



John Finnerty: Magistrate

John Michael Finnerty: (1853-1913), Mining warden and magistrate, was born on 31 January, 1953, in Limerick, third son of Charles Finnerty, army officer, and his wife Elizabeth, nee Mathews, who were Anglicans. The family arrived in Western Australia in 1859 where the father was staff officer of enrolled military pensioners at Fremantle. In 1867-72 John attended Rugby School in England, where he was a mediocre scholar and a top Rugby player. He returned home in 1873 and worked as clerk to Sir Archibald Burt.

He then went pearling and traded to Malayá. In 1878-82 he worked a pastoral lease on the Gascoyne River with John H. Monger and built there the first brick house in the north. After two visits to England in 1886, he was inspector of police at Derby when the Kimberley goldfield was proclaimed. Next year he was warden and resident magistrate at Halls Creek to cope with the colony's first gold rush. In 1889 he moved to Southern Cross on the Yilgarn goldfield as warden and, from 1891, resident magistrate again. Here, on 10 December, he married Bertha Mary Oats (d. 1911) from Cornwall, whose father, William, was the town's first mayor. Next year Finnerty ruled against leaseholders who applied for exemption from the labour clauses of the Goldfields Act, 1886, which required manning of leases while awaiting capital and company development; this caused unemployment and tied up possibly rich country. The Act was amended to allow the minister to

grant exemptions.

On 17th September, 1892, Arthur Bayley rode in to Southern Cross and applied to Finnerty for a reward claim. Riding to inspect the find, it is said that Finnerty visited a near-by rock-hole and wrote down its Aboriginal name, Coolgardie, which the goldfield was later named. It started Western Australia's greatest gold rush. Finnerty saved lives when water was short by persuading the government to provide tanks along the road and by ordering diggers back to Southern Cross, allowing them to resume their claims after the winter rains. In an outspoken community he used common sense to interpret the regulations of an Act which gave wide supervisory powers to wardens. On Coolgardie when newcomers broke specimens from Bayley's Reward lease, Finnerty ruled that a lease could be entered for alluvial gold, but not within fifty feet (15.24m) of the reef or lode. This was the origin of the famous dual title, part of the 1895 Act. Giving a title to the alluvialist as well as the lease was an important cause of the following mining boom. The immediate granting of leases aided the investment of British capital and the extension of company mining; the dual title allowed the simultaneous mining of alluvial and reef gold on the leases.

Finnerty helped plan the town of Coolgardie, where he was warden from 1894; it rapidly became the third largest town in the colony but then the field declined. In 1900 he was appointed to Kalgoorlie, the main centre of the eastern goldfields. In 1911

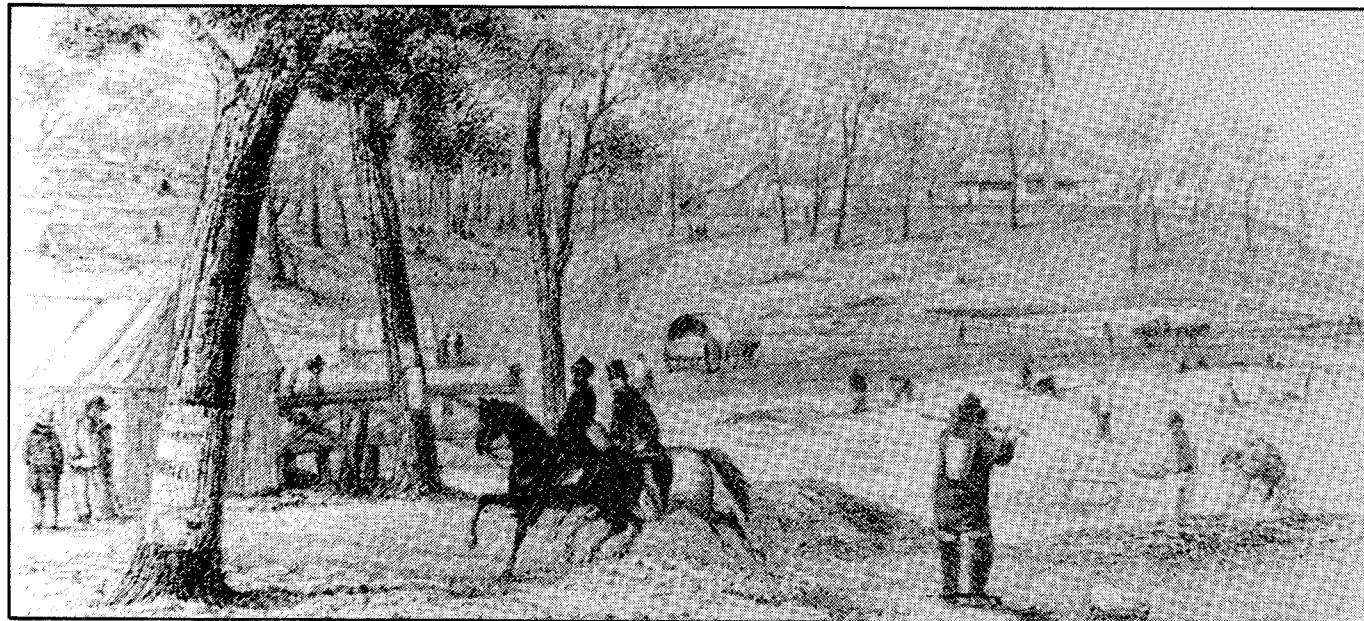
he retired to a property near Geraldton, where he died of diabetes with infection on 8 December, 1913, survived by two daughters and a son. He was buried in the Urch Street cemetery with a gravestone erected by goldfields' friends.

He had been a fellow of the Royal Geographical Society, a Freemason and president of the Coolgardie Liedertafel. With the rank of lieutenant-colonel he commanded the Goldfields Regiment of the Volunteer Defence Force. A great raconteur, he wore a full beard with a 'walrus' moustache and had a commanding, but genial, presence. He was a big man, physically and officially, good at his job. For twenty-five years Finnerty interpreted the mining acts with discretion and his decisions were respected. As a bushman, his authority and leadership were accepted in the camps: no officer of the Crown was held in higher regard in the mining community.

Sources

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Goldmining in Western Australia.