



Nurungi

Remembered

OFFICIAL NEWSLETTER OF THE CONCORD HERITAGE SOCIETY

email: chs@concordheritage.asn.au

www.concordheritage.asn.au

No.115

October 2005

EDITOR
LOIS MICHEL
9744-8528

PRESIDENT
JANN OGDEN
9809-5772

PUBLIC RELATIONS
TRISH SKEHAN
4369-4172

SECRETARY/TREASURER
LOIS MICHEL
3 Flavell Street
(P.O. Box 152)
Concord 2137
Phone: 9744-8528
Fax: 9744-7591

MEETINGS

General Meetings

2nd Wednesday of month
at 7:30 pm in the
Concord Citizens' Centre
9 Wellbank Street, Concord
Phone: 8765-9155

Executive Meetings

4th Wednesday of
August, October, January,
March, May and July
at 7:30 pm in the
Concord Citizens' Centre

Walker Estates Committee

4th Wednesday of
September, November,
February, April and June
at 7:30 pm in the
Concord Citizens' Centre

Derek Williams, 9746-9649

Other Committees

As arranged
Watch the newsletter

Museum

Lorraine Holmes, 9743-2682

Archives/Local History

Heritage

Bob Jones, 8765-9347

Oral/Family History

Lola Sharp, 8753-0659

*

**CONCORD
HERITAGE MUSEUM**

5 Wellbank Street

Open 2:00 - 4:00 pm
on 1st and 3rd

Wednesdays & Saturdays

Banker's Will Set NSW Legal Circles Mammoth Problem

Solicitors, whose legal activities never became more exciting than administering the estate of departed clients, received a jolt one winter's day in 1938 when a man who'd been dead 52 years landed them with a king-size problem involving \$800,000.

Many had forgotten that in his \$1,600,000 will Thomas Walker, banker and philanthropist of Yaralla, Concord, who died in 1886 with the reputation of a miser, had recorded that, if his daughter Eadith died unmarried, half his estate should go to charities and the rest to next-of-kin of his own blood.

Dame Eadith, who, like her father, became one of Australia's greatest benefactors, died unmarried in 1937 while Thomas Walker's six brothers and sisters had no issue.

The \$800,000 thus became the prize in an open slather of claims by second and third cousins all over the world.

When the final tally was made more than 650 hopefuls were fighting tooth and claw for a share.

These included sprigs of the Lyon family, which provided England with its then queen and the present Queen Mother, a sprinkling of aristocrats, graziers, businessmen and the descendants of one adventurer who fought redskins in America.

The task of sorting the sheep from the lambs was formidable but not beyond the power of Sydney's doughty Master-in-Equity, Mr. William Arthur Parker, and the 18 barristers and 30 solicitors briefed to represent claimants.

MARATHON

When the dust of legal battle settled after 12 months of claims, counter-claims and last-minute objections, 33 people – 15 of them Australian, the rest Scottish and English – each received \$24,000 under the will.

Thomas Walker, who sparked this legal marathon, came to Sydney in 1822, aged 18, to join and later succeed his uncle, the general merchant William Walker.

Behind him in Scotland Thomas left six healthy brothers and sisters who should

have been competent to carry on the line.

Over the years Thomas amassed a fortune from building residential blocks in new-born Melbourne, eight or more squatting runs, shipping companies and banking.

As president for 17 years of the Bank of New South Wales, he built up a reputation as a tightwad who refused to repair or replace shabby bank premises.

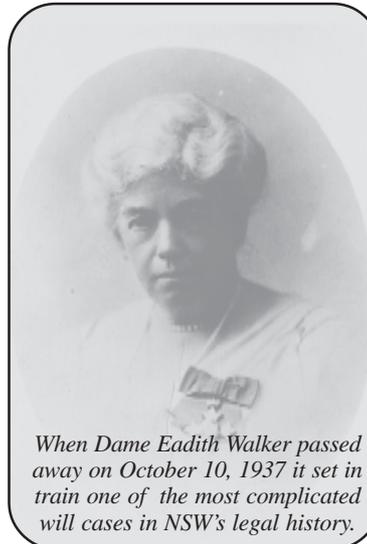
His explanation was that instead of injuring business they inspired the confidence of the thrifty who "abhor the display and gilt of modern fashions".

Only after his death was it revealed that, far from being miserly, he had, in fact, employed an agent privately to seek out families in distress and help them.

Perhaps it was because he feared there might be no close relations that Walker, whom everyone regarded as a confirmed bachelor, waited till he was 56 before marrying Ann Hart, the daughter of a Woolloomooloo merchant. The issue was a daughter, Eadith.

Walker's wealth, however, roused so much jealousy that when he died one newspaper thundered: "A charitable man, forsooth. The tradesman who gives 50 cents to a hard-up mate is a thousand times more deserving of the title".

The newspaper had to eat its words when the will revealed that Walker had set aside



When Dame Eadith Walker passed away on October 10, 1937 it set in train one of the most complicated will cases in NSW's legal history.



Bulletin Board

9th November: John Walmeant - African Safari Photographs

14th December: Christmas Picnic at Rhodes Rotary Park

\$200,000 and the greater part of Yarralla estate surrounding his mansion for the building and support of the Thomas Walker Convalescent Hospital at Concord.

The remaining \$1,600,000 he left in trust for his already rich daughter, Eadith. On her death, the will stated, half of the sum was to go to charities and half to kin of his own blood.

This set an enormous problem for the executors of his will 62 years later when Eadith died.

As Thomas's brothers and sisters had been such an infertile brood, the executors had to probe back to his paternal and maternal grandparents to find who were entitled to the fortune.

The quest was the more complicated because, to substantiate their claims, many were forced back to the days when records were scanty and sometimes non-existent because registration of births, deaths and marriages was not compulsory in Scotland till about 1856.

Thomas's parents – his father was a substantial merchant of Leith, port of Edinburgh – had been married, according to family records, in 1878 in a Glassite church.

The flock of this community, founded by the independent Presbyterian John Glass, practiced community of property, abstinence from certain flesh, weekly communion and the holding of "love feasts".

The church building, it was said, had been burned down and official records were lost. And further complications were caused by the habit of Scottish families of baptising their babies in batches.

Thus a number would not be baptised at the place of birth but in the parish where the last child was born. It was, therefore, difficult, sometimes impossible, to trace a baptismal certificate.

Faced with such a monumental problem, the trustees advertised in newspapers all over the world that \$800,000 was waiting any who could prove themselves closely related to Thomas Walker, banker and philanthropist, of Sydney.

The result staggered the trustees. Though Thomas's brothers and sisters had been dilatory in continuing the clan, it was soon apparent that others back to the third and fourth generation had done their share of breeding.

An avalanche of claims came from all over the world – Scotland, England, Ireland, South Africa, India, the United States, Canada, France, Nor-

way, Papua, Brazil, Jersey and most Australian states – until they numbered 650.

Leading all in social status were the descendants of Katherine Lyon – Thomas Walker's paternal grandmother – who were kin to the Earls of Strathmore, the Lords of Glamis, and who boasted the then queen among the family.

Next in precedence came the Marchioness of Abergavenny, whose father was a brother of Thomas Walker's grandmother, Lady Wilhelmina Walker.

Then there were Lady Janette Hamilton Verney, Sir Thomas Bell, an industrialist of Dumbarton, and a number of gentry bearing as prefix the Christian name of Lyon which denoted kinship with the Strathmores.

Several Australian graziers, businessmen and the like enjoyed the same distinction.

The task of deciding who of the 650 had best claim to the \$800,000 fell to the Master-in-Equity, Mr. William Arthur Parker.

Assessing Parker's problem one pressman asked how he was going to squeeze the 18 barristers, 30 solicitors and horde of claimants and spectators into a court the size of a tramcar.

And where would lawyers put their briefs and documents when the genealogical tree of the Walker family was longer than the Bar table?

Lawyers, claimants and sightseers overflowed into an adjoining passage when Parker opened his court on June 9, 1938, and spent the first day listening to lawyers announcing appearances on behalf of clients and giving the reasons for their claims.

In this it was revealed that a large number of claims depended on whether a certain Captain Jonathan Griffiths, a ship owner around the turn of the 19th century, was really one Jonathan Walker who, for some reason, had changed his name.

Others based their claim on the ground that William Walker, one of Thomas's relatives, had married a daughter of Jonathan Griffiths.

One member of the Bar appeared for a group of 60 who based their claim on Jonathan. Another represented 46. Said one: "Unless we can show that Griffiths was Walker, I am afraid we shall be out in the cold".

At 4 pm on the hearing's first day, with lawyers still announcing appearances, Parker asked: "Are there many more appearances to be an-

nounced?"

A score or more barristers and solicitors sprang to their feet. "I will adjourn", said the Master-in-Equity thoughtfully.

Although Parker was given a larger court for the next sitting it was still inadequate for, as one journalist wrote: "There is no court in the State large enough for such a hearing".

Complications arose when it became evident that claimants in the fifth degree of relationship – first cousins once removed – would challenge the claim of those in the fourth while others in the sixth would try to disprove the evidence of the fifth.

EVIDENCE

Legal representatives therefore were not surprised when the long-suffering Parker adjourned the enquiry for six weeks.

During this period claimants were required to lay all their cards on the table by stating clearly, before further evidence was taken, the full grounds for their claims.

This was done to forestall any claimant from changing his story of kinship with Thomas Walker to improve his chances as the evidence of others unfolded.

As one barrister remarked: "If affidavits of full grounds are not taken in advance, the court might find itself embarked on another Tichborne inquiry that could go on forever.

In other words, once the claimants had made their affidavits of claims they'd be stuck with them, thereby eliminating any chance of imaginative adjustments.

For a year Parker and the battery of lawyers probed the claims of the 650 till they had whittled them down to 33 in the fifth degree – first cousins once removed.

Gone was the Marchioness of Abergavenny, while little more was heard of the grand old mariner Jonathan Griffiths and his daughter.

Finally, just as the court was about to declare the names of the 33 winners, a bombshell came in the form of a claim by cable and radio telephone from Mrs. Lydia Coon, of Baton Rouge, Louisiana.

She claimed that she and, apparently, some hundreds of other Americans had the same great-grandfather as Thomas Walker.

To enable the American claims to be considered, the Chief Judge in Equity, Mr. Justice Long Innes, stood over for a fortnight an application that the

Master-in-Equity reopen the next-of-kin inquiry.

Mrs. Coon's document, when it arrived, was a meter and a half wide and gave a full family tree embracing hundreds of names.

It covered two centuries from the arrival in America of John Walker of Wigtown, Scotland, and his marriage to Katherine Rutherford, a descendant of a long line of honorable legal and military men.

Mrs. Coon revealed that while Thomas Walker, as a young man, was braving Aborigines in one of the first rides from Sydney to Melbourne to lay the foundations of his fortune in Melbourne real estate, his kin in America were fighting Indians.

One in particular, Esther McCrory, was a child in a covered wagon heading west when it was ambushed by redskins.

Esther and her mother took shelter in a cave where they moulded bullets while their manfolk fought, an act of heroism that lives in Nashville folklore.

But Mrs Coon's claim did not succeed, for her family was at best sixth degree.

But that was not the end either, for Mr. Justice Long Innes was announcing the names of the 33 successful claimants when Mrs. Emily Louise Jeffery of Annandale stated in court her intention of prosecuting further her claim which had been abandoned.

At any rate three days later she withdrew and, no further appeal being lodged, the 33 successful litigants received \$24,000 each from Thomas Walker's \$800,000.

They included Lady Janette Hamilton Verney, Lady Wilhelmina Walker and Sir Thomas Bell in Scotland and England and a number of Australian graziers, then fighting drought, and businessmen and women.

Thomas Walker and Dame Eadith are commemorated by the Thomas Walker Convalescent Hospital, The Dame Eadith Walker Convalescent Hospital for Men and the Yaralla Cottages for elderly in need at Concord.

(This article appeared in the Historical Feature of the Daily Mirror on Monday, December 16, 1974)

**Don't forget the
Progressive Dinner
on 12th November**

The Tichborne Saga

Unbelievable but true, Robyn Annear's "The Man Who Lost Himself: The Unbelievable Story of the Tichborne Claimant" is the fascinating retelling of the machinations surrounding what was, until recently, the longest and most puzzling trial in English history.

Lost at sea in 1854, Roger Tichborne was the heir to extensive estates and an English baronetcy. Frail of stature and an odd and spoilt mummy's boy, Tichborne had been brought up mostly in France. After spending some time as a Carabineer with the 6th Dragoon Guards, he went adventuring in South America in order to escape both a frowned upon love affair with his cousin and the demands of his ghastly mother and ineffectual father. He left Rio de Janeiro to sail to New York on the ship *Bella*, but it foundered off the coast soon after and all on board were presumed lost.

In 1865, however, in response to an advertisement in the *Australasian* on behalf of Roger Tichborne's mother, an uncouth, grossly overweight and barely literate Wagga Wagga butcher by the name of Tom Castro, who couldn't speak a word of French, laid claim to being the lost heir to the Tichborne estates. Even more bizarrely, the Dowager Lady Henriette Tichborne recognised him immediately as her son, and so began one of the most confusing and riveting cases in English legal history.

Whatever the motivation behind Tom Castro's unbelievable claim, its effect was widespread and long lasting. It divided a nation, created true believers and eternal doubters, brought Australia into clear focus in the English mindset and was the inspiration for plays, extensive journalism, songs and ditties, jokes and cartoons. If it occurred in this day and age (putting aside the rather boring inevitability of DNA identification) it would be worthy of a Hollywood blockbuster or a Sir Andrew Lloyd Webber musical. (The Gilbert & Sullivan opera "Trial by Jury" is said to be based on this case.) It has everything from sex and murder through to family politics and questions of class and identity, yet at the same time paints perfect portraits of Australia, England and morality during the 1800s.

The case finally came before the court of common pleas on 11th May, 1871. During a trial that lasted over one hundred days the claimant exhibited an ignorance, a cunning and a bulldog tenacity in brazening out the discrepancies and absurdities of his

depositions, which have probably never been surpassed in the history of crime. Over one hundred persons swore to the claimants identity. It was not until Sir John Coleridge, in a speech of unparalleled length, laid bare the whole conspiracy from its inception, that the result ceased to be doubtful. The evidence of the Tichbornes finally convinced the jury, who declared that they wanted no further evidence and on 5th March 1872 the claim was dismissed.

Orton (or Tom Castro as he was known in Australia) was immediately arrested on a charge of perjury and was brought to trial in 1873. On the one hundred and eighty-eighth day of the trial, after half an hour's deliberation, the jury found that the claimant was Arthur Orton. Found guilty of perjury on two counts, he was sentenced on the 29th February 1874 to fourteen years penal servitude. The cost of the two trials was estimated at something not far short of £200,000.

Strepbyn Mappin, in reviewing Annear's book, says . . .

"What Annear has done with this exquisitely researched book is write fact in such a way that it reads almost like fiction. The story itself is in the league of great mysteries and, like such, holds the reader spellbound by the goings-on without ever fully revealing the mystery itself . . . (the book) is an extremely satisfying and entertaining read. The courtroom sequences are especially vivid, bursting with humour, drama and the astonishing arrogance of the British upper classes."

Wagga Wagga City Library, Local Studies section, holds the Tichborne Trial transcripts on microfilm.

Tichborne History

The manor of Tichborne is first identified in a grant of land to Denewulf, Bishop of Winchester, by King Edward the Elder in 909. The Tichborne family has held the manor from the twelfth century onwards, and Tichborne House is the present manor house from which the Tichborne Dole is distributed annually on Lady Day (25th March). The ceremony originated in 1150 when Lady Tichborne lay dying and Sir Roger consented to provide a charity from as much land as his wife could walk holding a lighted torch. Lady Mabel rose from her deathbed and managed to crawl around an area of land (still known as The Crawls) before the torch blew out. Before she died she prophesied that the House of Tichborne would fall if the charity were discontinued.

Centuries later, the annual distribution of bread to the poor was allowed to lapse, and Lady Mabel's prophesy came close to being fulfilled as the last male Tichborne had a family of seven daughters. The situation was remedied and the charity continued again..

Book Now for our Progressive Dinner Evening

Saturday, 12th November

Cost \$25



Come along for a night of good food and good fellowship. To book please telephone Errol Grace on 9298-7327 (B) or 9743-4301 (H) or email to errol.grace@dest.gov.au. (Or you can contact the secretary.)

This is not restricted to members only - bring your friends, bring your neighbours, bring anyone you think would like to join us. All are welcome, we just need to know the numbers for catering.

If you need transport for the evening, call Lois on 9744-8528. We'll get you there, and back home again safely at the end of the evening.

We'll meet at Trish Harrington's, 22 Princess Avenue, Concord at 6:30 for nibbles and pre-dinner drinks. Then on to the home of Errol and Margaret Grace for the main course. Hopefully we'll all have room for the delicious sweets and coffee at Julia Stewart's home, 28 i Hilly Street, Mortlake. (Mud maps will be supplied so you won't get lost!)

Members are asked to contribute a "dish" for the evening. Please phone Errol to let him know what you will be bringing so that we can provide a varied menu.

Please let us know no later than 5th November.

Member News

Alan Wright has had a stent inserted into his one blocked artery and should be home by the time you read this.

Graham Ferguson is in St. Vincents Hospital for a quadruple by-pass on Thursday (20th)

We wish them both well and hope they'll soon be back with us in full health.

On a sadder note . . .

Frank Stansfield passed away on Wednesday (19th) following a serious illness. Frank was a very active member of our Society, always willing to lend a hand, until his illness slowed him down. We extend our sincere sympathy to Fred and the rest of the family.

For your Diary

Wed. 26th Oct. - Executive Meeting
Wed. 9th Nov. - General Meeting
Wed. 23rd Nov. - Walker Estates
Wed, 14th Dec. - Christmas BBQ

Translations

or . . . It's a Funny World

■ **In a Tokyo hotel:** Is forbidden to steal hotels towels please. If you are not a person to do such a thing is please not to read this notice.

■ **In a Bucharest hotel lobby:** The lift is bring fixed for the next day. During that time we regret that you will be unbearable.

■ **In a Leipzig elevator:** Do not enter lift backwards, and only when lift up.

■ **In a Belgrade hotel elevator:** To move the cabin, push button for wishing floor. If the cabin should enter more persons, each one should press a number of the wishing floor. Driving is then going alphabetically by national order.

■ **In a Paris hotel elevator:** Please leave your values at the front desk.

■ **In a hotel in Athens:** Visitors are expected to complain at the office between the hours of 9 and 11 A.M. daily.

■ **In a Yugoslavian hotel:** The flattening of underwear with pleasure is the job of the chambermaid.

From the Secretary's Desk

Thank you to Julia Stewart, Mary Anderson and Yvonne Williamson for volunteering their time to get some of our records into order. The help is very much appreciated.

Yaralla Open Day: We will be at the stables complex at 10:00 am on Saturday, 22nd October, to tidy up and organise some of the equipment. If you can help it would be appreciated.

Sorting and Identifying Photographs - Sunday, 13th November - 12 noon to 4:00 p.m. A fun afternoon of reminiscing as well as putting our collection into order so special ones can be located quickly when needed.

Old Newspapers: We still have several bundles of old newspapers that need to be gone through to look for articles relevant to Concord. These articles need to be cut out and photocopied before the papers become discoloured and too old and brittle to be handled. The articles then become a very important part of our archives - available for future reference as well as of general interest.

Can you spare some time to help with this? I'm told that those who have helped in the past have spent more time reading and enjoying the papers than they did in cutting out the articles.

Questionnaire: Have you filled yours in yet? We need your input to revive the interest in our society. Some of the feeling seems to be that we need to involve members more in a social atmosphere away from regular business. How do you feel about bus trips to interesting places?

Museum Chairman: Welcome to Lorraine Holmes, who has volunteered to take on this position. If you'd like to volunteer for museum rosters, why not give her a call on 9743-2682

Christmas Barbecue: Have you marked Wednesday, 14th December in your calendar? This is our final chance to relax and get together before Christmas. Cost is \$10, BYO liquid refreshments. Visitors welcome. Just let us know numbers by 7th December for catering.

Cataloguing our photographs: Thanks to a grant from City of Canada Bay Council we now have a unit to scan in all our photographs and negatives. All we need now is someone to operate the printer. It's not hard - no skills needed - just willingness to help. We promise you won't blow up the computer. Will you help?