

Friends of Caroline Chisholm

NEWSLETTER

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Another important commemoration of Caroline Chisholm is now in place. The stained glass window commemorating her life and work has been installed in the baptistry of the Northampton Church where she was baptised and married. The dedication service, its ecumenical features, and the co-operative design of the window are reported in this issue. The dedication followed by six months the blessing of the Chisholms' refurbished gravestone in Billings Road cemetery (reported in issue #10). The blessing ceremony, too, was ecumenical and civic representatives attended, as they did for the window's dedication.

An Australian Pilgrim's Story relates Helen Cooney's visit to the Church and to Caroline and Archibald's grave. The visit was in mid-Spring, and the two images show the fresh, resplendent contrast of the clean white of the monumental cross rising from the golden daffodils. Helen Cooney heads the Caroline Chisholm Society's

Pregnancy and Family Support Service, which was the first Australian organisation to be named after Mrs Chisholm. Helen writes, "I sometimes feel like she is an old friend supporting me as well as all the team".

Thanks are due to the students from Caroline Chisholm College at Glenmore Park, N.S.W., who have just compiled a listing of Australian organisations, facilities and locations that are named after Caroline Chisholm. A short article describes the listing's entries.

Matthew French has contributed an article about private criminal prosecutions in the Colony in the mid-nineteenth century. His legal research focused in particular on whether they were possible at the time. Mrs Chisholm's undertaking to prosecute the abusive captain and surgeon of an emigrant ship, if the government did not do so, was no idle threat. The article goes on to explain that had such a prosecution failed, there would have been risks for her.

An Australian Pilgrim's Story

Helen Cooney, CEO of Caroline Chisholm Society Pregnancy and Family Support Service, became one of the first Australians to visit the recently refurbished resting place of Caroline Chisholm and her husband Archibald.

While on a study tour, for a child protection conference and visits to social and community service agencies in the UK, Helen travelled to Northampton on 19 April, 2015. In addition to visiting Caroline's grave, Helen went to the Sunday service at the Church of the Holy Sepulchre where she visited the churchyard graves of Caroline's parents, William and Caroline Jones.

On her return, Helen described how she got to the church and cemetery, "From the station at London Euston, I took the train to Northampton. I arrived just in time to walk back along the train line on St Andrews Road and up the A428 road hill towards the Church. At the top of the hill, I could see a pointed church spire. At a wide



Caroline and Archibald Chisholm's grave, Easter, 2015
Carole Walker supplied the photograph.

and complex intersection, I walked towards the old town to the Church of the Holy Sepulchre. It took about 25 minutes as it was a bit of a hill. I'm sure there would be easier or more pleasant ways to get there, but this worked. The church is locally known as 'St Seps' and is on Sheep Street." (Continued on page 2.)

An Australian Pilgrim's Story (cont.)

Reflecting on her visit to the Church, Helen said "I arrived just in time for the service of Holy Communion. The church is part of the Church of England's Diocese of Peterborough. *It was very special to be there. In that holy place, where Caroline Chisholm was baptised and married. Apart from the personal significance, the building is incredible, really.*

The Church is genuinely ancient. It dates back to 1100 with later additions, none of which have taken away its core structure being round. I imagine that men from Northampton would have seen the original Church of the Holy Sepulchre during the crusades and brought back the design. Often churches in England are Gothic Revival when you think they are very old. In this case, it is a very old church. Before leaving the church I stopped into the chapel where they remember the dead of war. And was sure to ask to see where the new Caroline Chisholm window would be going. The cup of tea and biscuit after Mass was lovely too. I met several of the local community members. They were very welcoming. *As I was leaving the church, I made sure to stop past two very special graves. Those of William and Caroline Jones, Caroline Chisholm's parents.*

"I took a taxi to Billings Road Cemetery as it was a bit far to walk. Had I been in solid shoes, I could have walked easily. Perhaps it's a 25-30 minute walk. Some materials said it was a closed cemetery, but it is open to the public. People walk through it to get to the high street on the other side. 'Closed' just means that you can no longer be buried there. When you go through the main gate, you walk around to the right on the path. Before you turn left past the statue of a horseman, look for a cross under a tree on your right. She'll be there waiting for you. *The headstone is a beautiful yet simple tribute to an extraordinary woman.* I'm sure she would have wanted something like it."



"The headstone is a beautiful yet simple tribute to an extraordinary woman."
Helen Cooney supplied the photograph.

"It was a touching experience, to be truthful. I looked across and exclaimed, 'There she is!' The person I was with said, 'Oh, you're serious about this?' I just replied 'Maybe. Let's go check it out.' I stood there and prayed a little while. Then took a few photographs for those at home and indeed those who couldn't be there when the daffodils are out."

"I wrote on Facebook that I'd been to visit an old friend and her folks. That was a very casual way to speak about a Servant of God and her parents, but many people seemed to think that was okay. I do sometimes feel like she is an old friend supporting me as well as all the team at Caroline Chisholm Society. I thanked her for her prayers for our new building in Moonee Valley, which the State Government has promised to fund. We don't have rats like she did in Sydney, but we do need the new site. I often think of her struggles with the bureaucracy between her and helping families when I am faced with similar challenges."

Future Maintenance of the Grave Assured

The last issue of the Newsletter reported that the full cost of the grave refurbishment had been more than met by donations from England and Australia. The remaining monies were given to the fund for Caroline Chisholm's memorial window in the Church of the Holy Sepulchre.

Carole Walker has recently advised the Friends of Caroline Chisholm that firm arrangements are now in place for the future maintenance of the grave. This will be carried out by an organisation that already maintains a number of other graves in the Billings Road Cemetery.

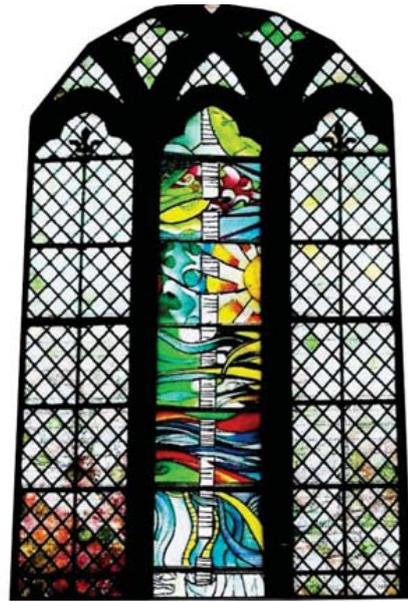
Dedication of Commemorative Window

The Caroline Chisholm stained glass window was dedicated on 2 June, 2015 in the Church of the Holy Sepulchre, Northampton. The dedication service was conducted by the Rt Revd John Holbrook, Anglican Bishop of Brixworth. Along with the readings (Psalm 146 and Matthew 25:31-46), there were intercessory prayers, a range of Anglican and Catholic hymns and the final blessing by the Rt Revd Peter Doyle, Catholic Bishop of Northampton. A substantial part of the approved prayer for the commencement of Caroline Chisholm's Cause was read as the Collect.

The Holy Sepulchre vicar, Revd Michael Hills, welcomed the congregation, which included the Deputy High Commissioner of Australia — Dr Martin Gaskell, the Deputy Lieutenant of Northamptonshire — Dr Ahmed Mukhtar, the High Sheriff of Northamptonshire — Penelope Flavell, the Mayor of Northampton — Councillor Tony Ansell, the Principal of Caroline Chisholm School — Mr Tony Downing, and the Churchwardens.

In addition to the religious and civil dignitaries and Rachael Aldridge, the stained glass creator, parishioners from the local Catholic and Anglican parishes, teachers and students from the Caroline Chisholm School and others were at the well-attended evening service.

The design work of a number of these students was incorporated by Rachael Aldridge into the final design of the commemorative window.



This image has been copied from the Dedication Service Book

She said, “The student designs (seven in all) were varied but many showed similar artistic themes” and were “linked through collage”.

“The student designs symbolise the journeys of female emigrants to India and Australia and the experiences and struggles they faced upon arrival”. Rachael Aldridge explained that the winding paths portray the journey, sunshine and water the new environments, and tear drops and spiky plants represent experiences such as hope and fear.

For a pdf copy of the Dedication Service Book, please email webmaster@mrschisholm.com

New Listing of Chisholm Namings

Year 9 students at Caroline Chisholm College at Glenmore Park, N.S.W, have recently compiled a listing of Australian organizations, facilities, suburbs and streets etc named after Caroline Chisholm.

They researched the subject through Internet searches and other reference sources. The listing identifies the names of the inclusions, their location and when they were established, a brief description and whether the namings are religious or non-religious in nature.

There are 29 entries in the listing. Nine are educational (four being non-religious), seven are

in the health and community services sector, another seven are either suburbs or streets, and the remaining six are cultural organizations (eg library), parks or what are termed “attractions” (eg Caroline Chisholm Cottage in Maitland).

The diversity is remarkable, and the entries come from the three Eastern States, the A.C.T. and Western Australia. None are from South Australia, Tasmania or the Northern Territory.

The Friends of Caroline Chisholm appreciate the work of the students who compiled the listing. To obtain a pdf copy, please email webmaster@mrschisholm.com

The Carthaginian Case and Private Prosecutions

Margaret Ann Bolton arrived on the emigrant ship *Carthaginian*, whose captain and surgeon had assaulted her at sea. Mrs Chisholm was prepared to launch a private criminal prosecution. Was this possible in 1842?

Private prosecutions in England, during the eighteenth and early nineteenth centuries, were crucial to the administration of criminal justice. The individual citizen as a crime victim was expected to carry out the investigation, apprehend the suspect, and conduct the actual prosecution in court either personally, representatively, or by engaging legal counsel. And yet despite Australia having acquired a public prosecutorial system from the outset, private prosecutions occasionally took place in mid-nineteenth century New South Wales; the period and location in which Chisholm sought to initiate proceedings. Nonetheless, whether the Carthaginian suit was privately actionable, or indeed even likely to be successful, requires further examination.

Captain Robertson and Nelson the Surgeon were charged with criminal assault by dragging Bolton up onto deck and throwing cold water over her, before leaving her handcuffed and exposed to the weather for hours. In determining whether criminal assault was privately actionable in 1842, it is necessary to consider the law at the time. In *MacDowell v MacDougall* (1841), the defendant was charged with assault for striking the victim numerous times with a dog whip, and the matter was privately prosecuted by the victim's brother. In terms of the Carthaginian suit, *MacDowell* is significant in that it reveals it was possible for Chisholm to have brought a private action on behalf of Bolton, and importantly, such action could be brought against Robertson and Nelson in criminal assault. Moreover, considering the evidence gathered by Chisholm, including a witnessed admittance to the accusations, and the assistance that Chisholm could have drawn from her friend and acting Attorney-General Roger Therry, it is likely that the captain and surgeon would have been found guilty in private prosecution, and a sentence passed similar to that which was

delivered at the government trial; namely, six months imprisonment and a £50 fine.

Whilst a private prosecution of Robertson and Nelson is likely to have been successful, failure to prove the charges in court was potentially a very real prospect for Chisholm, as evident from her statement to Governor Gipps that she was prepared to face imprisonment. In the event of a failed prosecution, however, pecuniary damages would have been a more likely consequence against Chisholm, provided that Robertson and Nelson undertook a successful counter action in the tort of malicious prosecution. For the counter suit to be successful, the complainants would have been required to prove that the indictment caused by Chisholm was preferred maliciously, and without reasonable or probable cause. The amount of damages likely to be incurred by Chisholm would be estimable at £70, the amount ordered in *Tolman v Kelly* (1839), against the defendant who was found guilty of malicious prosecution for falsely accusing the plaintiff of assault.

Chisholm's active participation in the Carthaginian case was crucial to setting a landmark precedent against the mistreatment of emigrants on board ship during the nineteenth century. Her desire to see the offenders brought to justice is apparent from her willingness to undertake a private prosecution against Robertson and Nelson, despite the pecuniary consequences that could result from a failed prosecution. Nonetheless, labelled by Sir Roger Therry as one of the most important colonial decisions in the nineteenth century, the Carthaginian case further testifies to the extraordinary work of Caroline Chisholm for emigrant welfare in the colonial era.

For a detailed outline of the evidence against Robertson and Nelson, see: 'Ill Treatment of Immigrants', *The Australasian Chronicle* (Sydney) 17 February 1842, page 3; 'Ill Treatment of Immigrants', *The Sydney Herald* (Sydney) 23 April 1842, page 2. A longer article having full citations is available on request. Matthew French