MS 3764
Father Dixon and the Stuart Case
1958-1987
FINDING AID

Australian Institute of Aboriginal and Torres Strait Islander Studies
December 2002, amended September 2016
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ACCESS

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

SCOPE AND CONTENT NOTE

Extent: 1.2m (6 boxes), 3 folio boxes, I outsize box + 3 folders stored in Map Plan Cabinet 6


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

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


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

BACKGROUND NOTE

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

Stuart was convicted in Adelaide, in 1959, of the rape and murder of a 9-year-old girl at Ceduna in the previous year. He was sentenced to death at the age of 27. A Royal
Commission investigated the trial and reported that there had been no miscarriage of justice. However, after new evidence had been gathered and much public agitation, Stuart's death sentence was eventually commuted to life imprisonment. Although he was released in 1974, having spent 14 years in prison, he was never pardoned. Stuart became a respected elder and chairman of the Central Lands Council.

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

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


Reference:

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

1. Full court pleadings - Stuart's movements.
   Handwritten in partly used, fragile accounts book

2. 'Movements of Rupert Max Stuart, Saturday 20\textsuperscript{th} December 1958'.
   Typed chart

   Annotated photocopy

4. Extracts from evidence.
   Also draft of 'Who I am', outlining how Dixon became interested in the Stuart case plus notes on evidence
   Ms

5. Trial evidence etc.
   Transcripts in ledger book of trial evidence (1959), affidavits by Devaney and Scarfe, Full Court appeal and end of Royal Commission.
   Ms, Ts.

6. Notes on evidence etc
   Statements, statutory declarations, excerpts of evidence and affidavits from Armin Rupert Adolph Kleinig, Clement Anzac Chester, Alexander Adam Phin, Allan Raymond Moir, Colin Eric Ware, Mary Ellen Wardrop, Horace Lincoln Baker, Kathleen Roberta Marjorie Binns, William McNeish, Veda Ethel Miller, Brenda Veronica Kent, Donald James Kelly, Olga Bertha Betts, Dennis Thomas Kelly, Roy Wilgena Wells, Alan Haig Wardrop. Some annotated.
   Pages numbered but not in consecutive order, Ts, carbon copies

7. Typscripts of statements etc
   - Handwritten list of item contents:
   - 'Executive references to a Court of Criminal Appeal', by Alex C. Castles. Carbon copy typescript.
   - T Playford’s (Acting [SA] Attorney General) reply to Miss Helen Devaney (Solicitor)
   - Correspondent identified on Father Dixon’s list as ‘David O’ to Principal Registrar of the High Court
   - Two copies of High Court’s decision on appeal:
     - 'Stuart v. the Queen Order: application for leave to appeal refused' (Typescript)
Annotated copy of Stuart v. The Queen

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

Transcripts, evidence, police brief and Stuart’s confession

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

Evidence and trial documents, Part 1:

- 'Stuart's confession to the police signed by him at Ceduna on 22nd December 1959' and 'Transcript of tape recording obtained from Stuart in the Adelaide gaol on 19th August 1959' in Aranda [Arrernte] with English translation by Stuart under each phrase. Typescript
- 'Chamberlain to Jury'. Carbon copy of typescript
- Notes made by Shand on Eileen Slade's transcript, originally taken in
shorthand, of Stuart's translation of confession from Arrernte

- 'Starke interview'.
  Handwritten notes

- Starkes[sic] Summary.
  Handwritten notes.

  Holograph

- Trial transcript, pp. 1214-1291 – first part, Starke's final address.
  Photocopied typescript.

Evidence and trial documents, Part 2

- Trial Transcript from pp. 1292-1359 – completion of Starke’s final address, and Brazel’s final address

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

Evidence and trial documents, Part 3

- Defendant’s unsworn statement from the dock.
  Typescript

- Transcript of evidence, pp. 69, 84-97
  Photocopied annotated typescript.

- Comparative table of evidence given by Phin and Moir.
  Handwritten.

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

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

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

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1 Royal Commission in regard to Rupert Max Stuart. Report. (Adelaide, 1959). Three copies. Copy two is extensively highlighted. The front cover of copy three is missing; copy is annotated.

2 Royal Commission judgement, pp. 6-84. Carbon copy of typescript.

3 Transcript of Stuart's evidence in Royal Commission, pp. 764-824. Photocopy of typescript

4 Transcript of Dixon's evidence to Royal Commission, pp. 536-575. Photocopy of typescript

5 'Comment on the Stuart Case Royal Commission of 1959', by T.G.H. Strehlow, 2nd March 1972. Photocopy of typescript

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Series 3  'My Documents', 1958-79

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

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

There is also an original cartoon relating to Dixon and the Stuart case, a comment on the case by T.G.H. Strehlow and other papers.

Item

1 Newspaper clippings (1958-79). Includes other papers, including a typed copy of 'Defendant's unsworn statement from the dock (23 April 1959), 'Comment on the Stuart Case Royal Commission', by T.G.H. Strehlow (typescript carbon copy), results of Moran Gallop poll on the death penalty and letter criticising Dixon

1a Original Norm Mitchell cartoon. (Published in News, Adelaide, July 31, 1959.) [Removed from Item 1 for preservation]

1b Norm Mitchell cartoon, mounted.

2 Newspaper clippings, 1959-76.
Series 4  Correspondence, 1959-86

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

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

1  Correspondence, 1959-83.
   - List of contents:
   - Rohan Revett
   - Ken Inglis
   - Cutting on Revett’s Death
   - Articles by Ken on paper
   - Isabel Roads (Miss Perry)
   - Alan Wordrop
   - Inspector Tom Mortin, Brisbane CIB

  Typescripts, holographs, envelopes, Ms

  Also includes article on death of Rohan Rivett (1977), a return thanks for a sympathy card from Lady Rivett and her sons and Rivett's article on a visit to Burma (1974)

2  Correspondence, 1970-86.
   - List of contents
   - Fr Clancy (Santa Teresa NT)
   - Mr Mudgee [?], Attorney General’s Office …
   - Gordon Curtis, Supreme Court Adelaide
• Stuart Cockburn, Advertiser

• Miss Perry

• Rev Donald Gray-Smith

• Welfare officer Kleemig

• Fr Clancy

• JS White

• Alan Wordrop

• Fr Coc Sutherland

• Isabel Roads

• ‘Mate’ Brandon (Mr Maurice Brandon)

Typescripts, holographs, envelopes, handwritten notes

Includes a letter to the Editor of The Advertiser, by Dixon

3 Correspondence, 1983-84
Includes letter from Rupert Stuart.
Typescripts, holographs, envelopes, handwritten notes

Series 5 Other Papers, 1959-86

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

Item

1 Correspondence and notes on the crime, 1959-84

• List of contents:
  Handwritten by Dixon

• Max Stuart letters and cards

• Polysyllabic document from Stuart to [Royal] Commission
Travers [sic] document sent by him to R[oyal] Comm[ission],

My notes of Aranda phrases I made up to talk to Stuart on the earliest day in prison

‘Why not hang Stuart?’ pamphlet preparations

My efforts to discover what kinds of tide was taking place on Saturday at hour of crime

My early notes

Notes, legislation and other documents, 1959-1983

List of contents:
Handwritten

Notes taken from tape made on an investigating trip to Adelaide of talks with Helen Devaney, Kathy Strehlow, Ted Strehlow, Miss Penny (Isabel Roads), Father J O'Loughlin, Justice Travers and Jack Clarke (of News).

My B.A. (Macquarie University) results

Northern Territory and South Australia Aboriginal Acts

Notes taken from tape of Ceduna trip and notes from West Coast Sentinel in State Library

Hair and times

List of contents:
Handwritten

2 Docs on “Times”
Carbon copy of typescript

Hair – “Modern Criminal Investigation quotes”
Extract of article by Soderman and O'Connell pp 168-69
Carbon copy

Notebook and sketch maps
Handwritten

Notebooks
Handwritten
Oddments on Stuart.

- List of contents: Handwritten
- Notes taken by me of visits to at Yatala
- Notes taken by me of Miss Perry at Yatala
- Notes from “My Country of Pelican Dreaming”
- Notes from Mister Maloga (Nancy Cato)
- Copy of Giesman’s sketch of funfair outlay at Ceduna [missing 23 Feb 2018]
- Notes during T[oyal] Comm[ission] about M
- and other papers

Handwritten in foolscape book

Newspaper clippings, 1963-86

Correspondence, 1959, 1974-79
Includes requests for information for essays for journalism courses, 1974-79, copies of two of the essays and journalist’s notes at the time of the Royal Commission
Holographs, Ms.

Photocopy

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

This series consists primarily of drafts of Dixon's *The Wizard of Alice: Father Dixon and the Stuart case*, which was published with the assistance of the Literature Board of the Australia Council by Alella Books in 1987. AIATSIS Library holds this book at BD621.93 W1.
Drafts include early handwritten chapter drafts, edited typescripts, edited photocopies of printed drafts, edited computer printouts, and a proof copy.

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

**Item**

1. Outlines
   Handwritten

2. Book sections.
   Includes: Pointers (not in consecutive order), Interrogation and Violence, Plan of book, Stuart’s English, Tracks and Trackers, Confessions, Aboriginal Evidence, Synopsis of Points, ‘Have I made my point clear?’, other notes
   Handwritten

3. Draft of foreword
   Annotated typescript

4. Corrected and annotated sections:
   - Friday
   - Saturday morning
   - Saturday afternoon
   - Saturday night
   - Dr Thompson
   - Sunday morning
   - Evidence for tracks
   - Monday night at Wheat Board
   - Police station Mon night
   - Police investigation
   - The hairs
   - Phin
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- Strehlow
- Extracts from my notebook
- Extracts from letters specially excluded

Carbon copies of typescript, handwritten notes; sections partially paginated

5 Early draft, pp38-41, 323-414
Photocopy of annotated typescript

6 Chapter One, draft
Annotated carbon of typescript, chapter 1, 5 pp., chapter two, p.1; typescript of chapter 1, 2 pp

7 Chapters 1-13 [not in consecutive order]
Includes handwritten synopsis of chapter content
Annotated galleys, annotated typescripts

8 Annotated drafts, Chapters 1-5, Dedication and Frontispiece
Photocopies of typescripts

9 Annotated drafts, Chapters 1-12
Photocopies of typescripts

10 Annotated drafts, Chapters 2,7,8,16,17
Photocopies of typescripts

11 Annotated drafts, Chapters 1-11, excerpts from Chapter 14, Chapters 16, 17
Photocopies of typescripts

12 Annotated drafts, Chapters 9-14, Chapters, 12-17, pp. 234-298
Photocopies of typescripts

13 Annotated drafts, Chapters 16-22
Photocopies of typescripts

14 Photocopy of draft; dual pagination: pp. 16-31 and 299-314; ‘New Chapter’, pp. 315-332
Photocopies of typescripts

15 Annotated drafts, Chapters 16, 56 and 57
Photocopies of typescripts, handwritten.

16 Summary of Chapters 27-37, pp. 191-206; & annotated draft, Chapters 14-26, pp. 77-190
Handwritten, photocopies of typescripts

17 Annotated draft, Chapters 18-34, pp. 110-233
Handwritten, typescript

18 Edited proof, Chapter 19

19 Annotated draft, Chapters 23-33, pp. 154-264
Carbon copies of typescripts

20 Chapters 27-37
Photocopies

21 Chapters 38-43
  - Summary of Chapters 38-43
    Handwritten
  - Annotated draft, Chapters 38-43, pp. 266-306
    Carbon copies of typescript

22 Chapters 44-51
Typescripts, handwritten
  - Summary of Chapters 44-51
  - Annotated draft, Chapters 44-51, pp. 307-382

23 Chapters 51-60
  - Excerpt from printed proof, pp310-316
  - Handwritten summary of Chapters 52-58
  - Handwritten summary of Chapters 51-60
  - Annotated draft, Chapters 51-58, pp380-482

24 Chapters 59-63, and notes
  - Handwritten summary of Chapters 59-63
  - Handwritten notes on Chapter 59
  - Annotated drafts, Chapter 59-62, pp483-539
### MS 3764: Father Dixon and the Stuart Case, 1958-1987

25 Proof, pp. 1-126  
26 Proof, pp. 127-221  
27 Proof, pp. 222-300 and index  
28 Proof, pp. 310-412  
29 Table of Contents  
30 ‘The Wizard of Alice; Father Dixon and the Stuart Case’; complete proof  
31 Papers and correspondence relating to book photographs and dedication  
32 Correspondence re book production, 1981-1985  
33 Other papers regarding book production, 1981-1985  
34 Chapters 19-23  
Computer printouts  
35 Chapters 48-51  
Computer printouts

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**BOX LIST**

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