La Trobeana

FRONT COVER
Thomas Woolner, 1825–1892, sculptor
Charles Joseph La Trobe, 1853
Bronze portrait medallion showing the left profile of Charles Joseph La Trobe, diam. 24cm.
Signature and date incised in bronze l.r.: T. Woolner Sc. 1853: / M
La Trobe, Charles Joseph, 1801–1875. Accessioned 1894
Pictures Collection, State Library Victoria, H5489

Contents

A Word from the President

Twenty twenty-one began on a wonderfully bright note as we celebrated both the 20th anniversary of the foundation of the La Trobe Society and the 220th anniversary of the birth of Charles Joseph La Trobe with the gala cocktail party at State Library Victoria on 20 March. It was marvellous to see so many members and their guests enjoying our new-found freedom after such a long period of Covid restraint.

For your continued enjoyment, the new issue of *La Trobeana* is as varied and interesting as usual. Simon Smith's AGL Shaw Lecture for 2021, 'Law, Lawyers and La Trobe', hosted jointly with the Royal Historical Society of Victoria, leads this edition of the journal. A leading legal history academic, Simon gave us a scholarly and witty lecture on the inadequate legal system and its often disreputable characters in place when La Trobe arrived in Port Phillip in 1839, and their better-qualified successors who made significant contributions to the system of justice firmly established when La Trobe left the colony of Victoria in 1854.

Historian Susan Priestley describes Melbourne's Jewish community during the time of La Trobe's leadership of the colony through a fascinating description of the establishment of its religious institutions, and biographical sketches of some leading personalities who were key to the integration of the small Jewish population into the pre-gold community. Susan goes on to explore some significant social and charitable links in her research note on Melbourne Ladies in Community Work.

Anne Marsden has once again drawn on her family's archives to evoke the lives of early Wesleyan missionaries and their long-suffering wives as they struggled with enormous strength of character and ability to make new lives for themselves in an unknown country, while carrying out their religious mission to those they encountered.

We are delighted to include in this edition the address of Kate Torney, Chief Executive Officer, State Library Victoria, our guest speaker at the gala anniversary celebration in March, in which she outlined the history and philanthropic generosity of Alan and Mavourneen Cowen and other donors to the Library.

An edited version of Dianne Reilly's address at the gala event is also included. It is a brief outline of the history, including a number of the key decisions and some of the subsequent 'stand-out' events in the twenty years since the La Trobe Society was founded in 2001.

It is with great sadness that we record the death of lawyer and long-time member Brian Bayston OAM on 7 May, and extend our deep sympathy to Helen and their family.

Government health advice permitting, the next date in the La Trobe Society calendar this year will be the Annual General Meeting at the Lyceum Club on Wednesday 4 August. Invitations will be sent to members closer to the date, and I look forward to seeing many of you at this important event.

In delightful news, La Trobe Society member Dr Elizabeth Rushen was appointed a Member of the Order of Australia (AM) in the Queen's Birthday Honours 2021 'For significant service to community history and heritage preservation'. Congratulations Liz on this great honour!

Diane Gardiner AM
Hon. President
C J La Trobe Society

Law, Lawyers and La Trobe

By Dr Simon Smith AM

Simon Smith is a leading legal history scholar, an Adjunct Professor with the Sir Zelman Cowen Centre at Victoria University, Fellow of the Royal Historical Society of Victoria and a member of the La Trobe Society. In 2016 he edited Judging for the People: A Social History of the Supreme Court in Victoria, 1841-2016. Simon helped found Australia's first community legal centre, the Springvale Legal Service, in the 1970s, and in the 1980s was a pioneer in alternative dispute resolution and the first Ombudsman in the Australian financial services sector.

Three. That was the number of attorneys (now known as solicitors) practising in Melbourne when Charles Joseph La Trobe arrived in the colony aboard the *Pyramus* on 1 October 1839.[1] The legal infrastructure of the colony was similarly scant. It included a Police Magistrate (Captain Lonsdale), a civil magistrate (James Simpson), mounted police, two Justices of the Peace, a police court, a gaoler, a flagellator, a set of stocks for minor wrong doers, two clerks of court but no dedicated court-house. That was the justice system for a population of 5,822 (4,104 men and 1,718 women).[2]

When La Trobe left on 6 May 1854, some fifteen years later, the scene was quite different. The now independent colony of Victoria had seen 186 attorneys/solicitors and 63 barristers admitted to practise in that period.[3] The increase reflected the change that came with the extraordinary gold rush population growth to 236,776 (155,876 men and 80,900 women).[4] There was a substantial Supreme Court building (and bluestone gaol) on the corner of La Trobe and Russell Streets, with three justices (including a Chief Justice) who had the capacity to hear and interpret the new Victorian statute book. There were also the stirrings of an organised legal profession. The rule of law had been firmly established. What prompted the revolution of Victoria's legal profession during La Trobe's time? Who were the key personalities and what were key moments?

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The early legal scene

The legal infrastructure at Port Phillip in 1836 was quite different from that of Sydney Cove, fifty years earlier. Sydney was a convict colony under complete military rule. There was no place for lawyers. Indeed, the first lawyer to arrive there, in 1793, was an Irish convict, Laurence Davoren.[5] It was not until 1823 that Sydney had a sufficiently robust civil society to support a Supreme Court Justice (Francis Forbes). By then it had about ten (free) qualified attorneys (convict lawyers excluded) and four barristers.[6] The arrival of the lawyers also changed the political dynamic. They represented a new and second powerful class to rival, and eventually outshine, the military officers.[7]

By contrast, Port Phillip's minimal legal infrastructure in 1839 had been established in 1836 by Governor Bourke. He had responded to the news of increasing numbers of unauthorised settlers in the south, especially the 1835 land claims of the Port Phillip Association led by John Batman.[8] After promptly declaring the 'Batman Treaty' void and of no effect against the crown, Bourke had established 'government by Police Magistrate'.[9] He appointed Captain Lonsdale of the King's Own regiment to the role with a brief to also act as general administrator, to supervise a land survey and then to sell the land at auction.[10] Lonsdale had arrived in September 1836 with a small contingent of troops, forty to fifty convicts and a single copy of the recently published Plunkett's *The Australian Magistrate* to guide his judicial role.[11] Until La Trobe arrived he was the pivot of the justice system in the colony. Under him, to resolve civil disputes, the early settlers made do.

The pioneer lawyers

By 1838, more qualified lawyers had arrived in colonial Australia. They were not necessarily the most successful ones. Indeed, if your English practice was successful why would you give it up to travel to a remote penal colony, with a predominantly male population and problematic economy prone to droughts? It was a step into the unknown. The wider context is that there was an oversupply of lawyers in England since the law as a profession had started to climb into respectability and open up as a career. Nonetheless, the 'Dickensian' view of lawyers as shysters and ignorant pettifoggers still had popular currency. Low entry standards were one explanation. At that time the only entry path for an attorney/solicitor was five years of indentured clerkship often centred round the engrossing of deeds. There were no formal law lectures or examinations. The admission of barristers was controlled by the four Inns of Court through a system of pupillage that took five years; it required attendance at a number of Inn dinners over twelve terms. As one author has noted this was a sociable, clubbable, self-important world and many barristers cultivated an air of gravitas.[12] Their scarcity also heightened their prestige. These values of the self-styled 'upper branch' would transfer to Australia.

While poor job prospects at home, and in Sydney, is an explanation for lawyers coming to Port Phillip, other prompts centre round escaping social disgrace and a desire to make quick money. These are all present in the stories of the first three attorneys to arrive in Port Phillip. William Meek was twenty-eight when he arrived in October 1838. He had left England the year before, leaving his wife and two sons

Unknown artist
William Meek, c.1836 (detail)
Oil on canvas
Pictures Collection, State Library Victoria,
H2015.248/1
First lawyer to commence legal practice in Melbourne

behind. His ship-board diary contains many mysterious and melancholy references as to the reason but expresses the hope '…that I trust I may be enabled to pursue a different course to that which has led to such lamentable results…'[13] Responding to the land boom at Port Phillip, Meek quickly set up as conveyancer in rooms in what became Meek Street but is now known as Bank Place. He also involved himself in land speculation in what is now Richmond and in building a local profile as a founding member of both the Melbourne Club and the Melbourne Cricket Club.

Next to arrive was John Thurlow, also aged twenty-eight. With his wife and son, he stepped ashore in January 1839. He had arrived in Sydney as a fifteen-year-old with his father and two brothers, and was one of the first to complete articles of clerkship in Australia. His father had 'voluntarily' transported after a sensational marriage breakup and an appearance in the Old Bailey. Thurlow junior's motivation to come to Port Phillip was to set some distance between him and larger-than-life younger brother William and the financial entanglements surrounding his Sydney practice. William nevertheless went on to be a controversial Mayor of Sydney. Like Meek, John set up as a conveyancer, property speculator (he purchased acres in what is now Fitzroy) and Police Court Advocate. For a short time, he was amongst the wealthiest men in the colony.[14]

The third lawyer, Horatio Nelson Carrington,[15] also arrived in January 1839 when

he was thirty-four. He had qualified on the Isle of Man and emigrated with his family following family tragedy and business difficulties. Conscious of needing a steady income he obtained positions as Clerk of the Petty Sessions in Melbourne and was also appointed the first Crown Prosecutor to the Court of Quarter Sessions that was to open later that year. He was in effect a one-person Justice department. He also secured a right to practise as a conveyancer, one that he enthusiastically embraced in conflict to his other duties.[16] However, his appointments never had the full confidence of Governor Gipps, whose view was that Carrington had accepted the positions 'merely as a means of introducing himself to the knowledge of the public and will probably not continue to hold it long without demanding an increase in salary'.[17] Gipps was right and to both his and La Trobe's relief, Carrington resigned all positions by the end of the year, something celebrated by *The Port Phillip Gazette* which reported '…that public nuisance of twelve months standing' had been replaced.[18]

Throughout 1839 lawyers in pursuit of fortune continued to arrive at Port Phillip. In November there was a particular surge with seven more lawyers arriving on the *Parkfield*.[19] Amongst them was barrister Redmond Barry who was escaping an overcrowded Irish bar. *The Port Phillip Gazette* did not welcome the newcomers, noting that gentlemen of the law create litigation where none existed before and that the town already:

> … boils over like a bush cauldron with the scum of fierce disputes; and it is because a set of meddling pettifoggers have been permitted unmolested to stir up the ingredients with their vile 'chop sticks', that the working thereof has become unbearable. The fresh hands are, it is believed, somewhat more capable of skimming skilfully the seethings of the pot, or at least, of benefitting any wrangling parties desirous of adding fuel to the fire with a ladle full of 'het hoose in the lungs that'll gar them hand their clack for good six months'.[20]

For the next two years the legal scene in Port Phillip was dominated by a land boom and an unregulated legal profession feeding off it. Land sales and re-sales would move at such a frenetic pace that formal conveyancing procedures did not keep up. This would cause problems years down the track when the registered system was introduced by the *Land Act 1862* (Victoria) and many of the original chain of titles were found to be flawed. Meanwhile, the legal infrastructure stabilised.

The Judge Willis period

The earliest Europeans at Port Phillip had a Police Court (Petty Sessions) to help keep order for minor public order and criminal law breaches. By 1839 there was a Court of General Quarter Sessions with capacity for jury trials.[21] Then in 1840, a Court of Requests (Small Claims Court) was established for civil matters under ten pounds. That provided a helpful alternative source of income for Redmond Barry who was its second commissioner. Lawyers however were banned. Thus, it was localised Police Courts, presided over by Justices of the Peace throughout the colony, that provided the opportunity for attorney advocates to advertise their services. At the time, newspaper court reports were a major source of entertainment, chronicling as they did the excesses of a developing, boisterous male-dominated colony. Thurlow and Carrington featured regularly. But particular entertainment was offered by John Stephen, a non-lawyer who audaciously carved out a role as an advocate, becoming a larger-than-life figure. Garryowen was unimpressed. He wrote of him:

> His coolness and good temper often made him more than a match for the regular 'limbs of the law', who were anything but pleased at the *locus standi* to which he attained.
>
> Whomsoever he fell foul of, John Stephen always took care to keep right with the Justices, upon whom his oily, gentlemanly manner had such an effect, that no attempt to displace him would have had the slightest chance of success.[22]

However, serious crimes or large civil disputes could only be heard in the Sydney-based Supreme Court. This involved delay, travel uncertainty and cost. Unsurprisingly, pressure built for a Melbourne-based Supreme Court which was recognised in 1840 with the passage of the *Administration of Justice Act* (New South Wales). It made provision for a Resident Judge able to exercise the powers of the Sydney court. In 1841, a Sydney justice, John Walpole Willis, was appointed to the position, mainly to relieve tensions between him and the other Sydney judges. Unfortunately, an alternative suggestion that Sydney judges be rotated through was not pursued.[23]

Willis was controversial and his period in Port Phillip was turbulent. His court proceedings provided rich fodder for the three local newspapers. Willis had already been removed from a judicial position in Upper Canada (Ontario) and had an unsuccessful

appointment in British Guiana (now Guyana). In Sydney too he quarrelled with his brother judges. Upon arrival in Port Phillip in April 1841 he found fourteen attorneys and five barristers waiting to be admitted to the new Melbourne Supreme Court. He was not impressed with their calibre and immediately set about raising their ethical standards. Prior to his arrival there was no effective judicial or professional supervision of practitioners. Too many operated as cowboys, if not scoundrels. Willis had strong views on standards and he gave regular homilies on the topic from the bench. In particular, he believed that 'trade' and professional life were incompatible. In October 1841 he rejected the application for admission by John Duerdin who had been in business as a bookseller, iron monger and general dealer. Willis would 'not permit a person to step from behind a counter to practise in this court'.[24] He also refused to hear an attorney who wore a moustache and rebuked a practitioner whom he believed owned a stallion and had advertised its services.[25] Nor did he resile from imposing discipline on errant lawyers. In June 1841, he suspended Thurlow for three months for forging a search warrant and in January 1842 Meek and O'Cock were both disciplined: Meek for filing a false plea and O'Cock for professional negligence. However, when Carrington fell out with Willis in April 1842, over production of documents, he was struck off the Rolls, becoming a first of sorts.[26]

A factor in the turmoil in the court was that Willis arrived just as Port Phillip had entered a depression with the collapse of the land boom that had been running since 1837. In 1840 land revenue had been £220,000. By 1841 it was down to £53,000. The market was glutted. As Shaw explained, 'there never was a "real" demand for much of the land that was bought, only a desire to sell at a profit – and this could no longer be done.'[27] Many of the insolvencies that resulted came before Willis as Commissioner for Estates. Court officials and attorneys were not immune. In rapid succession John Chin, the court tipstaff and attorneys Connolly, Carrington, Thurlow and Meek were declared insolvent.[28]

Life for Willis as the first Resident Judge was difficult. He fell out with newspaper editors, burghers of the town and the legal profession, and was summarily dismissed by Gipps in July 1843, but only after he and La Trobe had exchanged much correspondence on the matter.[29] Garryowen had a mixed opinion of Willis, writing:

> He was admittedly a man of much
> legal acumen, great application and
> considerable power of composition;
> but he was impotent to control a bad
> temper; he lacked dignity, and was
> capable of being easily prejudiced.
> Besides, in religion he was a bigot; in
> politics a partisan; an intermeddler

in other people's affairs; and always eager to overstep the bounds of judicial propriety; and dabble in matters not regularly before him.[30]

Nonetheless, during the Willis years a number of legal firsts played out in the court. That reflected the arrival of more barristers, usually with some level of patronage behind them. One was Hon. James Erskine-Murray, the fourth son of Lord Elibank, a Scottish peer. His position in the family line meant he was destined never to inherit the title or any money that went with it. The move to Melbourne offered him both adventure and the opportunity to make money.[31] In November 1841, he appeared in the first breach of promise case. Redmond Barry appeared for the plaintiff. The plaintiff won and was awarded £100.[32] In August 1842 Erskine-Murray appeared in the first criminal libel case brought by George Arden, editor of *The Port Phillip Gazette*. He lost.[33] Barristers were also active in the criminal jurisdiction. Erskine-Murray appeared *amicus curiae* in the Plenty River bush-rangers case. He was unsuccessful, his three clients being found guilty and executed in June 1842, before a crowd of 2,000. It was the second hanging in Melbourne.[34]

Criminal law cases involving the Indigenous community also came before Willis.

Here, he was ahead of his time casting doubt on whether English law applied. In September 1841 in *R v Bonjon* he grappled with this issue, with Redmond Barry appearing for the defendant. Bonjon, an Aboriginal man, had been charged with murder for killing another called Yammowing. Willis voiced strong doubts as to whether he had jurisdiction. Nonetheless, the trial proceeded without prejudice as to the question of imperial jurisdiction. The prosecution ultimately abandoned the case and Bonjon was discharged. The Sydney court had no such doubts about the issue, they having confirmed jurisdiction in 1836.[35] In a nod to his legal acumen, the views of Willis formed part of the applicants' High Court case in 1991 in *Mabo*.[36]

Years of recovery and consolidation

The years after Willis up to 1850 were quieter. Sadly, pioneers like Meek and Carrington would not benefit since they had died. Historian Paul de Serville has called this period one of recovery and consolidation.[37] A succession of Resident Judges cycled through the court, three in all. They would be uncontroversial and respected. For Garryowen the arrival of William Jeffcott in 1843 was a breath of fresh air. He was 'the antithesis of his predecessor: good tempered, firm, impartial and methodical.'[38]

There was quiet growth in the number of lawyers and hence more litigation, which in turn drew attention to the inadequacy of the existing Supreme Court premises. During Governor Gipps' visit to Melbourne in 1841, he had been presented with a petition for urgent public works, a new gaol and a court-house amongst them. As part of his budget for public works La Trobe gave the go-ahead for a new Supreme Court but Gipps disapproved. He thought the plan most unworkmanlike and the cost too high. La Trobe responded saying that he grieved over his 'precipitancy' but had no-one to blame but himself. The work nevertheless continued.[39] Willis laid the foundation stone at the site on the corner of La Trobe and Russell Streets on 25 July 1842.[40] The ceremony was not without some ritual. The stone 'was set in place, knocked three times with a maul by both Willis and the worshipful Master of the Freemasons and then strewn with corn from a cornucopia and anointed with oil and wine poured from silver vases.'[41] Once more demonstrating his ability to insert himself into public events, the Master of the Freemasons was John Stephen. The new court building generated its own interest. As historian Susan Reynolds has noted, the exterior was considered unconventional in design; when it opened in 1843 it was the only public building in Melbourne with Gothic features with wings protruding from each corner. In ten years, it had become the 'old court' when a double-storey *Nius Prius* 'new court' was built next door.[42]

By the time Willis sailed out of Port Phillip in 1843 the number of lawyers had grown to give the attorneys a critical mass. Accordingly, they set about trying to improve their public reputation and to curtail the operations of those they believed incompetent and unqualified. John Thurlow and John Stephen were in their sights. In September 1843, the local press reported that a local law society was to be started with members admitted by ballot, the inference being that disreputable attorneys would be 'blackballed'. The model of the recently formed English law society, and centrality of its imposing law library, was specifically referenced.[43] Despite the support of Judge Jeffcott, who contemplated ceding a room for meetings and for a library, nothing happened. There would be a number of unsuccessful attempts to form an association until the Law Institute was finally established in 1859.

There was a steady increase in the number of Port Phillip attorneys, a further forty-one arriving before the end of 1849. That brought the total enrolled since 1841 to a modest fifty-five, although not all were in practice. During this period the title attorney started to recede being replaced by that of solicitor, one that carried less derogatory baggage. One new arrival in 1841

Thomas Foster Chuck, 1826–1898, photographer
John Barter Bennett, 1872
Albumen silver
Pictures Collection, State Library Victoria, H5056/177
First solicitor to complete articles in Victoria

was Thomas Clark, the brother-in-law of Meek. Clark's later partnership with Frederick Moule would evolve into the firm of Herbert Smith Freehills.[44] Other new arrivals included Henry Tyssen (1841), the first attorney in Geelong, Charles Sladen (1842) who would go on to be Premier of Victoria,[45] James Connolly (1842) the first attorney to practise in Portland,[46] Henry Moor (1842) the second Mayor of Melbourne[47] and John Barter Bennett (1847), the first person to complete articles in Victoria.[48] Bennett was later a parliamentarian and a force in the Law Institute of Victoria.

The Supreme Court of Victoria, more judges and control

In 1851, after a decade of agitation, the colonists of Port Phillip secured independence from New South Wales.[49] A month later gold was discovered. It would take another year before the new Supreme Court of Victoria could be established. London had declined to establish it as part of the separation legislation, leaving the job to the new colonial law-makers.[50] The task of appointing judges to the new court fell to La Trobe. He confirmed William à Beckett, the last of the Resident judges, as first Chief Justice and appointed (Solicitor-General) Redmond Barry and Edward Eyre Williams as puisne judges.[51] At the same time, as the population surged with people seeking their fortune in the goldfields, the court expanded its geographical reach to respond to the spread of colonists and townships across the landscape. This saw the creation of further circuit courts at Portland and

Castlemaine. The court also exercised its new independence from Sydney in protecting the local profession, with the promulgation of new rules with detailed provision for the education of all lawyers. Solicitors who had been admitted in the courts of Great Britain or Ireland had to wait twelve months before applying for admission.[52] However, solicitors from other overseas jurisdictions had little prospect of early admission. For barristers trained in England. Scotland or Ireland there was an extra requirement designed to protect the small local bar. Overseas barristers, especially those from other colonial dominions, had to give three years' notice of intention to apply for admission, reside in the colony for three years and not engage in any trade or business. The last requirement was the maintenance of a class divide for the profession and was rigidly enforced. No-one was to step from behind a counter to practise in court. Such restrictive trade practices did not go unnoticed by the press, which was critical of the local lawyer's monopoly. For example, *The Geelong Advertiser*, in a disparaging reference to wigs, referred to the bar as a 'goat's hair Trade Union'.[53]

The new rules also confirmed the class distinction and general separation between attorneys and barristers. The latter were to be classically educated and examined, at the Supreme Court, in ancient Greek and Latin classics, in mathematics or logic and in history. Attorneys were not expected to study the classics. They were excused from learning the barrister specialities of evidence law and pleading, but in a nod to the new Victorian Legislative Council

they were to give attention to colonial statute law. They learnt mainly on the job – over five years' continuous articles of clerkship. Barristers, on the other hand, had no period of practical experience prescribed for them.

As the population soared, cases poured into the court at a rate the judges could barely handle. Historian John Waugh has analysed the figures. In proportion to population, crime rates jumped at the start of the gold rush and the rapidly rising population kept numbers high. Criminal convictions reached levels during and after the gold rush that were never approached again in the nineteenth century. Civil trials were also a problem with increasing numbers of people suing each other. In 1852 there were fifty civil trials in the Supreme Court, by 1854 the number was 773.[54] Amongst the criminal law caseload was the prosecution of thirteen miners for high treason following the events at the Eureka Stockade. It was a *cause celebre* of its time. The trial attracted a large crowd of spectators sympathetic to the defendants. Hundreds clambered to get into the court room. When the verdict of not guilty was delivered there were spontaneous cheers, applause and foot stamping. Chief Justice à Beckett was outraged, exclaiming that it was 'one of the most disgraceful things he had ever seen in a court of justice', tantamount to a 'kind of sinister intimidation of the jury'.[55] Nonetheless the jury had spoken, the accused were free men.

As the population expanded, so too did the number of lawyer arrivals. In 1852 just seven lawyers were admitted to the court; the next year there were sixty-one and in 1854 a further fifty-five. The arrival of so many new lawyers brought fresh attention and enthusiasm to the possibility of forming an association. In 1851, with the misplaced confidence of an incomer, London attorney Thomas Turner à Beckett, the brother of the soon-to-be Chief Justice à Beckett, publicly called attorneys together to form an association. It was necessary 'to maintain the integrity and respectability of the Profession'.[56] The move was rebuffed by established attorneys and *The Melbourne Daily News* editorialised against it, noting that 'the black sheep of the profession are already well known'.[57] In 1853 there was a third attempt to form an association, this time with quiet success. There was no public backlash and the Victoria Law Society, *inter alia*, set about seeking an increase in the scale of court costs. The request was rebuffed by La Trobe who referred the matter back to the judges for resolution.[58] Over the rest of the decade the association quietly wound down until in 1859, at a fourth attempt, the Law Institute of Victoria was established. Professional responsibility had at last been achieved. It was no longer a matter

of concern to La Trobe; he had left the colony in May 1854 after fifteen years of dedicated service.

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What then, does this review of the La Trobe years tell us about the legal profession in colonial Melbourne and its contribution to the establishment of the rule of law? Certainly, the early lawyer arrivals included risk takers with intemperate personalities and often poor judgment, who lived at the boundaries of proper legal practice. They flared briefly across the legal firmament only to crash and burn in personal feuds, professional missteps or bad business deals. La Trobe was not fully equipped to deal with such people. As has been noted elsewhere, he had immense responsibility but little power to control events. He could use his discretion to influence, but the real power lay in Sydney and the distant colonial office in London.[59] As far as regulation of the legal profession went, it took the arrival of Judge Willis to lay the early foundations for the improvement of professional standards. Nonetheless, progress was uneven and slow.

When La Trobe arrived in the colony, the machinery of the legal system was just being established. He could only influence around the edges. Key appointments were made in London and by Governor Gipps with minor judicial appointments and there the talent pool was not deep. Undoubtedly, his major contribution in this period was to the physical infrastructure in his commissioning the building of the 'second' Supreme Court. It was an important addition to the city landscape and the standing of the legal profession.

Separation from New South Wales, followed closely by the surge in population with discovery of gold, gave the newly promoted Lieutenant-Governor La Trobe greater influence over the legal system. Importantly, it was he who chose the first Supreme Court judges, who in turn laid out the rules and regulations to future legal practice in Victoria. By this time the profession had increased substantially and its membership included those who would go on to make significant contributions to the future of the colony. The profession had arrived as a centre of power in the colony. As La Trobe left Melbourne in May 1854 he would have been comfortable that the rule of law and the system of justice was firmly established and in safe hands.

Endnotes

There is no authenticated picture of Resident Judge John Walpole Willis for inclusion in this article.

1 *Port Phillip Patriot and Melbourne Advertiser*, 30 September 1839, p.5; 7 October 1839, p.4.

2 Robert Douglass Boys. *First years at Port Phillip: preceded by a summary of historical events from 1768*, Melbourne: Robertson & Mullens, 1935, p.100.

3 PROV: VPRS 16237/P1/1 Attorneys Roll 1841–1891 and VPRS 16236/P0001/1 Roll of Barristers 1841–1933.

4 Census of Victoria, 1854: population tables, enumerated 26th April (accessible Australian Historical Population Statistics, Table 99, https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3105.0.65.0012006).

5 John Michael Bennett, *A History of Solicitors in New South Wales*, Sydney: Legal Books, 1984, p.12.

6 Simon Smith, *Barristers, Solicitors, Pettifoggers: profiles in Australian colonial legal history*, Melbourne: Maverick Publications, 2014, pp.8-9.

7 David Neal, *The Rule of Law in a Penal Colony: law and power in early New South Wales,* Melbourne: Cambridge University Press, 1991, Chapter 4.

8 The Attorney to the Association was Joseph Tice Gellibrand. He disappeared on an expedition to explore the hinterland of Port Phillip in 1837. See P.C. James, 'Gellibrand, Joseph Tice (1792–1837)', *Australian Dictionary of Biography,* Vol.1, Melbourne: Melbourne University Press, 1966, p.437.

9 Hilary Golder, *High and Responsible Office: a history of the NSW magistracy*, Melbourne: Sydney University Press, Oxford University Press, 1991, pp.46-47.

10 *Victoria Government Gazette*, no.239, 14 September 1836, p.709; *Sydney Gazette and New South Wales Advertiser*, 13 September 1836, p.2.

11 An Irishman and a Catholic, Plunkett was the appointed New South Wales Attorney-General at the time. He published *The Australian Magistrate: a guide to the duties of a Justice of the Peace for the colony of New South Wales* in 1835. It was the first Australian practice book of its kind and was of importance in effecting uniformity in procedure in the inferior courts. See Timothy Suttor, 'Plunkett, John Hubert (1802–1869)', *Australian Dictionary of Biography,* Vol.2, Melbourne: Melbourne University Press, 1967, p.337.

12 Penelope J. Corfield, *Power and Professions in Britain, 1700-1850*, London: Routledge, 1995, pp.86-91.

13 Simon Smith, 'William Meek: Melbourne's first lawyer' *Victorian Historical Journal*, Vol. 88, 2017, pp.40, 47.

14 For a fuller profile, see 'John William Thurlow (1810-1873)' in Smith, *Barristers, Solicitors, Pettifoggers,* pp.117-155.

15 Carrington's father was an officer in the Royal Marines. He named his other sons Wellington (1814) and Augustus Octavius ([Caesar] 1816). Carrington had a house and garden on the south side of Lonsdale Street near the William Street corner.

16 For a fuller profile, see 'Horatio Nelson Carrington (1805-1845)' in Smith, *Barristers, Solicitors, Pettifoggers,* pp.17–50.

17 Gipps to Lord Glenelg, dated 15 February 1839, in *Historical Records of Victoria,* Vol.1: *Beginnings of Permanent Government,* Melbourne: Melbourne University Press, p.214.

18 *Port Phillip Gazette*, 16 November 1839, p.3.

19 Ibid. The seven were Redmond Barry, Charles Babington Brewer, James Croke, Robert Dean, James Montgomery, Richard O'Cock and Edward Sewell.

20 *Port Phillip Gazette,* 16 November 1839, p.3.

21 Boys, p.83.

22 Garryowen, *The Chronicles of Early Melbourne 1835 to 1852: historical, anecdotal and personal*, Melbourne: Fergusson & Mitchell, 1888, p.314. Stephen's family was Australia's first legal dynasty. His father, also John, was the second Supreme Court justice in New South Wales. His brother Alfred would become Chief Justice of that court and his brother Sidney would become acting Chief Justice of New Zealand.

23 Janine Rizzetti, 'The Coming of the Resident Judges', in Simon Smith (ed.), *Judging for the People: a social history of the Supreme Court in Victoria, 1841-2016*, Melbourne: Allen & Unwin, 2016, pp.4-5.

24 John Leonard Forde, *The Story of the Bar of Victoria: from its foundation to the amalgamation of the two branches of the legal profession, 1839-1891; historical, personal, humorous,* Melbourne: Whitcombe and Tombs, 1913, pp.58-59.

25 John Barry, 'The Beginnings of Law in Victoria', *Victorian Historical Journal,* Vol.39, 1969, pp.41-43; Smith, *Barristers, Solicitors, Pettifoggers*, p.27.

26 Smith, *Barristers, Solicitors, Pettifoggers*, pp.37-38. The first barrister struck off was Hon James Erskine-Murray in January 1843 (p.107).

27 A.G.L. Shaw, *A History of Port Phillip District: Victoria before Separation*, Melbourne, The Miegunyah Press, 1996, p.166.

28 Simon Smith, *Solicitors and the Law Institute in Victoria, 1835-2019: pathway to a respected profession*, Melbourne: Law Institute of Victoria, 2016, p.28.

29 For example, see Letter 191, Gipps 5 May 1843, in A.G.L Shaw (ed.), *Gipps-La Trobe Correspondence 1839-1846*, Melbourne, The Miegunyah Press, 1989, p.207.

30 Garryowen, p.66.

31 Erskine-Murray theatrically abandoned Melbourne in 1843 by a barque waiting for him at Western Port Bay and made his way to the Far East. There he intended to set up his own 'Raj'. Unfortunately, aged 34, he was killed in a battle with the local people thus causing an international incident between England and the Dutch, who were then the local imperial power. For a fuller profile, see 'Hon. James Erskine-Murray' in Smith, *Barristers, Solicitors, Pettifoggers*, pp.85-115.

32 Garryowen, p.349.

33 Ibid, pp.357-358.

34 Ibid, p.355.

35 R v Murrell and Bummaree [1836] NSW SupC 35.

36 *Mabo v Queensland (No 2)* [1992]175 CLR 1.

37 Paul de Serville, *Port Phillip Gentlemen: and good society in Melbourne before the gold rushes,* Melbourne: Oxford University Press, 1980, p.150.

38 Garryowen, p.83.

39 *Gipps-La Trobe correspondence*, Letters 128 and 133, August 1842, pp.151, 156.

40 It was intended that La Trobe would lay the foundation stone, but after the ceremony was delayed by rain he found it impossible to defer a journey to the Goulburn Aboriginal Protectorate, Rizzetti, p.12; *Charles Joseph La Trobe: Australian Notes 1839-1854*, [edited by Dianne Reilly], Yarra Glen, Vic.: Tarcoola Press, in association with the State Library of Victoria and Boz Publishing, 2006, p.108.

41 Susan Reynolds, '"A Pile of buildings" Built to Last' in Smith, *Judging for the People*, p.24.

42 Ibid, p.25.

43 *Port Phillip Gazette*, 27 September 1843, p.2.

44 Suzanne Wellborn, *Freehills: a history of Australia's first national law firm*, Sydney: University of New South Wales Press, 2011, p.22.

45 James Grant, 'Sladen, Sir Charles (1816-1884)', *Australian Dictionary of Biography*, Vol.6, Melbourne: Melbourne University Press, 1976, p.133.

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47 Frank Strahan, 'Moor, Henry (1809-1877)', *Australian Dictionary of Biography*, Vol.2, Melbourne: Melbourne University Press, 1967, p.251.

48 Law Institute of Victoria, *Jubilee Report, 1859-1909*, Melbourne: Osboldstone, 1909, p.28.

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51 John Waugh, 'The Judges and their Court, 1852-1900' in Smith, *Judging for the People*, p.101.

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53 'Keefer's Bill', *Geelong Advertiser and Intelligencer*, 17 January 1856, p.2.

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55 Kathy Laster, 'Capital Crimes and the Supreme Court' in Smith, *Judging for the People*, p.230.

56 *Argus*, 4 October 1851, p.3; Smith, *Solicitors and the Law Institute in Victoria*, p.36.

57 'The Law Society, or How to Wash the Blackamoor White', *Melbourne Daily News*, 14 October, 1851, p.2.

58 R.N. Hughes-Jones (ed.), *The Law Institute of Victoria, 1859-1909*, Melbourne: Council of the Law Institute of Victoria, 1959, p.28.

59 Davis McCaughey, Naomi Perkins and Angus Trumble, *Victoria's Colonial Governors, 1839-1900*, Melbourne: Melbourne University Press at The Miegunyah Press, 1993, p.25.
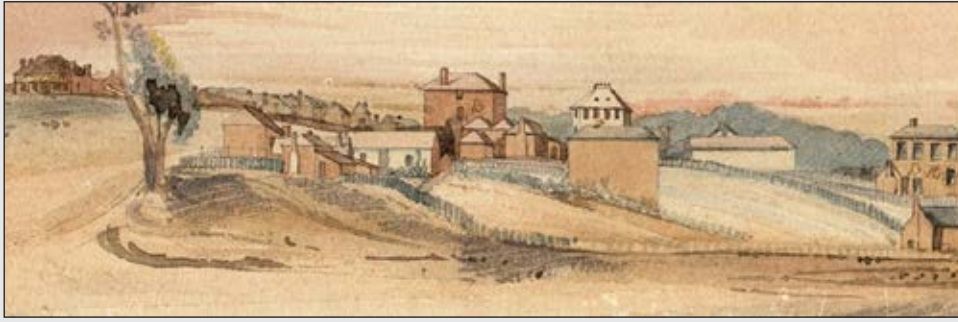
George O'Brien, 1821–1888, artist
Melbourne taken from near the west end of Collins Street, 1840 (detail)
Watercolour and pencil
Pictures Collection, State Library Victoria, H271
Painted for John Pascoe Fawkner and gifted by him 1868
Fawkner's Hotel, leased to the Melbourne Club and later Passmore's
Shakespeare Tavern (refer p.18), may be seen with the pitched roof, centre right.

The Jewish community in Port Phillip and Victoria, 1835-1854

By Susan Priestley

Susan Priestley MA (Melb), RHSV Fellow and La Trobe Society committee member, is a practising historian with an interest in recovering lives and solving enigmas about people. Her eleven published histories embrace aspects of places, people and institutions in Victoria. In this article she offers a microcosm of Melbourne's Jewish community during the time of Charles Joseph Trobe's leadership of the colony through an outline of its buildings and some leading personalities.

Comprehensive historical studies of the Jewish community in Victoria date from L.M. Goldman's *The Jews in Victoria in the Nineteenth Century,* which was self-published in December 1954.[1] Subsequent studies have benefited from Goldman's prolific detail and sources. Hilary L. Rubinstein's *The Jews in Victoria 1835-1985*, published in 1986, expanded the account into the twentieth century. Most recently, Sue Silberg's *A Networked Community* took the focus back to the nineteenth century with a concentration on the community in Melbourne. While Jewish people never constituted more than a tiny minority of the city's population, she commented that they nevertheless 'influenced the development of the city intellectually and physically. . . [embracing] the freedoms of an emancipated society, maintaining their religious beliefs while manifesting contemporary social

values and fashionable appearance.'[2] This article seeks to shed a more particular light on that comment, albeit in a much narrower time frame. All three histories have provided the broad background and clues to source material. That is supplemented by other contemporary sources to offer a microcosm of the Jewish community up to 1854 when C. J. La Trobe left the colony after nearly fifteen years of leadership.

***

Population growth at Port Phillip was initially fuelled by immigration from New South Wales and Van Diemen's Land, the overlanders and the overstraiters, as well as from overseas. Jewish people were among them, both free immigrants and former convicts. Examples of the latter are afforded in some of the Solomon, Moses, Lazarus, Harris and Marks families.

Personal and business partnerships made the networks ever more intricate over succeeding generations. Quite distinct families bearing the same surname compound the complexity. At the beginning, the emancipated convict brothers Judah Solomon of Hobart, and Joseph of Launceston, together with Anthony Cotterell who married Joseph's daughter Frances, were close associates of the Port Phillip Association, Cottrell being a founding member from 1834. Family and business links of Association members, of whom only three remained in 1839, the year of John Batman's death, make for confusion in the perennial if ultimately pointless debate about Melbourne's 'founders'. Hilary Rubinstein concluded that Joseph Solomon has no valid claim to being Port Phillip's first Jewish settler, since he forsook his religion after divorcing his first wife and remarrying in the Church of England.[3]

The New South Wales census taken in March 1841 recorded 11,738 people in the Port Phillip District, a trebling of the population since 1835. Of these 57 were Jewish, mostly resident in the county of Bourke, that is in Melbourne and surrounds, but there were two at Westernport, three at Portland Bay, and draper Abraham Levy at Geelong.[4] Levy was afterwards a founding trustee of Geelong's synagogue built on the corner of Yarra and McKillop Streets. The site was granted in April 1851, a temporary wooden structure opened in April 1854 to be replaced by one in stuccoed brick that was dedicated on 1 December 1861.[5] The latter building still stands although no longer put to religious use. Other synagogues in regional Victoria date from after the La Trobe period.[6]

In 1851, the last year before the massive gold influx, Melbourne is estimated to have been home to at least 23,000 people although the Jewish proportion is unknown.[7] Nevertheless, there are pointers to community happenings during the 1840s. A letter written by Asher Hyman Hart that is cited by Rubinstein claimed that by January 1844 there were eleven married couples and their children among about 80 to 90 Jews in Melbourne. His own young family was among them. It was considered a sufficient number to begin moves to establish a synagogue.[8]

A burial ground was already in place, one acre being set aside for Jewish burials in Melbourne's official cemetery, which was declared in 1843 on twelve acres (five hectares) at the northern edge of town, space now occupied by the Victoria Market. The Jewish section adjoined the section for Aborigines to the west and the Wesleyan and Independent ground to the south.[9] That cemetery had a relatively short life, becoming the Old Melbourne Cemetery
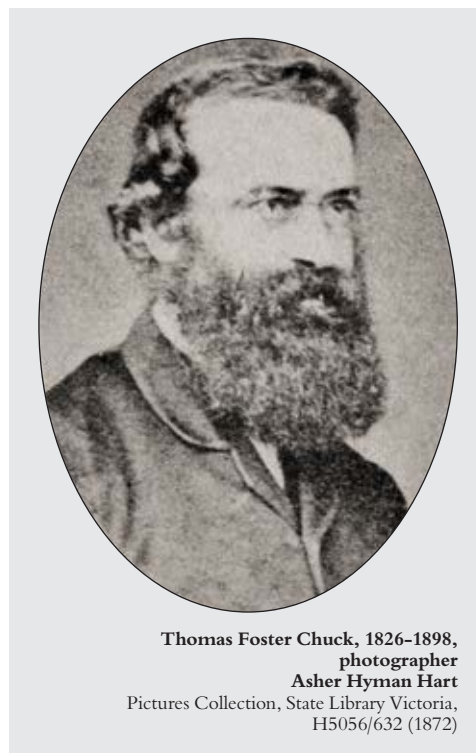
Thomas Foster Chuck, 1826–1898, photographer
Asher Hyman Hart
Pictures Collection, State Library Victoria, H5056/632 (1872)

once a much larger area was declared at Carlton in 1852 and opened for burials from 1 June 1853. In 1920, despite fifteen years of passive resistance and active protest, all remains in the Old Cemetery were exhumed to allow for extension of the market. By then sixteen gravestones in the Jewish section still had legible inscriptions in Hebrew and English, featuring the surnames (in alphabetical order) of Abrahams, Alexander, Barnett, Benjamin (two), Cohen, Joseph, Godfrey, Harris, Hart (eight), Levy, Lober and Montefiore.[10] These provide a ghostly, if somewhat random, outline of the community between 1835 and 1853. Another measure comes through Mouritz's *Port Phillip Almanac and Directory for 1847*, an alphabetical list of over 3,000 business names that was compiled in the latter part of 1846.[11] There is no listing for Cohen, Joseph, Godfrey, Lober or Montefiore, therefore these five families would seem to have been newcomers after about 1846. However, Mouritz does list William Willis with the quite particular occupation of 'sexton, Jews' grave yard'.

The first Jewish burial in the cemetery drew public notice. It was that of 'clothier and draper' Lewis Hart, who dropped dead outside his shop and dwelling on the corner of Collins and Queen Streets on a Monday morning, 14 August 1843. He was aged forty and had only been in the colony a few months. The coroner confirmed that the cause of death was a ruptured blood vessel, and therefore considered to be 'a visitation of God. . . [since he was] in
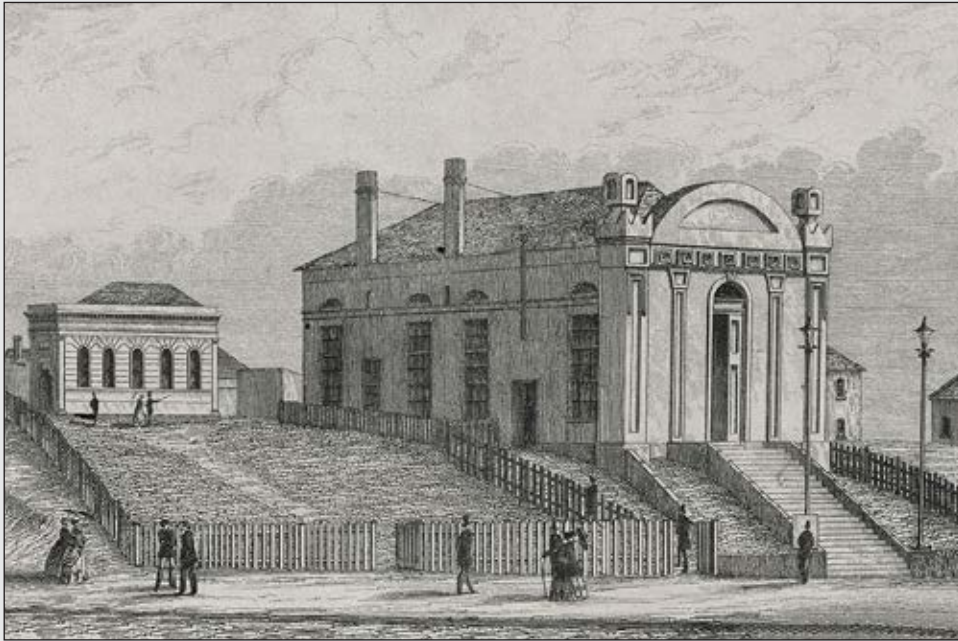
David Tulloch, fl.1851–1852, engraver
St Patrick's Hall, the first legislative house in Victoria, c.1852
Lithograph
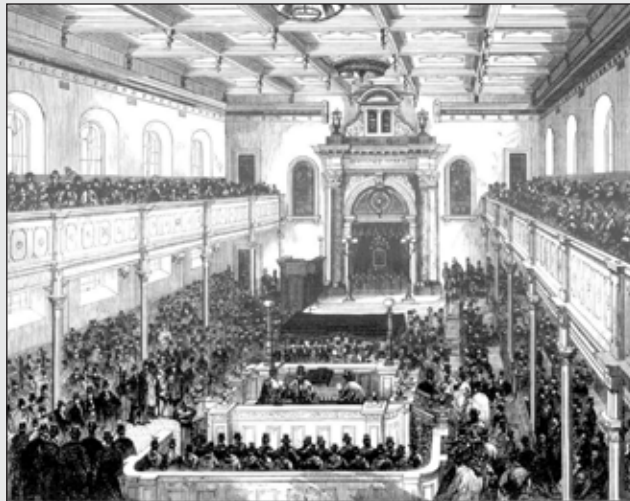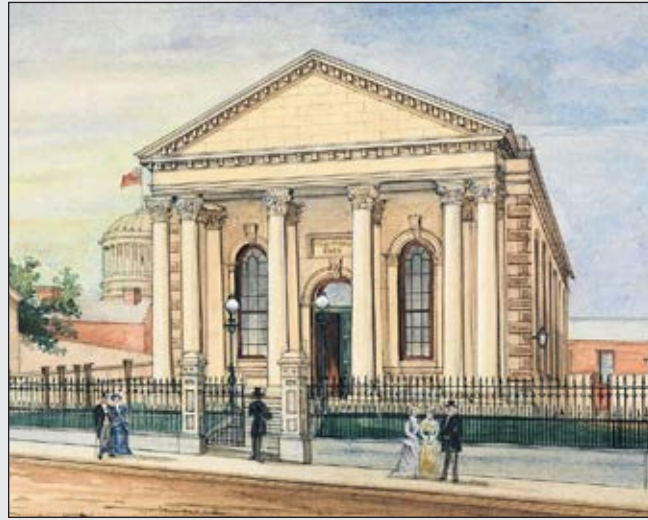Pictures Collection, State Library Victoria, H86.4/1
Synagogue on the left in Bourke Street, Melbourne, before extensions
The fenced area leading to the Hall's side door was lent to the government to
enable members of parliament to enter the building whilst sessions were in progress

the prime of life, of regular habits, and had not complained of any previous indisposition'.[12] A death notice identified him as 'brother of one of our respected townsmen, Mr A.H. Hart, auctioneer'.[13] The Hart name came to early prominence in Melbourne after brothers Edward and Isaac came via Sydney in 1838-40 followed by Asher Hyman in 1841, with Lewis arriving two years later. The family seem to have had Indian connections, since 'Edward Hart junior' had arrived in Sydney from Calcutta on the barque *Peru* in May 1838, when it was noted that 'Mr Thomas Hart died at sea on 19 March', seemingly a fifth brother or a relative. Edward married a cousin Isabella Hart at Melbourne in 1844 when he was partner with his brothers in a Collins Street drapery. Notwithstanding a fire in 1842, the subsequent depression and another destructive fire in 1853, their partnership prospered until mutually dissolved in August 1854. This followed the death of Edward, aged thirty-six, in March 1854 'after a short illness of only six days', perhaps further indication of some congenital weakness in the family.[14] Nevertheless, brother Isaac Hart born in 1820 survived until 19 February 1899, outliving his siblings and his wife Rachel née Benjamin who had died in 1885 'peacefully as she had lived'. Isaac's family headstone in Melbourne General Cemetery also records nine infant deaths or stillbirths, but his will mentions eight surviving children, as well as grandchildren. It further notes him as a cemetery trustee for forty years.[15]

Another Hart relative was American-born Henri John Hart who arrived about 1843, and was probably the John Hart, tailor and draper of Collins Street, who was listed in the Mouritz directory. Also listed were his sisters Misses Elvina and Louisa Hart, milliners of Collins Street. In 1849 Elvina married Moses Rintel, the rabbi of Scottish extraction who in December 1859 led the foundation of the 'breakaway' East Melbourne congregation.[16] That introduces a sideline which is of current interest, even though it dates from well beyond the La Trobe period. Two buildings associated with the East Melbourne congregation are now on the Victorian Heritage Register, the 'former Mickveh Yisrael Synagogue and School' at 275-285 Exhibition Street[17] and its successor the Albert Street synagogue opened in 1877.[18] By contrast, the original Melbourne synagogue opened in 1848 is no longer extant, being demolished in 1930 when the current Melbourne synagogue on the corner of Toorak Road and Arnold Street, South Yarra, was ready for occupation. However, two frontage pillars were retained to be incorporated into the facade of the Equity Trustees Company building, now Equity Chambers, which still stands at 472-478 Bourke Street.[19] The origins of the Melbourne synagogue warrant some detail.

Unknown artist
Jewish Synagogue, Bourke Street, Melbourne, c.1880
Watercolour with ink on board
Pictures Collection, State Library Victoria, H13951
View of exterior after the 1855 extensions and modifications of 1877
The Supreme Court dome may be seen on the left

Unknown engraver
Consecration of the Melbourne Synagogue, 1877
Wood engraving
Pictures Collection, State Library Victoria, A/S29/09/77/101
Published in The Australasian Sketcher

Melbourne's synagogue

Asher Hyman Hart is recognised as the most vigorous promoter of Jewish spirituality in Melbourne. From his arrival he conducted services as 'honorary reader', including for his brother's funeral in 1843, then led the move to establish a place of worship, a synagogue and attached 'minister's residence'. The site was an allotment of 76 perches (about half an acre or 1,922 square metres) that merchant John Hodgson had bought at the November 1837 land sales, but forfeited back to the Crown when unable to complete the purchase price. That enabled Governor Gipps to offer the allotment as a grant 'of our special Grace' in October 1844, title being issued on 7 January 1845 'for the erection thereon of a Synagogue for the Members of the Jewish Persuasion and for no other purpose whatsoever'.[20] The site was on the northern side of Bourke street West on the rise up from Queen Street and in the commercial hub, being 'immediately opposite to the stores of Messrs Dalgety & Co'.[21] Building commenced

in the winter of 1847 with a foundation stone laid on 25 August, and the opening dedication ceremony held on Friday 17 March 1848. A glimpse of female input is that A.H. Hart's wife Rachel provided a white silk curtain for the ark in which the sacred scroll was kept, a silk cover for the reading desk, and a silver pointer used by the reader.[22]

Another sideline is that a lane, now Little Queen Street running through to Little Bourke Street, separated the synagogue from St Patrick's Hall, where sittings of Victoria's original Legislative Council were held from 1851 until the blended system of Council and Assembly came into operation in 1856 when parliament transferred to the splendid new edifice in Spring Street. Those interested would find historical insight in reading (through Trove) accounts of Lieutenant-Governor La Trobe's ceremonial presence at the opening and closing sessions of the Legislative Council between 1851 and 1853, and more particularly his speeches on these

occasions. They demonstrate his vigilance in ensuring that all aspects of self-governance were properly considered in the framing of Victoria's Constitution and setting it in operation.

With the influx of gold-seekers, it became clear by 1853 that the synagogue needed extending. Designed in bluestone by Charles Webb, the extensions, including an upper ladies gallery, opened early in 1855, although interior decoration was not complete until 1858, one measure of its costliness. With another full interior renovation in 1877,[23] the Bourke Street synagogue functioned as the main premises for the Melbourne congregation for nearly eighty-two years.[24] La Trobe's presence is not recorded on any formal synagogue occasion. However, his name and position were recognised on the vellum scroll that was placed in a bottle with current coins of the realm in both foundation stones. The first scroll read:[25]

> *By favour of Almighty God,*
> *The foundation stone of this building, to be denominated*
> *House of Prayer of the Holy Congregation of Remnants of Israel,*
> *Being the first in the district of Port Phillip dedicated*
> *to the worship of the MOST HIGH, agreeably to the*
> *Laws of Moses and Israel,*
> *Was laid by Solomon Benjamin, President*
> *On Wednesday August 25th 5607 (1847)*
> *In presence of members of the above Congregation, in the*
> *Eleventh year of the reign of Queen Victoria the First;*
> *Sir Charles Augustus Fitz Roy, Knight, Governor of New South Wales;*
> *Charles Joseph La Trobe, Superintendent of Port Phillip.*
> *Charles Laing, Architect; James Webb, Builder.*
> *Asher Hyman Hart, Past President, Hon. Reader.*
> *Trustees —*
> *Asher Hyman Hart, Michael Cashmore and Solomon Benjamin.*

At the second stone-laying on 1 December 1853, by which time Moses Benjamin was the third trustee, the chairman said that they were gratefully indebted to His Excellency the Lieutenant-Governor for 'the very liberal manner in which he had granted them the site of their new synagogue – as that was now worth many thousands of pounds'. [26]

The trustees, who were also trustees of the cemetery, were representative of a surge from the late 1820s in Jewish chain migration to the Australian colonies from England's long-established Jewish community, which was heavily concentrated in London's East End. The original Great Synagogue in Dukes Place Aldgate, dating from 1690, was rebuilt in the eighteenth century and survived until an air raid in 1942.[27] A prime Jewish business interest in the East End centred on clothing and drapery, which provided a degree of both business expertise and capital when the decision was made to branch out to the southern colonies. The emigrants also came imbued with a thoroughly British sentiment, as exemplified in the foundation scroll. It was repeated in the prayer recited at the synagogue's dedication and reflected in the interior arrangements which were 'of the neatest and the most tasteful description'. On the wall to the right of the central ark was 'written in gold letters' a prayer in Hebrew for the Royal family with the same in English translation to the left.[28] The interior woodwork was executed by 'Mr Boys of Collins Street', the polished cedar ark in a Grecian design being 'a magnificent piece of workmanship'.[29] Mr Boys' non-Jewish name, and those of architect Charles Laing and builder James Webb which were on the scroll, are other pointers to the integration of the Jewish minority into Melbourne's pre-gold community.

Smooth integration with local social custom is also evident in reports of celebration dinners held after the foundation stone ceremony and on subsequent anniversaries. The dinners were at John Passmore's Shakespeare Tavern in Collins Street on the corner of Market Street. In 1847 a 'sumptuous repast [provided by] mine host [preceded] the usual round of speechifying and songs – the most applauded of which was "Happy Land" by a young gentleman of seventy-two!'.[30] The venerable singer's identity can only be a surmise, but his age suggests that he was not a new immigrant but a member of an earlier-established family.

The trustees

While never pretending to give a comprehensive account of Jewish personalities during the La Trobe period, something of a microcosm emerges from the experiences of the original trustees: Asher Hyman Hart, Michael Cashmore and Solomon Benjamin. They were of similar age and background, being born in London

between (about) 1810 and 1818 and settling in Melbourne between 1838 and 1841. All three came via Sydney where they later found marriage partners. Michael Cashmore was the only one to remain in Melbourne until his death, but Hart and Benjamin nevertheless kept up their Melbourne connections after returning to London as wealthy men in the golden 1850s.

Asher Hyman Hart

The Hart brothers' fortunes sketched earlier only partly reflected Asher Hyman's experience. Born about 1810 he seemingly came to New South Wales about 1834, preceding most if not all of his brothers. In October 1840, announcing that he had obtained an auctioneer's licence at the Hawkesbury town of Windsor and was 'happy to advance cash on property intended to be brought to the hammer', he claimed six prior years in business there. At least a portion of the available cash may have come from father-in-law Joseph Joseph of Sydney, but originally of London, whose youngest daughter Rachel he had married in February 1840, the celebrant being 'the Jewish minister' at Sydney. The two families remained close. The first of the Hart children, a daughter, was born at Sydney in January 1841 before the move south, and an eight-month-old son died there in October 1842 'after a few hours illness.' Rachel's father died in 1850 and her mother Amelia in 1857, three years after the Harts had returned to London.

By 1854 Asher Hyman Hart had become wealthy, the import drapery business supplementing his Auction Mart begun in 1843. The family moved up from their first accommodation above premises in Collins Street West to the northern side of eastern hill 'almost opposite Dr Howitt', whose home set in gardens was on the southern corner of Collins and Spring Streets. The furniture listed for auction prior to the Harts' departure indicates something of their lifestyle. It included a 'magnificent pianoforte by Broadwood', a rosewood cottage piano, mahogany chairs, card tables, elegant carpet and rugs, a French four-post bedstead with bedding and hangings, elegant cut glass and plated ware. The first half of 1854 was marred by the deaths of a son from dysentery and a seven-year-old daughter five months later, but another son was born on 8 July. He and five siblings with their parents and a servant were among chief saloon passengers on the steamship *Calcutta* that left Melbourne for Southampton on 11 November.[31] A permanent synagogue trustee and chair of the building extensions committee, Asher Hyman had also kept up association with the Mechanics' Institution and a variety of philanthropic organizations such as the hospital and the benevolent asylum.

John William Lindt, 1845–1926, photographer
Michael Cashmore, c.1880
Pictures Collection, State Library Victoria, H12986

Between March and August 1854 he spoke publicly with eloquence and passion about the plight of Jews forced into starvation in Palestine by the ruling Russian imperialists. Subscription lists for relief contributions were placed at all Melbourne banks, the *Herald* and *Argus* offices and those of committee members, as well as the synagogue. Collectors were also named at Geelong and the Ballaarat [*sic*], Bendigo and Forest Creek goldfields. By October, more than £2,300 had been raised from businesses and church congregations, Legislative Councillors and aldermen, other named men and sundry contributors including 'A Christian Friend' and 'A Gentle Woman who loves Jews'. It provides a significant measure of an integrated community.[32]

'Deeply lamented by his wife and family', A.H. Hart died on 15 January 1871 'after a protracted illness in his 61st year' at his residence 7 Clifton Gardens, Maida Hill, a street of spacious town houses off Bayswater Road. His estate in England amounted to just under £6,000, with another £600 invested in Victoria.[33]

Michael Cashmore

After about four years in Sydney, twenty-five-year-old Michael Cashmore transferred his business to Port Phillip in July 1840, opening his London and Manchester Warehouse just days after landing from the barque *Bright Planet* with 'an excellent assortment of Hosiery, Drapery... Haberdashery... also every variety of Ready-made Clothing, Hats, Bonnets, Boots and Shoes.' The 'Settlers, Stockholders and Residents of Australia Felix' were assured of 'periodical shipments from London and Manchester of every

**Thomas Foster Chuck, 1826-1898,
photographer
Solomon Benjamin**
Pictures Collection, State Library Victoria,
H5056/634 (1872)

new and useful article that may be of service' to them. In October stock lines were extended to include dress fabrics ranging from poplin to rich black silk velvet, as well as 'baby robes, caps and Welsh flannels. . . table linen and bed ticks. . . quilts and counterpanes'.[34] The business managed to weather the 1840s depression, expanding along Elizabeth Street to the Collins Street corner, where it assumed the name Victoria House at No.1 Collins Street East. Its owner was active in public affairs, including the Separation movement, was appointed a Justice of the Peace in 1842 and served as City Councillor for La Trobe Ward in 1846-47.[35]

At the end of 1840, Michael Cashmore had returned to Sydney to marry Elizabeth Solomon, who was seemingly unrelated to the Van Diemen's Land family. The newlyweds were among cabin passengers bound for Melbourne on the paddle steamer *Clonmel* when it stuck fast on a sandbar off what became Port Albert on 2 January 1841. Most of the passengers and crew spent nearly two weeks in tents on the shore before rescue could be arranged, but none of the cargo was salvaged. The experience was damaging financially and may have deterred either or both of the Cashmores from future sea travel. The abandoned vessel is now a prime Victorian archaeological heritage site.[36]

The eldest of eight Cashmore children, Alice born in 1842, was 'the first Jewess born in Melbourne'. She was married in 1859 'at the residence of the bride's father, No 3 Victoria Parade', the family having moved

some years earlier from flood-prone Elizabeth Street to the suburban eastern hill.[37] However by then, the drapery and clothing business had been transferred to the new goldfields district of Browns and Scarsdale south-west of Ballarat, although Cashmore withdrew from that partnership in July 1864.[38] Thereafter, for seventeen years until his death in October 1886 at his home in St Vincent's Place, Albert Park, he held the municipal position of Inspector at the Melbourne Meat Market, being granted leave because of illness during his final year. His adoptive Victorian identity was displayed in being a director of the Melbourne Gas Company, a promoter and provisional director of the National Bank, a promoter of the Benevolent Asylum in North Melbourne, a founder of the Australia Felix Lodge and a leading member of the Jewish Mutual Aid Society.[39] His widow Elizabeth remained at Albert Park until she died in February 1898, aged seventy-seven.[40]

Solomon Benjamin

Four Benjamin brothers and at least two sisters emigrated to Australia, the latter settling in Adelaide. Their father was draper and clothier Lyon Benjamin whose business was established in London's Tower Hamlets district before his son Samuel was born about 1804. Samuel carved out a career as businessman and pastoralist at Sydney and Goulburn from 1833 until his death in 1854.[41] David (1815-1893) and Solomon (1818-1888) were at Melbourne from 1838, while Moses (1805-1885) with his wife and seven children arrived in Sydney on the *Andromede* in December 1843, coming to Melbourne shortly after. Four years later Moses' eldest daughter Rebecca married merchant and later parliamentarian, Edward Aaron Cohen,[42] and two years after that second daughter Rachel married Isaac Hart (see above). Those family links and descendants of Moses' eldest son, Sir Benjamin Benjamin (1834-1905)[43] have helped perpetuate the Benjamin name in Victoria.

Solomon is claimed as an initiator of Melbourne's Jewish congregation, since a room at the rear of his premises, Cheapside House in Collins Street West, was the venue in 1840 of the first full Minyan, the service designated for attendance by a minimum of ten men. During the building of the synagogue 1844-47, he held the positions of treasurer or president as well as trustee, and was again treasurer from 1851 until resigning just before departing Victoria in March 1853. Brother David had been president for two terms while Solomon was treasurer. The three Benjamin brothers were always in concert, whether in the drapery business, as significant buyers of gold from October 1851,[44] or in religious and public affairs.

Solomon remained a bachelor until 11 August 1841 when he was married by Sydney's Jewish minister to Miriam Nathan 'of George Street', with no other indication of her origins or parentage. Miriam was born in London as were two older brothers who were in Australia at the time. Arthur Isaac Nathan married Caroline Cohen in Sydney in 1843, although their first six children were born in Launceston, Van Diemen's Land, where he acquired considerable property. He died as a merchant of Tavistock Square, London, on 7 August 1863, having named as executors of his will his brother Louis, Solomon Benjamin 'gentleman', and one other. Louis Nathan, noticed as Miriam Solomon's brother when she died in 1883, was a wealthy gentleman of Regents Park 'but formerly of Hobart, Van Diemen's Land' at his death on 1 April 1886. Since Louis and his wife had no children, two Nathan nephews, together with Solomon Benjamin and one other executor administered the estate.[45]

A case can be made that Miriam and her brothers were among the few who remained with the Hebrew faith in the family of renowned English composer and musician Isaac Nathan, whose long Jewish ancestry became secondary to his musical life and career.[46] Financial straits led Isaac to emigrate in 1840 on the ship *York* with his second wife and six children from his 'musically skilled' family. Adult son Charles, who had struck out on his own after early differences with his father, nevertheless engaged as the *York's* surgeon. He and three sisters or half-sisters went on to marry in the Church of England between 1842 and 1850. When the ship arrived at Port Phillip early in February 1841 en route to Sydney, Isaac was immediately pressed to give a 'family' or 'amateur' concert, which was staged in the Caledonian Hotel 'under the patronage of His Honor the Superintendent and Mrs La Trobe… on Thursday evening, 18 February. The 'exquisite entertainment' was rapturously received by a capacity audience, and a second concert at the request of the newly formed Lodge of Australia Felix was held in early March, just before their ship left Port Phillip. These could have provided opportunities for the young people to become acquainted. In Sydney on 30 June, the Misses and Mr Nathan were among singers in the spectacular Oratorio of Sacred Music that was arranged by their father. It featured Sydney's top singers and instrumentalists as well as the newly acquired organ in St Mary's Catholic Cathedral. Six weeks later, Miriam Nathan and Solomon Benjamin 'of Port Phillip' were married.[47]

Of Solomon and Miriam's eight children born in Melbourne, six survived infancy, with another six born after their return to London.

Their planned departure became public through advertisements beginning 11 December 1852. Their family home, which adjoined Dr Howitt's at the top of Collins Street and hence opposite the Harts, was furnished befitting a gentleman. Also up for sale were valuable city allotments, including corner land with subdivision plans in place, and ultimately the Benjamin Brothers Mart, which had begun as Cheapside House, named for the London street with a concentration of draperies. By 1852 a large wareroom (showroom) faced 'that great artery of business' Collins Street, with further showrooms accessed by steps at the rear. Over the whole of the 'lower building' was a 'comfortable and large dwelling' of six rooms accessed by a flight of steps from Little Collins Street and a side passage from the main street. A separate brick building across a passageway at the rear was being used as a store with a capacity for 250 tons of general merchandise.

At a farewell dinner on 11 January attended by 'about fifty of the principal members of the Hebrew congregation' including a Sydney representative, the principal toast of the evening was proposed by Michael Cashmore. He spoke of Solomon's 'truly charitable disposition, open heartedness, freedom from pride and egotism… unsurpassed among Christians as among Jews'. Along with a signed address, he was presented with 'a bag of Victorian gold, with the request of contributors that it should be manufactured into a cup, to bear an inscription which will be forwarded to him'. A week later, the family and two servants left for Sydney on the coastal steamer *Waratah*. There they joined the A.R.M. Company's new steamship *Melbourne* for the voyage to London. When the ship called at Melbourne on 9 March, Mr and Mrs Moses, child and servant were also among its first-class passengers.[48]

Solomon came back to Melbourne only once for a brief visit in 1879, but the majority of his assets remained in Victoria. He died on 1 April 1888 at *Brunswick House*, Clifton Gardens, Maida Hill, the largest of the street's residences, and near neighbour to A.H. Hart's family. It had been the Benjamin family home since the end of 1861. The Harts and the Benjamins, including Solomon's brother David, were among those who helped establish the Bayswater and Maida Vale synagogue in 1863, in easy walking distance of their homes.[49] Solomon's estate in England was valued at just over £12,500, while in Victoria it amounted to nearly £181,000, with death duty set at £3,810. A married daughter was then living in Melbourne, while other children were in Queensland and New Zealand.

The survivor of the Benjamin brothers, David, with wife Esther and family left Victoria early in 1854, and made their home in Westbourne

Johnstone, O'Shannessy & Co., photographers
David Benjamin, 1892
Pictures Collection, State Library Victoria, H2998/9

be displayed at the International Exhibition in London and probably for its subsequent disposal.[50] The 'cheery good-hearted' septuagenarian died on 28 June 1893 after just a few days' illness, leaving personal effects and realty worth nearly £113,000 in Victoria and £251,000 in England. His bequests began with £500 to establish a perpetual repair fund for the Bourke Street synagogue, the foundation stone of which he had laid for the 1850s extensions. An addition to the Esther Benjamin Fund for the relief of London's Jewish poor was one of ten charitable bequests, including to the Melbourne hospital and the Melbourne Jewish Aid Society. David directed that his home should be kept up by his sister-in-law, Sarah Solomon, for the use of his unmarried children so long as that was necessary, with extra money given for household expenses and hire of a brougham, since his own vehicle was to be sold. Gifts to his staff included £50 to his butler but twice that to the butler's wife. Women featured strongly in gifts and annuities, and he did not fail to remember Elizabeth Cashmore of Albert Park, Michael's widow.[51]

Terrace, Hyde Park. Readers might recall from my *La Trobeana* article in 2018 that in 1862 David Benjamin arranged for the gold cup presented to La Trobe at a farewell ball in December 1853 to

The benefactions emanating from the first generation of Jewish people in Melbourne were broad and long-lasting.

Endnotes

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Enterprise and Endurance: glimpses into a nineteenth-century Wesleyan Methodist world

By Anne Marsden

Anne Marsden, a Leeds University graduate and former science teacher, held a 2012-13 Honorary Creative Fellowship at State Library Victoria, leading to articles in The La Trobe Journal, Victorian Historical Journal and La Trobeana. In 2016, The Making of the Melbourne Mechanics' Institution: the 'Movers and Shakers' of Pre-Goldrush Melbourne, followed in 2018 by its companion volume, And the Women Came Too, were published with the support of the Melbourne Athenaeum Library where Anne is a volunteer Archives researcher. Her late husband was a descendant of Joseph and Anne Marsden.

Sarah Elizabeth Marsden was born in Leeds, Yorkshire, in 1840. Both her parents, Joseph Ankers Marsden and Anne (née Hudson), were also born in Leeds, to devout Wesleyan Methodist families who were involved in trade: Joseph's father a shopkeeper and Anne's a wheelwright.

One wonders at the dramatic turn life took for Sarah's mother, when a month after her marriage on 30 September 1836, the couple embarked for the West Indies where Joseph had been appointed as a Wesleyan Methodist missionary. They were based in Kingstown on the Island of Saint Vincent in the Windward Islands.

Anne was a helpmate in Joseph's missionary work on the Islands, conducting prayer meetings and teaching in the Sabbath School. After she gave birth to their son in April 1838 Joseph wrote to the Missionary office in London 'Mrs M and infant are very well – as soon as possible Mrs M will resume her… labours in the school'.[1] Anne often held the fort while Joseph was away visiting his flock, whether on horseback locally, or by boat between the islands. Both had great concern for the welfare of the recently-emancipated slave populations on the plantations at the time.

The Marsdens were likely to have had discussions with Charles Joseph La Trobe in 1837 about conditions on the plantations and the state of education, during his commission in the West Indies inspecting the schools and reporting on the education of the emancipated slaves. His *Report on Negro Education, Windward and Leeward Islands* was tabled in the British House of Commons in 1838.[2]

**Thomas Foster Chuck, 1826–1898,
photographer
Joseph Ankers Marsden, 1872**
Albumen silver
Pictures Collection, State Library Victoria,
H5056/258

**Unknown photographer
Anne Marsden (née Hudson)**
Photograph in possession of the Whiting family

Joseph and Anne experienced chronic ill-health, especially after Anne contracted yellow fever, prevalent on the Islands; her doctor died of the disease. Joseph suffered from asthma as well, therefore, fearing for the health of his wife and baby son, decided to return to England.[3]

Anne was pregnant when their ship anchored off Plymouth on 21 April 1839. Daughter Sarah was born on 27 January 1840 after Joseph and Anne were reunited in Leeds with their families. But their stay was brief. Leeds was becoming increasingly industrialised and overcrowded, with disease rife. Joseph would have become aware of a dearth of preachers in Australia, and of trade opportunities opening up there. Hence, Joseph and Anne with young Joseph and baby Sarah set off on their voyage south, initially to Hobart, and then on to Melbourne where they settled in 1841.[4] Joseph's decision to emigrate may also have been influenced by the story of his father's cousin, the Rev. Samuel Marsden, senior chaplain in Sydney, but the two did not cross paths. Samuel's only visit back to England was a year before Joseph was born, and he died in Australia three years before Joseph and Anne arrived.

Anne, pregnant with her third child on the voyage to Australia, gave birth to Joshua soon after their arrival in Hobart in 1841 but he died at six months. Maria Jane, born in 1843, survived for seven weeks. Benjamin born in 1848 died as an infant, as did Luther in 1851. Sarah, and her younger brother, John Hudson Marsden who

was born in 1844, were the only two of Joseph and Anne's children to survive to raise families.

Sarah grew up in the shadow of Joseph's enthusiastic embrace of life and opportunities in Melbourne's early settlement. He had relinquished his ministry after leaving the West Indies and served simply as a lay preacher in the Wesleyan Methodist community in and around Melbourne. Edmund Finn (writing as 'Garryowen') noted that:

> Mr Marsden… who, from the bigness of his size, got to be universally known as 'big Marsden'… was equally good at a sermon or a speech; as much at home on the platform as in the pulpit… good-humoured to a degree… he participated in nearly all social, religious, and political demonstrations from 1841 to 1851 [the year of Separation of the Port Phillip District from New South Wales to become the Colony of Victoria].[5]

Joseph preached in the recently-built Collins Street Chapel and in many others such as Kyneton, and also at Portland where he laid the foundation stone of the first chapel on 11 October 1843. He was involved in the early hamlet of Brighton, travelling there by whaleboat from Williamstown which answered to smoke signals from the small settlement on the other side of the bay. Methodism took root in Brighton, being visited by Wesleyan Methodist Circuit preachers
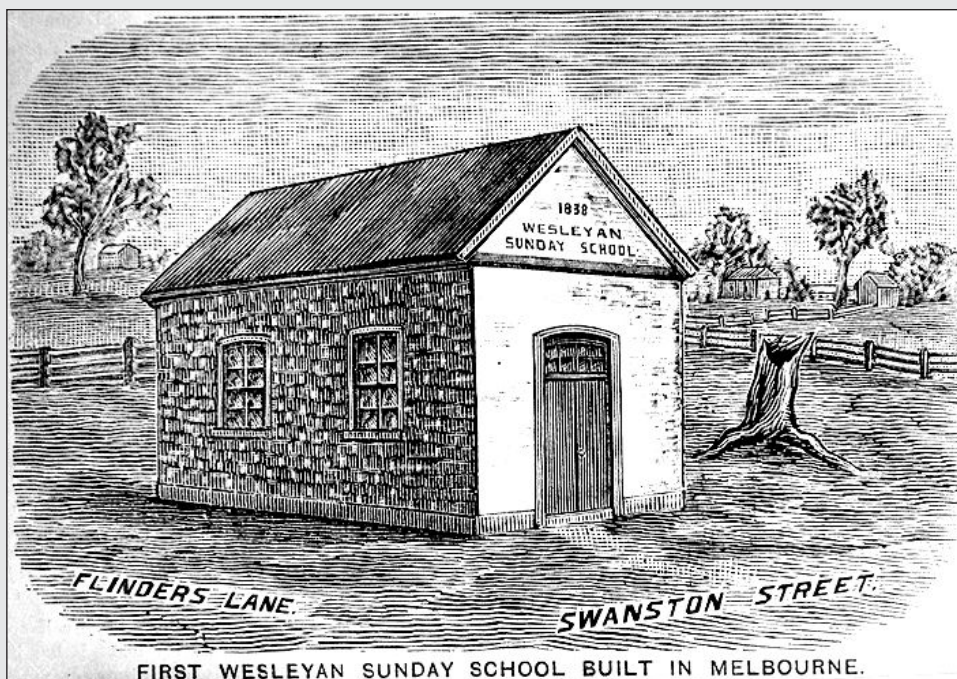
from 1841: 'The germ-cell of early Methodism was the class meeting… Over it presided a leader who though not ordained for this office was yet solemnly and deliberately chosen.'[6] The leader shared the pastoral office with the minister, being responsible under the minister for the spiritual oversight of the members of his class.

However, Joseph had emerged from a family of trade in Yorkshire and he soon set up a draper's shop in Melbourne's Elizabeth Street, where in the early days the creek running down the street could turn into a raging torrent after rain. The family survived the downturn of the early 1840s – drapery items were needed in the harshest of times – and by 1845 Joseph had moved the business to the main street, Collins Street which was the only street fully cleared of tree stumps.

He became involved in many causes of the day and the Marsden dwelling would have been a meeting place for Wesleyan Methodists as well as other prominent members of the community. Joseph joined the Melbourne Mechanics' Institution in 1842 and was elected to the committee in 1845.[7] Garryowen credits Joseph with organising Melbourne's first Bazaar in 1843, held at the Mechanics' Institution and lasting two days; he was 'the most skilful "bazaar-runner" in the colony'.[8] By the time Sarah was ten, Joseph was heavily involved in the establishment of the Melbourne Benevolent Asylum, taking on a full-time role in 1849 as its first Secretary.[9]

This then was the domestic environment in which the young Sarah grew up: both deeply religious and bustling with activity, swept along in the slipstream of Joseph's busy life. Wesleyan Methodist children had a strict upbringing, being taught to 'do good' and abstain from most forms of amusement and luxury. Sarah's experience of the outside world would not have extended much further than Sabbath School teaching, and helping in church bazaars under her mother's watchful eye. In a life restricted to home and church, she would have been well versed in the duties of wife and mother.

By the late 1840s the family had moved to Collingwood – the present-day Fitzroy – and it is possible that Sarah attended the Wesleyan Sabbath School that was set up in a building on the south-west corner of Brunswick and Moor Streets. The early school records, minute books, and school rolls of teachers and scholars from 1841 to 1855 are missing, and although her name does not appear in any surviving list of the Sabbath School teachers, one of her pupils, Elizabeth Waterston (née Haysom), remembered her. Writing for the 1893 Jubilee celebrations, she recalled her: 'I remember with pleasure the different teachers whose classes I passed through, namely, the Misses Butters, Miss Marsden…'.[10]
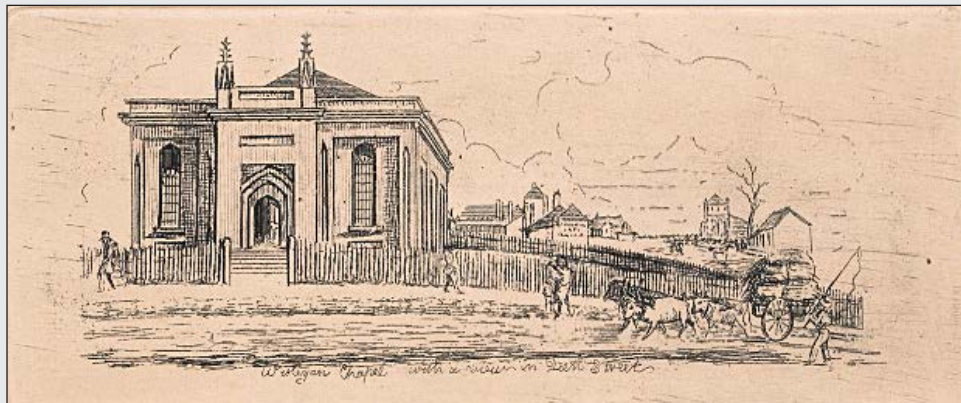
Henry Gilbert Jones. c.1804–1888, artist
Wesleyan Chapel with a view in Queen Street, 1841
Etching on buff paper, printed 1934
Pictures Collection, State Library Victoria, H15274/6
Second chapel, succeeded in 1858 by the Wesley Church
in Lonsdale Street designed by architect Joseph Reed

In 1852 Joseph Marsden set off for the goldfields with his son, Joseph aged fourteen, leaving Anne to manage on the home front with the two younger children: Sarah eleven and John seven. Family lore relates that Joseph 'made his pile' at the diggings. A surviving letter from Anne to Joseph dated 3 October 1852 gives a first-hand picture of the family and conditions in Melbourne. She was considering renting out rooms, accommodation being in high demand with the influx of immigrants during the gold rush. 'Perhaps if you stop at the diggings until Christmas you may sell the shop for 10,000…'.[11] This may have referred to the Collins Street drapery shop, listed in early trade directories,[12] or it may be that the enterprising Joseph set up a shop on the goldfields, as well as preaching. On a more pressing matter Anne wrote 'I should be glad to receive your present of gold as the school bills are now due'.[13] Son Joseph remained at the goldfields after his father returned to Melbourne. That may have been where he contracted the hydatid tapeworm infection that led to his death aged twenty-seven in 1866.

Anne and sixteen-year-old Sarah became involved in Joseph's work with the Melbourne Benevolent Asylum when in 1856 he was re-elected to the Committee of Management. That year they helped with a fund-raising bazaar which raised £3,000 for the asylum. The committee recommended 'that the names of ladies presiding at the Stalls should be entered as Life Governors.' As such, Anne and Sarah were entitled to certain 'Rights and Privileges'. Their names remained on the list of Life Governors even after Anne had died.[14]

There seems to have been a happy environment in the bustling Marsden household. We see a partnership with husband and wife working at different aspects of their lives, but in tandem. Sarah's father comes over as a bluff, outspoken but kindly lay preacher and shop owner, her mother as an even-tempered character. Three years the senior when she married twenty-five-year-old Joseph, she was a mature thirty-year-old when her first child was born. Joseph would have chosen a marriage partner who would withstand the many challenges facing the wife of a missionary far from home. Together they had weathered many storms and upheavals before they arrived in Australia.

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Meanwhile, Sarah's future husband, John Whiting, aged twenty, had arrived in Melbourne in 1853, having emigrated with a cousin from London on the *Kent*. He kept a diary of his voyage and his subsequent career on the goldfields. In a heart-breaking account of his departure from England, he writes 'Father and Mother both clinging around me, the latter sobbing bitterly and entreating me to remain at home… My elder brother had gone some three or four years before and has not been heard of'.[15]

John and his cousin went straight to the Bendigo and McIvor goldfields. The experience, as related in his journal, was

an education to us we began as boys
we ended up strong men physically and
morally. We had gained self-reliance
had trained ourselves to overcome
difficulties and to bear philosophically
hardships and ill success which would
have disappointed many young fellows.

We were entire strangers to sympathy or commiseration, we had to carry every pound of trouble ourselves, and if men were schooled for enterprise and endurance we were. Subsequent experiences amply proved that we had neither misjudged nor over estimated either.[16]

Returning to Melbourne, John worked for a few weeks as a brick maker but fell ill. He decided to travel again to the goldfields with his cousin and although not well he set off to the Mount Blackwood diggings northwest of Bacchus Marsh:

I left Melbourne on Friday morning ill from weeks of Fever. I walked through the rain and mud 70 miles by Sunday night, and on this very night slept without any protection on the wet muddy ground for the reason that the ground was so soft the tent pegs wouldn't hold… the wind arose to hurricane force and carried away our tent.[17]

Encountering problems at Mount Blackwood they did not stay long, and John returned to Melbourne, where he worked as a clerk and then as a commercial traveller. Later, with his savings, he opened a shop in Fitzroy, drawing on the training he had received in the grocery business in Gloucestershire. John had been a Sabbath School teacher and afterwards Superintendent of the School before he emigrated. A tenacious short-statured man, he was called 'the little terrier'.[18]

John lived near the Marsden family whom he knew through the Wesleyan Methodist services:

I became acquainted with the lady who became my wife on 14th Febry 1860, being my 27th birthday. The courtship was brief, but I had no doubts of our suitability for each other and have not had any regrets. She was a good Christian girl engaged in Sabbath Schoolwork, and had no desire for fashionable society or worldly amusements. We were both members of the Church and therefore one in sentiment and tastes.[19]

John declared he had no doubts or regrets about the marriage, but for young and in many ways unworldly Sarah, her world was about to be changed forever. She drew on her faith to prepare herself for the leap into the unknown world of marriage. Sarah was just twenty; the experienced and much travelled John was six years her senior.

On 24 January 1860 the first entry in her diary, a present from John a few weeks before their marriage, reads: 'During the past week I have felt more than ever the necessity of a deeper work of grace in my soul especially as a Sabbath School teacher'.[20]

Sarah and John were married at the home of Sarah's parents at 89 Moor Street, Fitzroy, on 14 February 1860. It is thought that they initially went to live over John's shop at 38 Gore Street, Fitzroy. It must have been a comfort to Sarah to have her parents nearby.

Sarah soon fell pregnant and a son Arthur was born nine months later on 14 November 1860. As with so many young brides of the era there had been little time to adjust to wifely duties before being plunged into the challenges of pregnancy and motherhood.[21] Her diary soon reveals a troubled soul: did she suffer from post-natal depression, or depression resulting from anxiety due to her inability to fulfil domestic and marriage responsibilities? Did John, with his wide experience of the world, exert undue control over his younger wife? Did she experience innate resistance to following her religious obligations? Nonetheless, she obviously had spirit and struggled to subdue her 'unbridled tongue'.

The diary entries, revealing increasing torment, continued irregularly for sixteen years until the last entry in 1876. By that time all but the last child of six had been born, and the family had moved (in 1868) to Wallace Avenue in Toorak.[22] Pasted in at the start of the diary is Sarah's written 'Covenant'; central to Wesleyan Methodist worship, the written Covenant was between an individual and God, consecrating life wholly to the pursuit of religion, forsaking all earthly sins in the hope of entering into eternal salvation in the afterlife. Sarah's Covenant was countersigned by her husband John. But it was likely that she would have had an earlier written Covenant.

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Two years after the marriage John sold his Fitzroy business having received a good offer. He worked as a wholesale dealer with Peterson & Co., run by fellow Wesleyan Methodists, on the corner of Queen and Flinders Streets, near the Yarra River's turning basin. The firm imported goods from the United Kingdom and tea from Ceylon (Sri Lanka), selling to retailers throughout Victoria and parts of New South Wales. John eventually became a senior partner

Unknown photographer
Sarah Whiting (née Marsden)
Photograph in possession of the Whiting family
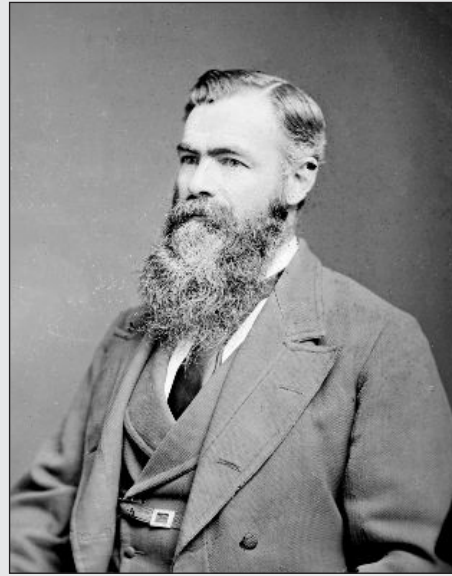
John William Lindt,
1845–1926, photographer
John Whiting, 1878
Glass negative
Pictures Collection,
State Library Victoria, H42871/87

in the company, providing a springboard for a solid financial future:

> After a brief interval in wholesale dealing I was offered a position as town traveller at a salary of £200 – this was much less than I had received in my previous situation and I hesitated to accept it. My wife however urged me to do so and I yielded to her desires. This was the most important step I had taken in the Colony and led on to steady progress in the years following. So I had reason to feel very thankful to my youthful adviser for the influence she had exercised in this matter.[23]

During 1862 to 1863 John was gaining experience through his town work selling the company's goods. He was anxious to widen his experience by working as a country commercial traveller: 'I had taken upon myself a difficult and dangerous task. If I succeeded it would be all right but if I failed the consequences to myself would be serious.'[24] His work from 1864 to 1865 'took in every township throughout the length and breadth of Victoria and extended about 100 miles into the adjoining colonies of New South Wales at Wagga Wagga and about the same distance into South Australia at Penola, Mt Gambier and Mosquito plains'.[25]

Modes of travel were primitive, mainly on horseback: 'My experiences as a Commercial traveller will at least serve to show what pioneering involved in the early history as contrasted with the comfort and ease of similar work when Railways were established.'[26]

The Whitings were instrumental in establishing both the Presbyterian[27] and Wesleyan Methodist Churches in Toorak. They donated some land and the organ, and provided funds for building a porch on the Jubilee Wesleyan Methodist Church in Toorak Road on the corner of Williams Road.[28] It was demolished in 1986.[29]

One must admire John Whiting for his ingenuity and endurance throughout his working life, and his willingness to take on many challenges. An obituary notice referred to him as 'one of the most highly respected members' of the mercantile community.[30]

We do not know to what extent Sarah found peace in her later years and whether she recovered from the depression which haunted her during the years covered in her diary. She died on 24 August 1910, aged seventy, and John a day before his eightieth birthday on 26 June 1913. They are buried in St Kilda Cemetery, Melbourne. Sarah's stone bears the word 'Rest' – a quality she found so elusive in life.

Endnotes

1 Letter, 11 May 1838 – one of ten surviving letters written by Joseph Ankers Marsden in the West Indies to the Methodist Missionary Society in London in the late 1830s. Original letters are held in the School of Oriental and African Studies Library, London.

2 Charles Joseph La Trobe, *Report on Negro Education, Windward and Leeward Islands*, 14 April 1838, accessible via U.K. Parliamentary Papers Online (see links at http://www.latrobesociety.org.au/works-by-latrobe.html).

3 Letter, 21 April 1839, to Methodist Missionary Society.

4 See Anne Marsden, *The Marsdens of Melbourne: the rise and fall of a family's fortunes 1841-1941*, Carlton North, Vic.: Marsden Publishing, 2009, pp.21-37.

5 Garryowen, *The Chronicles of Early Melbourne, 1835-1852: historical, anecdotal and personal*, Melbourne: Ferguson & Mitchell, 1888. p.155.

6 Clarence Irving Benson (ed.), *A Century of Victorian Methodism*, Melbourne: Spectator Publishing Co., 1935, p.157.

7 Melbourne Mechanics' Institution, *Minutes* and *Annual Reports*. Held at the Athenaeum Library Archives, Melbourne.

8 Garryowen, p.155.

9 Mary Kehoe, *The Melbourne Benevolent Asylum: Hotham's premier building*. Melbourne: The Hotham History Project, 1998, pp.22, 48. State Library Victoria holds early Minute Books and Annual Reports of the Benevolent Asylum, handwritten by the Secretary, Joseph Marsden.

10 E. Stranger, *Brunswick Street Wesleyan Sabbath School Fitzroy: jubilee records*, [Melbourne: The School] 1893, p.84.

11 Letter, 3 October 1852, from Anne Marsden to Joseph Marsden, c/o Post Office Bendigo. In the possession of Geoffrey Humble, Anne's great-great-grandson.

12 J. J. Mouritz (comp.), *The Port Phillip Almanac and Directory*, Melbourne: Herald Office, 1847, p.[155], advertisement: 'Berlin Wool Warehouse, Collins-street, opposite the Port Phillip Club – J. A. Marsden'.

13 Letter, 3 October 1852.

14 Melbourne Benevolent Asylum Committee of Management, *Minutes*, 5 December 1856 meeting.

15 *John Whiting's Diary*, [compiled by Bruce J. Maloney, Mount Waverley, Vic.: Bruce Maloney, 2002], p.1. Based on data contributed by descendants of John Whiting, this work contains the Diary of John Whiting, edited by Gordon Forrest, a copy of which is located in the National Library of Australia; the original diary is in the possession of Ian J. Whiting.

16 Ibid, p.16.

17 Ibid, p.18.

18 The Arthur Marsden Whiting Sympathy Fund, Equity Trustees, https://www.eqt.com.au/philanthropy/grant-funding/folder-medical-grants-arthur-marsden-whiting-sympathy-fund (accessed 30 September 2020).
Arthur Whiting, the eldest child of John and Sarah Whiting became wheelchair-bound late in life and his will left Trust money to assist the disabled with aids.

19 *John Whiting's Diary*, p.22.

20 Sarah Whiting's diary is in the possession of Geoffrey Humble, Sarah's great-grandson.

21 After Arthur in 1860 Sarah gave birth to five more children: Frederick 1868 (died in infancy), Ernest 1869, Marion 1872, Florence 1876 and Marcus 1881.

22 *Milliara*, at 12 (later 22) Wallace Avenue, Toorak, was demolished in the 1920s. The Whiting's cow paddock now forms part of the grounds of Geelong Grammar School's Glamorgan Preparatory School. John Whiting's will allowed for his assets to be divided equally between his five children. To achieve this his properties were sold; a copy of the catalogue of *Milliara's* contents is in the possession of Geoffrey Humble.

23 *John Whiting's Diary*, p.22.

24 Ibid, p.23.

25 Ibid, pp.25-26.

26 Ibid, p.1.

27 John Martindale Wischer, *The Presbyterians of Toorak: a centenary history of Toorak Presbyterian Church, 1876-1976*, Toorak, Vic.: Toorak Presbyterian Church, 1975, p.9.

28 *Argus*, 16 March, 1887, p.7, supplemented by the family archive in the possession of Geoffrey Humble.

29 Communion set, https://victoriancollections.net.au/items/565222602162f116f87a3c29 (accessed 14 January 2021)

30 *Argus*, 28 June, 1913, p.19.
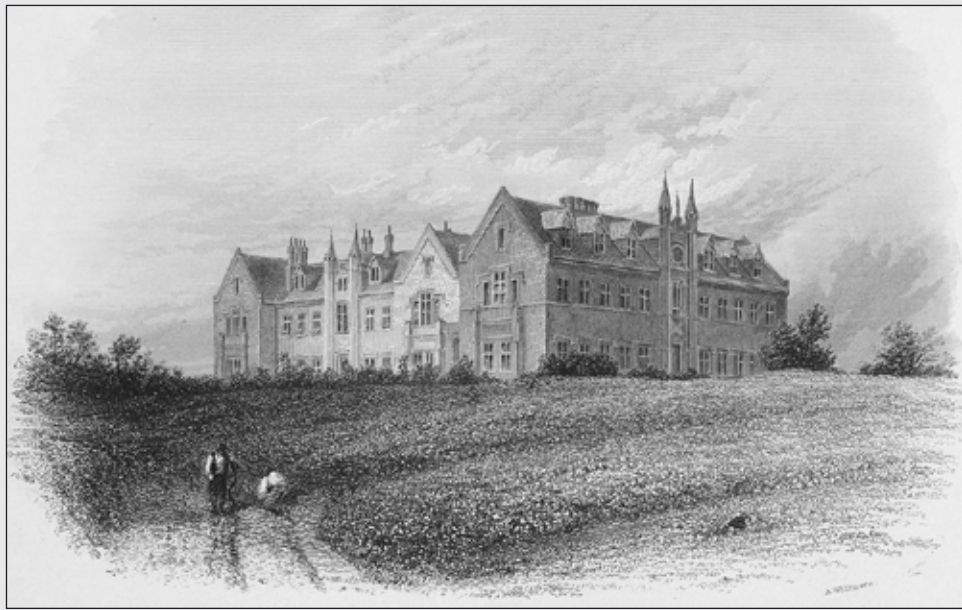
Samuel Thomas Gill, 1818–1880, artist
Arthur Willmore, 1814–1888, engraver
Benevolent Asylum North Melbourne, c.1862
Steel engraving
Pictures Collection, State Library Victoria, 30328102131637/18
East wing on right, the first of four additions built by 1870. Joseph Marsden served as
Secretary of the Benevolent Asylum Committee from 1849, was a member of the Board of
Management from 1852 and was made a Life Governor in 1856. Elizabeth and Sarah Marsden
were made Life Governors in 1857 for their work with the bazaar of the previous year

Johann Friedrich Dietler, 1804–1874, artist
Sophie de Montmollin (La Trobe), 1834
Photograph of watercolour
Archives de l'Etat, Neuchâtel

Conway Weston Hart, 1814–1864, artist (attributed)
Matilda à Beckett, c.1850
Oil on canvas
Pictures Collection, State Library
Victoria, H2008.111/8

Hennah & Kent, Brighton, England, photographer
Frances Perry, c.1855
Archives of the Anglican Diocese of Melbourne

# Melbourne Ladies in Community Work: a research note

By Susan Priestley

Susan Priestley MA (Melb), RHSV Fellow and La Trobe Society committee member, is a practising historian with an interest in recovering lives and solving enigmas about people. This note was seeded by an unexpected find in the Trove collection of digitised newspapers.

A cameo with a female perspective of Melbourne's social and charitable links during the La Trobe era appeared in a running advertisement in *The Melbourne Daily News* starting on 12 January 1850. Headed FANCY BAZAAR,[1] it announced that a bazaar in aid of the proposed Melbourne Benevolent Asylum would be held on Friday and Saturday the 22nd and 23rd of March at St Patrick's Hall (for a picture see p.16). The Asylum was intended to relieve 'the aged, infirm, disabled, or destitute of all creeds and nations' in a more dignified manner than in Britain's dreaded workhouses.[2] C.H. Ebden chaired the committee of twelve which set the movement in train, while a sub-committee of five appointed in December 1849 coordinated the bazaar that had been proposed by the women. The asylum site was a grant from the government of ten acres (four hectares) at North Melbourne

bounded by Abbotsford, Miller, Curzon and Elm/Queensbury Streets.[3] Government funding was also promised to match private subscriptions and public fundraising.

The bazaar was advertised as under the patronage of Mrs La Trobe, Mrs Perry and Mrs à Beckett, thus properly ordering Melbourne's hierarchy in the wives of the Superintendent, the Bishop of Melbourne and the Resident Judge (later Chief Justice). A list of twelve 'Ladies [who would] receive Contributions of Fancy Work' followed, their names italicised in the following sketches. They were leaders in their own social networks with households capacious enough to store the donated articles. Three had husbands serving on the asylum's general committee, one being *Mrs A.H. Hart*, with *Mrs S. Benjamin* also listed.[4] *Mrs Moor* was Mary, wife of wealthy
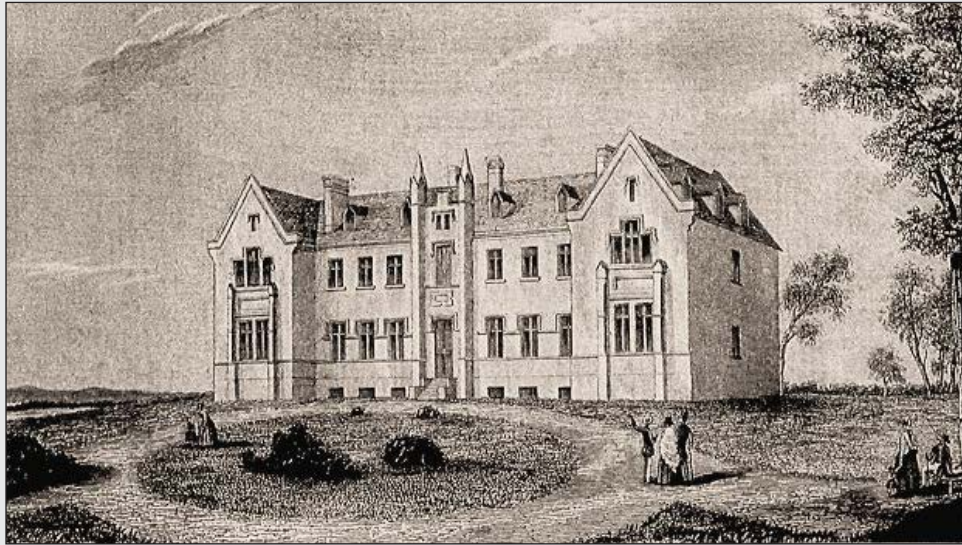
Thomas Ham, 1821–1870, engraver
Benevolent Asylum Melbourne, 1851
National Gallery of Australia, 151798
Copper engraving
Published in The Illustrated Australian Magazine, 13 July 1851
Charles Laing, architect. Built Curzon Street, North Melbourne

solicitor Henry Moor, a recently retired city councillor, former mayor, and in his position as diocesan registrar, the city's 'most prominent lay Anglican'. By 1850 the Moors seemingly had both a city home and one at the seaside village of Brighton.[5] *Mrs Cassell* was Martha, married to highly respected public servant James Cassell who was a ruling elder of Scots Church.[6] One Catholic on the general committee was Michael Lynch, but no lady of that persuasion can be detected on the bazaar list.

Mrs Donald McArthur, the forename distinguishing her from her husband's more prominent banker brother David Charteris McArthur, was Elizabeth née Kirby who had married Donald Gordon McArthur at Inveresk Scotland in 1835. The extended McArthur family emigrated to Sydney in 1836 and progressively to Melbourne. From about mid-1839 Elizabeth felt the need to run what became a well-regarded ladies school from her home on the corner of Flinders Lane and Russell Street, and afterwards at St Kilda. Her pupils and their mothers were likely to have been productive recruits in bazaar contributions. So too were those of *Mrs Conolly*, who advertised in October 1848 that she had vacancies for a few boarders at her lately repaired and enlarged 'Select Establishment for the Education of Young Ladies' at Eastern Hill. She cited a 'Reference, by permission, to Mrs La Trobe, and His Honor the Resident Judge'.[7] Given the distinctive spelling of her surname, a possible connection was solicitor James Mayne Conolly previously

of Dorking, Surrey who died aged fifty-five in December 1848 after seven years at Port Phillip. The same man and/or a namesake were both listed in the Mouritz directory of 1847, one as a weigher in the Customs service.[8]

A likely identification for *Mrs Haley* is Jane née Muirson who married Cornelius Sharpe Haley in 1841, three years after arriving as a twenty-three-year-old assisted immigrant with her brother, a paperhanger. She was Presbyterian, could read and write, and her 'calling' while living with her parents was needlework, a well-recognised skill for producing bazaar articles. Her husband's qualification to vote in 1848-49 was a dwelling house in Richmond, but the Haleys are also recognised as pioneer settlers at Diamond Creek and Lancefield. Jane died in 1905 'in her 93rd year'. The family grave is in the Presbyterian section of Boroondara cemetery.[9]

Mrs Erskine was almost certainly Fanny, wife of military official James A. Erskine, Deputy Assistant Commissary General, whose home was in Brunswick Street, Collingwood, now Fitzroy. She died aged only 34 in September 1851.[10] Another Brunswick Street resident was *Mrs Shadforth*, Marianne Pering née Hollingworth, daughter of a Royal Navy captain who married Robert William Shadforth, son of a retired British army lieutenant-colonel at St James' in Sydney in September 1844. They came to Melbourne shortly after, Shadforth having been appointed 'Judge's secretary' or associate to the Resident

Judge.[11] He was made secretary to the bazaar sub-committee, assisted by J.A. Marsden, the general committee secretary.[12] Another Collingwood resident was *Mrs A. Mackenzie*, wife of Alistair Mackenzie, who had been sworn in at the Supreme Court as Port Phillip Deputy Sherriff in 1842.[13] *Mrs Sweetman* was Sarah, wife of the Wesleyan minister Edward Sweetman who served at Melbourne from August 1845 to March 1850.[14] She was of more mature years, as was *Mrs John Hodgson* who was Annie née Backley, wife of merchant John Hodgson of Studley Park, another member of the asylum's general committee.[15]

The result of their work was announced in early April. The total raised from two days of the bazaar, supplemented by a raffle of the remaining items, was £620, which brought funds up to the required £1,000 to allow the project to proceed.[16] The ladies had provided a substantial boost to Melbourne's communal endeavour in establishing the Benevolent Asylum, which was officially opened on 27 November 1851.

Endnotes

1 *Melbourne Daily News*, 12 January 1850, p.3.

2 Mary Kehoe, *The Melbourne Benevolent Asylum: Hotham's premier building*, Melbourne: The Hotham History Project, 1998, pp.14-16.

3 Ibid, pp.17, 77 map (derived from Melbourne and Metropolitan Board of Works plans 24 and 31, 1895).

4 For further information on these two women, see 'The Jewish Community in Port Phillip and Victoria, 1835-1854', in this issue of *La Trobeana,* pp.19-21

5 Frank Strahan, 'Moor, Henry (1809-1877), *Australian Dictionary of Biography,* Vol.2, Melbourne: Melbourne University Press, 1967, pp.251-252; Weston Bate, *A History of Brighton,* Melbourne: Cambridge University Press, 1962, pp.97, 104.

6 Susan Stringer, 'Cassell, James Horatio Nelson' (1814-1853), *Australian Dictionary of Biography,* Vol.3, Melbourne: Melbourne University Press, 1969, p.367.

7 *Port Phillip Gazette*, 2 October 1848, p.5.

8 *Port Phillip Patriot,* 11 March 1841, p.2; *Geelong Advertiser*, 26 December 1848, p.2; J. J. Mouritz (comp.), *The Port Phillip Almanac and Directory,* Melbourne: Herald Office, 1847, p.73.

9 'Wills and Bequests', *Melbourne Punch*, 1 April 1886, p.12; 'The Haleys', *Australasian*, 29 May 1937, p.35

10 Funeral notice, *Argus*, 18 September 1851, p.3.

11 *Sydney Morning Herald*, 17 September 1844, p.3.

12 Marsden's life is the subject of Anne Marsden's article in this issue of *La Trobeana*, pp.24–27

13 *Port Phillip Gazette*, 5 November 1842, p.2.

14 Rev. Edward Sweetman (1793-1856), http://companyofangels.net/sweetmane.html (accessed 10 March 2021).

15 Re-Member (former members) database, https://www.parliament.vic.gov.au/component/fabrik/details/24/576 (accessed 10 March 2021),

16 Kehoe, pp.17, 19. The builder's tender was £2,850, although the finished building cost £3,272.

Anna Brain, photographer
Kate Torney delivering her address

La Trobe Society Gala Celebration

Cowen Gallery, State Library Victoria

Saturday 20 March 2021

Address by Kate Torney OAM, Chief Executive Officer, State Library Victoria

It is my very great pleasure to welcome you to State Library Victoria this evening. After the long and difficult year past it is truly a wonderful thing to see you here in person. We are gathered on the traditional home lands of the peoples of the Kulin Nation and I pay my respects to their elders past, present and emerging and any elders with us tonight.

Thank you for inviting me to speak on the 20th anniversary of the founding of the La Trobe Society and 220th anniversary of the birth in 1801 of Charles Joseph La Trobe. I will not presume to tell any of you about Charles Joseph La Trobe's considerable achievements in the early days of Victoria, but I will simply note that you are sitting in one of them.

La Trobe's role in providing the colony with a free public library was an investment in the future success of its people. La Trobe, like the Library's founding President Sir Redmond Barry, saw what Melbourne could be, and drove it forward into the future.

But this Library is not the work of one or two men but of generations of Victorians who shared a vision to build something hopeful, to see the potential in people and give them the resources to soar. That is what has been happening here for 165 years. The Library could not and would not be what it is today without such vision and the many, many donors who have helped us grow, not just with money, but also collections which we otherwise could

never have acquired. This is a library built by many hands.

Tonight we sit in the Cowen Gallery – named in honour of an extraordinary gift made to the Library by Alan and Mavourneen Cowen. The Cowens' generosity has supported so much of Melbourne's cultural landscape and it is right that their name should sit between that of La Trobe (of the La Trobe Domed Reading Room) and Barry (of the Redmond Barry Reading Room).

And donors like John Emmerson, who bequeathed to us a globally significant collection of early modern works worth millions of dollars, have reaffirmed our place as one of the world's great libraries. Similarly, the Library's recent redevelopment project simply would not have been possible without the vision and generosity of the philanthropists and many community members who contributed over $28 million for the project.

Of course the generosity of the La Trobe Society gave Melbourne the magnificent bronze statue of Charles Joseph La Trobe on the Library forecourt, along with funding for the Library's creative fellowship program. We are so grateful for that support.

In this gallery it is obvious we are inside an institution of memory and history. That history is not static, it is a conversation between the past and the present. We can see it in the architecture of our buildings – from the original designs of Joseph Reed and Edward La Trobe Bateman to the newly completed redevelopment, there is a connecting thread.

A similar conversation is going on in this gallery, one told in fire. Look to William Strutt's *Black Thursday*, the epic narrative painting depicting the devastating fires that swept across Victoria on 6 February 1851. Writing about the fires Strutt said:

I can never forget the morning of that scorching Thursday. The sun looked red all day, almost as blood and the sky the colour of mahogany.

We felt in town, with the immense volumes of smoke, that something terrible must be going on up country and sure enough, messenger after messenger came flocking in with tales of distress and horror.[1]

One hundred and fifty-seven years later, almost to the day, that same dread rose as the fires of Black Saturday exploded on 7 February 2009. Here, Chilean-born artist Juan Davila captures the destruction of the *Churchill National Park* fire through a different lens, positioning a single human shadow and a can on the ground in the blackened forest – illustrating the tension between man and the environment

And again Molly Tjmai's work, *Waru fire,* reflects on Black Saturday and the pain and loss of that inferno, without any people shown at all. These moments are frozen in the frame but our understanding of them and the meaning we find in them is deepened as we recognise we are part of the continuing story.

There is a painting yet to be created that may, one day, hang here. One to share the story of the Black Summer inferno that, just a year ago, engulfed so much of Australia and set the eyes of the world on our calamity. That painting, and those of events yet to occur, will speak to the others in this space. As we reflect on their connections, we will be drawn into their stories.

It is why the La Trobe Society is so important. You are keeping these sorts of conversations going, making history a country to discover anew. And you are maintaining a vision that Charles Joseph La Trobe had for Victoria: one of optimism, humanity and culture and a belief that helping people to learn and grow is never effort in vain.

May your next twenty years be as successful as your first!

Endnote

1 William Strutt, *The Australian Journal of William Strutt, A.R.A., 1850-1862*, edited, with an introduction, notes and commentary by George Mackaness, Sydney: privately printed, 1958, part 1, p.20.

William Strutt, 1825–1915, artist
Black Thursday, February 6th 1851, 1864
Oil on canvas, 106.5 x 343 cm
Pictures Collection, State Library Victoria, H28049

Juan Davila, 1946–   , artist
Churchill National Park, 2009
Oil on canvas, 200 x 300 cm
Pictures Collection, State Library Victoria, H2014.1048
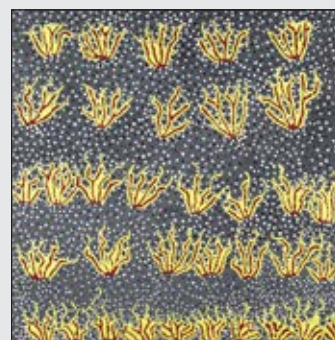
Molly Tjami, 1944–   , artist
Waru fire, 2009
Acrylic on linen, 99 x 99 cm
Pictures Collection, State Library Victoria, H2011.192

La Trobe Society Gala Celebration

Cowen Gallery, State Library Victoria

Saturday 20 March 2021

A Brief History of the C J La Trobe Society by Dr Dianne Reilly AM

It is my duty and great pleasure to give a brief summary of the history of the C J La Trobe Society since it was formed twenty years ago today.

The Society was established in 2001 to promote understanding and appreciation of the life, work and times of Charles Joseph La Trobe, Victoria's first Lieutenant-Governor. Initially appointed in 1839 as Superintendent of the Port Phillip District, then a part of New South Wales, he became the first Lieutenant-Governor of the new colony of Victoria after the long hoped-for Separation was decreed in 1851.

How did the Society come about? Soon after the publication in 1999 of the volume of La Trobe's *Landscapes and Sketches,*[1] the concept of forming a specialised historical society focused on La Trobe was informally discussed among an interested group, comprising Bruce Nixon, businessman and philanthropist who had bankrolled the beautiful publication of La Trobe's art, Richard Heathcote who was the custodian of the National Trust property *Rippon Lea*, John Drury, businessman, and myself as La Trobe Librarian responsible for the Australian heritage collections and services at State Library Victoria. In December 2000, Richard put forward a proposal for establishing a La Trobe Society. The stated purpose was 'to

promote public awareness, understanding and appreciation in the community of the life and achievements of Charles Joseph La Trobe'.[2]

In February 2001, the group held an informal meeting at the National Gallery coffee shop which was then situated near the State Library's Russell Street entrance, to establish a committee: Richard Heathcote as Vice-President, John Drury as Treasurer, and myself as Secretary. Bruce Nixon later agreed to take on the role of inaugural President.[3] Historian Susan Priestley, at the time President of the Royal Historical Society of Victoria, was invited to become the second Vice-President. An advertisement was placed in the National Trust of Australia (Victoria) newsletter, *Trust News,* calling for members, and inviting those interested to the inaugural function.[4] The first La Trobe Society event and the launch of the Society was a celebration of La Trobe's 200th Birthday at La Trobe's Cottage on 20 March 2001. I do not think any of us knew then what we were in for!

On 8 May 2001, the City of Latrobe [*sic*] in Gippsland, based in Morwell, celebrated the bi-centenary of La Trobe's birth. Richard Heathcote and I were invited to speak on the Lieutenant-Governor's formative role in government at the event, the City of Latrobe

Susan Gordon-Brown, photographer
Unveiling of the La Trobe statue,
21 November 2006
From John Drury, *The Making of a Statue:*
Charles Joseph La Trobe, Port Melbourne:
C J La Trobe Society, 2010, p.65
Charles La Trobe Blake, on left, with
Bruce Nixon, inaugural president and
patron of the statue fund

becoming the first corporate member of the Society. The first formal meeting of the La Trobe Society was well attended and took place at *Rippon Lea* on 7 August 2001, with eminent historian Professor A.G.L. Shaw speaking on 'La Trobe's Melbourne'.[5]

Earlier in 2001, John Drury in conversation with the then Governor, John Landy, a great lover of Victorian history, had mentioned the creation of the Society and invited him to be the first Patron. Mr Landy replied with great enthusiasm: 'I agree! I think this calls for a party!', and many of us here this evening attended our first La Trobe gala at Government House on 2 October 2001, timed to mark the anniversary of the arrival in Port Phillip of the La Trobe family.

Since then, La Trobe Society members have enjoyed countless functions, formal and informal, usually numbering ten each year. The Society celebrates La Trobe's birthday annually, and hosts lectures and special events throughout the year. Those outstanding in our memories are the fundraising and later unveiling during the 'Year of La Trobe' by the then-Governor of Victoria Professor David de Kretser in November

2006 of La Trobe's statue on the forecourt of the State Library, which was created by renowned sculptor and Society member Peter Corlett who is with us tonight. This was the occasion for the visit from England of Dr Charles La Trobe Blake, a direct descendant of Charles Joseph La Trobe.

Many of us will recall another highlight: a wonderful action-packed weekend tour in November 2011 of a number of beautiful Western District properties which had been visited by La Trobe on his horseback travels in the 1840s and 50s to familiarise himself with the territory under his control (for picture see next page). It is so pleasing to see here tonight Wes Rogers and Tony Wark from Hamilton who were among our hosts offering such generous country hospitality. Similar enjoyable and informative excursions in the footsteps of La Trobe were organised to Queenscliff in October 2011 and to Geelong in November 2012.

The Society's journal *La Trobeana,* published three times a year, is noted in academic circles and beyond for its documentation by many well-known historians of La Trobe's life and work, and those who were his

John Chambers, photographer
**Historian Bernard Wallace addressing visitors at 'Merino Downs',
Henty Creek, near Casterton, 2011**
La Trobe rode to the Portland Bay District on seven occasions between 1841 and
1850. He visited Francis Henty at *Merino Downs* station in March 1843 and May 1844

contemporaries. The journal publishes peer-reviewed articles and other contributions that explore themes in his life and times, aspects of the colonial period of Victoria's history, and the wider La Trobe family. We have much for which to thank our painstaking editors, all here tonight: Fay Woodhouse who began the journal in March 2002, followed in succession by Loreen Chambers in 2009 and Helen Armstrong from July 2015.

In 2009, the Friends of La Trobe's Cottage was established under the umbrella of the La Trobe Society, to support the National Trust in maintaining and promoting the charming former residence of the La Trobe family situated in the Domain and, through fund-raising and enhanced interpretation, to improve the visitor experience at the Cottage. With a great deal of effort, the Friends have greatly improved the interior and exterior appearance of the building, including repainting and the installation of a new Canadian redwood shingle roof, and by re-introducing regular public opening hours the visitor experience has been greatly improved. In addition, tours for the general community are promoted to foster a better understanding of life in Victoria during the La Trobe era.

Under the direction of horticulturist Sandi Pullman, the Friends inaugurated an authentic garden around the Cottage with plants that were available to La Trobe, a keen gardener,

during his life in Melbourne from 1839 to 1854. In 2014, the Victorian Community History Award for Historical Interpretation was awarded to the Friends group for the creation of this garden. The garden is currently maintained by co-ordinator Helen Botham and the devoted group of volunteer gardeners.

In its twenty-year history, the La Trobe Society has had four distinguished Victorians as holders of the position of Honorary President, all of whom have been dedicated to the promotion of Victoria's history. Despite inaugural President Bruce Nixon's great enthusiasm for the colonial foundations of Port Phillip, he was obliged to resign in September 2001 due to ill-health. His successor in 2002 was the renowned historian Professor A.G.L. Shaw AO who had taught history at Melbourne, Sydney and Monash Universities. Among his many publications, his *Gipps-La Trobe Correspondence* (1989), and *A History of the Port Phillip District* (1996) provide particular relevance for studies of Victoria's colonial period and La Trobe's role. Rodney Davidson AO OBE**,** a solicitor and a company director, was the next to hold the position from 2003 to 2009. Former chair of the National Trust, he was a key figure in the growth of the heritage movement in Melbourne and Victoria. Throughout his life, he built his book collection containing many first editions relating to Victoria's colonial past, undoubtedly one of the finest privately-owned collections

of historical Australian books ever assembled. A foundation member of the La Trobe Society, Diane Gardiner AM was appointed President in 2009, following a prominent career in the heritage field. She was former Manager of the Old Treasury Building, Melbourne, and the Chair of the History Council of Victoria. She had previously held the positions of Manager Education and Public Programs at the Old Melbourne Gaol, National Trust of Australia (Victoria), and Manager of Community Access at the Public Record Office Victoria.

The Society currently raises funds to facilitate a Fellowship under the umbrella of the State Library's Creative Fellowships Program. These projects must make significant and creative use of the collections of State Library Victoria, and result in written publications and presentations to the members of the La Trobe Society. To date, seven Fellowships have been awarded. The first was in 2007 to Dr Frances Thiele for research on 'Edward Stone Parker and the Aboriginal People of the Mount Macedon District'. She was followed in 2008 by Dr Wayne Caldow, who examined 'Perceptions of Place: the European Experience of Gippsland, 1839-1844'; in 2009, Dr Helen MacDonald researched 'The Mysterious Life of Henry Condell, Melbourne's First Mayor'; Caroline Clemente's honorary fellowship in 2013 resulted in an impressive journal article on 'Thomas Woolner: a Pre-Raphaelite Artist in Melbourne'; Dr Madonna Grehan, our eminent 2014 Fellow who is here with us tonight, revealed much about 'An Émigré Gentlewoman Midwife in Port Phillip and Victoria, 1848-1880'; in 2017, Dr Monique Webber explored 'La Trobe's Garden City and the Lost Sculptures of Fitzroy Gardens'; and our current Fellow (2019) is Megan Anderson

of Sovereign Hill museum who has researched in minute detail 'Extravagance, Tradition and Power: an exploration of Lieutenant-Governor Charles La Trobe's uniform'.

Not only is the La Trobe Society's website packed with information about La Trobe's Victoria and the Society's activities, but thanks to our Webmaster John Botham it is so accessible and so attractive that it has become a model for a number of other societies. I acknowledge here the role of Brian King of Ripefruit who generously hosts the La Trobe Society website on the net.

A highlight in the history of the Society was the La Trobe Digitisation Project, a wonderfully cooperative partnership between the La Trobe Society and Public Record Office Victoria (PROV). Its aim was to index and digitise a huge body of 'La Trobe Inward Registered Correspondence, 1839-1851' (VPRS19). It was carried out from 2010 to 2015 by a team of volunteers including many from the Society. With the generous financial support of the R.E. Ross Trust, this original material from the earliest period of La Trobe's administration of the Port Phillip District is now accessible online to researchers, wherever they might be.

So, twenty years have flashed past since we began this journey of discovery about the colonial foundations of Victoria. It often seems that we have only just begun these excavations of our past! Perhaps we should plan to hold our next celebratory gala – in twenty years' time! – here at State Library Victoria, the centre for Australiana research in this state, and the international centre for studies related to Victoria.

Endnotes

This is a revised version of the Brief History presented on 20 March 2021.

1 *Charles Joseph La Trobe: Landscapes and Sketches*, introduced by Dianne Reilly, notes by Victoria Hammond, Melbourne: State Library of Victoria, in association with Tarcoola Press and National Trust of Australia (Victoria), 1999.

2 Proposal to establish a La Trobe Society, Richard Heathcote to Bruce Nixon, 18 December 2000.

3 Dianne Reilly to Bruce Nixon, inviting him to become President, 23 February 2001; Bruce Nixon to Dianne Reilly, accepting role of President, 5 March 2001.

4 *Trust News*, vol.29, no.4, February 2001, p12.

5 A.G.L. Shaw, 'La Trobe's Melbourne', *Victorian Historical Journal*, vol.73, 2002, pp.133-142.
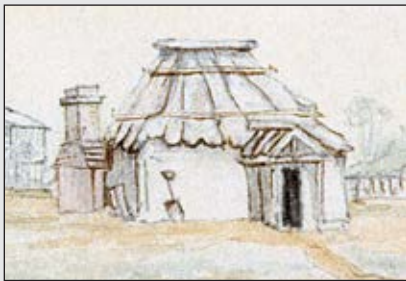
Robert Hoddle, 1794–1881, artist
Melbourne from the Survey Office, 1840
Watercolour and pencil
Pictures Collection, State Library Victoria, H260
From left to right, Temporary police office/court room (detail shown)
Hospital, Gaol, Collins Street, Melbourne Club,
Melbourne Auction Company

Addendum

La Trobe's Government Offices

By Lorraine Finlay

In my recent article on La Trobe's Government Offices,[1] I quoted Garryowen's description of La Trobe's first office 'as being situated in a cottage in Little Flinders Street, one of two apartments of which was being used as a sub-Treasury'.[2] A subsequent reading of the journals of George Augustus Robinson, Chief Protector of Aboriginals, revealed two entries that indicate that Superintendent Charles La Trobe had a temporary office prior to locating to the cottage in Little Flinders Street. It appears that he used this temporary arrangement for a number of weeks following his arrival in Melbourne on 1 October 1839.

Robinson wrote that on Thursday 10 October 1839, '½ 11am waited upon the superintendent according to appointment at his office in Little Collins Street, the house formerly occupied by Carrington, crown prosecutor', and on Thursday 17 October 1839, 'waited at 11am in Mr La Trobe's hut, but informed to wait at 12 next day. Called on Hoddle'.[3] (Robert Hoddle's survey office was on the Government Reserve bounded by Collins, King, Bourke and Spencer Streets, and adjacent to the temporary police office and court room building). William Lonsdale had constructed a rudimentary police office/court room in late 1836. The position of this building was drawn on Robert Russell's map of the Government Reserve in 1838.[4] In Hoddle's watercolour, above, it has a thatched pitched roof with vertical lines, a porch and chimney.

Garryowen graphically described this temporary police office/court room as being located between Collins and Little Collins Streets as 'something of a "betwixt and between"

an aboriginal mia-mia and a roughly made summer-house, formed of wattle-tree boughs and branches, and thatched or rather heaped over on the top with reeds'.[5] It had a dirt floor and was about twelve feet square (thirteen square metres). The guard-house and lock-up were a few yards (metres) away nearer to Collins Street.[6]

Robinson noted that La Trobe's office was formerly occupied by Carrington, Crown Prosecutor. Horatio Nelson Carrington, a solicitor, had been appointed by Governor Gipps to three legal positions for the Court of Quarter Sessions in the Port Phillip District in January 1839. Carrington was the Clerk of Petty Sessions, Clerk of Peace and the Crown Prosecutor. He was also given approval to practise privately as a conveyancer. His solicitor's office was situated in Little Collins Street, west of William Street.[7] Carrington would have initially fulfilled his public roles in the police office/court room on the Government Reserve. He resigned all of his official positions on 14 November 1939.[8]

Before La Trobe's arrival in Melbourne Lonsdale had constructed a new and more substantial police office and court room in Little Flinders Street on the Market Reserve, close to William Street. Lonsdale as police magistrate had relocated to this site in mid to late 1839.[9] The former police office, although in a poor condition, may have provided some extra office space.

When La Trobe wrote to Governor Gipps describing his arrival and observations on his appointment he mentioned his 'temporary office', but did not provide any details.[10] However, it seems likely that La Trobe utilised the old police office whilst waiting for the rented two-room cottage to become available in Little Flinders Street.

Endnotes

1 Lorraine Finlay, 'A Convenient Public Office Ought to be Provided': La Trobe's Government Offices, 1839 to 1854, *La Trobeana*, vol.19, no.3, November 2020, pp.5-12.

2 Ibid, p.7.

3 Ian D. Clark (ed.) *The Journals of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate*, Vol. 1: 1 January 1839–30 September 1840, Beaconsfield, Vic.: Heritage Matters, 1998, pp.90, 94.

4 Robert Russell, *Plan shewing the situation of the buildings on the Government Reserve, Melbourne, Port Phillip, June 1838*, Map Collection, State Library Victoria, H24529. This is echoed in the legend discreetly shown on Hoddle's drawing, *Melbourne, Port Phillip, 1840 from Surveyor-General's Yard*, Pictures Collection, State Library Victoria, H258.

5 Garryowen, *The Chronicles of Early Melbourne, 1835 to 1852: historical, anecdotal and personal*, Melbourne: Fergusson & Mitchell, 1888, p.96.

6 Ibid.

7 John Adamson, *Melbourne from the South Side of the Yarra, 1839*, Picture Collection, State Library Victoria, H563. See also *Kerr's Melbourne Almanac and Port Phillip Directory for 1841*; Carrington Horatio Nelson, solicitor, office Little Collins Street, private residence Lonsdale Street.

8 *Historical Records of Victoria*, Vol. 1, *Beginnings of Permanent Government*, edited by Pauline Jones Melbourne: Victorian Government Printing Office, 1981, pp.294-304.

9 *Historical Records of Victoria*, Vol. 3, *The Early Development of Melbourne*, edited by Michael Cannon, associate editor Ian MacFarlane, Melbourne: Victorian Government Printing Office, 1984, pp 208, 211-212, 227.

10 La Trobe to Gipps, 19 October 1839, in A.G.L Shaw (ed.), *Gipps-La Trobe Correspondence 1839-1846*, Melbourne: The Miegunyah Press, 1989, p.4.

Forthcoming events

Bookings are essential for all events, except the Sunday service

AUGUST

Wednesday 4
   La Trobe Society
   Annual General Meeting and Dinner
   Time: 6.30pm
   Venue: Lyceum Club, Ridgway Place,
   Melbourne
   Guest Speaker: Craig Sandy LS,
   Surveyor-General of Victoria
   Topic: Land surveying in Port Phillip/
   Victoria in La Trobe's era
   Admission: $85 per person
   Invitations will be sent to members

SEPTEMBER

Wednesday 22
   Friends of La Trobe's Cottage
   Annual Lecture
   Time: 5.30 – 7.30pm
   Venue: Royal Historical Society of
   Victoria, 239 A'Beckett Street, Melbourne
   Speaker: Helen Botham
   Topic: C J La Trobe: Jolimont plantsman
   Admission: $20 per person

OCTOBER

Wednesday 27
   History Month joint lecture with
   Anglican Historical Society
   Time: 5.30 – 7.30pm
   Venue: Drinks, 5.30pm - Bishopscourt,
   120 Clarendon Street, East Melbourne
   Lecture: 6.30pm - Holy Trinity Anglican
   Church, 193 Hotham Street
   (corner Clarendon Street)
   Speaker: Dr Elizabeth Rushen AM
   Topic: The Bishop and the
   Lieutenant-Governor
   Admission: tba

DECEMBER

Friday 3
   Christmas Cocktails
   Venue: Verdon Chambers,
   ANZ Gothic Bank
   Collins Street, Melbourne
   Time: 6.00 – 8.00pm
   Guest Speaker: tba
   Invitations will be sent to members
Sunday 5
   La Trobe Sunday Service
   Time: 11.00am
   Venue: St Peter's Church, Eastern Hill,
   15 Gisborne Street, East Melbourne
   All welcome

Bookings

For catering purposes, bookings are essential
Email: secretary@latrobsociety.org.au

Or phone Dianne Reilly on 9646 2112
(please leave a message)
or mobile 0412 517 061.

For the latest information on upcoming events,
please refer to the Society's events page,
www.latrobesociety.org.au/events.html

Charles Joseph La Trobe, 1801–1875, artist
Bishopscourt, East Melbourne, viewed from the south-west, 1853
Pencil on paper
Collection: National Trust of Australia (Victoria)
Deposited on long-term loan in the Pictures Collection, State Library Victoria
Inscribed 21 October 1853

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BACK COVER
La Trobe Family coat of arms

INSIDE FRONT COVER
Charles Joseph La Trobe's coat of arms,
taken from his bookplate

"Qui la cerca, la trova"