La Trobeana

Journal of the C. J. La Trobe Society Inc.

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The C J La Trobe Society Inc was formed in 2001 to promote understanding and appreciation of the life, work and times of Charles Joseph La Trobe, Victoria's first Lieutenant-Governor.
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La Trobeana is published three times a year: in March, July and November. The journal publishes peer-reviewed articles, as well as other written contributions, that explore themes in the life and times of Charles Joseph La Trobe, aspects of the colonial period of Victoria's history, and the wider La Trobe family.

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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

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A Word from the President

This Winter issue of *La Trobeana* is as varied and interesting as usual. The lead article, 'The Victorian Bar in the era of La Trobe, 1839-1854', was the subject of the 2022 AGL Shaw Lecture, hosted jointly by the La Trobe Society and the Royal Historical Society of Victoria. Delivered by Dr Peter Yule FRHSV, one of Australia's leading historians, members were given the benefit of the research for his recent publication *VicBar,* a major commissioned history of the Victorian Bar, providing insights into the legal system and its varied personalities in Port Phillip from its earliest days in the 1830s to Separation in 1851. It is included here for your reading pleasure.

At the Annual General Meeting in 2021, members enjoyed a presentation from the Surveyor-General of Victoria, Mr Craig Sandy LS. In an edited version of his talk, 'Land Surveying in the La Trobe era: its impacts on Victoria today', he describes the original duty of the Surveyor-General in the Port Phillip District of New South Wales to measure and determine land grants for settlers. With the advent of a separate colony of Victoria, the first Surveyor-General from 1851 to 1853 was Robert Hoddle, the surveyor largely responsible for the Melbourne grid design. Today, the Surveyor-General is the primary government authority on land surveying and property boundaries. His current focus is on meeting the challenges the current digital environment is creating for land information and ease of accessing it. I am sure you will find the presentation an insightful view of surveying in our State.

The Guest Speaker at the Society's Christmas Cocktails held at the ANZ 'Gothic' Bank in Collins Street in 2021 was Jock Murphy, a former rare collections manager at State Library Victoria, and subsequently at the University of Melbourne Baillieu Library. He currently serves as a Director of the National Trust of Australia (Victoria) continuing the association begun by his architect parents in 1958. In an edited version of his presentation, 'Melbourne's Banking Heritage', Jock gives a fascinating outline of the Melbourne banking world, focussing on Sir George Verdon, Australian manager of the English, Scottish and Australian Chartered Bank when the 'Gothic' premises were being planned. The concise addendum 'Early Banking Operations in Melbourne from 1838 to 1866' is a useful historical reference.

La Trobe Society member Anne Marsden has again pursued her lively interest in the roles played by missionaries and the brave women who supported their husbands in the New World. Anne, who held a 2012-13 Honorary Creative Fellowship at State Library Victoria, and has written widely on early settlers in Melbourne, has given us a detailed and absorbing article, 'A Wesleyan Missionary in the West Indies: some crossed paths with La Trobe', drawing on her family's archives to explore life in a part of the nineteenth-century world very familiar to La Trobe.

I draw your attention to the Reports and Notices for interesting information on 'Botanical Specimens collected by La Trobe' and the 'Commemoration of La Trobe's death' at Litlington, UK.

Queen's Birthday honour

It is with great pleasure that we note the Queen's Birthday honour awarded to heritage architect Mrs Phyllis Murphy AM. She has been made a Member of the Order of Australia 'for significant service to architecture, and to built heritage conservation'. Of particular interest to La Trobe Society members is the important project she carried out in 1962-64 with her late husband John. They managed on an honorary basis for the National Trust the removal of La Trobe's Cottage from its original location in the grounds of the Bedggood shoe factory in Jolimont, and its reconstruction on a new site near the Herbarium where it remained until a further move to its current location in Dallas Brooks Drive in 1998.

Tribute

Members will be saddened to learn of the recent death of Douglas Meagher ED QC, a distinguished member of the Victorian Bar. Douglas was a long-standing member of the La Trobe Society, and his presence at our events will be greatly missed. Our sincere sympathy is extended to Rosemary and his family.

Diane Gardiner AM
Hon. President
C J La Trobe Society

The Victorian Bar in the era of La Trobe, 1839-1854

By Dr Peter Yule

Peter Yule FRHSV is a Research Fellow of the School of Historical and Philosophical Studies at the University of Melbourne. He has published over twenty books on Australian military, medical and economic history, as well as several Western District local histories and biographies of W L Baillieu and Sir Ian Potter. His most recent book is Vic Bar: A History of the Victorian Bar (2021) on which this article is based. Peter delivered the 2022 AGL Shaw Lecture at a joint meeting of the C J La Trobe Society and the Royal Historical Society of Victoria on 5 April 2022.

I am greatly honoured to have been asked to give the AGL Shaw Lecture. AGL was my cousin, and I was privileged to visit him frequently in the last years of his long life. After he died I helped sort out his belongings and one thing we found was a silver snuff box, with some inscriptions that seemed to mean very little. Nobody else wanted it, so I kept it and it sat on our music Canterbury for several years. When I began researching the history of the Victorian Bar, a central source was Forde's *The Story of the Bar of Victoria* published in 1913. On page 258 I read a story about John McFarland, who was one of the early graduates of the University of Melbourne. McFarland was admitted to the Bar in 1862 where he built up a moderate practice largely in mining law. One day when McFarland was appearing in the Supreme Court before Justice Stephen, whose health was poor and temper short, the judge severely and unfairly chastised him. Forde tells that:

> A few mornings later, a body of barristers, headed by Mr Holroyd, bearing a tray covered by a serviette, made a surprise visit to McFarland's chambers. 'Mac' greeted them with: 'Well, what the dickens do you fellows want?' Mr Holroyd laid down his tray, and, removing the napkin, disclosed a superb silver snuff-box, bearing a number of quotations from Scripture and Shakespeare in Latin and English, consolatory of McFarland's recent humiliation, among them the words, 'Friend, go up higher…'. I recall, with pleasure having had many a 'pinch' from that remarkable snuff box.[1]

I realised with a degree of incredulity that Forde was telling the story of AGL's snuff box. It seems likely that it came into the family through AGL's mother's family, the Lewers, who were connected by marriage with the McFarlands.

***

The Victorian Bar is an institution based on precedent and tradition – think of wigs and gowns, elaborately formal terms of address and

court procedure built up over many centuries in Britain and transplanted with few alterations to Australia. Yet for all that it is built on tradition, I found the Bar has little understanding of its own history. This was never more clearly revealed than in the early 1980s when two senior barristers were asked by the Bar Council to find out when the Victorian Bar was established. Rather surprisingly, they picked on 1884. Their reasoning was based on the fact that a meeting of the Bar was held that year at which a committee was elected and rules adopted. Consequently, the Bar put down some good wine and had a big party at Moonee Valley Racing Club on 2 June 1984 with the governor general, the chief justice and many other important folk present.[2] But, between 1850 and 1900 the Bar held many meetings, elected several committees and adopted various sets of rules. The 1884 meeting had no special significance. The Bar Council of today has a continuous history since 1901, but before that any formal organisation of the Bar was intermittent. However, the essence of the Bar is that it was and continues to be made up of individual barristers committed to the practice of the profession of advocate, so the existence or otherwise of committees, councils or other formal organisations is really irrelevant to the existence of the Bar. The dates which have the strongest case to mark the establishment of the Victorian Bar are either the arrival in Melbourne of the first barrister, Edward Brewster, on 28 April 1839 or the inaugural sitting of the Supreme Court in Melbourne on 12 April 1841, when the first five barristers were admitted to practice.

Before the discovery of gold, only fourteen barristers were admitted to practice in Victoria. Two of them, Redmond Barry and William Stawell, left an indelible mark on the history of the state, others such as Robert Pohlman and Eyre Williams were leading citizens in Melbourne for many years, one was killed by pirates in Borneo and others disappeared from history. All were from England, Ireland or Scotland and they brought with them the traditions, ethics and etiquette of the profession in the United Kingdom.

When Charles La Trobe arrived in Melbourne on 1 October 1839, there was but one barrister among the population of about 3,000. This was Edward Brewster. Brewster was born in 1812 and like many of Melbourne's early barristers, was a southern Irish Protestant and a graduate of Trinity College, Dublin. Finding that opportunities were limited at the crowded Irish Bar, Brewster left for Australia, arriving in Sydney early in 1839 with letters of introduction from the Earl of Derby and others. His timing was fortuitous as Governor

Unknown photographer
Edward Jones Brewster, c.1850s
John Leonard Forde, *The Story of the Bar of Victoria, 1839-1891* (Melbourne: Whitcombe and Tombs, 1913, page facing p.240)

Gipps had just decided to establish a Court of Quarter Sessions in Melbourne to deal with all non-capital criminal cases. Although Brewster was not yet thirty, his connections aided his appointment to the new court. He was described by one newspaper as having a 'quiet gentlemanly manner', with 'talent and fitness for his duties [which] has already rendered himself popular in the extreme'.[3] As chairman of quarter sessions, Brewster was the senior magistrate in Melbourne and he did not actually practise as a barrister until 1841 when his position was abolished following the arrival of Judge Willis. Although the strict etiquette of the English Bar frowned on barristers soiling their hands with commerce, Brewster was an enthusiastic and successful speculator in the real estate boom in Melbourne in the late 1830s and quickly became a rich man. He returned to England in the late 1840s where he took holy orders and spent the rest of his long life as an Anglican clergyman.[4]

Redmond Barry arrived in Melbourne only a few weeks after La Trobe. Another southern Irish Protestant, Barry originally intended to follow his father in the army, but he failed to gain a commission and studied law instead, again at Trinity College, Dublin. After being admitted to the Bar, Barry sailed for Sydney on the *Calcutta*. During the voyage he was confined to his cabin by the captain because of a very open love affair with a married woman passenger. The affair became known to many influential people and this did not help his reputation or prospects of employment in Sydney. He was admitted to the Bar in Sydney,

Wilbraham Frederick Evelyn Liardet, 1799–1878, artist
The opening of the Supreme Court, 1841 [1875]
Watercolour, gouache and pencil, pen and ink
Pictures Collection, State Library Victoria, H28250/13
Converted warehouse, corner King and Bourke Streets, replaced in 1843 by a court building designed by architect Henry Ginn, corner La Trobe and Russell Streets

but almost immediately sailed for Melbourne. Although only twenty-six when he arrived, he was energetic, able and articulate, and became the leading barrister at the Victorian Bar until his appointment to the Supreme Court in 1852.[5]

Early in 1841 Governor Gipps agreed to the demands of Melbourne citizens for a Supreme Court judge to be based in Melbourne. Gipps was possibly glad of the excuse to appoint the cantankerous Judge Willis to a position far distant from Sydney, where he had made many enemies since his arrival in 1837. The first courthouse of the Supreme Court of New South Wales for the Port Phillip District was on the corner of King and Bourke Streets. Edmund Finn writing as 'Garryowen' described the court as a 'plain-looking, store-like, brick-walled, shingle-covered building', adding that 'nothing could be less pretentious, less comfortable, or uglier'.[6] Proceedings on 12 April 1841 began with the swearing in of Judge Willis, who then admitted Port Phillip's first five barristers along with fourteen solicitors. It is worth emphasising that the barristers and solicitors were admitted separately; the division of the legal profession between barristers and solicitors, which had existed in England for centuries, was maintained in most Australian colonies. This was to be a perennial subject of debate and in 1891 the Victorian Parliament passed an act amalgamating the profession so that all new lawyers since then have been admitted as both barristers and solicitors and can practise as either or both. However, contrary to the hopes of those who passed the act, the independent Bar has continued to this day, even though there is an argument that it is an illegal organisation.[7]

After the first five barristers were admitted in 1841, only another nine came to Melbourne over the next decade. Several of them were unable to establish viable practices and quickly disappeared from the Bar. Others had come to Australia planning different careers but turned to the Bar when these did not work out. A good example of this was Robert Pohlman. Born in London in 1811, Pohlman was admitted to both the English and Scottish Bars, but when he arrived in Port Phillip in 1840, his intention was to establish a sheep run with his brother. They took up 17,000 acres (6,880 hectares) near Redesdale, calling the property *Glenhope*, but the optimistic name was no help when the wool price crashed, so Pohlman turned to the Bar for a living. In 1852 he was appointed the first judge of the newly-established County Court.[8] Pohlman was a serious man who rarely smiled and on one occasion in the County Court, a barrister, Butler Cole Aspinall, was making an argument before him, when he paused, gazed up at the solemn face above him, and said 'Now, if only I could ask your Honour to be serious for a moment.'[9]

Several members of the small Melbourne Bar had continual clashes with Judge Willis over their personal business dealings, because Willis strongly believed that barristers should avoid any commercial activities and particularly abhorred any hint of shady business dealings. Most prominent of the barristers who clashed with Willis was James Erskine Murray. Murray was the black sheep of a famous Scottish family who had practised briefly at the Scottish Bar before coming to Melbourne, where he was admitted to practice in October 1841 and quickly developed a moderately busy practice. However, he fell out with Judge Willis in late 1842 when it became known that Murray had revealed the contents of a private letter he had received from Willis. Soon after it was reported in the local newspapers that one of Murray's cheques had bounced and that he had many outstanding bills.[10] Willis described Murray's conduct as 'most disreputable' and demanded an explanation. Murray, entangled in his financial mess, announced he was giving up the law. Willis was delighted, as he was determined to 'keep the bar free from such persons' and on 16 January 1843 Murray became the first barrister to be struck off the roll. By then Murray had already fled the colony in great secrecy to escape his creditors. He slipped away from a ball at his home and rode to Westernport Bay, where he boarded the *Warlock,* a former slave ship, in which he had bought an interest, and sailed for Guam. By late 1843 Murray was in Hong Kong where he fitted out a ship for an expedition to Borneo, apparently with the intention of emulating James Brooke, the 'White Rajah' of Sarawak, in establishing a kingdom for himself. Borneo in the 1840s was a wild place, and in February 1844 Murray was killed during a battle with pirates and head-hunters.[11]

The busiest barrister in Melbourne in the years before separation was Redmond Barry. Like most of the early barristers, Redmond Barry practised in every area of the law and he appeared frequently in both criminal and civil matters. In the first years of the Supreme Court, he acted for the defence more than any other barrister, advocating for those indicted for murder, assault, larceny, cattle rustling, sheep stealing, fraud, and aiding and abetting escaped convicts. Barry also acted, nearly always *pro bono*, as standing counsel for Indigenous men and women who came before the courts. He was a strong, even passionate, advocate for Aboriginal people. Some of the arguments he used questioned the legitimacy of trying Aboriginal people under British law. For example, in the trial of an Indigenous man called Bonjon, who was accused of murdering another Aboriginal man, Barry contended 'That there is nothing in the establishment of British sovereignty in this country which authorizes our submitting the Aboriginal natives to punishment for acts of aggression committed among themselves.' Barry argued that British dominion had not been acquired through conquest but by 'occupancy alone', which did not confer British sovereign power over the original inhabitants, 'unless there be some treaty or compact'. Although the trial proceeded without resolving this question, the prosecution abandoned the case because of the difficulties of examining witnesses. Bonjon was released, but within a few years he died in a revenge killing.[12]

Batchelder & O'Neill, photographer
Robert William Pohlman, c.1864 (detail)
Albumen silver carte-de-visite
Pictures Collection, State Library Victoria, H37475/4

Barry's only rival for leadership of the Port Phillip Bar was William Foster Stawell, yet another southern Irish Protestant educated at Trinity College, Dublin. Stawell was called to the Bar in 1839 and practised on the Munster circuit for a few years, but he observed that there were forty barristers on the circuit and not enough work for twenty, so he looked to the colonies for a brighter future. Arriving in Melbourne in December 1842, he briefly tried the pastoralist's life, but the collapse of wool prices soon forced him back to the law. He acquired a reputation for delivering persuasive technical arguments and quickly built up a successful practice.[13]

The Melbourne Bar before separation was small and fairly stable. Some of the barristers who arrived in the early years of British settlement left the colony or ceased practice, but only one new barrister was admitted between 1844 and 1851. From the mid-1840s the active Bar had just six members. William à Beckett was the only Supreme Court judge and case after

Batchelder & O'Neill, photographer
Sir Redmond Barry, c.1863
Albumen silver carte-de-visite
Pictures Collection, State Library Victoria, H92.145

case before him saw William Stawell and Eyre Williams on one side opposed to Redmond Barry and Robert Pohlman on the other. These men had all achieved great financial success and public prominence after taking the bold step of migrating to the new Port Phillip District. They had become leading members of the small upper-middle class of professional and commercial men who did much to shape the formative years of Port Phillip – and they were accepted as being gentlemen, with Paul de Serville, the ultimate arbiter on whether or not someone qualified as a gentleman, including most of the early Melbourne barristers in *Port Phillip Gentlemen*.[14]

Then everything suddenly changed for the British colonists of Port Phillip. Separation from New South Wales on 1 July 1851 and the discovery of large gold deposits later that month upended every aspect of life in Port Phillip, not least at the Bar. Attempting to form an administration capable of dealing with the extraordinary circumstances, La Trobe faced a dearth of able men. Consequently, experienced legal practitioners were in great demand to fill new roles in the government and the judiciary, and members of the Bar engaged in a somewhat unseemly scramble for positions. By 1853 not one of the pre-separation barristers was still practising as a barrister. Stawell became Attorney-General before being appointed Chief Justice in 1857, Barry and Williams were appointed to the Supreme Court, Pohlman to the County Court, James Croke became Solicitor-General, and Frederick Wilkinson became Chief Commissioner of Insolvent Estates.

With the European population surging – it rose from 77,000 in 1851 to 237,000 by the time of La Trobe's departure in 1854 – along with the riches from gold, it is not surprising that there was a great increase in crime and litigation, and also in demand for barristers and solicitors. Until 1852 the rules of admission meant that no barrister could be admitted to practice unless they had been called to the Bar in England, Ireland or Scotland, but even when the rules were changed to allow for local qualification, the barriers to entry were formidable. The denuded Victorian Bar, therefore, relied entirely on immigrants to restock its ranks. And almost every immigrant ship that arrived in Hobson's Bay from late 1851 included lawyers along with the eager gold-seekers.

Between 1851 and the end of 1854, exactly fifty new barristers were admitted to practice in the Victorian Supreme Court, along with several hundred solicitors. Some came with the intention of practising law, but many headed straight to the goldfields in the hope of striking it rich. Brice Bunny, an old Etonian (most famous today as the father of artist Rupert Bunny), was one who came to Victoria looking to make a quick fortune at the diggings and then return home to England. But after six months' fruitless prospecting, he sought admission to the Melbourne Bar, where he had a long career as a leading equity barrister. His time at the diggings was not entirely wasted as he built up a specialisation in mining disputes.[15] Bunny's failure to make his fortune as a prospector was typical of the barristers who tried their luck at the diggings. The playing fields of Eton and the halls of Lincoln's Inn and the Temple were poor training for success at gold mining in the Australian bush. Many barristers tried prospecting, but I have seen no evidence that any of them did so profitably.

From 1852 there was a steady stream of barristers returning from the goldfields to Melbourne and applying for admission to the Bar, joining those who had arrived with the intention of practising law. For those arriving with no contacts or established reputation, there was inevitably a gap between going to the Bar and earning an adequate income. The etiquette of the Bar restricted the type of work barristers could engage in while waiting to be admitted or for briefs to arrive. It was completely unacceptable for a barrister to engage in trade or commerce of any sort, but journalism was allowed and many of the new arrivals in the 1850s worked for one of Melbourne's three daily newspapers, the *Argus,* the *Age,* or the *Herald.* Some journalist barristers rose to great heights in the law and politics, most notably Archibald Michie, George Higinbotham and Butler Cole Aspinall, and

Johnstone, O'Shannessy & Co., photographer
Hon. A. Archibald Michie, c.1860 (detail)
Albumen silver carte-de-visite
Pictures Collection, State Library Victoria, H29422

Batchelder & O'Neill, photographer
George Higinbotham, 1863 (detail)
Albumen silver carte-de-visite
Pictures Collection, State Library Victoria, H37475/12

many others dabbled in journalism.

Archibald Michie was called to the Bar in London in 1838 and sailed soon afterwards for Sydney where he 'became known as an acute, ready-witted and successful pleader'. He returned to England in 1848, but was attracted back to Australia following the discovery of gold, being admitted to the Bar in Melbourne in 1852. A follower of John Stuart Mill and the 'philosophical radicals', Michie purchased the *Melbourne Herald* to advance his political views and advocate for a liberal constitution for Victoria. The venture was a financial disaster and he was forced to sell the newspaper in 1856, but this did not affect his rise to the forefront of the Victorian Bar. With Richard Ireland he was one of the first two Queen's Counsel appointed in Victoria.[16]

Among the journalists Michie employed on the *Herald* were George Higinbotham and Butler Cole Aspinall. Higinbotham was born and educated in Ireland before being called to the Bar in London. Like Michie, he was greatly influenced by the philosophical radicals. He came to Melbourne in 1854 and was admitted to the Bar, but he worked primarily as a journalist for the *Herald* and then as editor of the *Argus* until 1859. His subsequent career married politics and the Bar, with politics taking precedence until his appointment to the Supreme Court in 1880.[17] In 1863 he accepted one of the most courageous briefs of any barrister in the history of the Victorian Bar when he acted for Henrietta Molesworth in matrimonial proceedings against her husband, Supreme Court judge Robert Molesworth. The delicate nature of the case was increased because Henrietta was alleged to have committed adultery with Higinbotham's fellow barrister Richard Ireland. Nonetheless, Higinbotham rigorously cross-examined Molesworth about intimate details of his domestic life seemingly without concern for the consequences when he appeared before the judge in the future.[18]

Butler Cole Aspinall, like Higinbotham, had earned his living as a parliamentary reporter before his admission to the Bar in London in 1853. He came to Melbourne in 1854 to be chief parliamentary reporter of the *Argus,* though he soon moved on to join Michie and Higinbotham at the *Herald.* Aspinall made his name through his successful defence of several of the Eureka accused and soon became a leader of the Bar. His most famous victory was his defence of notorious surgeon James Beaney, when Beaney was charged with murder following a botched abortion. Aspinall enjoyed a reputation as a wit and legend has it that he was the originator of this riposte: when asked by a judge, 'Are you trying to show your contempt for this Court?' he replied, 'No, your Honour, I was merely trying to conceal it'. His career was cut short by alcoholism which led to his early death in a mental asylum in 1875.[19]

Before 1851 barristers were rarely, if ever, briefed to appear outside Melbourne for the

Davies & Co., Melbourne, photographer
Butler Cole Aspinall, c.1863 (detail)
Albumen silver carte-de-visite
Pictures Collection, State Library Victoria, H6048

simple reason that there were few courts out of Melbourne. However, this situation changed rapidly as tens of thousands of diggers flooded into the new goldfields towns such as Castlemaine, Ballarat and Bendigo. Remarkably quickly, the courts began to go on circuit to the goldfields. In December 1852, the Supreme Court sat for the first time in Castlemaine. Opening the sitting, Justice Barry commented that:

> Fourteen months have not elapsed since the place, in which we now meet, was a solitary wilderness, wandered over by flocks and herds, and rarely trod by a casual shepherd or herdsman, unconscious of the stores of mineral wealth, scarcely concealed beneath his feet.[20]

Forty criminal cases were listed for trial at the first sitting of the Supreme Court in Castlemaine and about half the accused presented their own cases, with the remainder being represented by one of the three barristers attending the circuit. Newspaper reports of the sittings offer some glimpses of the barristers' efforts on behalf of their clients. The report of one case reads:

> J. Allen was indicted for stealing one horse, the property of Henry Lewis. Mr Stephen defended the prisoner, and addressed the jury in a most ingenious speech. The prisoner however was convicted. Sentence – Eight years on the roads.[21]

Defending two men charged with armed robbery, their barrister argued that his clients had been misunderstood and were merely trying to purchase goods in a shop rather than take them by force. Again, the jury was unconvinced and Justice Barry sentenced the offenders to twelve years on the roads, the first two years to be in irons.[22]

There are many tales of adventures in the early years of circuits, particularly before the railways simplified travel. English barrister Thomas Cope came to Melbourne in 1853 and struggled to make ends meet until he received some lucrative briefs from a solicitor in Ballarat to represent his clients at a County Court sitting in Buninyong. It was an arduous journey from Melbourne to Buninyong, taking about twenty hours. Cope arrived at about 1a.m. and slept on the dining room table of a hotel with about twenty sleepers on the floor. In the morning, he wrote:

> We started for court – judge, jurymen, witnesses, police, myself, etc. The courthouse was the schoolhouse, situated on a hill, but the country below was under water, and before mounting the hill we had to cross a sheet of water by shuffling along as best we could the second rail of a three-rail fence – judge, jury, counsel, witnesses, police, all mingled together.
>
> When I arrived at the courthouse, I found the Crown Prosecutor already robed and in his seat. I asked him where the robing room was. He pointed to a corner of the room, and said that was where he robed. I accordingly, in the presence of the audience, had to don my robes in this undignified manner. A few minutes after, the judge came in, no one taking the slightest notice of him. He went to the opposite corner, and without demur, robed himself in the proper judicial costume. When robed and standing erect, the usher called out 'Silence!' and, after that, he was treated with proper respect.[23]

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Until 1859, every barrister admitted in Melbourne had been initially admitted in the United Kingdom. It was not until the 1880s that a significant number of locally-trained lawyers came to the Bar. Inevitably, the immigrant barristers brought with them the practices to which they were accustomed, including the accepted ethics and etiquette of the Bar. They

consciously and deliberately attempted to re-create in Melbourne a carbon-copy of the Bars of England and Ireland. To a large extent they succeeded and barristers were able to secure for themselves a privileged position in the legal profession with a monopoly of appearance work in the higher courts (until this was challenged by the amalgamation of the profession in 1891) and a minimal level of outside scrutiny.

Much of the work of the Bar has always been the routine administration of justice and of little interest except to the parties involved. The Bar prospers in periods such as the booms and busts of the 1880s and 1980s when there are large volumes of highly-paid commercial work: work that has been described by High Court judge Michael Kirby as 'glorified debt recovery.'[24] But the Bar also has a strong tradition of acting *pro bono* for marginalised members of society and taking up unpopular causes to protect the rights of the dispossessed. The earliest example was Redmond Barry's defence of Aboriginal men charged with offences under British law in the early 1840s. Barry articulated concepts such as the illegitimacy of British sovereignty in the absence of a treaty with the Indigenous inhabitants that were largely ignored at the time but have resurfaced in recent years as being central to reconciliation. Many of Barry's arguments were used in the Mabo case that established native title in Australia. The Mabo case was very much a project of the Victorian Bar. Barrister Barbara Hocking (the mother of historian Jenny Hocking) was the first to call for a test case on native title and laid out the legal basis for it; Ron Castan QC provided the high-level advocacy (and funded much of the litigation out of his own pocket) and Bryan Keon-Cohen appeared in court day after day for ten years fighting every objection raised by the opponents of native title.[25] Mabo is but one of many examples that show that the Victorian Bar's character and independence as established by Redmond Barry and his colleagues in the early years of Port Phillip have survived through many challenges over the succeeding 180 years.

Endnotes

1 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, p.258. Note that this article is based on my recently released book, *Vic Bar: a history of the Victorian Bar*, Melbourne: Australian Scholarly Press, 2021, Part 1.

2 The case for 1884 as the centenary of the Bar was made by S.E K. Hulme and Jim Merralls in a memorandum to Bar Council chairman, Frank Costigan, dated 23 August 1978, quoted in *Victorian Bar News*, no.50, 1984, p.5.

3 *Port Phillip Gazette*, 18 May 1839 p.3.

4 Obituaries of Edward Brewster in *Table Talk*, 17 June 1898, p.2, *Launceston Examiner*, 23 July 1898, p.8. See also Robert Christie, 'Edward Jones Brewster: La Trobe's "bungling lawyer"', *La Trobeana*, vol.15, no.2, July 2016, pp.29-35.

5 This account of Redmond Barry's early career is taken from Ann Galbally, *Redmond Barry: an Anglo-Irish Australian*, Melbourne: Melbourne University Press, 1995.

6 Garryowen, *The Chronicles of Early Melbourne 1835 to 1852: historical, anecdotal and personal*, Melbourne: Fergusson & Mitchell, 1888, vol.1, p.179.

7 J.R.S. Forbes, *The Divided Legal Profession in Australia: history, rationalisation and rationale*, Sydney: Law Book Company, 1979.

8 Suzanne G. Mellor, 'Pohlman, Robert Williams (1811-1877)', *Australian Dictionary of Biography*, Vol. 5, Melbourne: Melbourne University Press, 1974, pp. 449-450.

9 Quoted in Arthur Dean. *A Multitude of Counsellors: a history of the Bar of Victoria*, Melbourne: Cheshire for the Bar Council of Victoria, 1968, p.73. I have been unable to trace the source of this story.

10 *Port Phillip Gazette*, 11 January 1843, p.3.

11 For an excellent account of the career of James Erskine-Murray, see Simon Smith, *Barristers, Solicitors, Pettifoggers: profiles in Australian legal history*, Melbourne: Maverick Publications, 2014, ch. 4.

12 *Port Phillip Patriot and Melbourne Advertiser*, 20 September 1841, p.1 and 11 December 1841, p.2; Janine Rizzetti, 'Judge Willis, Bonjon and the Recognition of Aboriginal Law', *ANZLHS e-journal*, 2010, pp.1-21.

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Land Surveying in the La Trobe era: its impacts on Victoria today

By Craig Sandy LS

Appointed in 2017 to take up the role of the 26th Surveyor-General of Victoria, Craig Sandy has spent forty years as a land surveyor. Prior to his current role, he was appointed as Surveyor-General for the Northern Territory in 2014. A Fellow of the Surveying and Spatial Science Institute, he was previously President of the Institution of Surveyors, Australia. In 2021, he was appointed Chair of the Intergovernmental Committee on Surveying and Mapping (an Australian and New Zealand government collaboration forum). As Surveyor-General, he is Chair of the Surveyors Registration Board of Victoria and Registrar of Geographic Names Victoria. Craig's passion is to ensure that Victoria's land development system is digital and future-proof. As such, his focus is on the modernisation of land information systems and communicating the importance of the profession to the community.

This is an edited version of an address given at the Annual General Meeting of the C J La Trobe Society on 4 August 2021 at the Lyceum Club, Melbourne.

During my surveying career, I have been fortunate to have had the opportunity to work in every Australian jurisdiction and have lived in five. Surveying has offered international travel through fellowship of the International Federation of Surveyors (FIG). These experiences have given me a broad perspective on life and surveying in Australia.

My enjoyment comes from learning about amazing people from our past like our early Surveyors-General. Understanding their work and challenges, getting immersed in their stories feels a bit like spending time with them. I begin with John Septimus Roe, the first Surveyor-General of Western Australia appointed in 1851.[1] Roe had been with Phillip Parker King on the cutter *Mermaid* during his 1820 voyage from Sydney to the west coast of Australia. On 10 September, Roe reported to King on the day's discoveries. Having found two rivers, King wished to name one after Roe, but he declined saying, 'it deserved a name of greater distinction than could be attached to any friend of mine'.[2] Instead King named the river Roe after Roe's father, the rector of Newbury. In 1829 Roe had

Lola Sandy, photographer
Statue of John Septimus Roe, first Surveyor-General of Western Australia, with Craig Sandy 2016
Corner Victoria Avenue and Adelaide Terrace, Perth

another feature designated in his honour. Mount Roe, named by Dr Thomas Wilson, is in the Walpole Wilderness Area about 100 kilometres west of Albany on the Western Australia south-west coast.[3]

Introduction to Hoddle

Robert Hoddle was the first Surveyor-General of Victoria, serving in this office from 1851 to 1853, thus coinciding with the term of Victoria's first Lieutenant-Governor Charles Joseph La Trobe. We know of the harsh life of the surveyor from notable stories told by Hoddle and other surveyors of the era. Despite the conditions they had to withstand, the quality of their work was outstanding and demonstrates their skill using equipment considered primitive by comparison with the technology available to modern surveyors.

The importance of the work of early surveyors should not be underestimated as it forms the foundation for our current work. Hoddle and his colleagues left a legacy that forms the basis of Victoria's economy, culture, environment and the social fabric today.

The legacy includes the naming of towns, roads and other features. The names were well considered and in accordance with a set of principles, so that they have endured, which highlights the benefit of their effort. Surveyor-General of New South Wales Major Thomas Mitchell and Hoddle adopted the principle of using Indigenous place names that remain a point of focus for us today.[4]

Surveying is about learning from the past, applying the lessons to current work to create a legacy for the future. Hoddle and his team left monuments, survey marks, place names and other indicators of their work. It is the responsibility of the Surveyor-General of Victoria to preserve these historical relics for the benefit and future of our state.

The artwork done by the surveyors of this era gives us insights into the environment and landscapes of the time,[5] and most importantly into the connection between the landscape and people. Many of these artworks give us snapshots of the Traditional Owners and other people working or moving through the landscape.

At times Hoddle described these interactions in his diaries and field notes. An example dated 14 & 15 December 1825 reads: 'I doubt much that any good will ever be derived from them: their unsettled and wandering habits; their aversion to any kind of application preclude all hope of their becoming civilised.'[6] Although

Unknown photographer
Robert Hoddle, Surveyor-General 1851-1853
Manuscripts Collection, State Library Victoria, MS 14884

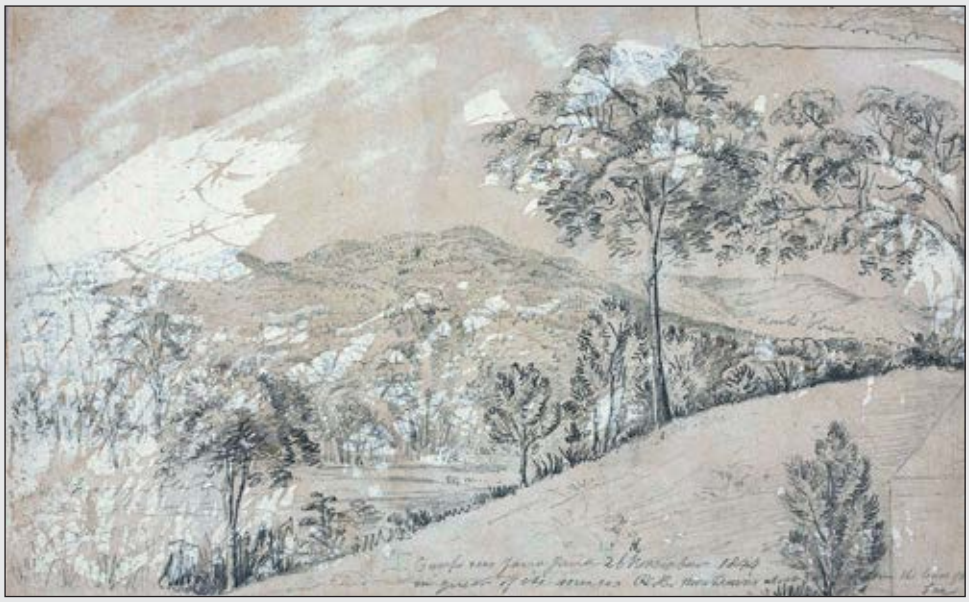
bearing no ill will towards the Traditional Owners, Hoddle's opinions were based largely on the social norms of Europeans of the time, but they did not reflect the opinions of other notable explorers such as John Edward Eyre, who owed their lives to the Indigenous people, enabling them to complete remarkable feats of travel and endurance.[7]

In modern times landscapes and the movement of people through them are captured through new technologies. This information is used in the design, planning and on-going operation of our cities and state.

Who was the first Surveyor?

This was not a question that I had considered until the late Hon Barry O'Keefe AM QC mentioned it in a speech to open Surveyor's Park in the Parliamentary Triangle in Canberra on 1 April 2006. The location is known for Scrivener's Hut, a relic from the surveyors of Canberra. It provides some context to the origin of surveying and its importance to the establishment of land rights, restrictions and responsibilities. This was an auspicious occasion to honour and recognise the role of land surveyors in the development of Australia and in particular the Australian capital city of Canberra. In his speech Mr Justice O'Keefe said:

> I mentioned the Garden of Eden. Unfortunately, when the Book of Genesis in the Old Testament deals



Robert Hoddle, 1794–1881, artist
Camp near Yarra Yarra, 26th November 1844, in quest of its source
Pencil and wash on paper
Pictures Collection, State Library Victoria, H2004.96/2

Inscribed by Hoddle on verso: Mountains on its banks 3,000 feet above the level of the sea. The party narrowly escaped drowning by the rising of the river during the night.

with the Garden of Eden, it does not tell us whether there were any survey instruments then in existence. However, it should be remembered that after Adam and Eve were expelled from the Garden of Eden, Chapter 3 of the Book of Genesis records that 'in front of the Garden of Eden (God) posted cherubs, with flaming swords to guard the way to the tree of life' and prevented Adam and Eve from going back into the garden.

Now this revelation gives rise to an interesting situation. It implies that the boundaries of the Garden of Eden were defined, whether in metes and bounds we do not know. But they were there. And the fixing of boundaries is very much the domain of the surveyor. Since there were no people in the Garden of Eden other than Adam and Eve, the revelation in Genesis gives rise to the speculation that the boundaries were fixed by God and to the even more interesting proposition, that God was the first surveyor. Thus, surveying is arguably an even more ancient profession than that which is normally given credit for being so.[8]

Although the Egyptians and other cultures claim to have the oldest surveying records, the story told by the late Hon Barry O'Keefe has as much merit and certainly elevates the role of surveyors in our community. The land surveyor's role today is to perform the same function as our creator, defining and re-establishing the location and extents of land boundaries and the rights, restrictions and responsibilities in that land.

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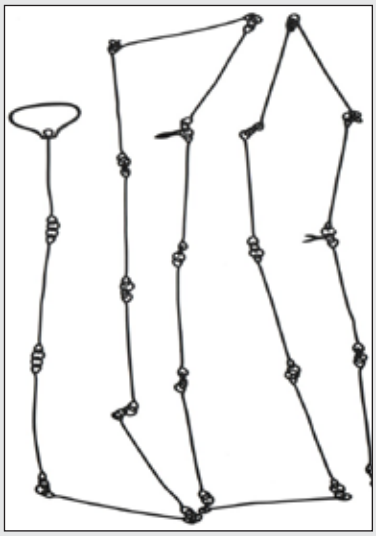
Surveyors are measurement scientists. Their role is to determine, measure and represent land, conduct research into practices and to develop them.[9] They take sufficient observations of a distance or angles to ensure the most likely statistical result that can be determined. They independently check the result, assess the potential errors and mitigate the sources of error from impacting the result. With the most likely measurement determined, it can be used to make a judgement about the location of a monument or a boundary or a feature and the relationship to an adjacent boundary. A most important role is to define the location and extent of a boundary, including its legalities. This role is deemed to be so important that only a judge can overturn a determination or decision.

Surveying in 1800s

Surveying especially in the 1800s was not an easy task. The men at that time had to contend with the harsh and rugged Australian continent. Robert Hoddle wrote in 1825, 30 August: 'Surveyed on Cox's River, which I found very



Gunter's chain, 2021
https://landsurveyorsunited.com/almanac/gunter-s-chain

Surveyors' chain reputedly used by Robert Hoddle in laying out Melbourne (detail)
Pictures Collection, State Library Victoria, H16888

laborious, and in many places, unable to use the Chain;[10] am there obliged to guess the distances from the abruptness of the Mountains'.[11]

In those times a good day's work for a surveyor was ten miles (16 km) per day. Clearing the boundary to get a line of sight and then dragging the chain were laborious and time-consuming activities. Hoddle would have in his field party three and sometimes four men. At least one would be clearing the line and the other two would be dragging the chain and performing the measurements under the surveyor's watchful eye.

Hoddle makes many references to the ten miles a day as a good day's work: 29 and 30 November, 1825, 'Surveying Pipe Clay Creek. Killed two black snakes. Marked Messrs Lowe and McKenzie's farms 2,000 acres: and 5,000 acres. Some good soil, on open plains and open forest country. Excellent pasture'.[12] I deduce that from these two days of effort approximately 2,800 hectares with a perimeter of over twenty kilometres were surveyed. Earlier that year he recorded: 13 May, 'I dragged the Chain 10 Miles, 17 Chains as I was anxious to proceed, not being able to get a man to perform the same laborious task: had I not got out of the right road, should have completed 11 Miles'.[13]

Another piece of equipment in use in earlier times was the viewing compass. This was used by William John Wills of the Burke and Wills expedition in the early 1860s.[14] Wills was a thorough surveyor and lodged the calibration documents of his instrument with the Melbourne Observatory.[15] Our office was able to recover these documents and by checking the calibration confirm that the instruments belonged to William John Wills.[16]

Facing the Conditions: Good, bad and ugly

The Good

Despite the harsh conditions the early surveyors faced, they were still able to provide quality, outstanding work, enduring the test of time. Personally, while working in South Australia I was able to perform surveys over the work of Colonel William Light, first Surveyor-General of South Australia (1836-1838) and George Woodroffe Goyder, sixth Surveyor-General of South Australia (1861-1894) and first Surveyor-General for the Northern Territory of Australia.

One highlight was the measurement of the Goyder baseline in northern South Australia near Lyndhurst at a station called *Witchelina*. Over rough outback terrain with many creeks, saltbush and Termination Hill (altitude 370 metres) at the end, this thirty-two kilometre baseline was re-measured by a team of student surveyors in 1986. With modern equipment, our measurement differed from Goyder by just a few metres: a remarkable effort by him using equipment of the time, as would have been used by Hoddle.

The importance of land surveying during the gold rush of the 1850s was in the creation of land ownership and tenure. As the new colony of Victoria developed rapidly, the work of the surveyors was essential for supporting

development. These activities include creating land claims for the gold prospectors, land titles for landowners and supporting activities, for example, food production, mail and transport activities, banking, schools, accommodation, blacksmithing and retail shopping, to name a few.

The surveyor became an important member of all mining towns, often called upon to resolve land disputes between prospectors. In the Ballarat historical village of Sovereign Hill, the surveyor's house is located near the top of the hill among the houses of the bankers and other prominent townspeople, and close to the school.

The Bad

In Hoddle's words, '"Blacks", black snakes and bushrangers: the latter were by far the greatest danger'.[17] But overriding all that were inhospitable working conditions. Whether on horseback or walking, facing the ever-changing conditions and elements of the Australian landscape would not have been easy with mosquitoes, flies, snakes, lack of water, floods or extreme heat and the bitter cold. In his Journal for 1825, Hoddle describes these conditions:

> 3rd October. The weather remarkably cold and piercing, frequent falls of snow and hail. My fingers were so much benumbed with cold I could hardly feel the bridle of my Horse.[18]

> 30th October. Arrived at Dabee [Dalby]; the appearance delightful, from the previous rain. Bushrangers have committed depredations on the Cattle belonging to Mr Cox and have twice attempted to rob the Huts. The weather is extremely changeable, frequently unpleasantly hot.[19]

> 14th & 15th December. Engaged planning and plotting my recent Surveys. In the night there arose a violent storm of thunder, lightning and much rain. There is water four inches deep in my Tent.[20]

Surveyors had to find ways to adapt to such challenges.

The Ugly

Again from Hoddle's journal in 1825: 'I delivered a short sentence and remarks on the uncertainty of human life, repeating the sacred words "From dust we came, to dust we must return". It was about eight o'clock PM… Removed my Camp about 16 miles (25.7 km).'[21] This was after he had buried one of his team members as the result of a drowning incident occurring at noon earlier in the previous day, on 7 December. I can only surmise Hoddle's team did the burial in the dark and even with horses, this must have taken quite a while. A late night for them all.

The Surveyors were constantly under threat from marauding bushrangers:[22]

> 25th August. A man called at my Tent… I suspect his intentions were not very good.

> 27th September. The bushrangers have broken into Stores, and have obtained Arms, Guns &c.'

> 22nd December. A Party of the Military Patrole in the evening started for a search of bushrangers who had recently committed a number of robberies.

> 25th December. Bushrangers are in the neighbourhood.

Interactions with bushrangers roaming the bush of New South Wales and Victoria continued as a constant threat between 1830 and the 1850s. In Victoria Robert Hoddle and his staff had to contend with the likes of 'Black Douglas' Charles Russell, who operated in the area of Bendigo to Melbourne during the 1850s.[23]

The Hoddle Grid

Robert Hoddle is known for the structured and planned grid pattern in the Melbourne Central Business District. His work is retained in a modern project to digitally capture all land parcels in Victoria. The alignment of the Hoddle Grid has formed part of the road alignments for parcels in the city of Melbourne.

That the grid layout has remained since Hoddle established it is a testament to his planning ability, foresight and accuracy in his work. For example, Elizabeth Street is the lowest point of Melbourne, built along the channel of a creek, which now forms part of Melbourne's underground drainage system. Many floods have occurred along the street, minimising the damage to the neighbouring land. However, in one of the most memorable, 'Cars floated down streets and people were swept off their feet by floodwaters when the heaviest city downpour ever recorded struck Melbourne' in February 1972.[24]

Hoddle used Batman's Hill as the datum for his surveys. It was a good choice of

John Parker, photographer
Hoddle reference tree at Kew Golf Course
1844, with plaque 1994

starting point, as it gave the ability to see all the surrounding land. His alignment provided a reserve between the city and the Yarra River, ensuring the landscape of Melbourne retained the riverscape, an icon for the modern city. Most Australian cities have a similar planned water feature: Adelaide has the River Torrens, Brisbane the Brisbane River, Sydney the Sydney Harbour, Perth the Swan River and Hobart the Derwent River.

Recently the post showing the height of Batman's Hill, near Southern Cross Railway Station (see next page), was removed due to construction works in the railway yards. The height has been transferred to a plaque on a pillar located on the walkway between Southern Cross Station and the Docklands Stadium.

Evidence of Hoddle's work is still in existence at the Kew Golf Course. A reference tree was used in 1844 to mark the location five miles (8 km) east and three miles (4.8 km) north of Batman's Hill. A plaque was placed at the site of the reference tree by Dr John Parker, twenty-fourth Surveyor-General of Victoria. The occasion in 1994 commemorated the centenary of the Kew Golf Club and the bicentenary of Hoddle's birth. Additionally, it was the 150th anniversary of the reference tree.

Border Surveys

In the latter half of the 1840s, it was apparent that proper marking was needed of the border line between South Australia and the Port Phillip District of New South Wales, which became Victoria after Separation in July 1851. Hoddle was responsible for the Port Phillip side of the survey. The founding documents of the South Australian colony had set the boundary at the 141st degree of longitude to the east of Greenwich. The initial challenge was for the surveyors to determine the starting position. Timing in the mid-1800s was a challenging component of surveying. It was hard to transfer time with the clocks available. It was not until 1868, when the telegraph line was completed between Sydney and Adelaide, that accurate time signals could be obtained.[25]

In 1839, Charles Tyers placed an arrow of rocks in the sand dunes to mark the line of longitude at Discovery Bay.[26] On 26 March 1847 a team under Henry Wade, assisted by Edward Riggs White, began the border marking survey almost three kilometres to the west of the Tyers mark.[27] This began the first survey of an Australian border.[28]

The surveyors took over three years in total and the lives of most of White's field team were

John Parker, photographer
Batman's Hill marker, c.1995
Surveyor's marker, 18 metres in height, on right near Southern Cross Railway Station

sacrificed in the attempt to complete the survey. White was recalled from the field in December 1851 and spent eight months drawing up his maps and notes of the border survey.[29] White himself barely survived to tell the remarkable story of survival against great odds in the harsh deserts. The physical impacts of the survey, dehydration and lack of food led both Wade and White to die prematurely. Both died while surveying, in Sunbury and Kilmore respectively.[30]

It would have been Hoddle's role to confirm the boundary surveys, just as it is my role to define the state borders of Victoria. Having worked in many harsh environments in northern South Australia, Queensland and New South Wales, I can only imagine the difficulty these surveyors faced. My teams had four-wheel-drive vehicles, radios, global satellite navigation systems and other electronic measuring devices. We also used chainsaws and bull dozers, if they were available, for clearing boundary lines. White and Wade's teams had horses, oxen, chains and axes to do their work. I have the highest admiration for the standard of surveying work achieved by the teams in the pre-electronic past.

Although the survey of the border line has never been agreed between South Australia and Victoria, both states are working to complete an agreement. The border marks remaining along this line are currently recorded in our survey mark database. The Survey cairn in the accompanying picture is the reconstructed White cairn about six kilometres from the Murray River.

Place naming

The role of surveyors during the time of Major Thomas Mitchell as Surveyor-General of New South Wales was to name places. One of the most memorable of Mitchell's names was 'Australia Felix' describing the country of Southern Victoria: 'I named this region Australia Felix, the better to distinguish it from the parched deserts of the interior country where we had wandered so unprofitably, and so long.'[31]

Mitchell had a practice of using local Indigenous names for places when it was possible to find them: 'I have always gladly adopted aboriginal names, and in the absence of these, I have endeavoured to find some good reason for the application of others, considering descriptive names the best, such being in general the character of those used by the natives in this and other countries…'.[32] In his exploration of the Port Phillip District in 1836, he used this approach when naming places in various parts of the colony.

At the same time, in the central parts of New South Wales, Hoddle was applying the same principle. Some names that are recognisable are Mudgee – meaning nest in the hills, Gorae – meaning kangaroos, Myamyn – meaning swamp, and Tarragul – a word with a lost meaning in the Grampians region.

The streets of Melbourne were named by Sir Richard Bourke, the Governor of New South Wales at the time. He chose names of

John Pitt, photographer
Reconstructed South Australian–Victorian border cairn, 2020

Location of the survey cairn, 112 kilometres west of Mildura
Google Earth and Ruland Kolen
https://bigthink.com/strange-maps/australia-zigzag-border

prominent persons in the colony and from the United Kingdom, for example:

> Bourke Street – self named
> Lonsdale Street – Captain William Lonsdale, Magistrate
> Russell Street – Lord John Russell, Secretary of State and later Prime Minister
> Spencer Street – Earl John Spencer, Leader of the House of Lords at the time.

Superintendent La Trobe is likely to have named the streets of the rural town of Hamilton in a similar way. Historian Don Garden states that Henry Wade, surveyor who set out the town of Hamilton, was supplied a list of names from Hoddle. He says Hoddle was probably given the list of names by La Trobe.[33] The list showed a detailed knowledge of the pastoral licence holders of the area in 1850.

Today, the process to name places is more transparent and requires approval from the naming authority, local governments, government agencies and holders of public land, and new names are audited by the Registrar of Geographic Place Names before being entered into the register. This is part of my role as the Surveyor-General of Victoria.[34] Just as we attempt to do in modern times, Mitchell and Hoddle understood the importance of linking a name to a place and ensuring the name would be enduring. Many of the names given in the 1800s remain the current name for those places.

Budj Bim is one example of where a name has been changed to the Indigenous language. The previous Mt Eccles was named by Mitchell for William Eeles, an English soldier who fought with Mitchell in the Peninsular Wars. The name had become misspelt over time and no longer adequately commemorated the person. The Traditional Owners requested the name change and, in 2017, Geographic Names Victoria agreed to the name Budj Bim as a suitable replacement.[35]

Restoring history

The team at Surveyor-General Victoria are actively looking to repair, restore and protect the survey monuments left as a legacy of the era of Hoddle and La Trobe. Some of these are magnificent monuments that demonstrate the skills and dedication of our exploring forbears. The border cairns mentioned earlier in the paper are an example.

The border mark between South Australia and Victoria has been reconstructed and we will be placing commemorative signs near the mark that describe its significance. The Mount Macedon, Mount Alexander and Warby North cairns are part of a Heritage listing application to protect these magnificent monuments.

A legacy still in use

The surveyors of the 1800s were tasked with exactly the same undertakings as their modern counterparts. That is, to define the location and extent of land to enable the colony of New South Wales initially, and later the colony of Victoria, to make revenue through land sales. Today, Victoria's property market is valued at over three trillion dollars,[36] generating over six billion dollars annually for the state through land sales.[37] Additionally, about another ten billion dollars is raised annually from state land tax, local government land rates, fire services levies and other levies tied to the value of land.[38]

Our role as Surveyors is to use the past to create solutions for the present and to leave a legacy for the future. We have some great role models from the past such as Hoddle and his staff. La Trobe also left a lasting legacy within the Victorian community. For instance, he appointed Robert Ellery to create the Observatory at Williamstown. This was the forerunner of the Melbourne Observatory near the Royal Botanic Gardens, another La Trobe initiative. The appointment of Ellery as the Government Astronomer has provided a vision for the surveying profession that has been adapted to guide the future of geodesy,[39] and positioning long into the future. In 1870 Ellery wrote: 'The stars are the landmarks of our universe'.[40] Little did he know that one hundred years later, humans would be populating the sky with stars called satellites, used to achieve the same outcomes: time and position.

Recently I met one of Hoddle's descendants at the occasion of Hoddle's 227th birthday. It was her mother Berres Hoddle Colville's book that provided much of the material on Hoddle for this presentation. The Hoddle Birthday event is held each year on the site of Hoddle's land and house, at the corner of Bourke and Spencer Streets. The Mail Exchange Hotel is the current occupier of this piece of land and the room in which they meet is aptly named the Hoddle Room. It is another marker in Victoria's surveying heritage.

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11 Colville, p.87.

12 Ibid, p.94.

13 Ibid, p.80.

14 The instruments of Wills were verified by staff from my office soon after their discovery by the late Dr Ray Holmes, twenty-second Surveyor-General of Victoria.

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Melbourne's Banking Heritage

By Jock Murphy

The speaker at the Society's Christmas Cocktails held at the ANZ Gothic Bank in Collins Street on 3 December 2021 was Jock Murphy, a State Library colleague of Dianne Reilly for sixteen years from 1991. He remembers it as an exciting time when a stream of really important acquisitions was added to the collection and the Library redevelopment progressed. In what he calls his semi-retirement, he now serves as a Director of the National Trust of Australia (Victoria) continuing the association begun by his architect parents in 1958. At Dianne's suggestion, Jock spoke about Melbourne's banking heritage, choosing to focus on Sir George Verdon who was Australian manager of the English, Scottish and Australian Chartered Bank when the 'Gothic' premises were being planned. The following is an edited version of his talk.

Sir George Verdon was a man of very many different parts. The more I read about him the more I realise what a remarkable person he was. And as one reviews his varied career, it throws light on nineteenth-century Melbourne society.

Verdon was born in Lancashire in 1834, the son of an Anglican clergyman. He arrived in Victoria in 1851, at first heading to the Mount Alexander diggings seeking gold. After a short time he returned to Melbourne participating in a variety of other business ventures throughout the 1850s, including some time in New Zealand. Interestingly, Verdon was distantly related to Charles Joseph La Trobe, whom he certainly contacted when he arrived in Victoria.[1]

Verdon had an interest in the sciences and in 1858 he was appointed Honorary Assistant to the observatory at Williamstown. In later years he would also support the construction of both the Observatory at the Domain and the establishment of the National Museum which was initially located at the University of Melbourne.

He also took a keen interest throughout his life in the defence of the Colony of Victoria, reflecting anxiety which developed when a Russian corvette visited Port Phillip in 1863 and again when the Confederate ship *Shenandoah* arrived without warning in 1865. While these visits were entirely amicable, there was a heightened awareness of the fact that the city of Melbourne had no defences to protect against a hostile vessel which might come through the Heads and potentially even shell the city from Hobson's Bay. Since 1859 Verdon had been an elected member of the Victorian Parliament, and within a year had been appointed Treasurer of the Colony by the then premier Richard Heales. The appointment was renewed in 1863. So in response to potential naval threats, Verdon arranged for the transfer of HMS *Nelson* to Victoria in 1866 as a training ship, and also obtained funding from the British government towards the maintenance costs of HMVS *Cerberus*.

Amazingly, in 1866, while still having two years more service as Treasurer ahead of him, he simultaneously accepted appointment

as a Victorian Board member of the English, Scottish and Australian Chartered Bank. Today's politicians receive a lot of criticism, but one would hope never again to see a state or federal treasurer also accepting a position as a board member of an Australian bank.

In 1868 Verdon went to London as Agent-General for Victoria and in 1869 became a member of the main London-based board of the ES&A Bank. Returning to Melbourne in 1872 he became the Australian Manager of the bank. He does seem to have had an ability to move easily between these roles, in ways that today would not be quite so straightforward.

It was from his position as Australian Manager that Verdon was able to initiate the construction of a new building, which comprised both the banking chamber and a residence on the floors above that was initially occupied by Verdon. Later the residence was used by the Lyceum Club for many years as its club premises. Verdon's keen interest in architecture was reflected in his friendship with William Wardell, the architect commissioned to design the building. Wardell also designed other significant buildings, including St Patrick's Cathedral and Government House. Verdon was also friendly with members of the Pugin family of architects, famous for their interest in Gothic Revival architecture.

Amongst his other interests was becoming a Trustee of the Library, Museum and National Gallery, and from 1883 President of the Trustees. The late Professor Alan Shaw, of whom many I am sure will have fond memories, wrote in his *Australian Dictionary of Biography* entry for Verdon that he 'was not popular with the staff, being described as "pompous and overbearing"; he particularly irritated them by putting an advertisement in the press that the assistants there would help ladies preparing costumes for a fancy dress ball at Government House'.[2] It is clear that in common with many leading lights of the nineteenth century, Verdon had a very well-developed sense of his own importance.

In his fascinating and erudite book *Pounds and Pedigrees*, Paul de Serville has described the Verdon family tree that appears in the 1890s edition of Burke's *Colonial Gentry*. One has to bear in mind that in those times, a distinguished pedigree was taken as a clear indication of one's standing in society. De Serville wrote in ironic tones of the Burke entry for Verdon giving such a:

> splendid pedigree, headed by a Norman patriarch, Bertram de Verdun. For good measure, Burke mentioned the right of the mediaeval Verduns to provide the king with a glove for his right hand at the Coronation, and blandly alleged that Sir George's grandfather had been prevented from performing this service at George IV's Coronation only because of infirmity. Five columns later the tree stops in the early fourteenth century and the next sentence brings the reader smoothly into the nineteenth century.[3]

John Henry Harvey, photographer
Sir George Verdon, c.1875
Transparency, toned glass lantern slide
Pictures Collection, State Library Victoria,
H92.150/549

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To return to the bank building: on its completion in 1887 it was warmly received in the daily press. In more recent times the architect Robin Boyd, who was often a strong critic of Australian architecture, was also quite complimentary. In his book *The Australian Ugliness* he wrote: 'The English, Scottish and Australian Bank on the north-east corner of Collins Street and Queen Street Melbourne is probably the most distinguished building of the whole Australian Gothic Revival era, not forgetting the Cathedrals'.

But he also commented:

> Although it was probably the most Italian-looking thing in Australia until the espresso bars of the 1950s, it was described at the time, in the *Illustrated Australian News*, 3 October 1883, as 'English of the fourteenth century, of the period

Unknown photographer
English, Scottish and Australian Chartered Bank (1887), c.1890
Albumen silver
Pictures Collection,
State Library Victoria, H11714
Opposite sits the Bank of Australasia

> generally known as the "Geometrical decorated"'. The directors of the bank deserved congratulation, the *News* felt, for choosing an 'English style of architecture'.[4]

However, 'when it was finished… it turned out to have a restrained Venetian Gothic exterior'. It would seem that there was a somewhat confused understanding of architectural style at the time.

Over the years Collins Street has been a key focus for people concerned about the preservation of our built heritage. I think this reflects the fact that it is one of our most highly regarded streets, visually attractive with many leading businesses located in it.

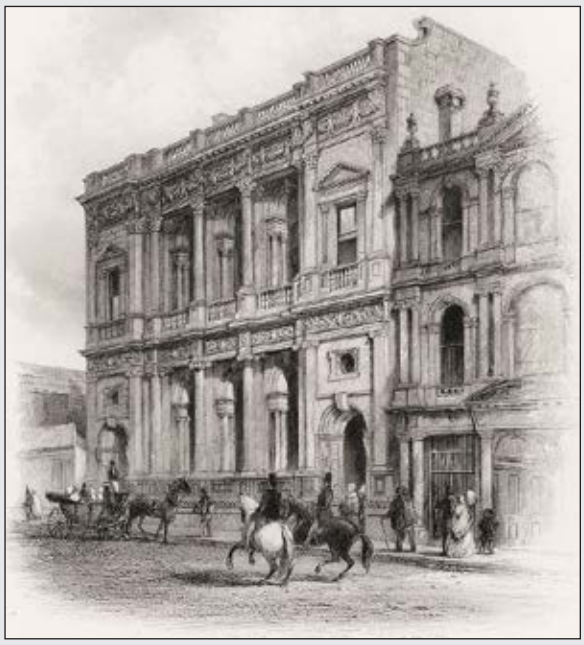
In preparation for this talk I found that the July 1971 issue of the National Trust's *Newsletter* was headlined, in relation to this building: 'Famous Bank not in danger'. The article continues, 'Because of persistent rumours about the future of this important building… the Trust has maintained close contact with the Bank in order to clarify the position, and it is very pleasing to be able to tell Trust members that the preservation situation remains good'.[5]

It is pleasing to be able to acknowledge the care which our hosts, the ANZ Bank, have extended to this building, especially during the 1970s when there seemed to be a race to demolish as much of Collins Street as was possible. But remembering back to that time, I cannot help but think that the National Trust appears to have tried to lock the Bank into that position, and not allowed any wriggle room.

In 1973 another very significant building came perilously close to demolition. I refer to the Commercial Bank of Australia's Banking Chamber with its splendid Dome at 333 Collins Street, down the way from the Gothic Bank on the south side of the street. Designed by Lloyd Taylor in association with Alfred Dunn, it was completed in 1893, just before it and many other banks were forced to suspend operations, reflecting the collapse of the Victorian land booms.

In July 1973 the National Trust issued a special edition of its *Newsletter* which was headed, 'CBA Banking Chamber, Melbourne to be demolished. The National Trust says it CAN and MUST be Saved'.[6] The response to this threat was immediate and strong. Ten thousand objections were sent to the Trust's offices within nine days. One wonders whether we would gain such a strong and immediate response today.

Leading community figures spoke out, including Professor Joseph Burke at the University of Melbourne, who was quoted as saying: 'A brilliant design, it must be saved. It is undoubtedly one of the three great interiors left in Melbourne. The others are the Legislative Council Chamber and the Law Courts Library… Victorian architecture is coming into its own, and if we destroy this, posterity will never forgive us'.[7] As you would be aware the Commercial Bank Chamber was saved and as



Samuel Thomas Gill, 1818-1880, artist
Arthur Willmore, 1814-1888, engraver
Bank of New South Wales (1858), c.1862
Steel engraving
Pictures Collection,
State Library Victoria, H11989

333 Collins Street can still be appreciated. The architect Bruce Trethowan played a significant part in achieving that outcome.

The historian of the National Trust, Mary Ryllis Clark, has attributed the battle for the future of the Commercial Banking Chamber as the final factor impelling the introduction of long-awaited legislation to preserve Victoria's built heritage.[8] This came in the form of the *Historic Buildings Act 1974*. While the Act created certainty and protection for significant buildings in the long term, its short-term impact was if anything negative.

The Historic Building Preservation Council's Register (the listing of historic and significant buildings that were preserved by the Act) was based upon the National Trust's classification list of buildings. And while the Trust had done a sterling job of identifying important buildings, it was and remains a community organisation relying on volunteers to achieve its purpose.

That meant that in 1974 there were many important buildings that had yet to be formally recognised by the National Trust, and which in turn failed to be protected by the new legislation. Buildings not classified by the Trust, and therefore not listed on the HBPC's Register, were at risk of demolition. There was an implicit suggestion that any unregistered building was not historically or architecturally significant.

One such building was the National Bank at 271 to 285 Collins Street, roughly opposite the Block Arcade and beside the ANZ's Royal Bank branch. This building was constructed in the mid-1920s to the design of A & K Henderson. (Incidentally the A & K Henderson Collection is held at the State Library, a gift of the late Peter Staughton, a leading Melbourne architect.)

Thus it was that in September 1976 the National Trust's *Newsletter* carried the headline 'Heart of Melbourne Under Siege'. The threat to the National Bank building was opposed not only by the National Trust but also a new group, the Collins Street Defence Movement. A future State Government Planning Minister, the late Evan Walker, played a key role in establishing that organisation, which although only existing for a few years, provided a valuable addition to those opposed to the destruction of Collins Street.

Some significant buildings had been lost earlier. The Bank of New South Wales at 368 Collins Street was demolished in 1933. It had been designed by Joseph Reed, whose firm has evolved to the current day and is now known as Bates Smart. The design for this bank building, constructed in 1858, was based upon the Library of St Mark in Venice. Despite its very prominent architect, the Bank of New South Wales building was poorly built, with references to structural problems arising within a few years of its construction. Such problems eventually led to it being demolished in 1933, with the façade being donated to the University of Melbourne.

The façade reappeared on the Old Commerce Building, on the eastern side of the

Concrete Lawns, and when that in turn was demolished, the façade was incorporated into the new Architecture Building and Planning Building constructed in 2012-13. According to the *Melbourne Herald* of 22 April 1933, Mr J.S. Gawler of the Royal Victorian Institute of Architects was very keen to see other façades from demolished buildings transferred to the University. The *Herald* article was headlined: 'University as Storehouse' – that is, a store-house of demolished building façades. The transfer of the façade to the University undoubtedly reflected community unhappiness even then about the loss of Melbourne's older buildings. However, I think we can say that while Mr Gawler's sentiment was admirable, his approach was not likely to be sustainable or desirable in the long term.

In conclusion I would like to say that while today we may be amused by some of Sir George Verdon's personal idiosyncrasies and foibles, it is clear that he was a remarkable man. Current and future generations of Melburnians do owe Verdon and his colleagues at other Melbourne banks some recognition for their role in constructing a number of wonderful significant buildings.[9] And in my view the obligation now falls on us to ensure that these buildings survive in good condition for the appreciation of future generations.

Addendum – Early Banking Operations in Melbourne

1838, Feb. *DERWENT BANK OF HOBART* (Charles Swanston director) – agency, William Rucker, corner Queen and Collins Streets. Absorbed by the Union Bank of Australia in June 1839.

1838, May *COMMERCIAL BANKING COMPANY OF SYDNEY* – agency, Skene Craig, Collins Street, for one year. 1853 opened a branch that closed within the year. Reopened 1927, taking over the Bank of Victoria. Merged with National Bank of Australasia in 1982.

1838, Aug. *BANK OF AUSTRALASIA* – first permanent branch, in cottage corner Queen Street and Flinders Lane. David McArthur manager. 1841 building completed in Collins Street, between Queen and William Street (present-day Bank Place). 1858 purchased corner of Queen and Collins Street (former Wesleyan Church). Later building 1875-76 designed by Barnes & Reed (394-398 Collins Street/corner Queen Street; now known as Treasury on Collins). Merged with the Union Bank of Australia to form Australia and New Zealand Bank in 1951.

1838, Oct. *UNION BANK OF AUSTRALIA*, corner Queen & Collins Streets, William Highett, manager. Absorbed the Derwent Bank, June 1839. Merged with Bank of Australasia to form Australia and New Zealand Bank in 1951.

1840 *PORT PHILLIP BANK* (La Trobe president), southeast corner Collins & Elizabeth Streets. Folded 1842. Building re-opened as Clarence Hotel, site of Melbourne Club 1844-1859.

1842 *SAVINGS BANK OF PORT PHILLIP*. 1853-1912 Savings Bank of Victoria, corner Market Street and Flinders Lane. 1912-1991 State Savings Bank of Victoria/State Bank of Victoria. Sold to the Commonwealth Bank of Australia.

1851 *BANK OF NEW SOUTH WALES*. 1855 building corner Collins and William Streets. In 1858 at 368-374 Collins Street, north side, between Elizabeth and Queen; designed by Joseph Reed, based upon the Library of St Mark in Venice (but badly built). Demolished in 1933, façade donated to University of Melbourne. Merged with the Commercial Bank of Australia (1866) to form Westpac Banking Corporation in 1982.

1852 *BANK OF VICTORIA*, Collins Street. Taken over by the Commercial Banking Company of Sydney in 1927.

1852 *ENGLISH, SCOTTISH AND AUSTRALIAN CHARTERED BANK*, corner Elizabeth Street and Flinders Lane. 'Gothic Bank' 1887, designed by William Wardell, manager Sir George Verdon. Took over the London Chartered Bank of Australia in 1921. Merged with Australia and New Zealand Bank in 1970.

1853 *ORIENTAL BANK CORPORATION*. 1857 building south-west corner Queens Street and Flinders Lane, designed by Robertson and Hale. Folded 1884, building demolished soon afterwards.

1853 *LONDON CHARTERED BANK OF AUSTRALIA*, Collins Street. Later at corner Bourke and Exhibition Streets, 1871, designed by Leonard Terry. Taken over by the English, Scottish and Australian Chartered Bank in 1921.

1856 *COLONIAL BANK OF AUSTRALIA*, corner Elizabeth and Little Collins Streets, new building on same site 1882. Taken over by National Bank of Australasia in 1918.

1858 *NATIONAL BANK OF AUSTRALASIA*, Queen Street. Later at 271-285 Collins Street, 1870, designed by Lloyd Taylor. Took over Colonial Bank of Australia in 1918. Merged with the Commercial Banking Company of Sydney to form National Australia Bank in 1982.

1866 *COMMERCIAL BANK OF AUSTRALIA*, 327-343 Collins Street ('333 Collins Street' building constructed 1893). Merged with the Bank of New South Wales to form Westpac Banking Corporation in 1982.

Forerunners of the Australia and New Zealand Bank

Wilbraham Frederick Evelyn Liardet, 1799-1878, artist
Union Bank, 1840 with second storey [1875]
Watercolour, pencil, pen and ink
Pictures Collection, State library Victoria, H28250/24

Joseph Pittman, 1810-1882, artist
Thomas Ham, 1821-1870, lithographer
The Union Bank of Australia, Melbourne, 1844
Pen lithograph
Pictures Collection, State Library Victoria, H988

Samuel Thomas Gill, 1818-1880, artist
Arthur Willmore, 1814-1888, engraver
The Bank of Australasia, Melbourne (1841), c.1862
Steel engraving
Pictures Collection, State Library Victoria, H11992
Single storey section added during the gold rush

Samuel Thomas Gill, 1818-1880, artist
Arthur Willmore, 1814-1888, engraver
English, Scottish and Australian Chartered Bank (1856), c.1862
Steel engraving
Pictures Collection, State Library Victoria, 30328102131637/3

Endnotes

1 A.G.L Shaw, 'Verdon, Sir George Frederic (1834-1896)', *Australian Dictionary of Biography*, Vol.6, Melbourne: Melbourne University Press, 1976, pp. 330-332.

2 Ibid, p.331, and 'Sir George Frederick Verdon KCMG CB: a forgotten Victorian', *Victorian Historical Magazine,* vol.43, 1972, p.975.

3 Paul de Serville, *Pounds and Pedigrees: the upper class in Victoria, 1850-80*, Melbourne: Oxford University Press, 1991, p.203.

4 Robin Boyd, *The Australian Ugliness* [rev. ed.], Melbourne: Penguin, 1963, p.61.

5 *Trust Newsletter,* National Trust of Australia (Victoria), new series, vol.1, no.12, July 1971, p.2.

6 Ibid, Special edition, July 1973, p.[1].

7 Ibid, new series, vol.1, no.36, September 1973, p.3.

8 Mary Ryllis Clark, *In Trust: the first forty years of the National Trust in Victoria, 1956-1996,* Melbourne: National Trust of Australia (Victoria), 1996, p.46.

9 For an illustrative description of the Gothic Bank and Verdon Chambers, see https://www.anz.com/shareholder/centre/about/history/verdon-chambers.

A Wesleyan Methodist missionary in the West Indies:
some crossed paths with C J La Trobe

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. Two books, The Making of the Melbourne Mechanics' Institution: the Movers and Shakers of Pre-Goldrush Melbourne (2016) and its companion volume, And the Women Came Too (2018), 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.

Joseph Marsden was young, energetic, and recently graduated from the Wesleyan Theological Institution in Hoxton, London, when he was appointed as a missionary to the remote West Indies Windward and Leeward Islands.[1] His time in the West Indies coincided with Charles Joseph La Trobe's commission by the British Government to inspect schools in the West Indies and report on the education of the emancipated slaves throughout the islands.[2]

Marsden came from a trading background in Yorkshire. His father John had broken from the family smithy tradition, instead starting a drapery business in the main street of Leeds. The greatest single influence on Marsden was Wesleyan Methodism; it came through his family and through living in Leeds at a time when John Wesley's Methodism appealed to the hard-working and respectable families of tradesmen and artisans. Joseph Marsden was a Sunday school teacher from the age of thirteen, and at eighteen a local preacher. In 1832, aged twenty-one, he was accepted as a 'Probationer' and posted to the Newcastle District as a preacher.

Selection for the newly-established Wesleyan Theological Institution was competitive, but Marsden was one of thirteen accepted for its first intake of students in September 1835.[3] He was then posted to the Derby-Nottingham District and ordained in 1836. His mother Sarah had been born in Nottingham so he had family connections there. Shortly afterwards he was appointed as missionary to Kingstown on the island of Saint Vincent in the West Indies.

Missionary Marsden was in need of a wife to join him on his posting, as it was thought preferable to have married missionaries. A wife could support the missionary work whereas, as he later wrote, 'a single man is viewed with suspicion. Bro Blackwell had scarcely been twenty-four hours on the Island before the Negroes told him – he ought to have been married'.[4]

Where would Marsden find a suitable helpmate, able to withstand being wrenched from the familiar hearth and home, to face a perilous voyage to a strange land as a missionary's

Unknown artist
Joseph Ankers Marsden, c.1847
Oil on canvas
Pictures Collection, State Library Victoria, H2008.36

wife? He chose well: Anne, daughter of Joseph Hudson, a Leeds wheelwright, was at twenty-eight three years older than Marsden, and approaching 'on the shelf' territory. She may have been pleased to assume the status of a married woman even if it meant an uncertain future overseas.

As reported in the Wesleyan Methodist Missionary Society's newsletter *Missionary Notices,* Joseph Marsden and Anne set off a mere month after their marriage in late October 1836, arriving in Kingstown after a two-month voyage on 23 December. A little over a year later, in April 1838, Anne gave birth to a son, Joseph. The difficult two-month voyage and landfall in an alien culture followed by pregnancy and childbirth, must have tested the couple's Yorkshire mettle.

The Marsdens' time in the West Indies overlapped with that of Charles Joseph La Trobe who arrived on 15 April 1837, three months after them. La Trobe's commission was completed in London in September 1838, while Marsden and family left the West Indies six months later in March 1839. The second of La Trobe's three reports, *Report on Negro Education, Windward and Leeward Islands*, was dated 14 April 1838, and tabled in the British House of Commons that year. As observed by Dianne Reilly:

> La Trobe's official brief was twofold: he was to inspect the schools on account of which any share of the Parliamentary grants for Negro education of 1835-1836 had been applied, and to furnish a report upon the state of education… especially with reference to the Negro population… He was required to visit, as soon as practicable, the islands which then made up the British West Indies… Funds for the erection and support of schools had been sent to the various missionary societies on those islands.[5]

His report listed the various agencies' participation in the Parliamentary fund. 'Of £30,000 voted by Parliament in 1837: the Wesleyan Missionary Society received £1,000'. La Trobe for his 'Expenses of inspection' was granted £736 4s 0d.[6]

Marsden reported to the society that the school structures were inadequate in size and in a state of disrepair, whereas La Trobe noted more broadly:

> The Wesleyan missionaries, whose long-standing in the colony has given them a preponderating influence in some districts, have, it will be seen, commenced a considerable number of schools, dispersed through the different parishes. They are maintained wholly by the society. It is not understood that a charge for instruction has hitherto been made. However modest in pretension, from the limited extent of knowledge possessed by the teachers employed, they are, with a single exception, evidently zealously and steadily conducted, and under careful inspection.[7]

Lord Glenelg, the Secretary State for the Colonies, sent a despatch dated 12 June 1838 to the Governors of the Windward and Leeward Islands commenting:

> The subject of chapel-schools has very properly been noticed by Mr Latrobe [*sic*] as deserving some consideration. In cases where the erection of buildings… has been aided by the Parliamentary fund for Negro education, I shall expect some guarantee that such buildings shall be permanently, though not exclusively, appropriated to the instruction of the Negroes, except where other adequate buildings, to be approved of by Her Majesty's Government, may be substituted for them.[8]

The despatch was to ensure that the aid be used as Parliament intended and in such cases there would be no objections to mutual facilities, with a view to economy. La Trobe wrote that

Unknown artist
A view of the Wesleyan Mission premises in Kingston, St Vincent, 1827
Ink and watercolour on card
Caroline Simpson Library & Research Collection, Sydney Living Museums, L2007/103
In 1831 the chapel, centre left, was severely damaged by a powerful hurricane, only the missionary's residence, centre right, survived. The chapel was replaced in 1840.

'Of 12 school-houses [which] the Wesleyan Missionary Society had… pledged itself… it is probable that at this time nine are completed, and in use… '.[9]

Marsden's mission included oversight and support of schools already set up: facilities that La Trobe was tasked with examining. In an exhausting schedule he aimed to visit every school on the Islands, reporting on the structures and the preaching resources of the various religious organisations who had set them up. In contrast, Marsden's letters from the West Indies describe the mundane practicalities of everyday life for the missionaries.

A decade before La Trobe and Marsden's time, Joseph Orton had been appointed as missionary to the West Indies in 1826, prior to being sent in 1831 to administer the embryo Wesleyan church in New South Wales. Orton followed the instructions apparently issued to all Methodist missionaries to keep a diary. As Alex Tyrell commented, it enabled him to record matters which could then be 'transcribed into or used as the basis for official reports… The persecution he endured… helped to discredit the planter regime and to rouse the Christian public in Britain'.[10]

Orton reported that the West Indian slave population was 'so deeply involved in the accursed trammels of Fornication… that they know not how to extricate themselves'. His opposition to settler regimes in Jamaica grew from experiencing such matters as 'the squalor of the St Ann's Bay gaol for violating the restrictions imposed on missionary work among the slaves'.[11]

We are fortunate to have access to ten surviving letters sent by Marsden to the Wesleyan Methodist Missionary Society in London and now held in the University of London's School of Oriental and African Studies Library. The letters are in poor condition and transcription is difficult. Marsden was not reluctant to express his views, and from the start beseeched the society for more funds and missionary help. He complained of the inadequate size and state of disrepair of the school structures. His drive and outspokenness led to friction at times with his fellow missionaries and with the Methodist hierarchy in England.

In a letter to the society of 28 June 1838 Marsden wrote, 'I presume before this [has] reached you that you will have learned from a St Vincent paper… that all the Negroes here will be free on 1st September next – I believe all classes of the community approve of the measure and I doubt not the most happy consequences will follow…'. Three months later, on 24 September 1838 he noted:

> The police Report… by the special magistrate for the district [stated] that the District is in a state of order and

John Herbert Caddy, artist
John Harris, engraver
Kingstown, St Vincent's from Cane-Garden Point, 1837
Hand-coloured aquatint
From *Scenery of the Windward and Leeward Islands*
(London: Ackermann, 1837)

> tranquillity and this has continued without interruption since the final termination of the Apprenticeship on the 1st ultimo. Almost the whole of the labouring population (the late apprentices) are now engaged the present year to work for fair and reasonable wages on the Estate to which they originally belong. Considering the sudden… change which has occurred, nothing in my opinion can proceed better generally than the affairs of the district.

As John Barnes observed: 'This transition state of semi-slavery was designed to reduce the economic and social disruption that it was feared might follow the end of total slavery… Even with compensation planters feared that their livelihood would be jeopardised by a sudden end of forced labour. The possibility that many freed slaves would refuse work on the plantations, move to unoccupied land and create a sort of jungle society, was regarded as a serious threat.'[12]

La Trobe and missionaries such as Marsden were faced with logistical problems of accommodation, and transport around and between the islands. Marsden would probably have been housed in a basic hut built near a chapel/school structure. On the other hand, La Trobe, following his arrival in Jamaica in April 1837, but unable to begin his official duties pending initial formalities, at first 'settled into a comfortable apartment, went "into society" and, being once more a tourist, pursued personal interests. He had every encouragement to take up the botanizing and insect-hunting he so enjoyed'.[13]

La Trobe's competent and detailed reports to the Home Office displayed his organisational skills. He was no stranger to travelling in unfamiliar parts of the world, drawing on his previous experience of travel as described in his four publications, including *The Rambler in Mexico*.[14] As observed by John Barnes, he 'compiled tables showing locality, date of opening, dimensions, cost of building, amount of government aid; and the "present state" of the school, including the denomination of the students, average attendance, hours of instruction, the system of education used, and the "character" of the school room (whether used for another purpose, such as a chapel)… The reports were exemplary in their thoroughness and clarity… '.[15]

Marsden's letters, by contrast, describe the practicalities of everyday missionary life. In a letter to the society in March 1837 he reports on his commitments soon after arrival:

> Wed. Dec. 14: Rode to Calliaqua.
> Thurs. Dec. 15: Accompanied Bro Bissel to the huts of 2 sick members… preached at night.
> Fri. Dec. 16: Sailed to Princeton and Mrs M and Myself were kindly received by Mr and Mrs Philp (missionary in the Demarara District) – introduced to some of the members who expressed their pleasure at our arrival.
> Sun. Dec. 18: Read prayers – preached at 10 and 7… pleased with the attention of the people and encouraged to hope.
> Wednesday 25 March: Attended a public meeting to discuss organising 'A Wesleyan Friendly Society' for the relief of the… members when sick.

Transport around the islands would depend on acquiring the loan of a horse for travel in difficult terrain. Between the islands travel by

boat was hazardous. A report to London on a shipwreck by Rev. W. Moister, from Grenada on 1 February 1838 communicated:

> the melancholy intelligence of the shipwreck of Mrs Moister and myself, with the brethren… Marsden, and Blackwell, on the commencement of our passage to the District-Meeting, then about to be held in Trinidad… A schooner had come round from Kingstown to Calliaqua in the island of Saint Vincent. All our luggage was shipped, and ourselves embarked, never more happy in prospect of the future… then, in one short hour, the beautiful *Haidee* was completely dashed to pieces, and our luggage scattered in every direction. Thanks be to God, no lives were lost.

Marsden followed up with a letter of 2 February 1838, 'you will learn from the chairman's letter particulars of our misfortune… I have lost a hat and cloak, boots… part of my linen… I feel thankful that no lives have been lost… '

Missionary life was also impacted by ongoing friction arising from the ideological and practical differences between the Catholic Church, the Established Church, and the Wesleyans, the latter being often on the scene early, wasting no time in establishing a network of chapels and schools. Mrs A.T. Carmichael, the wife of a soldier/planter, wrote at length about conditions on the Islands and about religious practice in the 1820s and 1830s: 'The Methodists I fear have done harm; for they have diffused a general feeling among the Negro population, that abstaining from dancing, from drinking… is Christianity… Now it would be much better, if the Negroes were taught that lying, stealing, cruelty to each other… were sins in the sight of God'.[16]

At the same time, the Wesleyans were critical of the Catholic Church. Rev. Thomas Jeffery, in a letter of 23 May 1836 to Methodist *Missionary Notices* wrote: 'The influence of Catholicism, although in general merely minimal, is very great, and the wickedness of those who profess it, in proportions'. La Trobe gave a more sober critique: 'there is a considerable Roman-catholic population in the colony, but no school whatever attached to that communion existed at the epoch of my visit… '.[17]

Missionary Marsden lost no time in beseeching the London society for additional help. On 31 March 1837 he appealed for funds for a larger chapel and another missionary:

> I trust without arrogance or egotism – I can say – that I am willing to do all I possibly can yet with constant labour I cannot meet the wants of the people… The preaching house is a most inconvenient and unpleasant place – it is in an old wooden building capable of accommodating about 70 persons – that is about half the members – we have upwards of 150 persons meeting in Class at Layou [a settlement northwest of Kingstown], the greater part are obliged to stand outside…

In a letter of 11 May 1838 Marsden wrote that, 'The slave population walked vast distances to hear a preacher.' When preaching at Layou he was astonished to find that:

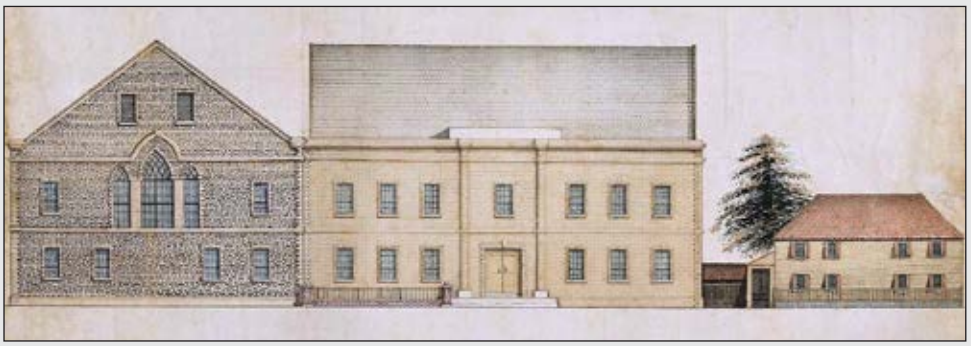
> Very many Negroes walk to Kingstown every Sabbath at a distance of 7-8 miles to hear the Word of God… had we at the moment a place of worship to accommodate 400 persons it would be filled… Our preaching room is about the size of the Committee Room at the Mission House [London]… it is covered with thatch – a wooden building in a dilapidated state and will not hold more than 70 or 80… at Layou every time we preach on a Sabbath, we have perhaps 80 persons inside – several scores outside – the thermometer standing at 88 to 92 [31-33 Celsius] in the shade.

In this letter he begs the society to give £150 to enable 'hundreds of precious souls' to hear the glad news of salvation.

On 17 October 1838 Marsden again entreated the London Mission 'for a third Preacher to reside in the Leeward Stations of the Kingstown Circuit… Together [with] my Superintendent I feel exceedingly distressed that no help has been sent or promised… when we... saw none but ourselves down for Kingstown we felt disheartened – for the moment, but at once resolved again to present our petition'.

Anne contributed significantly to the missionary work. In a letter of 11 May 1838 to London, Marsden reported the happy news that his wife had given birth to a son: 'Mrs M and infant are very well – as soon as possible Mrs M will resume her… labours in the school.' Writing on 21 April 1839 to London, he emphasised her contribution:

> During the first year of residence at Princetown my dear wife was able



Unknown artist
Geometrical elevation of Wesleyan chapel, St Vincent, front and east wing, c.1840
Ink and watercolour on card
Caroline Simpson Library & Research Collection, Sydney Living Museums, L2007/104
The chapel was designed to accommodate up to two thousand worshippers

> to afford considerable assistance in the duties of the Mission in Meetings, classes, conducting Prayer Meetings and teaching in the Sabbath School (several adult Negroes learned portions of the Conference catechism by listening to the children Mrs M instructed and tho' unable to read the books themselves can answer most of the questions). Frequently no service whatever could have been held in the Chapel had not she conducted a Prayer Meeting.

In a letter of 28 June 1838 he reported:

> J. McPhee Esq is desirous to obtain the assistance of the Committee in establishing a Day school in the Buccament Valley for the benefit of the children resident on the Estate under his care and others belonging to 5 or 6 contiguous Estates… The Buccament Valley… contains a population between one and two thousand souls – the number of children of suitable ages of school instruction is at least one hundred and fifty… Mr McPhee is perfectly willing to place a school under the control of the present Wesleyan Missionaries not only as to the choice of a Master but also the nature of the instructions given.

He was then able to say that:

> A very pious and intelligent young man of colour… who has been for some time a Class Leader in the Circuit is at the present disengaged… his wife is well qualified to instruct children… [They] would be at a short distance from several large Estates where scores of our members reside, who are the most ignorant in the Circuit and where a missionary had not been seen for many years… Oh I entreat you… to not neglect the Negro, to not forget the Negro…'.

On 24 September 1838 he wrote, 'The Day School at Chateaubelair goes on well… The boys are instructed in reading and writing and the girls in reading and [?sewing]'. However, by that time Marsden was increasingly concerned about the family's health, especially in view of advice from London that he should move to Trinidad:

> I regret to say to the Committee that my health has for some time been much impaired – I certainly anticipated becoming more used to the climate, but the contrary is the factor… Almost uninterrupted sickness for several weeks rendering me unable to attend my duties in St Vincent, the most healthy Island in the District have led me to enquire as to the probability of my discharging these duties at Trinidad which is universally considered very unhealthy… A removal to Trinidad would be scarcely short of a suicidal act.

The family returned to England, but in a letter of 21 April 1839 from the *James Cruickshank* off Plymouth Marsden reported that his wife had contracted yellow fever:

> …the medical attendant… was attacked with the same complaint – and on the sixth day was a corpse… The fever left

> such extreme weakness in the case of Mrs M – and I was so much reduced that a voyage to England my only means of relief – our infant son was extremely ill at St Vincent, two medical men have assured me that the infant was suffering from chronic disease which residence in a tropical climate would increase.

A fellow missionary, the Rev. J. Blackwell, wrote on 8 March 1839 to Rev. J. Beecham at the society in London reporting on Marsden's departure. He was scathing about Marsden's unwillingness to transfer to Trinidad, also laying blame on Anne, asserting that her yellow fever was generated by fear: 'We are all of the opinion that Brother Marsden is a very unfit subject for the West Indies. It is a question with me of whether he has done more than half his work from the time he came out to the present'.

After a brief respite in Yorkshire, where a daughter, Sarah, was born, Joseph Marsden, Anne, young Joseph, and baby Sarah set off for Australia. The family settled in Melbourne in 1841 where Marsden served as a lay Methodist preacher and opened a drapery shop in Collins Street.[18] Joseph is believed by family tradition to have displeased the Wesleyan Methodist Missionary Society by abruptly abandoning his West Indies commitment, and then declining a missionary appointment in Van Diemen's Land (Tasmania). Although it is likely that La Trobe and Marsden would have met up in the West Indies, we have no direct evidence. Their paths certainly crossed in Melbourne, one occasion being not long after the family's arrival. On 25 October 1841 as Superintendent of Port Phillip, Charles Joseph La Trobe accompanied the Governor of New South Wales, Sir George Gipps, to the Melbourne levee held at the new Customs House during his visit. Joseph Marsden was among the 150 gentlemen presented to the Governor.[19]

Endnotes

1 At this time the administrative grouping of the British Windward Islands comprised Barbados, Grenada, the Grenadines, Saint Lucia, Saint Vincent and Tobago. The British Leeward Islands comprised Anguilla, Antigua, Barbuda, Dominica, Montserrat, Nevis, Saint Christopher and the Virgin Islands.

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://latrobesociety.org.au/works-by-latrobe.html).

3 K.B. Garlick, 'The Wesleyan Theological Institution: Hoxton and Abney House, 1834-42', *Proceedings of the Wesley Historical Society*, Vol. 39, 1974, p.108. (available online)

4 Joseph Marsden to Wesleyan Methodist Missionary Society, 31 March 1837, (Wesleyan) Methodist Missionary Society Archive, School of Oriental and African Studies Library, London. The Archive is the source of letters quoted in this article.

5 Dianne Reilly, 'The Creation of a Civil Servant: La Trobe in the West Indies', *The La Trobe Journal*, No.71 Autumn 2003, pp.70-71.

6 La Trobe*, Report,* 14 April 1838, p.152.

7 Ibid, p.143.

8 Ibid, p.2.

9 Ibid, p.4.

10 Alex Tyrrell*,* 'Making Provision for the Native Peoples of the Empire: Joseph Orton, missionary in Jamaica and Australasia', *The La Trobe Journal*, No.43, Autumn 1989, pp. 6-7.

11 Ibid, p.7.

12 John Barnes, *La Trobe: Traveller Writer Governor,* Canberra, Halstead Press, in association with State Library Victoria and La Trobe University, 2017, pp.133-134.

13 Ibid. p.130.

14 Charles Joseph La Trobe, *The Rambler in Mexico, 1834.* London: R. B. Seeley & W. Burnside, 1836.

15 Barnes, pp.138-140.

16 A.T. Carmichael*, Five Years in Trinidad and St Vincent: a view of the social conditions of the white, coloured, and Negro population of the West Indies,* London: Whittaker, 1834, 2 volumes. Re-published Kessinger Publishing, 2007, pp.222-236. Mrs Carmichael was the wife of J.W. Carmichael, soldier and planter in the West Indies, stationed with his regiment in Saint Vincent, from 1820s to 1832. At this time there were no missionaries of the Established church in Saint Vincent or Trinidad.

17 La Trobe, *Report,* 14 April 1838*,* p.10.

18 See Anne Marsden, 'Enterprise and Endurance: glimpses into a nineteenth-century Wesleyan Methodist world', *La Trobeana*, vol.20, no.2, July 2021, pp. 24-31; and *The Marsdens of Melbourne: the rise and fall of a family's fortunes 1841-1941,* Carlton North, Vic.: Marsden Publishing, 2009, pp.21-37.

19 *Port Phillip Gazette*, 27 October 1841, p.3, *Port Phillip Patriot and Melbourne Advertiser*, 28 October 1841, p.2.

***Acacia acinacea*,**
Gold dust wattle, 2012
Photograph courtesy
Graham and Maree Goods

Botanical Specimens collected by La Trobe

Charles Joseph La Trobe collected plant specimens on his travels in Europe, North America, Mexico, West Indies and Port Phillip (now the State of Victoria). He sent the specimens to the Neuchâtel Museum and to his friend Pastor Samuel Studer in Erlenbach, who forwarded these specimens to scientists in Switzerland, including many to the botanist Carl Meissner.

Today, the specimens are held by the following institutions:

University of Neuchâtel
Geneva Botanical Gardens
Natural History Museum, London
New York Botanical Garden
Royal Botanic Gardens, Melbourne
Australian National Herbarium, Canberra

For details of these specimens, visit https://www.latrobesociety.org.au/specimens

Current botanical name	Location and date collected	Current location and reference	Image	Notes
Acacia acinacea	Port Phillip 1842	NEU 294565		To Studer who forwarded it to Neuchâtel Museum. Named *Acacia latrobei* by Meissner, but it had previously been classified *Acacia acinacea* by Lindley.

List compiled by Helen Botham, presentation by John Botham.

See also Helen Botham, 'C J La Trobe: Jolimont Plantsman', *La Trobeana*, Vol 21, No 1, March 2022, pp.6-18, and the associated video linked on the La Trobe Society website – Events –Videos and podcasts.

Eric Trayler Cook, 1893-1978, artist
Litlington Church, East Sussex, 1937
Oil on card
Lewes Castle and Museum

Litlington celebrates La Trobe

For many years a service has been held on a Sunday close to the date of La Trobe's death, 4 December, at St Peter's Eastern Hill where he worshipped and at St Michael the Archangel in Litlington, East Sussex (above) where he is buried.

The La Trobe Society arranges for Australian flowers to be sent to the parish at this time. Photographs from last year's service were kindly sent by Litlington churchwarden Richard Hayward to Loreen Chambers.

La Trobe service, St Michael the Archangel
Litlington, 5 December 2021
Pictured at left, Churchwarden Richard Hayward with The Rev. Stephen Stuckes, Rector at neighbouring Alfriston, together with members of the Congregation.

La Trobe headstone with Australian flowers

Forthcoming events

Bookings are essential for all events, except the Sunday service

JULY

Tuesday 12

Winter Lecture
Time: 5.30 – 7.30 pm
Venue: Royal Historical Society of Victoria, Cnr William and A'Beckett Streets, Melbourne
Guest Speaker: Historian Gregory Hill
Topic: Victoria's Earliest Potteries.
Greg Hill, recognised as the leading authority on Australian Colonial Pottery and Australian Art Pottery, will give a presentation on his book, *Victoria's Earliest Potteries*, featuring convict era potters and Victoria's earliest pottery which was close to La Trobe's *Jolimont* estate, and in operation during his period of office.
Refreshments
Admission: $25 per person

AUGUST

Tuesday 2

La Trobe Society
Annual General Meeting and Dinner
Time: 6.30 pm
Venue: Melbourne Savage Club, 12 Bank Place, Melbourne
Speaker: Historian Susan Priestley
Topic: Mary Mitchell: A Port Phillip Virago.
Susan Priestley will illuminate for us the previously unrecorded diverse life of Mary Mitchell, recently discovered in the pages of Port Phillip newspapers.
Admission: $95 per person

SEPTEMBER

Wednesday 14

Friends of La Trobe's Cottage
Annual Lecture
Time: 5.30 – 7.30 pm
Venue: Royal Historical Society of Victoria, Cnr William and A'Beckett Streets, Melbourne
Speaker: John Botham, Chair Friends of La Trobe's Cottage
Topic: The *Lady of St Kilda*.
John Botham will discuss in this illustrated presentation the Melbourne connections of the *Lady of St Kilda*, a schooner based in Port Phillip from 1841 to 1843. La Trobe named the bayside suburb after it and the talk explores the schooner's links to the Scottish Island of St Kilda and the disastrous migration of islanders to Melbourne in 1852.
Refreshments
Admission: $25 per person

cont. >>

Forthcoming events *cont.*

OCTOBER

Wednesday 19

History Month joint lecture with Anglican Historical Society
Time: 5.30 – 7.30pm
Venues: Refreshments, 5.30pm - Bishopscourt, 120 Clarendon Street, East Melbourne
Lecture: 6.30pm - Holy Trinity Anglican Church, 193 Hotham Street (corner Clarendon Street), East Melbourne
Speaker: Dr Liz Rushen AM
Topic: The Bishop and the Lieutenant-Governor.
Liz Rushen's presentation will focus on the enduring friendship between Melbourne's first Anglican bishop Charles Perry and Superintendent Charles Joseph La Trobe, later first Lieutenant-Governor of the colony of Victoria
Admission: tba

NOVEMBER

Sunday 27

La Trobe Sunday Service
Time: 11.00 am
Venue: St Peter's Church, Eastern Hill, 15 Gisborne Street, East Melbourne
All welcome

DECEMBER

Friday 2

Christmas Cocktails
Time: 6.00 – 8.00pm
Venue: Verdon Chambers, ANZ Gothic Bank, Collins Street, Melbourne
Guest Speaker: tba
Topic: Viewing of the Bank's original Royal Charter, and a presentation on the ANZ Bank's art collection.
Invitations will be sent to members

Bookings

For catering purposes, bookings are essential
Email: secretary@latrobesociety.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

Charles Rudd, 1849-1901, photographer
Bishop's Court, Clarendon Street, East Melbourne, 1890s
Pictures Collection, State Library Victoria, H39357/237

John Henry Harvey, 1855-1938, photographer
Holy Trinity Church, Clarendon Street, East Melbourne, c.1906
Transparency, toned glass lantern slide
Pictures Collection, State Library Victoria, H91.300/981

Back Issues

Back issues of La Trobeana are available on the Society's website, except for the last issue. The back issues may be accessed at www.latrobesociety.org.au/LaTrobeana They may be searched by keyword.

Contributions welcome

The Editorial Committee welcomes contributions to La Trobeana which is published three times a year.

Further information about the Journal may be found on the inside front cover and at www.latrobesociety.org.au/LaTrobeana

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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 cèrca, la trova"