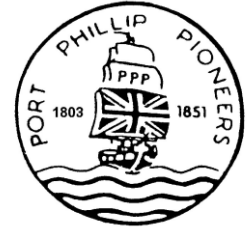


Port Phillip Pioneers Group Inc.

A Member Society of the C.S.V. Inc.

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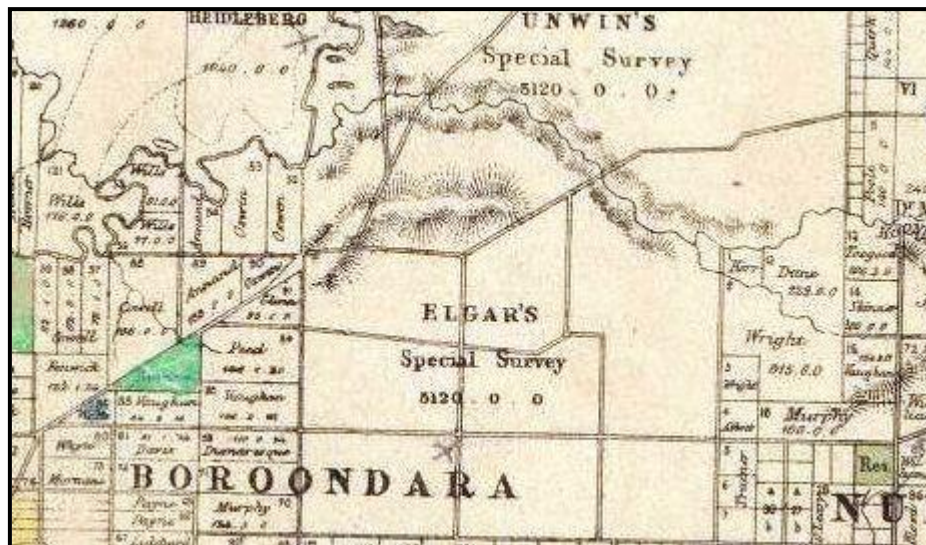
We look forward to your past



Newsletter No: 205

Vol. 41 No. 4

August-September 2018



Henry Elgars Special Survey

Until 1841, land in Port Phillip was surveyed, advertised for sale, and then auctioned. However the Land and Immigration Commissioners in London designed a new scheme to encourage immigration for labour, using proceeds of the sale of crown lands. Any person in England or the Australian Colonies could purchase 8 square miles (5,120 acres) of land, in one piece, of surveyed or unsurveyed land, for £1 an acre, in the Port Phillip District.

Governor Gipps in Sydney received a dispatch in January 1841 stating that if anyone wished to purchase 'unsurveyed' land they could request a 'Special Survey'.

Gipps was displeased. Land was already selling in parts of Melbourne for £20 an acre and he anticipated a deficit in revenue money. Back in London, the Commissioners knew they had made a mistake but by the time the ruling was rescinded, nine Special Surveys had been made.

On 8th February 1841, Henry Dendy arrived with a land order to purchase a Special Survey. La Trobe knew nothing about it. He made the decision that any Special Survey had to be more than 5 miles from the established towns – Melbourne, Williamstown, Geelong, and Portland. Dendy eventually chose land at Brighton, as the Sydney solicitor Frederic Unwin, who left Sydney for Melbourne on 28th February, was given preference over him as regards his selection. Unwin chose land at Bulleen which Dendy had wanted.

Continued on page 3

PORT PHILLIP PIONEERS GROUP

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VISIT OUR WEBSITE

www.portphillippioneersgroup.org.au

Group Report.

Hello members and friends.

As you can see we have no new members this month, I cannot remember when last this happened.

This edition I welcomed an article about a pioneer who has no descendants and cannot be claimed. The newsletter is just the place to share their stories, as they cannot go into editions of Pioneer Profiles. So be it your great, great grandparents sisters, brothers, aunts or uncles we would love to hear about them.

I will be speaking at the West Gippsland Genealogical Society on the 25th October, in Warragul.

Hoping to see you at the next meeting and bring a friend if you can.

Barb Hawkins, Editor and Vice President.

VALE: Michael Grogan PPPG Member No 1332.

It was with great sadness that we learnt of the death of Michael Grogan on 18 July.

We remember Michael as a marvellous Committee Member and Examiner of Proofs. From the moment he joined the Group in April 2007, he was an enthusiastic member; and when he came on to the Committee in 2008 his contribution to the Group was amazing. He produced a wonderful recipe book and other publications for our 40th Anniversary celebrations. The attractive carry bag that he designed and had made, has been a great aid to members, and a lovely presentation for new members and speakers alike. And of course the delicious cake he made was a wonderful addition to the 40th Anniversary Celebration.

Michael willingly took on the job as Examiner of Proofs in 2009 and for the following seven years carried out the complicated and arduous work involved with processing over eighty new members.

We were indebted to Michael for providing a home for Lester Stephen's archive collection for many years.

We greatly missed seeing Michael regularly at our meetings, but were very glad to keep in touch with him since his retirement from the PPPG Committee in 2016.

Barbara Hawkins, Susan Grant and Ken Smith, representing the PPPG, attended Michael's funeral.

St James Old Cathedral Annual Pioneer Service

Rev. Matthew Williams has advised the Annual Pioneer Service at St. James Old Cathedral will be held on 4th November at 10am, followed by morning tea.

Melbourne Day Celebrations

Celebrating 183 years of Marvellous Melbourne at Enterprise Park 10.30am, Thursday 30th August. Flag raising ceremony, Junior Lord Mayor competition winner, show bag giveaways.

Check the website, it's great fun and free.

<https://www.melbourneday.com.au/>

2018

Meeting Dates

September 8
November 10

Newsletter Deadlines

October 8 October - November

All correspondence for newsletter items must be sent to Barb Hawkins,
email barbh27@bigpond.com

Address at General Meeting on 14 July 2018
Bob Kerr – The Mysterious Henry Elgar and his Crown Survey.

Henry Elgar was a West Indian merchant who purchased 5,120 acres in a Special Survey in Boroondara in the Port Phillip District, without having ever stepped ashore in Australia. True or False?

Bob Kerr, who lives on land which was part of Elgar's survey, decided to search for the truth by seeking official documents and records in repositories like the Public Records Office, British Archives etc. He also studied books on Boroondara by authors such as G. Blainey, J. Bonwick, and others.

Henry Elgar, the son of William Elgar, banker, and Harriet Smith was baptised on the 14th April 1816 in Maidstone, Kent, England. He had three sisters, Hannah, Harriet Smith and Margaret Frances.

Henry's father died in July 1827 aged 54, but nothing is known about him, or about Henry's early childhood.

The name 'Henry Elgar' is recorded amongst foreign residents in China, in the Chinese Repository Volume 5, 1836-1837. Is it the right person?

Documents show that Henry Elgar arrived in the Philippines in 1839 and married about 1840. Two of his sisters also moved to Manila. In 1842 Hannah married Josiah Moore, the American Consul in Manila, and in 1844, Margaret Frances married Alexander Dyce, a merchant, who was in a co-partnership in a firm with branches in Sydney, Manila, Batavia and Glasgow.

The other sister, Harriet, visited Manila but didn't stay.

In a court case in Sydney, regarding a leaking ship the 'Alice' which travelled to Manila from Sydney in June 1840, Henry Elgar, who was a passenger, gave evidence, declaring he was a merchant.

In July 1840 he travelled with his wife and a servant to the Port Phillip District from Manila, arriving in September 1840, and after a brief stay they sailed to Sydney arriving on 5th October. In total he was in Australia for sixteen months and during that time his wife Ana gave birth to a daughter, who died aged 3 months. Also, Elgar purchased a Special Survey. At the age of 25 it is unlikely he had the means to finance such a venture on his own.

He did borrow two thousand pounds from Alexander Dyce in 1841 in Sydney, and more from him in 1842 in Manila.

Elgar made several trips to Port Phillip before they left Sydney on the 4th January 1842, and he never visited Australia again. The trip back to Manila, went via New Zealand.

Why they stopped off in New Zealand is unknown. But Elgar had become interested in trading greenstone, and in 1843 a New Zealand newspaper article mentions a shipment of two tons of greenstone to Manila.

Ranulph Dacre (born London), was also involved with trading greenstone from New Zealand. Dacre was a leading Sydney merchant who traded timber used for ships masts, and he had his own wharf in Sydney. Elgar was involved with Dacre and Richard Jones in an expedition to the Isle of Pines for sandalwood and in 1840 Elgar was said to be the owner of a clipper named 'Anita'.

In 1846 Elgar made a transaction with Dyce and Robert Campbell, and in the Hong Kong Almanac & Directory of 1850 Elgar was named as a merchant in Manila.

Elgar's wife died at sea in 1842, leaving no children, but Elgar had an illegitimate son who died in 1853. A letter from 1842 refers to his son having a growth on his neck, possibly leading to his demise.

Elgar himself died on 19th August 1852, aged 36, on board a junk, off the coast of Macao. It was suggested he was poisoned but more likely he died of a fever. At this time he was alone except for his son.

In the years leading up to his death there were several disasters in the family. His sister Hannah died at sea along with her one month old son, and both of Elgar's brothers in law died. Alexander Dyce died in August 1848.

Dyce owed the merchant company he worked for – Martin, Dyce & Co – about ten thousand pounds. His estate included land titles for parts of Elgar's survey, which Elgar had given him as part repayment of the loan of two thousand pounds mentioned above. In 1850 the sale of nine sections of land brought in five thousand pounds which was not enough to pay back his creditors.

In the 1860s, land titles moved from 'old' law to 'new' and questions arose about the validity of sale procedures for land in Elgar's Survey.

Henry Elgar himself remains an enigma. In the 1844 marriage record of his sister Margaret to Alexander Dyce in Manila, Henry Elgar signed his name 'H. Elgar'. His signature never appears on any other document and he doesn't appear to have been in the West Indies.

Contributed by Jan Hanslow. PPPG Member No 1057

Edward WAGHORN

Edward Waghorn was born May 1806, Chatham, Kent, England and died 18 July 1868, Melbourne, Victoria

Thomas Fletcher Waghorn was born 1800, Chatham, Kent, England and died 1850, Islington, London, England

Waghorn Family

There were ten Waghorn children and all were born into the working class in Chatham, Kent between 1795 – 1813.

One of them was destined to be famous; another, infamous.

The Famous Waghorn

Thomas Fletcher Waghorn was a postal pioneer who developed a new route from England to India. Waghorn's overland route reduced the journey from 16,000 miles (26,000 km), via the Cape of Good Hope, to 6,000 miles (9,700 km); from 3 months to between 35 and 45 days.

The 'hero who took a shortcut' was well known in his day.

He is the subject of dedicated books, as well as being celebrated in paintings and monuments.

He became a pilot in the Royal Navy and was commissioned a lieutenant by the age of 17. "By then he had grown to an enormous size—so big he once played a giant in a circus."¹ Perhaps this was a factor in his success.



Lieutenant Thomas Waghorn by Sir George Hayter ca. 1847 in the National Portrait Gallery, London.
https://en.wikipedia.org/wiki/File:Thomas_Fletcher_Waghorn_ca._1847.jpg

The Infamous Waghorn

Younger brother Edward Waghorn, convicted of larceny, arrived in Van Diemen's Land on 16 December 1828 via the *Roslin Castle*.²

This was not Edward's first brush with the law. He'd

been convicted of fraud the previous year.³

He was subject to the usual convict musters whilst in Van Diemen's Land.

Edward was barely 5'2" in contrast to his giant brother Thomas.

Colony of Port Phillip

On 13 November 1839, Edward departed from George Town, Tasmania, for Port Phillip on the *Paul Pry*.⁴ His circumstances can be surmised by his criminal record.

Trouble

On 23 June 1851, Edward and another were found guilty of chopping down wood on Crown land. They pleaded that they had only been cutting a young tree for their bullocks, and as this appeared to be a correct statement, they were each fined in the penalty of five shillings and 4s 6d costs.⁵

On 18 March 1853, the Supreme Court of Victoria, Melbourne Criminal Sittings, found Edward guilty of horse stealing and sentenced him to six years on the roads. A ticket-of-leave was granted on 19 November 1855 for the district of Kilmore.⁶

Between 1860 - 1862 Edward made various appearances before the Melbourne City Court on charges of vagrancy. The more bemusing include references to his apparent sense of self-worth and social standing.

On 28 June 1861, he was charged with being an 'incorrigible mendicant'. He was chased from Conroy's Hotel, North Melbourne by a constable. Edward "appeared to be in a suffering position" and claimed the constable had kicked and nearly killed him. When asked if he had ever applied to enter the Benevolent Asylum he answered: "Never. I would not disgrace the name of Waghorn by doing so. They have asked me to do it and I would not. I am an agent for the Heidelberg 'busses' and go and take my coffee every morning at a coffee stall". The Mayor discharged him.⁷

On 24 September 1861, Edward, "a notorious drunkard, was brought up charged with disorderly conduct at the Rainbow Inn. He had only just been arrested. He objected strongly to going to prison, as he said that he was invited, to a banquet at the Theatre Royal, on Monday next. The Bench thought a little "self-denial" would do him good and sent him to prison for one month with hard labour."⁸

Inquest

Edward's death on 18 July 1868 was the subject of an inquest held by the City Coroner. Edward was found to have died suddenly during Friday night at the Queen's Boarding house. He was 62 and had for some time been a hanger-on at hotels and a sort of helper at stables. His death was found to be the effect of apoplexy.

His sister Ann Munday nee Waghorn, who also lived in Melbourne, read about her brother Edward's death in the newspaper. Ann gave sworn evidence at the inquest.⁹

Estate

Edward, whilst apparently without a friend in life, did have one in death. On 17 May 1870, his English spinster sister Mary Jane Waghorn of Rochester was granted Letters of Administration for his estate which was worth less than £100.¹⁰

Brothers – Thomas and Edward Waghorn

The two brothers' life experience could not have been more different.

Lieutenant Waghorn albeit ultimately unsuccessful from a financial perspective, was a world pioneer. By contrast, his brother Edward's life of crime was apparent from early manhood and the stain of being a convict, was lasting.

Neither Thomas nor Edward had children so it cannot be that Edward's lack of issue ensured that his background remained hidden for so long. Thomas did marry – twice – but Edward remained a bachelor.

It is sobering to think of the vastly different outcomes of the two brothers separated only by six years in age.

Indeed at least three of Edward's sisters, whilst not leading the sort of life Edward lead, did not fare well financially either. His spinster sister Mary Jane Waghorn, back in England was in straightened circumstances as were Edward's sisters in Melbourne, Ann Munday (nee Waghorn) and Sarah Ransom (nee Waghorn). All three were the subject of public pleas to provide them with money given the great service their brother Thomas had done the world.¹¹

As Edward left no issue, recognition of Edward's hard path has been undertaken by the descendants of his Melbourne sister Ann Munday, nee Waghorn.

Researcher Margaret Watts.
Four times Great Niece of Edward Waghorn

Author and contributor, Robyn Watters.
PPPG Member No 1468 and five times
Great Niece of Edward Waghorn

References:

1. <http://archive.aramcoworld.com/issue/196806/mr.waghorn.s.route.to.india.htm>
2. *British Transportation Registers* 1787 – 1867
3. London Metropolitan Archives MJ/SP/1827/09/118, 4 August 1827
4. .LINC, Tasmanian Government, Name Index, Edward Waghorn, Departures
5. *The Argus* (Melbourne, Victoria) 1848 - 1957 Tuesday 24 June 1851, p 1
6. *Victoria Police Gazette* 22 November 1855, p. 3017. *The Argus* 29 June 1861, p. 6
8. *The Melbourne Leader* 28 September 1861, p. 5
9. Inquest 20 July 1868, Victoria, 1868/613 10. England and Wales, National Probate Calendar (Index of Wills and Administrations) 1858 – 1966, *Administrations* 1870, p.3 11. Re sister Mary Jane Waghorn in England, *The Leader*, Melbourne 7 July 1883. Re sisters Ann and Sarah Waghorn in Melbourne, "An Old Indian" wrote to *The Argus* on 26 July 1883 reporting their plight.

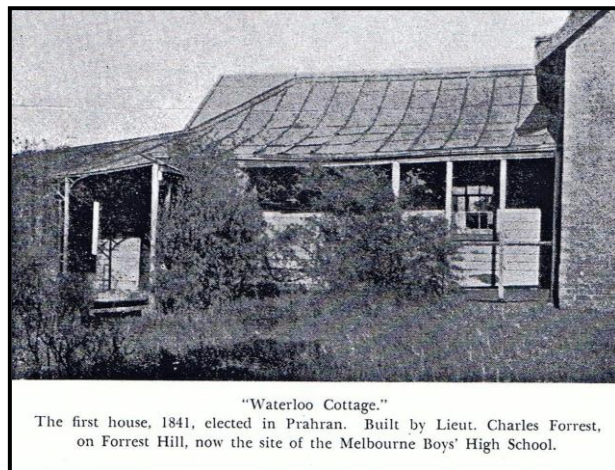


Statue of Thomas Fletcher Waghorn

Lieutenant Charles Forrest. 35th Royal Sussex Regiment.

Charles Forrest was born in Cawnpore India on the 19.4.1809 to Charles Ramus Forrest and Ellen St. Leger daughter of General William St. Leger. Charles was the fourth generation of his family to serve in the army. Charles won his commission in 1827 at the Royal Military College Sandhurst and was appointed to the 35th. Royal Sussex Regiment. On the 1st October 1839 Lt. Forrest then stationed with his regiment in Mauritius, resigned his commission which he sold for 800 pounds with a view of settling in N.S.W. In 1839 he married Augusta Alexander at the English Church in Port Louis Mauritius. Augusta was the sister of Eliza the mother of Thomas Alexander Browne (Rolf Boldrewood). When Charles and August arrived in Sydney aboard the "Westbrooke" they found the land too expensive they decided to proceed to the Port Philip District.

Charles purchased 17 acres 3 roods for 29 pounds per acre in Prahran on the corner of Toorak Road (then Gardiner's Creek Rd.) and Chapel Street where Melbourne High School now stands.



An entry in Charles diary for 21st. July 1841 states "The foundation of my cottage laid on the river Yarra south side 2 miles from Melbourne. Charles called his cottage "Waterloo Cottage" Charles notes in diary for 20th.

March 1842 "My second son Alfred Turner was born at Waterloo Cottage.

August the same year he notes "Started to build Hermitage Cottage." This home was built of brick, and stood at the Chapel Street corner of his block of land facing Toorak Road. The bricks were made from clay obtained on his own land. Ned Eames was the brickmaker. He was paid Toorak, one pound per one thousand bricks.



In 1849 Charles subdivided his land one block he sold to his brother in law John Arthur Skinner.

The Forrest family then lived in Mathoura Rd. Toorak. Seven children had been born by 1850

The surveyed area was long and narrow, extending from Koonung creek in the north, to just north of Toorak Road in the south, with the eastern boundary being a

A terrible blow struck in 1851 when 5 of the children died in an epidemic believed to be scarlet fever. They were buried in the back yard of the Mathoura Rd. property, a burial in a cemetery was not compulsory.

The Forrest family settled in Gippsland where Charles and his son William selected a 320 acre block in Hamilton's Road Larder, he built his home "Yarra War" the first home in the district to be built of sawn timber obtained from a local mill.

Charles died 28th. February 1877 and was buried on his farm. Augusta died 1887 age 67.

Charles had two sisters in Port Phillip, Ann Lavina m. Rev. John Cheyne (my PPP's) and Ellen the wife of John Arthur Skinner.

Sources:

"City of Prahran One hundred years The Past, the Present and the Future" Published by City of Prahran 1955. The sketch of Charles and the photo of Waterloo Cottage are in this publication.

"The History of Prahran" by John Butler Cooper 1924.

"Early Toorak and District" by E.M. Robb 1934, *The Argus* 17th February 1945, Ken Smith for detailed maps.

Victoria Pioneer Index.

"Lonely Graves of the Gippsland Goldfields and Greater Gippsland" by J.G. Rogers.

Contributed by Valerie Farley. PPPG Member No 551.

Address at General Meeting on 14 July 2018 Ken Smith - Elgar's Special Survey.

PPPG member Ken Smith talked about events surrounding Henry Elgar's Special Survey.
Continued from page 1.

Henry Elgar, like Unwin, probably knew about the Special Surveys quite early. At the age of 25, it is unlikely he had the money to finance a Special Survey. Ken thinks that a partnership was formed between Henry Elgar, Ranulph Dacre, mariner and merchant, James Sea, banker, his sister Harriet Sea and a merchant named John Jones. (James and Harriet Sea were siblings of Dacre's wife Margaret Sea).

Henry Elgar became the legal owner of the Special Survey in Boroondara and Nunawading in August 1841. On the title deed it states that it is "to be called the Boroondara Estate" but it has always been known as Elgar's Special Survey.

line running roughly through where Nelson Rd in Box Hill is today, heading in the direction of the Williamsons Rd and Doncaster Rd intersection. The eastern border was a line 5 miles from Hoddle Street.

In December 1841, before going back to Manila, Elgar conveyed to his 'partners' their allocations at £1 an acre.

In 1842/43, both Elgar and Unwin were unhappy with their land allocations. They argued that the 5 mile distance stipulated should have been taken from the cnr of Bourke and Elizabeth Streets in Melbourne and not from Hoddle St where measurements had been taken. Governor Gipps authorised further surveys and new deeds of grant were executed.

In the case of Elgar's survey, the land had already been subdivided into 40 allotments mostly of 100 or 120 acres. Now this had to be undone. Robert Campbell the younger, Sydney merchant, with no beneficial interest in the land, was employed as a third party. Each of the

owners conveyed their land to Campbell who then surrendered it back to the Crown.

The new grant surveyed was greater in the east – west direction and shorter in the north-south direction, the boundaries being Burke Rd (west), Canterbury Rd, (south), Elgar Road (east) and the Koonung Creek (now covered by the Eastern Freeway) on the north. Harriet Sea's portion no 1 had the only piece with a frontage to the Yarra River.

The north – south roads, Balwyn and Union roads were marked on the map in 1843 by Surveyor Frederick Peppercorn, who was hired by Dacre and Elgar. In 1850 the Govt Surveyor Henry Foote added other roads such as Whitehorse Road and Doncaster Road, for public convenience.

The new Survey was divided into 27 allotments as James Sea and John Jones had sold their entitlements to Ranulph Dacre. The biggest portion then, about 2/3rds, belonged to Dacre and the rest was owned by Harriet Sea and Henry Elgar.

Elgar borrowed two thousand pounds from his sister's husband, Alexander Dyce in 1841, and also further sums in Manila in 1842. To secure repayment of the debt he executed an equitable mortgage of his land, but by the time the Boroondara land had been resurveyed, Elgar decided he had no further interest in it.

A new title deed for Elgar's land was executed in the name of Robert Campbell, in trust to any people with a beneficiary interest. Elgar's property was then conveyed to Alexander Dyce as Elgar had not repaid any money to Dyce. The document drawn up and signed in Sydney only bears the names of two powers of attorney – Alexander Brodie-Spark, merchant and Ranulph Dacre. When Dyce died in 1848 he had this document in his possession, in Manila.

Alexander Dyce had unsecured loans from his own firm, Martin, Dyce & Co. He traded building materials into Hong Kong and had lost his money. When he died at sea near Manila, his only asset was the land (1600 acres) conveyed to him by Elgar.

Dyce's wife Margaret went back to Glasgow and England with her children and in December 1853 came to Melbourne with her son Alexander William Dyce, aged 6. Her husband's estate owed about thirteen thousand pounds and she hoped to pay off the debt with proceeds from the sale of his land in Melbourne. She also wanted to know her entitlement under the laws of 'dower' - (the portion to which a surviving wife is entitled from a husband's estate), her husband having died intestate.

Complicated proceedings began in the Supreme Court in the Court of Equity between Martin & Dyce under a Rule Nisi (where a creditor seeks to place a charge on land for money owed) and continued from early 1854 to 1858. (Documents relating to Dyce's time in Manila are now in the PRO of Victoria).

Dyce's land was then auctioned by Symons and Perry on 15th September 1856 and 6th March 1857. Sales were then made by private contract still leaving some

portions unsold. The price was reduced by 15% to 10 pound an acre and the remainder was sold at auction in September 1857.

Margaret Dyce received a payment of £3,500. She left the colony and returned to England where she married Peter Ferrie in July 1858. After his death in 1868 her sister Harriet Elgar lived with her and her daughters (1871 & 1881 census) in London. Her son spent time at boarding school in Exeter (1861 census). Margaret (Dyce) Ferrie died in 1899 aged 81.

Elgar's 'partner' Ranulph Dacre was in a critical financial position in 1842 - 44 and mortgaged his share of the survey to London shipping magnate, Robert Brooks. When Robert Campbell re conveyed the land back to the beneficiaries after 1846, Brooks became the owner because Dacre had not discharged his mortgage.

Brooks sold his land to a partnership which included Thomas Herbert Power, agent, Gideon Rutherford, squatter, and Clement Henry Chippendale, merchant, who after paying a deposit for a 1/8th share forfeited it and left the partnership. Later Rutherford sold his share to Power.

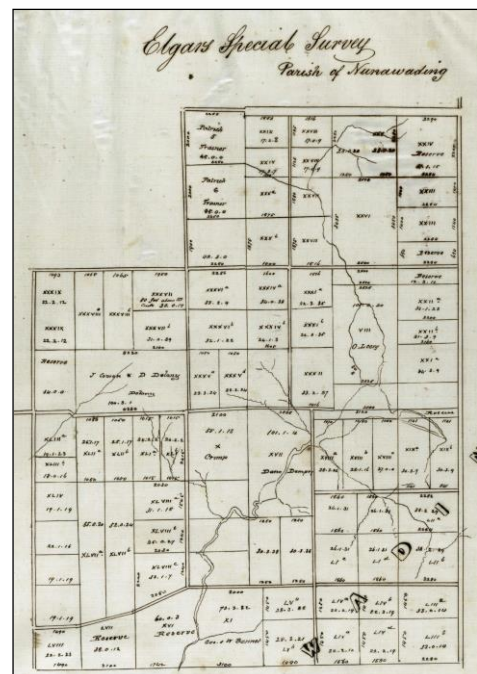
Henrietta Sea retained her portion no 1. However she died (at Ranulph Dacre's home), in Sydney in 1856 aged 43, bequeathing her land to her three Dacre nieces.

For ten years the Dyce estate residents went about their business. Then, Henry Elgar's sisters and his nephew realised that Elgar had not personally signed the deed of sale when his land was conveyed to Alexander Dyce.

Another prolonged court action looked imminent, but fortunately, a compromise was reached in 1870 and the then current owners of Dyce's land each paid 2 shillings an acre and the proceedings were dropped.

Elgar's Estate was sparsely populated in the 1850s and there was a level of lawlessness. Stories of cattle rustling and theft of timber abounded. The land then described by auctioneers as 'fair', remains today a sought after area of Melbourne, albeit suburbia.

Contributed by Jan Hanslow. PPPG Member No 1057.



PORT PHILLIP PIONEERS GROUP INC – MEETINGS

Venue:	Wesley Hall. St. Andrew's Uniting Church, cnr Burke and Malvern Rds, Gardiner. Public Transport : Right on the route of the No 72 tram and only a short walk from the Gardiner Railway Station. Melways Reference : Map 59 H7.
Entry:	\$2.00.
Doors Open:	1.30 pm. Sign in. Time to browse notice board, borrow library books, and chat.
Meeting Starts:	2.00 pm.
Guest Speaker:	2.30 pm.
Afternoon Tea:	4.00 pm. Refreshments provided.
Next Meeting:	Saturday: 8 September 2018
Speaker:	Speaker: Prof. Peter Sherlock. Vice Chancellor, University of Divinity. Topic: The Rev. Adam Compton Thomson – Minister of St James Church during 1840s.

Upcoming Meetings:

Saturday, 8 November 2018

Speaker: Joy Braybrook

Topic: John and Eliza Batman

Saturday, February 2019

Speaker: TBA

Topic:

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PPPG ENewsletter

If there are any members who would prefer to receive their PPPG Newsletter via email rather than by post, please contact Susan Grant at grantsv@bigpond.net.au.

Unless we hear from you, we will continue to send your newsletter via Australia Post.

**“All articles and information contained in this Newsletter
are accepted in good faith and the Port Phillip Pioneers Group Inc.
takes no responsibility for the content and accuracy contained therein.”**