and the expanding role of the state in the welfare of children but did not embrace the proclivity for circus proprietors to spuriously “adopt” juveniles to train

12. John Ramsland, *Children of the Back Lanes: Destitute and Neglected Children in Colonial New South Wales* (Kensington: University of New South Wales Press, 1986); Donella Jaggs, *Neglected and Criminal: Foundations of Child Welfare Legislation in Victoria* (Melbourne: Melbourne Centre for Youth and Community Studies, Phillip Institute of Technology, 1986); Anne O’Brien, *Poverty’s Prison: The Poor in New South Wales, 1880–1918* (Melbourne: Melbourne University Press, 1988); John Seymour, *Dealing with Young Offenders* (North Ryde: Law Book Company, 1988), 25–62.

as future performers.¹³ In their study of adoption, Quartly, Swain and Cuthbert showed how the “market in babies” simultaneously solved two persistent social problems, infertility and illegitimacy, but overlooked the nefarious role some circus proprietors played in “solving” these problems.¹⁴ Of the essays on adoption practise presented by Spark and Cuthbert, none drew on the experiences of children “adopted” into circus.¹⁵ Drawing on social, welfare and women’s history, Garton told the story of Australia’s less privileged people but overlooked the fact that the juveniles procured by circus proprietors often sprang from such backgrounds.¹⁶ Although none of the aforementioned studies embraced the experience of juveniles inducted into circus, each at least provided context for critical remarks made throughout this paper. Context was also provided by the English social historians, Wilkes, Humphries and Kirby who, while largely overlooking the employment of juveniles in English circus, provided relevant perspectives on child labour in England during the first industrial revolution.¹⁷

In summary, while the British literature provides some insights, the existing Australian secondary literature – including general, labour and social histories – has not embraced circus (or other itinerant entertainments) to any significant degree. The transience of circus people, their social marginalisation, not to mention the frequent trivialisation of circus in popular culture, have not been conducive to closer academic inquiry.

This article aims to explain how Australia’s circus entrepreneurs negotiated increasingly restrictive social, legislative and economic imperatives to satisfy the demand for juveniles needed to train as circus performers. The article is not primarily concerned with the fine details of the training and subsequent careers of these juveniles, aspects which have been documented elsewhere.¹⁸ Rather, in focussing on work context as opposed to work content, this study necessarily embraces factors nominally beyond the boundaries of labour history – including welfare, family and education – since these are considered inseparable in forming an understanding of juvenile circus recruitment.

The terms “recruited,” “recruiting” and “recruitment,” as employed in this study, refer specifically to the practises, now mercifully outmoded, of procuring and inducting juveniles, generally aged less than 14 years of age, into circus to be trained as performers. Juveniles aged 14 and over were no longer “children” in the eyes of the law and were therefore legally responsible for their actions.¹⁹

The extended chronological period covered by the study necessarily sacrifices depth for breadth. Although a case-study approach could yield deeper insights, these

-
13. Jan Kociumbas, *Australian Childhood: A History* (Sydney: Allen & Unwin, 1997); Robert van Krieken, *Children and the State: Social Control and the Formation of Australian Child Welfare* (Sydney: Allen & Unwin, 1991).
 14. Marian Quartly, Shurlee Swain and Denise Cuthbert, with Kay Dreyfus and Margaret Taft, *The Market in Babies: Stories of Australian Adoption* (Clayton: Monash University Publishing, 2013).
 15. Ceridwen Spark and Denise Cuthbert, *Other People's Children: Adoption in Australia* (North Melbourne: Australian Scholarly Publishing, 2009).
 16. Stephen Garton, *Out of Luck: Poor Australians and Social Welfare, 1788–1988* (North Sydney: Allen & Unwin, 1990).
 17. Sue Wilkes, *The Children History Forgot: Young Workers of the Industrial Age* (London: Robert Hale, 2011); Peter Kirby, *Child Labour in Britain, 1750–1870* (London: Palgrave Macmillan, 2003); Jane Humphries, *Childhood and Child Labour in the British Industrial Revolution* (Cambridge: Cambridge University Press, 2010).
 18. See, for example, King, *The Silver Road*.
 19. Nunn, “Juveniles as Human Capital.”

would be limited, would not necessarily be generalisable and would leave unmapped the wider terrain of labour history in circus awaiting the attention of researchers. Articles previously published in *Labour History*, such as those by Bowden, Murray and Chester and Quinlan, provide precedents for this approach.²⁰

Recovering Forgotten Circus Voices

In the absence of a solid foundation of pre-existing research and analysis, the researcher wanting to explore the recruitment of juveniles into circus is critically dependent on the raw material extracted from oral accounts, contemporary journalism and less-than-complete civil records.

Transcripts of interviews and records of conversations with elderly Australian circus people, conducted by St Leon and others in the period 1970–90, provide “voices from below” including primary descriptions of juvenile recruitment, training practises and subsequent career paths. While interviewees rarely cited relevant social, legislative or economic contexts, their testimonies nevertheless tend to confirm that the family-based, itinerant circus operated at the margins of settled society, where it was beyond persistent public scrutiny, unionisation drives, the enforcement of pertinent legislation and therefore outside the mainstream (and orthodox documentary sources) of broader Australian labour history.

In contrast to the “voices from below,” contemporary legislation, published reports of circus-related child-welfare matters, as well as records generated by state and colonial government agencies, provided a range of “voices from above.” Unfortunately, surviving civil records are by no means as complete or as comprehensive as underlying legislation might lead one to expect. Furthermore, colonial and Federal census data offers few clues as to the size or composition – let alone the existence – of a circus industry since all circus people were subsumed into sweeping occupational classifications such as “miscellaneous” or “not stated” (1861) and “indefinite” (1901).²¹

Despite these limitations, the available sources enable construction of the outlines of the evolving social, legal and economic contexts surrounding the recruitment of juveniles in circus. In particular, newspapers and magazines, many of which can now be efficiently searched online, are invaluable sources of contemporary reports and independent comment, the voices “from the side.”

Circus, Circus Labour and Urban-Industrialism

The modern circus was born of the industrial age, developed by late eighteenth century London entrepreneurs to cater for newly-urbanised masses, and initially presented in permanent venues called “amphitheatres.”²² As itinerant fairground

20. Bradley Bowden, “The Rise and Decline of Australian Unionism: A History of Industrial Labour from the 1820s to 1910,” *Labour History*, no. 100 (May 2011): 51–82; Georgina Murray and Jenny Chester, “Economic Wealth and Political Power in Australia, 1788–2010,” *Labour History*, no. 103 (November 2012): 1–16; Michael Quinlan, “The Low Rumble of Informal Dissent: Shipboard Protests Over Health and Safety in Australian Waters, 1790–1900,” *Labour History*, no. 102 (May 2012): 131–55.

21. Beverley Kingston, *The Oxford History of Australia, Volume 3, 1860–1900* (South Melbourne: Oxford University Press, 1988), 284–86.

22. John M. Golby and A. William Purdue, *The Civilisation of the Crowd: Popular Culture in England, 1750–1900* (Stroud: Sutton Publishing, 1999), 39.

entertainers were among the first to be employed, circus tended to assume the inferior social standing – “rogues, vagabonds and sturdy beggars” – formally assigned these people since the *Vagrancy Act* (England, 1572).²³ Circus performers, almost without exception, were drawn from under-privileged backgrounds. Juvenile apprentices in circus were typically drawn from poor families or were orphaned, illegitimate or abandoned.²⁴

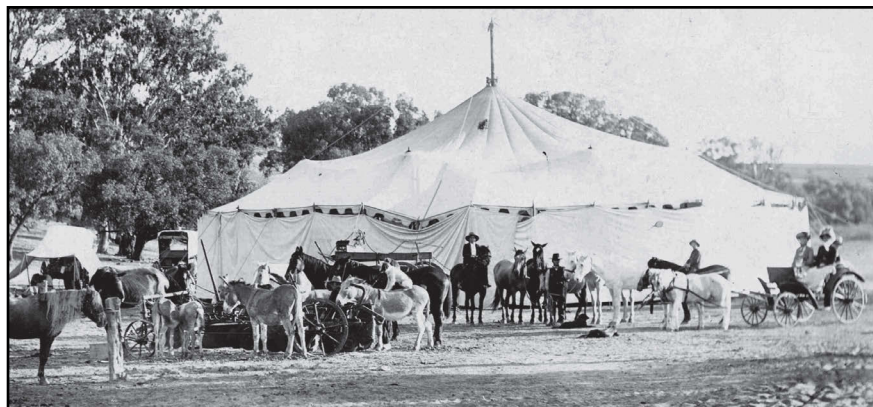
An apprenticeship was a traditional form of training, developed in pre-industrial society to enable young people to enter a trade by a pathway of individual instruction within a family-centred production unit.²⁵ London’s original circus establishment, Astley’s Amphitheatre, founded in 1778, adapted this system to “apprentice” juveniles from as young as five years of age and develop them into professional performers through intensive programs of exercises and acts.²⁶ The apprenticeship system was just one of the managerial and artistic features of Astley’s that were replicated in the amphitheatres that sprang up in towns and cities throughout Europe, the United States and, eventually, the colonies of Australia during the early industrial era.

Like other branches of the performing arts, circus performing was – and is – a skilled but labour-intensive activity. Indeed, as the industrial revolution gathered pace, circus entrepreneurs found it increasingly difficult to emulate the technology-based gains in labour productivity and skill dilution available to manufacturers.²⁷ Furthermore, the employment of juveniles in circus was more than a matter of simply augmenting manpower. The training of acrobats and other performers had to commence at an early age so their still-supple limbs could be “cricked” (stretched and flexed) to better cope with the future physical demands of performance.²⁸ Juvenile performers had to be fit, well-proportioned and presentable. At the same time, the number recruited by a circus proprietor at any one time had to be economically justifiable.²⁹

Juvenile Labour in Early Colonial Circus

Emancipation, free immigration, and natural population growth expanded colonial Australia’s population and the supply of labour. They also raised the demand for leisure beyond the crude recreations the first settlers had brought from England, such as bullbaiting, cockfighting and ploughing matches.³⁰ By 1847, there were just enough professional circus performers – including some former convicts – located

23. *Ibid.*, 69; Arthur H. Saxon, *The Life and Art of Andrew Ducrow & The Romantic Age of the English Circus* (Hamden, Connecticut: Archon Books, 1978), 19; Ruth Manning-Sanders, *The English Circus* (London: Werner Laurie, 1952), 20; Kellow Chesney, *The Victorian Underworld* (Melbourne: Penguin Books Australia, 1978), 74; H. Cunningham, *Leisure in the Industrial Revolution* (London: Croom-Helm, 1980), 32, 34; Y. S. Carmeli, “The Invention of Circus and Bourgeois Hegemony: A Glance at British Circus Books,” *The Journal of Popular Culture* 29, no. 1 (1995), 213ff.
24. Helen Stoddart, *Rings of Desire* (Manchester: Manchester University Press, 2000), 50.
25. Arrighi, *FitzGerald Brothers*, 26.
26. Saxon, *The Life and Art of Andrew Ducrow*, 39–40.
27. William J. Baumol and H. G. Bowen, *Performing Arts: The Economic Dilemma, A Study of Problems Common to Theater, Opera, Music and Dance* (New York: The Twentieth Century Fund, 1966), 162–63.
28. Anon., “Boy Tumblers and Acrobats: Showing the Training They Need”, from *Chums*, c.1896, reproduced in *Maitland Daily Mercury*, 11 January 1897.
29. Mervyn King, in Mark St Leon, *Australian Circus Reminiscences* (Sydney: The Author, 1984), 274.
30. Richard Waterhouse, *Private Pleasures, Public Leisure: A History of Australian Popular Culture since 1788* (South Melbourne: Longman Australia Pty Limited, 1995), 45–46; Kingston, *Oxford History of Australia, Volume 3, 1860–1900*, 222.



Walter St Leon Circus on Bank of Murray River, South Australia, 1911

Courtesy: Dr Mark St Leon

in and around Launceston for the publican and professional equestrian, Robert Avis Radford, to organise them as a body and open “a sort of Astley’s Amphitheatre” in the yard of his York Street inn. This was Australia’s first recognisable circus enterprise.³¹ In keeping with the English custom, Radford soon augmented his little company with several juvenile performers. They included a 13-year-old equestrian, “Master” James Baldwin.³² Observers described James’ performances as “astound[ing],” “astonishing” and “beautiful.”³³ We do not know how Radford procured James nor do we know much about James’ life other than that he was one of seven siblings orphaned after the death of their mother.³⁴ Radford later presented the nine-year-old equestrienne Elizabeth Mills as an “infant prodigy.” The girl, recently arrived in the colony with her widowed mother as members of a theatrical troupe, appears to have served some kind of traineeship with Radford and was the first juvenile female performer seen in circus in Australia.³⁵

From 1850, the focus of colonial circus activity shifted to the mainland where larger audiences awaited the small but growing number of skilled performers.³⁶ The difficulties and expense of engaging performers from the amphitheatres of London, Paris or New York were prohibitive. Furthermore, few professional circus artists came to the colonies on their own initiative – paralleling the structural scarcity of skilled labour that pervaded wider Australian labour markets throughout the nineteenth century.³⁷ As a result, circus entrepreneurs were obliged to recruit local juveniles to train, develop and present as performers. Although the practise was by no means unknown in circus in Britain and America, it assumed critical importance in colonial circus. Colonial circus entrepreneurs were eager to apprentice suitable “young females.”³⁸

31. Mark St Leon, *Circus: The Australian Story* (Melbourne: Melbourne Books, 2011), 29–33.

32. *Cornwall Chronicle*, 1 and 29 December 1847.

33. *Ibid.*, 19 January, 1 March, 5 July, 5 August, 13 September, 8 November 1848.

34. *Ibid.*, 13 September 1848.

35. *Ibid.*, 30 December 1848; *Sydney Sportsman*, 8 January 1908.

36. *Sydney Morning Herald*, 15 October 1850.

37. Andrew Seltzer, “Labour, Skills and Migration,” in *The Cambridge Economic History of Australia*, ed. Simon Ville and Glenn Withers (Port Melbourne: Cambridge University Press, 2015), 178ff.

38. *Sydney Morning Herald*, 7 December 1850; *Geelong Advertiser*, 25 May 1853.

In Sydney in the early 1850s, John Malcom offered apprenticeships in his Royal Australian Circus, the city's main circus, a fixed-location venue built in the rear yard of his Adelphi Hotel in York Street.³⁹ James Munro was about 14 years of age when, in 1851, his father apprenticed him to Malcom "to learn to be a horse rider." There was no objection to "apprenticing lads to be male riders in those days." Unlike Master Baldwin, Munro's apprenticeship was sanctioned by at least one parent, included some formal education and was devoid of cruelty and any social stigma.⁴⁰ Recruited juveniles in circus were not always treated with such civility.

The discovery of gold swelled the mainland population and altered its composition.⁴¹ Many working men sought fortunes on the goldfields.⁴² In their absence, the children of large, working-class families could be found employed in dirty and dangerous conditions in brickworks and leather, clothing and tobacco factories.⁴³ Other children – orphaned, illegitimate, neglected or destitute – wandered the back streets of Sydney and Melbourne.⁴⁴ Circus proprietors had little difficulty enticing these under-privileged children into seemingly more attractive and exciting careers. When, early in 1851, a professional English circus owner, Henry Burton, took to the road from Sydney with his Royal Circus, his little troupe included four boys and two girls. Some were orphaned or fatherless and some were probably culled from Sydney's back lanes.⁴⁵

Travelling show circuits steadily lengthened to reach audiences.⁴⁶ In the gold rush era, the first tented, touring circus troupes – Ashton's, Burton's, Jones, Noble's, La Rosiere's and a few others – travelled limited circuits between the diggings and the few provincial settlements. The land selection legislation of the 1860s and 1870s encouraged interior settlement and migration and launched a "long boom" of economic growth. In the 1860s, over 60 per cent of the non-Indigenous population lived in rural Australia.⁴⁷ Payable show routes expanded to sweep around south-eastern Australia from South Australia into south-eastern Queensland. Itinerant entertainments expanded in range, size and number but thrived on novelty, one aspect of which was the presentation of talented juvenile performers.

The emergence of an itinerant circus industry was accompanied by the emergence of the professional circus family, typically headed by a patriarch who sought to make a living by capitalising on innate equestrian, musical or other circus-related skills to present to the public and imparting those skills to his progeny. The large circus family – typically including six or more children – was a reliable source of future performers and labour power. A large family was the "key to circus" and could ensure a good living.⁴⁸ The circus family mirrored similar notions of "family" found

39. *Sydney Morning Herald*, 26 March 1851, 26 May 1852.

40. *New York Times*, 17 February 1881. Munro was given the professional name of James "Melville." He later won fame as an equestrian in American circus.

41. Waterhouse, *Private Pleasures*, 45–46.

42. Raelene Frances, *Selling Sex: A Hidden History of Prostitution* (Sydney: UNSW Press, 2007), 147.

43. Kirby, *Child Labour in Britain*, 43; Patricia Grimshaw, "The Australian Family: An Historical Interpretation" in *The Family in the Modern World: Australian Perspectives*, ed. Ailsa Burns, Gill Bottomley and Penny Jools (Sydney: George Allen & Unwin, 1983), 34.

44. Kirby, *Child Labour in Britain*, 43; Ramsland, *Children of the Back Lanes*, 63, 65, 70.

45. *Sydney Morning Herald*, 25 February, 21 March, 18 April 1851; *Maitland Mercury*, 10, 17, 24 and 31 May 1851.

46. Seltzer, "Labour, Skills and Migration," 183.

47. Wray Vamplew, ed., *Australians: Historical Statistics* (Sydney: Fairfax, Syme & Weldon Associates, 1987), 41, 132–33.

48. Mervyn King, interviewed by Mark St Leon, Glebe, September–October 1989, ORAL TRC 2366, National Library of Australia (NLA).



Ashton's Apprentice, Mungo Mungo, from Tamworth Area

Illustrated Sydney News, 23 June 1855

Courtesy: State Library of NSW

in nineteenth century working-class and rural communities.⁴⁹ Although the average size of the Australian family had decreased significantly by the 1930s, large circus families were observed well into the twentieth century.⁵⁰

Audiences were partial to clever juvenile performers, not least because audiences typically included a substantial proportion of juveniles. In 1858, a circus proprietor could unashamedly tout the presentation of his own infant children in the ring without attracting legal or moral censure: "Mr Jones and his three sons ... must be seen to be believed, the ages of the children being eight years, five years and three years; it is really wonderful to see their father throwing them about in the air; the like has never been witnessed in the colonies."⁵¹

However, such young children could not shoulder a major part of the program until grown and trained in a wide variety of circus skills. The counter-measure employed by one of the early colonial circus proprietors, James Henry Ashton, was replicated by others well into the twentieth century. Marrying in 1854, Ashton raised

49. John Rickards, *Australia: A Cultural History* (London, Longman, 1988), 84.

50. Grimshaw, "Australian Family," 35–36, 40–41, 43; Anne Summers, *Damned Whores and God's Police* (Camberwell: Penguin Books Australia, 2002), 365; Ruth Teale, ed., *Sources on Women in Australia, 1788–1914* (Melbourne: Oxford University Press, 1978), 127; King, interview.

51. *Mudgee Liberal*, 13 July 1858.

and trained 12 children of his own. It was 1875 before his eldest children could carry the major part of a physically-demanding program that lasted up to four hours.⁵² In the interim, Ashton built up his troupe of performers by regularly recruiting – whether formally apprenticing or otherwise – juveniles to teach to ride, tumble, leap and clown. As they increased in ability and grew to maturity, these juveniles became valuable elements in the Ashton circus program.

Early Juvenile Recruitment

In modern management jargon, a juvenile's "value" to a circus proprietor represented "human capital," the ability to generate a positive economic yield over time as a result of a proprietor's investment in the performer's training, care, board and lodgings.⁵³ Juvenile performers also substituted for the salaried labour of adult performers who were, in any case, in short supply. The actual practise of employing juveniles in circus rarely raised controversy since juveniles were widely employed in factories and on farms – often inexpensively and in unsatisfactory conditions since the new labour-saving technologies were eroding conventional apprenticeship opportunities.⁵⁴

Before the 1870s, there was little direct regulation of the labour market by colonial governments. Employment relationships were governed by colonial versions of the English *Masters & Servants* Acts (the first enacted in NSW in 1823).⁵⁵ Undoubtedly, some circus apprenticeships were genuine enough and some juveniles laid the foundations of successful careers in circus as a result. Other circus apprenticeships soured over allegations of cruelty, mistreatment, misconduct or unpaid wages. When allegations were made by a juvenile, or on his/her behalf by a "meddlesome" parent, the legal and moral dimensions of a circus apprenticeship could be brought into sharp relief. In February 1853, Ashton charged John Gaynor with absconding before the end of his two-year term. The boy's mother claimed she never consented to her son's apprenticeship and that Ashton beat him "cruelly." She wanted him apprenticed in a conventional trade instead.⁵⁶ In 1854, Edward La Rosiere expressed "the common lot of employers of labour in these difficult times" when he prosecuted his "equestrian pupil" and "hired servant," Thomas Butler, for absconding.⁵⁷ At Adelaide in 1865, Ashton charged Thomas Horatio Jones, his "apprentice," with deserting his "master." Ashton agreed to cancel the indentures if the boy's outspoken father paid for the costs of the hearing.⁵⁸

That the above three cases came before the courts suggests that each "apprenticeship" was a recognisable master/ servant relationship, with formal indentures being apparent in at least two of the cases. None of the reports implied that an adoption had taken place while a concerned parent was evident in two of the three cases. That the circus proprietor initiated the proceedings in each case suggests the critical importance of each juvenile "servant" to his circus "master."

52. *Australian Town & Country Journal*, 2 and 9 January, 15 May 1875.

53. R. Dickson, "Culturing Personal Leadership," *CMA Magazine* 69, no. 1 (February 1995): 10–14; S. A. Snell and J. W. Dean, "Integrated Manufacturing and Human Resource Management," *Academy of Management Journal* 35, no. 3 (1992): 467–504.

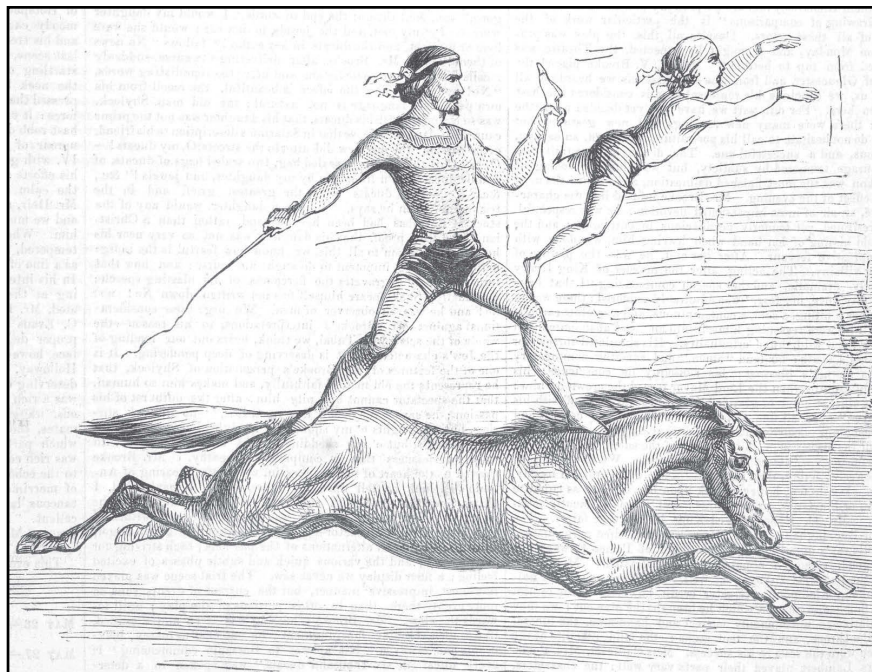
54. Bowden, cited by Arrighi, *FitzGerald Brothers*, 26.

55. Seltzer, "Labour, Skills and Migration," 194–95.

56. *Maitland Mercury*, 9 February 1853.

57. *Bathurst Free Press*, 3 June 1854.

58. *South Australian Advertiser*, 27 July 1865.



Ashton Holding Master Gaynor, Ashton's Amphitheatre, Sydney

Illustrated Sydney News, 2 June 1855

Courtesy: State Library of NSW

Despite the bias of the *Masters & Servants* legislation towards the interests of the employers, only one of the three juveniles, Gaynor, returned to his apprenticeship with Ashton.⁵⁹

If an apprentice absconded or was re-claimed by its parent, his/her value (essentially, his/her capacity to generate a future stream of revenue) was lost to the proprietor and had to be replaced, an expensive exercise as the new apprentice required further training, care, board and lodgings. From where, therefore, might colonial circus proprietors find a reliable supply of juveniles yet avoid “meddlesome” parents and the inconvenience and expense of bringing recalcitrant juveniles to account?

As circus proprietors and their troupes travelled the frontiers of settlement from the early 1850s, they stumbled across another potential source of juvenile performers: the illegitimate, “half-caste” children of unions between white men and Aboriginal women.⁶⁰ These children, the outcasts of both races, were easily procured and readily developed into capable circus performers, their sharp reflexes and agility derived – it has been asserted – from inherited hunting and gathering instincts.⁶¹ There was little legislation to protect Aborigines – even “half-castes” – in employment and therefore few impediments to a circus proprietor’s treatment of them. On the other hand, the appearance of juvenile Aboriginal performers in the circus ring was a

59. *Illustrated Sydney News*, 2 June 1855; *Mudgee Liberal*, 20 July 1858.

60. Although objectionable today, the term “half-caste” is employed here in its original context.

61. *Outdoor Showman*, November–December 1948.

novelty to audiences of newly-arrived immigrants. As a result, these Indigenous juveniles could, for a time, enjoy a status well beyond the marginalised existence on the outskirts of a country town to which they would otherwise be condemned.⁶²

Urbanisation

As country towns developed throughout the 1860s and 1870s, “circuses ... and people of that class” increasingly attracted the condemnation of an emerging, if *soi-disant*, colonial landed gentry who revived prevailing English class attitudes. Furthermore, journalists, newly-arrived from England, gave colonial currency to the social alienation of “rogues and vagabonds” enshrined in the *Vagrancy Act* since the Elizabethan era.⁶³

Circus proprietors increasingly realised the necessity of protecting reputations in a world which axiomatically identified and classified circus people as vagabonds.⁶⁴ In Adelaide in 1862, Henry Burton “respectfully informed” parents and guardians that his performances were “noble, graceful and manly and alike incapable of offending the ear of modesty or causing a stain upon the cheek of beauty ... [and are] conducted with due regard to [the] propriety and delicacy that has hitherto characterized his establishment.”⁶⁵

By the 1870s, the fashion of overtly presenting Indigenous juveniles in colonial circus began to recede as segregation increased and public sensibilities changed.⁶⁶ Although applause was still heaped on young, white performers dressed with *noms d'arene*, such as “Young Australia” and “Young Queensland,” juveniles could not be recruited into circus with the relative ease known 20 years earlier owing to the emergence of welfare, educational and factory legislation.

Between 1881 and 1891, Australia’s urban population grew three times as rapidly as its rural population. The proportion of Australians living in towns and cities increased from 39 per cent in 1861 to 58 per cent in 1901.⁶⁷ Urbanisation fostered audiences that were more affluent, educated, sophisticated and critical. By the close of the nineteenth century, Australian circus had bifurcated between those companies capable of presenting popular imported artists throughout the major cities and towns of Australasia, such as Wirth Bros (1882) and FitzGerald Bros (1886), and provincial companies content to confine their operations to rural areas and serve audiences with more conventional circus programs. Nevertheless, both streams of circus retained an insatiable need to recruit juvenile performers.

62. Mark St Leon, “Celebrated at First, Then Implied and Finally Denied: The Erosion of Aboriginal Identity in Circus, 1851–1900,” *Aboriginal History* 32 (2008): 83–101. The available evidence suggests that the only Aborigines inducted into circus in this era were males. The apparent lack of induction of Indigenous females into circus defies explanation. The extension of state control over Aboriginal welfare prevented Indigenous girls from being recruited into such morally-dangerous institutions and saved them for lives of domestic service. However, such measures would not explain why “half-caste” girls – who were barred from reserves and missions and forced onto the margins of the white community – were not recruited into circus.

63. Richard Broome with Alex Jackomos, *Sideshow Alley* (Sydney: Allen & Unwin, 1998), 23; J. Morrison, quoted in Michael Cannon, *Life in the Country: Australia in the Victorian Age*, Volume 2 (Melbourne: Thomas Nelson Australia, 1973), 247; *Cornwall Chronicle*, 4 March 1843.

64. King, interview.

65. *South Australian Advertiser*, 4 January 1862.

66. Richard Cashman, “Cricket,” in *Sport in Australia: A Social History*, ed. Wray Vamplew and Brian Stoddart (Cambridge: Cambridge University Press, 1994), 70.

67. Vamplew, *Australians: Historical Statistics*, 41.

Urbanisation also fostered, as it had done in Britain, notions of respectability that shunned illegitimacy, child labour, juvenile vagrancy and rootless entertainers.⁶⁸ Concern had mounted in late nineteenth century Europe over the sexual, economic and political corruption of vagrant children known as “Arab boys” or “street Arabs,” a sideways reference to the juvenile street acrobats who dressed in Arab costumes.⁶⁹ Around the beginning of the twentieth century, informed comment began to appear in the Australian press on issues of child welfare and the morality of placing children “on the stage” – including circus – from a young age.⁷⁰ As one newspaper extemporised, children “are not free agents in choosing their work and must therefore be protected from ... work that is dangerous or unwholesome.”⁷¹

Although “child labour on the stage” in Australia was not the “evil” known in America, nor as widespread as it was in England, the major circus managements recognised that an increasingly urbanised middle class demanded respectability as well as novelty. In 1900, Australia’s largest circus, FitzGerald Bros, promoted itself as a “firm,” a term suggestive of the reputational solidity of a prestigious manufacturing or commercial house.⁷² The methodical FitzGerald brothers had more in common with corporatised urban entrepreneurs (owning the factors of production and reliant on employed labour) than provincial family enterprises (owning modest factors of production and reliant on family labour). The FitzGeralds even travelled the United States in 1895 to study methods of circus organisation and management.⁷³ They awkwardly balanced their profit-seeking imperative with the socially responsible recruitment and training of juveniles, or at least the appearance thereof. In 1900, FitzGeralds’ business manager remarked:

We get them [sic] as young as possible, when about five years of age, and they are placed under instructors for every branch – riding, acrobats, tumbling, dancing, etc. – each child, no matter what line he may be in training for, is taught dancing, in order to secure gracefulness. We have a tutor who looks after their scholastic education, every afternoon. In cities where a lengthy season is in progress, they all attend school, and are never allowed to neglect their church duties on Sunday. Rehearsals commence at 6 o’clock in the morning and continue until noon every day, except when we have matinee performances.⁷⁴

The Fitzgeralds sourced their juveniles as circumstances permitted. About 1887, they “picked up” the five-year-old “black boy” Harry Dunn on “the banks of the Paroo.”⁷⁵ In 1894, Daniel FitzGerald recruited 11-year-old Ernest McMurtry from his Melbourne parents for “five years” under an agreement that neatly fused – perhaps confused – an adoption with an apprenticeship. McMurtry’s parents allowed FitzGerald “sole control and management ... and that he may adopt ... and be in

68. Gareth Stedman Jones, *Outcast London* (London: Harmondsworth, 1984), 31; Kirby, *Child Labour in Britain*, 69–70; Cannon, *Life in the Country*, 247.

69. Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Woodbridge, Suffolk: Boydell Press, 2002), 14–19.

70. *Herald* (Melbourne), 11 July 1908.

71. *Evening News*, 15 May 1897.

72. *Sydney Morning Herald*, 10 September 1900.

73. *Sunday Times*, 10 November 1895.

74. *New Zealand Mail*, 21 March 1901.

75. *Bulletin*, 26 November 1892.

loco parentis towards such child ... without any obstruction or interference." The agreement was executed in terms of "the *Master and Apprentice Statute* 1864 ... as if the said child was being bound as an apprentice under such act."⁷⁶ The prevailing economic depression may have compelled McMurtry's parents to "set their son on a course as a performer."⁷⁷ Two years later, an Indian woman, Veerasawmy Awergal (possibly Veeraswamy Agerwal), agreed "to let" Dan FitzGerald "have" her seven-year-old boy John "for 10 years on condition that you look after him through his business."⁷⁸ Each of these juveniles proved valuable additions to the FitzGerald program. Donned with the *nom d'arene* of "Harry Cardella," Dunn's equestrian act "became a solid feature of the gorgeous show."⁷⁹ Although McMurtry and Cardella remained in the FitzGeralds' service until 1906, their Indian boy, who they trained as an equestrian and presented as "Lycurgus, the Javanese imp," appears to have returned to his natural family by 1902.⁸⁰

Females accounted for perhaps only one quarter of all juveniles recruited into circus at this juncture. So acute was the shortage of female artists by the early 1900s that comely young male artists were dressed and be-wigged to perform as equestriennes and trapeziennes.⁸¹ The above-mentioned Ernest McMurtry helped his employers redress the paucity of female artists by performing as a rider in female costume under the *nom d'arene* of "Daisy" Shand.⁸² Why the shortage of female performers? Certainly, the aggregate supply of females in the Australian population was not as great as the aggregate supply of males.⁸³ Were there other, deeper reasons for the lack of females inducted into circus?

When Governor King took office in 1800, he recognised the importance of establishing an orphan school for girls owing to their sexual vulnerability and the need to create "Christian domesticity" in the colony of New South Wales.⁸⁴ As welfare and educational legislation was extended in the latter half of the nineteenth century, girls' industrial schools and reformatories were quick to claim "fallen" girls so as to uphold the ideological construction of women as bearers of society's domestic virtue.⁸⁵ The parents who sought the committal of their daughters were often concerned with fears of promiscuity.⁸⁶ For adoptions, girls tended to be preferred over boys.⁸⁷ Any of these factors would have mitigated against the recruitment into circus of female juveniles.

In addition to these factors, and in the context of growing urban respectability, a responsible parent or guardian would have recognised the negative status attached to females entering any branch of the theatrical profession. Amphitheatres and circus tents were typically located adjacent hotels and in precincts that were "not of

76. Agreement between Daniel John FitzGerald and James and Anne McMurtry, Melbourne, 25 June 1894, in John Daniel FitzGerald Papers, MS.Q284, Mitchell Library.

77. Arrighi, *FitzGerald Brothers*, 25; Garton, *Out of Luck*, 74–77.

78. Letter from Veerasawmy Awergal to Daniel FitzGerald, Melbourne, 24 November 1896, in John Daniel FitzGerald Papers, MS.Q284, Mitchell Library.

79. Anon., "The Growth of a Great Circus," *Australasian Stage Annual* 1 (1900): 45–46.

80. *Sydney Mail*, 9 September 1900; *Townsville Daily Bulletin*, 12 October 1937.

81. J. Grant Pattison, *Battlers' Tales of Early Rockhampton* (Melbourne: Fraser & Jenkinson, 1939), 91.

82. *Sydney Morning Herald*, 22 December 1897.

83. *Official Year Book of the Commonwealth of Australia*, no. 1 (1908): 155.

84. Van Krieken, *Children and the State*, 53.

85. *Ibid.*, 71.

86. Nell Musgrove, *The Scars Remain: A Long History of Forgotten Australians and Children's Institutions* (North Melbourne: Australian Scholarly Publishing, 2013), 56.

87. Jaggs, *Neglected and Criminal*, 118.



May Martin (later May Wirth), Sydney, 1906

Courtesy: The late Edward L. Zinga and family

the sweetest.”⁸⁸ The dividing line between acting and prostitution was a fine one.⁸⁹ Those women who respectfully “trode the boards” were mostly born into theatrical families.⁹⁰ Female apprentices, such as May (Zinga) Wirth and Elizabeth Mills, tended to be recruited into circus by way of existing family links.

88. *Sydney Sportsman*, 7 February 1906.

89. Frances, *Selling Sex*, 123; Teale, *Sources on Women*, 229.

90. Teale, *Sources on Women*, 229.

Collectively, these factors reduced the potential supply of girls available for recruitment into circus. In any case, *availability* for recruitment did not *guarantee* recruitment since physical charms, gracefulness and agility were pre-requisites. Against these factors had to be balanced the possibility of a female apprentice eventually leaving to marry a “townie.” Even if a female apprentice remained in circus and married within the circus community, the expected years of child-bearing and motherhood reduced her effective working life and earning power.⁹¹

Expanding Legislation

Despite Governor King’s initiative in establishing an orphan’s school for girls soon after white settlement, colonial society was slow to make special provision for children at risk. There was no adoption legislation to replicate since parental rights and responsibilities were held to be inalienable under English law.⁹² In New South Wales, lack of parental supervision and education among working-class children during the gold-rush era of the 1850s fuelled middle-class concern over the absence of adequate social control over the young, in turn prompting a range of legislative interventions from the 1860s on.⁹³ When the first alleviative steps were taken, neglected and destitute children were the initial focus of attention.⁹⁴ The definition of a “neglected child” given in the *Neglected and Criminal Children’s Act* (Victoria, 1864) potentially embraced juveniles attached to a circus although no examples of its application in that regard have come to light: “Any child who shall be found wandering about or frequenting any street ... place of public resort or sleeping in the open air and who shall not have any home or settled place of abode.” In New South Wales, under the *Destitute Children Act* (1866), vagrant and destitute children under the age of 18 could be arbitrarily apprenticed or placed in industrial or reformatory schools. The “classes of citizens” who could legally apprentice these children did not include the proprietors of circus, theatrical or other entertainments.⁹⁵

Despite these measures, the numbers of abandoned, destitute and delinquent children in the community continued to grow while concerns were raised over living conditions in institutions and the lack of family life they offered.⁹⁶ The passage of the *State Children Relief Act* (NSW, 1881) sanctioned the boarding-out of children to “respectable” families situated in “healthy” country districts.⁹⁷ Boarding out became the preferred method of providing for neglected children, while institutions became the appropriate receptacle for the “tougher” cases of children.⁹⁸ No examples come to light of children being boarded out to itinerant circus families, no matter how “respectable.”

91. Katharine Susannah Prichard, *Haxby’s Circus* (Sydney: Angus & Robertson, 1988), 105.

92. Hall, 1928, cited in Jaggs, *Neglected and Criminal*, 118.

93. R. W. Connell and T. H. Irving, *Class Structure in Australian History: Documents, Narrative and Argument* (Melbourne: Longman Cheshire, 1980), 123–26.

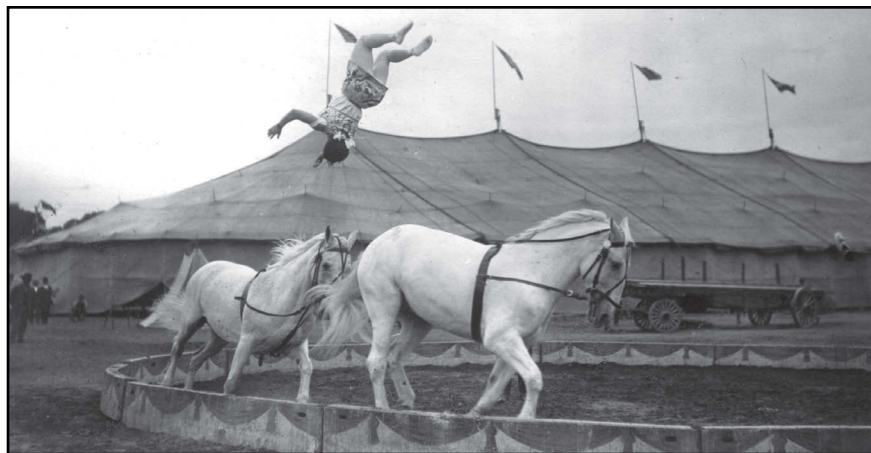
94. Seymour, *Dealing with Young Offenders*, 3.

95. *Ibid.*, 25–62.

96. Spark and Cuthbert, *Other People’s Children*, 24.

97. Jan Kociumbas, *Australian Childhood: A History* (St Leonards, NSW: Allen & Unwin, 1987), 108–109; Kristy Thinee and Tracy Bradford, *Connecting Kin: Guide to Records: A Guide to Help People Separated from Their Families Search for Their Records* (Sydney: NSW Department of Community Services, 1998), 11.

98. Musgrove, *Scars Remain*, 49.



May Wirth Somersaults between Horses, Barnum & Bailey's Circus, USA, 1913

Courtesy: Circus World Museum, Baraboo, Wisconsin

From the 1870s on, children were progressively shifted out of paid labour and into education, thus reducing not only their availability but raising their age of entry into the workforce.⁹⁹ In the eastern mainland colonies, the region most frequented by touring circus companies, Victoria introduced its *Education Act* in 1872; Queensland, its *State Education Act* in 1875; and New South Wales, its *Public Instruction Act* in 1880, each of which made education compulsory.¹⁰⁰ The education legislation made schooling obligatory between the ages of six and 12 years (Queensland), six and 15 years (Victoria) and six and 14 years (NSW). To some degree, the legislation allowed children to combine schooling with work. Some 14,000 children were exempted from school in Victoria during the depression of the 1890s.¹⁰¹ The compulsory attendance provisions of Queensland's *State Education Act* were not fully observed before 1900 while the Victorian and New South Wales acts allowed exemptions to be granted if the child lived more than two miles from the nearest school.¹⁰² Circus people could hardly be affected by the latter as the horse-drawn travelling circus only came within two miles of a school as it approached a town, sometimes after several days travelling. Some circus companies employed teachers, a measure that may have had as much to do with conserving juvenile performers in the face of expanding legislation as providing a genuine education.¹⁰³

After the example of the *Shops and Factories Act* (Victoria, 1885), other mainland colonies enacted their own *Factories Acts* between 1894 and 1900. By regulating apprenticeship conditions and restricting the working hours of juveniles under the age of 16 years, each act indirectly reinforced the reach of compulsory education.¹⁰⁴ As a direct result of factories legislation, the incidence of child labour in Australia

99. Cunningham, *Leisure in the Industrial Revolution*, 416.

100. Albert Gordon Austin, *Australian Education, 1788–1900: Church, State and Public Education in Colonial Australia* (Melbourne: Sir Isaac Pitman & Sons, 1965), 181.

101. Garton, *Out of Luck*, 70.

102. *Education Act* (Victoria, 1872), Sec. 13 (III).

103. *Gundagai Times*, 15 May 1899.

104. Brian K. de Garis, "1890–1900," in *A New History of Australia*, ed. Frank Crowley (Melbourne, William Heinemann, 1974), 241; Connell and Irving, *Class Structure*, 205–206.

dropped significantly by the beginning of the twentieth century. Nationally, only 10 per cent of 10 to 14-year-old boys participated in the paid workforce by 1915 and only three per cent by 1932.¹⁰⁵ These trends were reflective of trends taking place in most Western nations by the early twentieth century.¹⁰⁶

As widening legislative provisions increasingly constricted the supply of available juveniles, circus proprietors sought to exert greater control and discipline over any juveniles they managed to recruit. Several unprecedented cases of mistreatment of juveniles in circus were widely publicised in this era, including: George Clarke (1879), the Warren brothers (1891–93) and the five-year-old Charles Godfrey (1889–90).¹⁰⁷ The publicity surrounding the more egregious examples of juvenile recruitment in circus also began to attract the attention of legislators. In the course of debating provisions to regulate factory and shop labour in South Australia – and culminating in the passage of the *Factories Act* (South Australia, 1894) – there were calls in that colony's parliament – probably inspired by the Godfrey case – to bring circus within the ambit of the new legislation in order “to prevent little children” from serving in “such places.”¹⁰⁸ But nothing came of these calls.

The Godfrey case may have informed the design of the *Children's Protection Act* (NSW, 1892). The *Children's Protection Act* prohibited anyone from receiving into care any child under the age three years for any sum of “money or valuable consideration otherwise than by way of periodical instalments” (Sec. 1) and employing children under the age of 14 years in “any public exhibition or performance” if their life or limbs were endangered (Sec. 18). The *Children's Protection Act* overlooked the fact that “life or limbs” were mostly likely to be endangered during training rather than performance, while what constituted “danger” could be a matter of opinion.¹⁰⁹ The *Children's Protection Act* was considered one of the “worst drawn in the Statute Book,” was not rigorously enforced and did little to alleviate any concerns over the well-being of the colony's/state's children, in circus or elsewhere.¹¹⁰ Indeed, the *Children's Protection Act* may simply have delivered employers convenient signals to conceal their excesses.¹¹¹

The Godfrey case may also have informed the design of the *Infant Life Protection Act* (NSW, 1897) which provided that “the authorities should know where a child is at any time” (Sec. 2). However, this worthy objective could hardly embrace children within a provincial circus, constantly moving, as routes were advertised only a few days in advance while smaller travelling troupes rarely advertised their routes, or even their presence, at all.

Following the *Children's Protection Act* came the *Neglected Children and Juvenile Offenders Act* (NSW, 1905) which was intended to provide for the care or custody

105. Van Krieken, *Children and the State*, 129.

106. Kerry Carrington with Margaret Pereira, *Offending Youth: Sex, Crime and Justice* (Annandale, NSW: Federation Press, 2009), 7.

107. *Geelong Advertiser*, 30 January, 3 February 1879; *Sydney Morning Herald*, 4 February 1879; *Argus*, 27 November 1891; *Daily Telegraph*, 21 January 1893; *Silver Age*, 24, 25 April 1890. With respect to the Godfrey case, the deceased boy's father, a South Australian government official, had “virtually sold” the illegitimate child “when a mere baby” to the acrobat Jack Ice (Ise/Hise). The infant died at Broken Hill, NSW, from injuries inflicted by Ice in the course of his acrobatic training.

108. *South Australian Register*, 8 December 1894.

109. Charles G. Heydon, cited in Cecil Edward Weigall, *Infants' Custody, Maintenance & Protection Acts* (NSW) (Sydney: The Law Book Company of Australasia, 1908), 170.

110. O'Brien, *Poverty's Prison*, 1988, 181.

111. *Bulletin*, 20 November 1897.

of a child deemed to be neglected, uncontrollable or charged with an offence. A “neglected child” included any child between the age of five and 16 years who “takes part in any public exhibition or performance whereby the life or limb of the child is endangered” or who, without being licensed, “is engaged in street trading,” a term that included “performing for profit” (Sec. 5). The former provision failed to improve upon the shortcomings of the *Children’s Protection Act* while the latter provision had limited application as far as circus was concerned.¹¹² A boy under 14 years of age could only be licensed for “street trading” – a term that implicitly embraced performing in circus – if, *inter alia*, school attendance was not “injuriously affected.” This provision was to be enforced not by education officers but by child welfare inspectors.¹¹³ However, if an oral account of Colleano’s Circus dating from about 1915 is any guide, inspectors’ visits to provincial circus companies were infrequent and superficial.¹¹⁴ Circus proprietors easily ignored the provisions of the 1905 Act.¹¹⁵

In New South Wales in 1912, the State Children Relief Board (the predecessor of the state’s child welfare department) reported, in terms of the *Children’s Protection Act*, that 216 licenses had been issued for children to allow them to perform in theatre in the preceding 12 months. In Sydney, licenses were only issued to children over ten years of age while children under the age of 14 years were not “permitted to travel with touring companies.” However, the provisions of the *Child’s Protection Act* were also easily avoided. A circus proprietor could also exploit inconsistent legislation between the States: “[Children] under ten years of age who cannot perform in New South Wales are regularly receiving engagements in the capital cities of other states.”¹¹⁶

In April 1916, the New South Wales State Child’s Relief Board reported that the number of licenses issued (allowing children to perform in public) over the preceding 12 months had been “further reduced.” The Board appears to have placed emphasis on the reduction of children working in urban theatre, vaudeville and music halls, mostly in Sydney. The reduction in the number of juveniles employed in circus and similar companies travelling regional New South Wales was a greater challenge: “Visits have been paid to country agricultural shows ... and action taken in two cases under the *Neglected Children and Juvenile Offenders Act* ... one with a ‘buckjumping show,’ and another with a ‘circus.’ These children were committed to the care of the State Children Relief Department.”¹¹⁷

However well-intentioned, such visits only reached a small proportion of the circus companies travelling New South Wales during 1915–16. Furthermore, not all itinerant companies synchronised their visits to coincide with the local agricultural shows at railheads conveniently accessible by inspectors from Sydney.

Fears of expanding welfare, education and factory legislation were amongst the factors that led to the formation, in 1909, of the Showmen’s Association, a registered trade union intended to protect and promote the interests of every conceivable type of itinerant showmen – but not their employees – from “the mantle of vagabondage ...

112. Heydon, cited in Weigall, *Infants’ Custody*, 242–43.

113. Van Krieken, *Children and the State*, 107.

114. Eric Trevail, transcript of interview with Mark St Leon and Hazell Barry, Sydney, June 1987, ORAL TRC 2692/9, NLA.

115. Weigall, *Infants’ Custody*, 242–43.

116. State Children Relief Board, *Annual Report* (1912): 46.

117. *Ibid.*, (1916): 53.

worn for years." The Association encouraged its members to "peacefully petition" against laws affecting their "trading interests."¹¹⁸

In the upshot, during the initial decades of the twentieth century, circus children remained largely beyond or below the official gaze. Despite the concern occasionally expressed for the welfare of juvenile performers in circus, protective legislation was flawed, inconsistent and poorly enforced beyond the metropolises. Given that an estimated 500,000 Australian children spent time in "care" during the twentieth century, the number of juveniles recruited into circus was hardly significant and easily overlooked by regulators.¹¹⁹ At the same time, circus recruitment practises altered to keep ahead of not only expanding legislation but the state's capacity for the enforcement thereof.

Adopted Apprentices

If expanding legislation did not completely eliminate the *supply* of juveniles available for recruitment into circus, it did nothing to alleviate the unrelenting *demand* for juveniles needed to augment circus troupes. As many as 30 circus companies travelled Australia in the early decades of the twentieth century. Some, such as Wirth Bros and FitzGerald Bros, were large, well-organised, rail-based enterprises, but most were family-based concerns of widely varying sizes and reputations. Far from the metropolises and the reach of enforcement, each was regulated, if at all, only by public scrutiny.

Transcripts of oral recollections anecdotally suggest that the term "adopted" replaced the term "apprenticed" in circus vernacular after about 1890. Was this just a natural evolution in circus language, or did the term "adoption" suggest that circus proprietors had found a way to side-step encroaching legislation? For parents wanting to permanently unburden themselves of unwanted children and for proprietors seeking the unfettered services of juveniles, inductions into circus increasingly occupied a blurred area between a genuine "adoption" *by* a circus family and a genuine "apprenticeship" *to* a circus proprietor. Many of these "adopted" juveniles appear to have been those more in need of a surrogate family (typically due to poverty, family breakdown or the stigma of illegitimacy) than a genuine apprenticeship. Between 1891 and 1900, one quarter of all first births in Australia were "illegitimate."¹²⁰ Illegitimacy bred child neglect and the evil practice of "baby farming."¹²¹ The "petty bourgeois" puritanism that descended on Australian society early in the twentieth century reinforced the "slur" attached to illegitimacy.¹²² Despite financial support provided to single and deserted members from 1896 and the liberal provisions of the *Maternity Allowance Act* (Commonwealth, 1912), ill-suited parents still struggled with the stigma and burden of unwanted children.¹²³ As a result, "funny things happened" to such children, one of which could be their surreptitious banishment to the transient anonymity of life in a travelling circus.¹²⁴ They could be

118. *The Showman* 1, no. 2 (31 July 1909): 1, photocopy of original in possession of the author.

119. Musgrove, *Scars Remain*, 50.

120. Timothy Augustine Coghlan, *The Decline of the Birth-Rate in New South Wales* (Sydney, Government Printer, 1903), 9, cited in Summers, *Damned Whores*, 367.

121. Teale, *Sources on Women*, 135–36.

122. Summers, *Damned Whores*, 365–67.

123. Thinee and Bradford, *Connecting Kin*, 12.

124. Marilyn Lake, "State Socialism for Australian Mothers: Andrew Fisher's Radical Maternalism in its International and Local Contexts," *Labour History*, no. 102 (May 2012): 55–70; King, interview.

drawn from any level of the social spectrum but an Old World practise provided a suitable model for more affluent families:

[When] young gentlewomen of good families and reputation have happened to be with child before marriage, a round sum is often bestowed among the gypsies for someone to take the child; and ... so the disgrace is kept concealed from the world; and, if the child lives, it never knows its parents.¹²⁵

In England, the *de facto* adoption of children – legitimate or illegitimate, orphaned, destitute or unwanted – was an accepted and longstanding social practise until the appearance of adoption legislation early in the twentieth century. Households wanting children could obtain them directly from natural parents or through an intermediary. In either case, the arrangement was private and informal and implied only moral responsibility, at best, for the well-being of the child.¹²⁶

In September 1915, seven-year-old Mervyn King, the natural son of a Ballina barmaid, was handed over to St Leon's Great United Circus, a large, wagon-based circus that travelled the dusty, ill-formed roads of provincial Australia. King was driven by his paternal grandfather, Martin Fitzhenry, a retired schoolteacher, for two days in a horse and sulky to meet the circus at Uki. There, out of the sight of Ballina townspeople, the boy was handed over and departed on his circus "holiday" unaware of what lay in store: "I was doing a man's work when I was about seven or eight years old ... I used to drive loose horses along the road, riding, when I was about eight or nine."¹²⁷ The boy was "kicked from pillar to post" but became "the best full twisting acrobat in Australia."¹²⁸ Interviewed in 1989, King doubted whether any consideration had been involved in the arrangement since his natural father's family, the owners of a hotel and a private hospital, were modestly affluent. Nevertheless, when his natural mother

got married ... she heard how clever he was ... [and she wanted to] ... take him back ... We were at Condobolin when Syl [St Leon] got the solicitor's letter ... Mervyn was about twelve then [1920] ... So Mervyn said, "I don't want to go ... If she didn't want me as a baby I don't want her now" ... Syl went and got the advice of a solicitor ... He said right away, "We'll bill her for his keep, for all the time you've had him, for what it costs you to teach him, what he knows." All the expenses he put in was a mile long and that was the last they heard [of the mother].¹²⁹

After another 12 years in the loyal service of the St Leons – whose menfolk he addressed as "uncle" – King deserted his masters and spent periods with the larger Perry and Wirth circuses as boss tentman before launching, in 1945, his own successful circus, Silver's Circus.¹³⁰

It would appear that an "adopted" juvenile could be embedded in the "sub-culture" of a circus community, more so than a formally-apprenticed juvenile. To a

125. Captain Grose, *A Dictionary of Buckish Slang, University Wit and Pickpocket Eloquence* (Northfield, Illinois: Digest Books, 1971), np.

126. Jaggs, *Neglected and Criminal*, 118.

127. King, interview.

128. Adrian Francis St Leon, in St Leon, *Australian Circus Reminiscences*, 168.

129. Sadie St Leon, in *ibid.*, 134.

130. King, interview.



Gus St Leon Circus Family, San Francisco, 1901

The "family" included the two Hall sisters (left), trapeze artists, originally adopted as infants and trained by Mr and Mrs John Wirth of Wirth Bros Circus

Courtesy: Dr Mark St Leon

circus proprietor, an “adoption” afforded an indefinite term of control over a juvenile and reduced the possibility of the juvenile being re-claimed by its natural parent or, as explained in the next section, claimed by the state under expanding welfare or educational legislation. An “adoption” provided potentially a greater amount of “human capital” for exploitation than an “apprenticeship” as the latter implied a limited term of control and a contractual relationship that provided the juvenile with more than just moral rights – not least was the child’s right to refuse an apprenticeship whatever the wishes of either or both natural parents.¹³¹ Furthermore, the ultimately spurious purpose of a circus “adoption” could not be easily challenged since most Australian states did not regulate adoption before the late 1920s.¹³²

Despite its fundamentally utilitarian purpose, the “adoption” of a juvenile by a circus could engender some sentimental attachment as illustrated by the Wirth circus siblings’ acquisitions of the infants, William Bulluss (1885), May and Gertrude Hall (1888) and May Zinga (1901). Bulluss’s widowed mother legally adopted him to the (then) childless and unmarried Philip Wirth; the deserted father of the two Hall sisters willingly transferred custody to the childless John Wirth and his wife; the deserting mother of May Zinga transferred her custody to one of the Wirth sisters, Marizles Martin and her husband (who thoughtfully had their one natural daughter educated in a convent boarding school rather than trained as a circus performer). Each of these “adopted” juveniles was treated as a *de facto* member of the Wirth circus family and given the prestigious name of “Wirth.”¹³³ Undoubtedly, May (Zinga) Wirth proved to be the Wirths’ – and circusdom’s – most outstanding adoptee. She is regarded as one of the great bareback riders in circus history.¹³⁴

Inter-War Era

Child welfare and education legislation continued to expand in the inter-war period, albeit sporadically. Measures were increasingly taken to preserve family units rather than simply move children into institutions.¹³⁵ Adoption legislation meant that, in principle, neglected or illegitimate infants could only be transferred from their natural mothers to approved parents.¹³⁶ In New South Wales, firm steps were taken to prevent trafficking in children, including “baby farming,” with the passage of the *Child Welfare Act* (NSW, 1923).¹³⁷ The *Child Welfare Act* also consolidated the various pieces of protective legislation relating to children. The State Children’s Relief Board was dissolved and its powers transferred to the Minister for Education.¹³⁸ The term “street trading” was again defined to include “performing for profit” (Sec. 5); the “life or limbs” provisions were somewhat strengthened and applied to children up to 14 years of age but still only with regard to “any public exhibition or performance” (Sec. 41); and provisions made for the issue of street trading licenses (Sec. 48). For the first time – and some 75 years since the appearance of the first juvenile performers

131. Seymour, *Dealing with Young Offenders*, 67.

132. Kociumbas, *Australian Childhood*, 156.

133. Marizles Martin in St Leon, *Australian Circus Reminiscences*, 12, 20, 64.

134. Mark Valentine St Leon, “Wirth, May Emmeline (1894–1978),” *Australian Dictionary of Biography*, Volume 12 (Canberra: National Centre of Biography, Australian National University, 1990), accessed April 2016, <http://adb.anu.edu.au/biography/wirth-may-emmeline-9158/text16169>.

135. Thinee and Bradford, *Connecting Kin*, 12.

136. Kociumbas, *Australian Childhood*, 156.

137. Mavis Dennis, transcript of interview with Mark St Leon, Perth, 1987, held by the author.

138. Thinee and Bradford, *Connecting Kin*, 66.

in Australia – “circus” was explicitly brought within the ambit of legislation by prohibiting any child under the age of 16 years from performing for profit between the hours of 10am and 6pm (more or less embracing school hours) and any child under the age of ten years from performing for profit “in any circus or other place of public entertainment” (Sec. 42).

These measures further constricted the supply of juveniles available for recruitment into circus. Nevertheless, oral recollections confirm that juveniles continued to be surreptitiously recruited into provincial circus companies as late as the 1930s despite the increasingly rigorous enforcement of legislation. Furthermore, the identity of children given away to a circus in infancy rarely entered the public record: “[This] sort of thing went on all over the country, over and over again ... Everywhere you went with a circus, someone would want to give you a child.”¹³⁹

Despite the expanded role given the state by the *Child Welfare Act*, only one instance of a juvenile being removed from a circus into welfare has come to light. This was Emily Lyons (born 1923), the natural daughter of a young, illiterate American woman of Navajo descent whose own mother and Australian stepfather worked a medicine show and tattoo stand on the showgrounds.¹⁴⁰ Emily, when aged about six years, and her younger brother, were “adopted” to Fred and Daisy Lennon, the proprietors of Lennon’s Circus. Lennon’s was a small family-based affair that travelled regional Australia by horse and wagon, even crossing the Nullarbor Plain and reaching Darwin:

[I] don’t think I was really legally adopted ... I was traded, more like it ... [for a horse] ... I acrobatted day and night in the ring. It was really a hard life ... but I loved it ... They’d only put me in nice looking things when I went in the ring. Whatever I could find I’d wrap around my feet ... because I had no shoes ... My jobs were to cart buckets of water, even though I was seven and eight-year-old, from the river and bring the wood, and hobble the camels, feed the monkeys. I was that hungry I’d steal pollen and bran ... I always slept under the wagon. [The police] were keeping an eye on [me] everywhere we went ... [A] report must have went in.¹⁴¹

Under the 1923 *Act*, any child under the age of 18 years could be removed to a place of safety where there was “an offence under this Act had been committed” and the Court could dispose of the child as it saw fit (Secs 43–47).¹⁴² These provisions appear to have informed the handling of Emily for in, or about, 1931 when aged about eight years: “I was taken ... at Griffith ... The Welfare ... took me by train down to Sydney. The Head Office was in Bridge Street [where] they gave me some tests. I was put in Bidura Children’s Home at Glebe Point.”¹⁴³ The case of Emily Lyons was an extreme one but supports the view that the criminal justice system

139. Madge Seymour, transcript of interview with Mark St Leon, Brisbane, 1987, ORAL TRC 2692/1, NLA.

140. *Argus*, 19 November 1924; *Dubbo Weekender*, 18 December 2010.

141. Emily Lyons, transcript of interview with Robert Willis and John Meredith, Dubbo, 2 November 1990, ORAL TRC 2590/10, NLA; Emily Lyons, transcript of a telephone conversation with Mark St Leon, December 2007, held by the author; Mick and Phyl Joffe, *Endangered Characters of Australia: Their Yarns and Caricatures*, Volume 1 (Berowra, NSW: Mick & Phyl Joffe, 1988), 128–29.

142. Weigall, *Infants’ Custody*, 209.

143. Emily Lyons, notes from a telephone conversation with Mark St Leon, 2007, held by the author.



The Three St Leons, c. 1920

Left to Right: Mervyn King, Syl St Leon, Reg St Leon

Courtesy: Dr Mark St Leon

was being methodically linked with education, welfare and other institutions to extend control over sections of the population at risk of becoming criminalised.¹⁴⁴

Western governments were endeavouring to re-organise the family in order to “strengthen and enhance the quality of the population.” The poor physical standard of Britain’s Boer War recruits had identified “population quality” as a matter of national interest on both economic and military grounds.¹⁴⁵ The lengthening of compulsory education in the twentieth century extended the period of childhood dependency on the family and justified the intensified policing of families.¹⁴⁶ Child endowment was introduced by the Federal Government in 1927 and its reach was extended in 1941 by the removal of the associated means test.¹⁴⁷ In New South Wales before 1939, a child who, without lawful excuse, failed to attend school regularly, came under the *Public Instruction Act* (1880) as a neglected or uncontrollable child and sentenced to a training school or institution. From 1939 until 1987, action could also be taken under s. 72 (o) of the *Child Welfare Act* (NSW, 1939) which expanded the definition of a “neglected child” to include children not attending school regularly. By this time, the school leaving age in New South Wales had been raised to 14 years and 10 months and juveniles employed in circus and other places of entertainment now came squarely within the sites of the Department of Education:

[We] used to practice acrobatics on the beach. As we were going to school, we could not perform professionally except during school holidays ... We performed in Barton’s Follies, a tent show, at Kingsford, about 1940. I was about 12 years of age. We had to get a certificate from the Department of Education to join Barton’s for two weeks during the school holidays.¹⁴⁸

By early 1942, any remaining issues surrounding the recruitment of juveniles into circus temporarily ceased to have relevance as most itinerant entertainments were compulsorily closed for the remainder of World War II.

Postscript and Paradox

In 1945, the circuses of Australia re-commenced operations and their number and size quickly returned to pre-war levels. However, examples of exploitative juvenile recruitment largely disappear from written and oral records. The recruitment of juveniles into circus – whether by genuine “apprenticeship” or by spurious “adoption” – had all but ceased under strengthening education and welfare legislation, as well as more stringent policing, public scrutiny and improved communications.¹⁴⁹ Australia’s social security system had expanded significantly during and after World War II.¹⁵⁰ In 1952, it was reported that:

Child laws in Australia make it impossible for children to commence training early and by the time they leave school they are just starting ... This ... has resulted in a shortage of Australia talent and overseas artists have to

144. Anthony M. Platt, *The Child Savers: The Invention of Delinquency* (Chicago: University of Chicago Press, 1969), xxvii.

145. Jaggs, *Neglected and Criminal*, 133.

146. Carrington, *Offending Youth*, 8–9.

147. Thinee and Bradford, *Connecting Kin*, 12.

148. Rex Rickard, notes of conversation with Mark St Leon, Sanctuary Point, 2010, held by the author.

149. *Sun Herald*, 17 May 1953.

150. Garton, *Out of Luck*, 31.

be brought into the business. The lack of background for youngsters may result in a serious falling-off of local players in the future.¹⁵¹

After a legislative stasis of almost 50 years, Victoria's "archaic and obsolete" *Child Welfare Act* was subject to "sweeping reforms" in 1954, after which a child had to hold a permit before it could be employed, whether for money or not, in "any circus" or other place of entertainment.¹⁵²

By 1960, there were about 17 circus companies travelling, the largest being Wirth Bros and its chief rival, Bullen Bros. By this time also, the introduction of television, unrelenting urbanisation and altering community expectations saw the beginning of the decline of the conventional family-based circus and, with it, the family-based transfer of circus skills.¹⁵³ There were only four circus companies of any consequence left by 1973 and, as predicted in 1952, there was a "serious falling off" in the supply of capable Australian performers.¹⁵⁴

Paradoxically, a contemporary circus movement began to emerge during the 1970s, typified by troupes such as New Circus (1973), Circus Oz (1978) and numerous community and youth-based circus groups. Their activities raised not only fresh interest in circus but in the need for professional circus skills training. The launch of the quasi-educational Murray River Performing Group (1978), led to the formation of the Flying Fruit Fly Circus, based in Albury-Wodonga (today supported by Commonwealth, state and local governments), and, in 1987, an educational arm, the Flying Fruit Fly Circus School. Organised within the policy framework of the Victorian Department of Education, the school is Australia's only full-time circus school for young people, their training in circus skills being incorporated into the educational curriculum. These and other initiatives in allied areas of community and contemporary circus led to the convening of the Circus Summit, Australia's first national conference of circus people – representing all genres of circus – in Melbourne in 1990. The conference highlighted *inter alia* the need for a national professional circus training school and accelerated initiatives already in progress. In 1999, the National Institute of Circus Arts (NICA) opened in temporary premises under the auspices of Swinburne University. In 2005, NICA moved into its purpose-built National Circus Centre on the Prahran campus of Swinburne. Students may complete either a Diploma or a Bachelor of Circus Arts. Alongside Australia's most eminent arts organisations, the Flying Fruit Fly Circus School and the National Institute of Circus Arts each occupy a seat on the eight-member Australian Roundtable for Arts Training Excellence.¹⁵⁵

The formation of professionally-organised training institutions and formally-accredited programs have humanised as well as professionalised the acquisition of circus skills by young people. Whereas, recruitment once preceded training, training now precedes recruitment.¹⁵⁶

151. *Longreach Leader*, 8 August 1952.

152. *Courier-Mail*, 23 September 1954; Jaggs, *Neglected and Criminal*, 135.

153. *Sunday Telegraph*, 18 August 1974.

154. Philip Cornford, "The Circus Lives," *National Times*, November 1973, 12.

155. "Arts Training Bodies," Department of Communications and the Arts, Australian Government, accessed April 2016, <http://arts.gov.au/about/who-we-support/training-bodies>.

156. St Leon, *Circus*, 240ff.

Conclusion

Such was the popularity of circus as a form of entertainment prior to World War II that the demand for skilled performers significantly exceeded supply. Whether to augment under-strength family troupes or redress the paucity of experienced performers, circus proprietors constantly sought suitable juveniles to train as performers to augment their circus programs and attract audiences. Although it was not unknown for circus to offer juveniles more-or-less genuine apprenticeships, most recruited juveniles were sourced from under-privileged backgrounds: impoverished, and / or abandoned by one or both parents, and / or bearing the stigma of illegitimacy. This article has outlined the evolving social, legislative and economic contexts that increasingly constricted the supply of these juveniles into circus in the period 1847 to 1942 and the counter-measures that circus proprietors took to either negotiate or circumvent these constrictions.

Three salient findings emerge. Firstly, circus, at least in its traditional guise, operated at the margins of society and casually recruited juveniles to train as performers as need arose; secondly, circus proprietors increasingly tailored and fused concepts of “adoption” and “apprenticeship” to defeat encroaching legislation; and, thirdly, the constant expansion and refinement of legislation eventually eliminated the earlier and often nefarious practise of juvenile recruitment in Australian circus.

Mark St Leon is a freelance lecturer in accounting, economics and management. He was a founding director of the Swiss-Australian Chamber of Commerce and Industry (1986–92). In 1991, he founded the Sydney Arts Management Advisory Group, now in its twenty-fifth year of operation. He is the author of Circus: The Australian Story (Melbourne: Melbourne Books, 2011). He has also created a website, Pennygaff, devoted to Australia's circus history: <<http://www.australiancircushistory.com/index.html>> <markstleon@bigpond.com>