

“THE WILL OF SUSAN SPUNNER”

My name is Suzanne Spinner and I am the great great grand daughter of Susan Spinner. Twenty years ago in 1998, my father, Ken Spinner gave a talk about the Spinners of Sorrento.

I too want to pay my respects to the Bunnurrong people, the traditional owners of this land. My father brought us up aware of the Aboriginal history of the Mornington Peninsula. When I was growing up in the nineteen fifties, he showed me the large middens which you could still see at Cape Schanck and Rye Back Beach,

My interest in the Mornington Peninsula and our family history properly began with him. He died two years ago and it is because of him, I have been writing the family history, which I have called -
Lime in the Blood, Salt in the Air, Land in Mind.

My focus is on a key story from that history.

Who was Susan Spinner? She was born Susannah Farmer in Ireland in 1836, she married John Spinner when She was 22 he was 24.

John SPUNNER and Susannah FARMER married in the Church of Ireland at Dunkerrin, Kings County, on 1st June 1858, according to the date written in the Spinner Family Bible. However, in the list of ‘Protestant Marriages, Roscrea (1845-1863)’, the marriage date is noted as, July I, 1858, so there is a discrepancy of one month exactly. In the Spinner Family Bible, under “Married”, someone has written 1st June 1858, no place and no church name. Was it written like this - without the site and locale of the wedding, because the date was fudged? Of course it could just be a mistake, but even so, I suggest, it was wishful thinking. In our family, it was always said Susan and John had left Ireland because of the shame of pregnancy before marriage.

Susan, as she was more generally known once she left Ireland, came to Australia, as an assisted emigrant with her new husband arriving in Adelaide on Jan 20, 1859 on the barque, ‘Clara’. John and Susan’s first child, a daughter Margaret Sarah was born very soon after their arrival, sometime between January and April. Her christening certificate, from St Michael’s, Mitcham is dated, but no birthdate is noted.

In the Spinner Family Bible, her birth date is given as 13 March 1859. If this date is accurate, then clearly Susan and John did not “have to” get married, as there is exactly enough time between the June wedding and a March baby.

However as there is a manifest conflict between the date for their marriage in the Family Bible and the Roscrea Marriage Register, a difference of one month exactly which could be intentional to ensure Margaret Sarah was apparently conceived after they were married. I think it is also possible she was born a month earlier in February, and that date fudged as well, to ensure enough time for legitimacy to land comfortably. This may sound like over interpreting and is of small consequence these days, but was not then. That it was known in the family, that they *had to* get married *and leave* is compelling.

The young couple arrived in Adelaide as “nominated” or assisted immigrants - In the ‘Emigrant’s Guide to Australia’ published in 1853, it is clear that fit able young men like John Spinner were ideal emigrants, but married women, like Susan were also an essential part of the scheme-

“Should an intending emigrant be married, so much the better provided the wife be frugal and industrious; such a helper will not only be no expense, but she will actually often earn nearly as much as her husband”

By 1861 when their second child, George Robert was born the Spinners had left South Australia and were in Melbourne. Soon after they came to the Port Phillip district, where in 1862 John was burning lime at Rye. In 1870 they settled in Sorrento.

Their progress on the Peninsula was mediated by the two founding figures of Sorrento, the Irish Nationalist and Victorian parliamentarian, Charles Gavan Duffy and the actor, producer and impresario, George Selth Coppin.

In Sorrento on Melbourne Rd they built the family house, ‘Hillholme’. John became a cabman and a dairy farmer and Susan, a local midwife and the mother of seven children herself, all born in Australia.

My focus tonight is Susan, and her will. Why do I feel so attached to her? There is really only one photograph of her that I am aware of, and a stained glass window in St Johns Sorrento dedicated to her -

“She hath done what she could”

There are no diaries or letters. So I have looked for traces of her in public documents, in absences and omissions and even in historical fiction.

The photograph I have of her is most unprepossessing. It was taken in Sorrento on Melbourne Rd in front of their first known house, a wattle and daub cottage just behind the present ‘Hillholme’. When my father was a boy, the remnants of that building still existed, and was used as a wash house, laundry.

PHOTO OF SUSAN, THE WATTLE AND DAUB HOUSE

My father called her “formidable” in this photograph - I think he meant that you must take her seriously. He never knew her, but he was intrigued by her, and he called her “our original feminist”. By that he was not suggesting she was “Sorrento’s first feminist” rather the first and not the last feminist in our family.

Writer and Skelton descendant, Vic Keating, wrote about the early limeburners in his book, *On the Rocks*, published in 1969. And I think Vic Keating was on the money when he described “the familiar sight” of-

“the local woman of cadaverous mien,
amorphously gowned in pioneer style “

It sounds like Susan, doesn’t it?

“Formidable”, “of cadarvous mien”, “having done what she could” as the church window says - But who was she and how do we find her???

I shall begin by going over that part of her story, many of you will be familiar with her death on 9 April 1899 and her obituary, which explains why there is a memorial window in St Johns Sorrento to her.

Mrs Spinner an old resident of Rye for some 38 years, passed away quietly on the first Sunday after Easter, while the sound of the church bell was summoning the worshippers to Evensong in St John’s Church. She really was the ‘mother’ of the church in Sorrento and loved it and all connected with it with deep affection.

She saw the beginnings of church work and buildings in the town and with loving care and earnest prayer had watched over its chequered course during the intervening years until her death.

*She will be much missed throughout the district, and her **works of mercy** and **deeds of love** will long remain fragrant in the memories of all who knew her. ...*

The funeral procession was the largest ever seen in the district, residents of all creeds and nationalities attending to pay their last respect to the deceased.

To that end the local community raised money to commission a window in St John's, Sorrento. Her window is created around the phrase - "She hath done what she could". It is not, as it might sound, a rather backhanded tribute to Susan; she did quite well, even good, given her limitations. Rather it is a well-chosen biblical passage from Mark XIV, 3-9 about The Feast at Bethany. Well chosen because it was regarded as the epithet of a good woman, honouring "women's work and reflecting a pious woman's service to the church and her community. The text was often chosen for a sermon at that time of year, around Easter, which was when she died.

Her obituary, you will note, is entirely cast within the realm of the intangible, of God and Good Deeds with no mention of land, property or the power of the written word. The spirit comprehensively trumps and transcends the material.

However I will now focus mainly on the merely material.

My father among many other things, was a farmer and later a Real Estate agent so he had a great interest in land and land titles. After he came into possession of the original title, he became intrigued by the fact that the property they called 'Hillholme' was in Susan's name.

The name of their house, 'Hillholme' was obviously important to Susan and John Spinner as they used it twice for their Sorrento house on the Melbourne Rd site. There have been three houses on the site - the wattle and daub cottage constructed around 1871, a substantial limestone house called 'Hillholme' built in 1882 which burnt down in 1910 and the present house built in 1911 also called 'Hillholme'. I have not been able to find anything in the Irish records that suggests where the name came from, or what it was associated with, however there was a property at Mitcham in SA called 'Helenholme', which does make me wonder if that was the not the prompt.

Did they first live or work at 'Helenholme', a dairy property owned by a Scot, Baptist churchman and farmer, William Finlayson, who worked for the South Australia Co? He built his own house, 'Helenholme' in 1853, and named it after his wife. If it was where John and Susan first lived and worked in Australia and the Finlaysons were benevolent employers and effectively provided them with security and sanctuary at the time when they were at their most vulnerable, particularly Susan, as she was heavily pregnant, far from home and had recently lost her own mother. Perhaps Helen Finlayson, the mother of nine children, was herself a midwife and delivered Susan's first child? If any of this was the case, then the house name has a powerful emotional resonance. The word form - Holm or Holme is Scots in origin, which fortifies the inference that the Finlaysons' 'Helenholme' was the source of the Spunners' 'Hillhome'. It is a long bow but the only one I have found. 'Hillholme' was of course situated just below what became known as Spinner's Hill in Sorrento.

My father always told us his great grandfather, John Spinner was illiterate, and as proof he cited Susan Spinner's name being on the title for the Sorrento property. The more I thought about it the more it mystified me - If John Spinner was an overseer for Charles Gavan Duffy and a Land agent for Coppin's associate, Bland Holt, as we were told, then he would surely have been literate and numerate. It simply didn't add up. The story of course is not true and partly true, as most family stories turn out to be. Someone was illiterate, but not John Spinner.

The evidence from the Spinner Family Bible and the Roscrea Marriage Register reveals it was Susan who was illiterate and John who must have written the entries in the Family bible. But I was still left wondering why the house was in Susan's name. The first land the Spinner's bought in the Parish of Wannanue in 1867, where Moonah Links Golf Course is today, was in John's name. Why then is the Sorrento property in Susan's name? Was it to establish some token of parity between husband and wife or some canny business manoeuvre?

The answer lies in the details of Susan's will.

There it is explicitly stated, that she was illiterate and she signed her will with an X mark. Further it explains that the lands in Sorrento centred on 'Hillhome' were independently owned by her and it explains exactly how she paid for them herself.

Susan Spinner made her will in December 1897 and it is a fascinating and enlightening document. But before exploring it, it is relevant to look at earlier events as they unquestionably have a bearing on why Susan

made her will in the way she did; in the context of the large changes happening in the legislative framework that formed the armature of women's lives in the latter part of the 19th century.

Before we consider the specifics of Susan's will, the events and attitudes it embodies, should be set in the context of Colonial Victoria and the significant changes which happened first in Britain and then almost immediately afterwards in Victoria. The changes to the Law of Coverture were first articulated in the Married Womens Property Act, 1870 in the United Kingdom. Previously upon marriage the husband and wife became one person under law. The wife's legal identity ceased to exist, she could not make contracts and she was unable to draft a will or dispose of any property without her husband's consent. The legal principles creating this position were known as "coverture". The Married Women's Property Act 1870 was refined and improved in 1883 and the following year, Victoria was the first state in Australia to follow suit.

It was a revolutionary change in English and Australian law and a vindication of the rights of women.

So the passing of the Act in 1884 enabled married women like Susan Spinner to hold property of their own and to dispose of it as they wished, to own and deal in real estate as if she were a single woman and bequeath any property, which she was entitled to own separately from her husband, as she wished. As we consider Susan Spinner's will, the timing is significant. She is registered as the owner of the land at Sorrento in 1874 just after it was possible for a married woman to own property in her own right and she makes her will in 1897 after the changes have been enshrined in the legislation, allowing her to will her property to whom she pleases.

THE WILL OF SUSAN SPUNNER

Susan's will is a significant document for it tells us a number of things explicitly and indeed assertively, as it also quietly and rather poignantly reveals something of the character, circumstances and determination of the woman. *Her will*, in fact

My father, always found it intriguing that the Sorrento property on Gavan Duffy's Bella Vista Estate, where 'Hillholme' stands was registered in her name solely and he took it to *mean* she must have been a woman of *means* and further he imagined and indeed assumed, Susan had inherited money on her father's death, because how else could she have been *entitled* to the *title* in her own name?

The truth is startlingly different. Her father died when she was a child - barely four years old. Susan did not inherit from her father almost certainly because there was nothing to inherit.

As I researched life in Ireland at the time, I began to feel that Susan's family - her mother, brother and herself - may have been evicted as a result of her father's death in 1840 just prior to the beginning of the Famine. This could account for Susan's own strong land hunger. It was obviously very important to her to own land in her own right. Again I feel it was more important to Susan than it was to John Spinner. Not only was his status as the patriarchal head of the household clearly not threatened by her insistence, I believe he must not have experienced such insecurity himself, manifest as land hunger, in the traumatic way Susan had. Thus he clearly did all he could, to support her desire and deep need, to own land.

Lets consider her will in detail. She leaves the properties comprising-

Firstly - all that piece of land containing 3 acres 3 roods 27 perches and being Lots 5, 6, 7, 8 of Part 4 on the plan of subdivision Number 155 lodged, Crown Portion 94, Parish of Nepean, County of Mornington, more particularly described in the certificate of title and valued at 260 pounds

Secondly- all that piece of land containing 5 acres 2 roods or thereabouts being part of Crown portion 92, Parish of Nepean, County of Mornington, more particularly described in the certificate of title and valued at 800 pounds.

Personal Estate - This was the sort of non real property a married woman might usually have claimed, but Susan did not. So under this heading, follows a long list of items to which the category NIL is applied; Livestock, Farming Implements, Carriages, Harnesses and Saddlery, watches, trinkets and jewelry, money in hand, money at bank, debentures, shares, dividends- NIL.

So Susan had not a penny anywhere else - no jewelry and only some furniture valued at 45 pounds.

Furthermore her will states:

“All the properties are in the *name* of the said deceased and such *real estate* was acquired by the said deceased-

- partly from monies earned by her independently of her husband
- partly out of money given her by way of gift by her husband and
- partly from profits derived by her, from letting the house erected on part of the said real estate, as a seaside residence
- partly out of money saved by her from her allowance for housekeeping expenses.
- and such furniture as was purchased out of the profits, made by her in the rearing of poultry

These declarations in her will read as significant, if a bit jarring, in the way that Susan Spinner almost naively, with evident pride in her achievement, details how she came to possess the property and where she got the means to justify securing it.

Given that she has described her sources of income in such minute detail. I am mystified why Susan does not mention her income derived from midwifery. It was a not uncommon profession for illiterate women like her. It was well known that she was a prominent midwife in the district and her name is listed as attending the births of many Sorrento babies. In some particularly tragic instances those boys she delivered, went on to fight and die with the Anzacs at Gallipoli and in France.

I wonder - Are her midwifery earnings not specified, but absorbed in monies earned independently from her husband? Or following on from my long bow about 'Helenholme' and 'Hillhome'; did Susan carry a debt of gratitude to Helen Finlayson, the woman who had helped her in South Australia? Assuming she was paid for her midwifery did she give the money to the church? Or were these her "deeds of mercy and works of love" referred to in her obituary?

In Vic Keating's historical novel, *On the Rocks*, his description of the unnamed local midwife, could well have applied to Susan, although he was probably referring to his relative, Harriet Skelton, another local midwife:

... to her was entrusted the task of attending to the increasing number of births in the district. There were occasions when a galloping messenger would have her out of bed in the middle of the night to saddle her own horse for immediate assistance in a tent seven miles eastward at Rye (VK p.21).

This story seems so familiar it has echoes of the story of how Susan died, from pneumonia, as a result of catching a severe chill from riding through a rainstorm, to Dromana, to attend a birth.

While Susan's will addresses so many matters directly, many other questions are left unanswered- mute and moot. Perhaps John Spinner offered her joint title in the property but she may have considered that not enough, and asserted the value of her contribution above and beyond any customary wifely duties- to cook, clean, wash, sew, mend, render medical attention, shop for and care for her husband and children.

Her husband clearly valued her separate and independent contribution and was apparently happy to cede ownership to her based on that. The documents suggest there is no rancour between them and she wills her estate to him in its entirety.

And after his demise, she left her property - the paddock fronting Hotham Rd Sorrento and containing about four acres "for my daughters in the following shares"- Adeline Maude Spinner two shares and each of my three other daughters - Margaret Sarah Stringer, Anna Maria Cousins and Elizabeth Susan Mathisen- one share each.

"I declare" - underlined- "that such shares shall be for the separate use of my daughters free from the debts, control and engagements of any husbands with whom they may have intermarried". The residue of my estate - the 'Hillholme' block - shall go to my sons, John William Spinner and James Richard Spinner "in equal shares and proportions, as tenants in common".

Susan's determination to ensure an inheritance for each of her daughter and to guarantee them a modicum of independence from their husbands, whomever they may be, and to ensure that no husband could either take anything from one of her daughters, or for that matter derive any benefit from her, is so clear, it reads as fierce. Here we hear her voice expressed. Perhaps Susan's mother had money, or something at some time and her father lost or wasted it or perhaps he incurred debts. There is no suggestion John Spinner did not provide or was anything but a hard worker and good husband; and no evidence of gambling or excessive drinking. Whereas his good mate, the stonemason George Morce was in and out of the police court in Sorrento, regularly charged with drunkenness and disturbing the peace.

It is worth considering the effect of her **illiteracy on Susan's character**. It must have been galling, to have to literally spell it out in her will and she did so attesting her will in front of two witnesses, her future son-in-law William Joseph Croad, carpenter of Sorrento and her minister Revd Frederick Willcox, whom she made her executor. When Susan died, Revd Willcox returned from Seymour to read the service at her funeral and officiated at her graveside at the Rye cemetery. Her youngest daughter Adeline Maude and William Croad were married by the Revd Wilcox in 1900, the year after Susan's death.

Did she choose these two men to witness her testimony and confirm that the X was indeed her mark so affixed, because she felt them the most empathetic to her situation - the future son-in-law because his status in the family was lowest in the male pecking order and the minister because as her minister, he was duty bound to be considerate of her plight. Clearly he was also her friend and confidant, and she respected both men as serious Christians.

I find it significant that she kept the whole business separate from her husband and her surviving sons, John William and James Richard, and she did not involve her other sons-in-law, Hans Matias Mathisen or David Cousins, particularly the latter whose ostentatious flourishes suggest the vanity of a man well-schooled in fine writing in Edinburgh. Nonetheless she kept her admission of illiteracy and the potential for humiliation close and tight within the family and the church.

Accompanying Susan's humble but powerful X mark, are the confident signatures of her sons and daughters made on the probate documents in response to her will, a testament, just like the acquisition of land, that she had come up in the world and was able to educate them to an adequate standard.

It is worth remembering that according to the records of the Sorrento Common School, her eldest daughter, Margaret Sarah, did not begin school until she was almost thirteen, in 1872, a year after the school opened. Her younger brothers and sisters began the year before. Margaret Sarah must have been needed at home, probably to look after the new baby, Adeline Maude, however Margaret Sarah *was* sent to school and as her signature evinces, she did learn to read and write.

By 1911, remember she died in 1899 - when probate was finally granted to my great grandfather, John William Spinner, cab driver, after a lengthy hiatus caused by the death in 1905 of the Revd Willcox, Susan's

executor, before he had disbursed her estate. The furniture, which had been valued at 45 pounds has now been destroyed by fire, but “the sum is now in hand for the replacement of same”. Confirming that the first ‘Hillholme’ had burnt down, been re-sited, and rebuilt on the Melbourne Rd block.

All parties confirmed the document with their signatures - John William Spinner, farmer; Margaret Sarah Stringer, married woman, Elizabeth Susan Mathisen (the correct spelling with “e” not anglicized with an “o” has been amended throughout this document, presumably at the insistence of Elizabeth Susan herself), married woman; Adeline Maude Croad, married woman and James Richard Spinner, labourer, all of Sorrento, and Anna Maria Cousins of Macedon.

A Landboomer herself- Susan Spinner’s will was made in the aftermath of the Land Boom in Victoria and it was made in the Rialto building on Collins Street, Melbourne in the offices of her solicitor, Mr. Hall, who had close connections with Sorrento. He did a variety of legal work for the locals and was also a shareholder in George Coppin’s Sorrento Tramway Company. Alfred Gillham Hall was a partner in the firm Fink Best Hall begun by Theodore Fink, brother to Benjamin Fink, a famous land boomer, notorious for his legal devices called, “compositions”, which saw Fink and his associates, including in particular W L. Baillieu, saved from the brink of total ruin during the bust. At this time the Baillieus owned the Rialto in Collins Street. Its ostentatious Venetian Gothic style symbolized the height of the land boomers excess. In this probate case, in a very Sorrento touch, Mr Hall had Susan’s documents witnessed by Arthur Baillieu, in his capacity as a Commissioner for taking Affidavits.

So in a period of forty years Susan had gone from land hungry to being a modest land boomer herself. Essentially all Susan’s assets were land, she left only the tangible solid security of titled land behind and the intangible but visible evidence of education manifest in her children’s ability to sign their names and understand this important legal document, her will.

Called Susan Spooner - This misspelling on the Land Title documents is the only instance to my knowledge of the Spinner name being misspelt, and replaced with its most common alternative, “Spooners”. This is most unusual, as there is a general warning to assume that our family name has been misspelt on records. In fact the contrary is the case. It must have been such a well-known name in that part of Ireland that it was regularly

spelt correctly. It also suggests that in general the Spunners were literate and could spell it themselves. On the title documents to the blocks in Gavan Duffy's 'Bella Vista' Estate bought in Susan's name, it is transcribed as "Susan Spooner", suggesting to me that the land titles office was not familiar with the name and on any antecedent documents Susan herself had not been capable of noticing the mistake. On the early maps of the Bella Vista Estate it is rendered as "Spooner". As it is a classic Torrens style title, this mistake - "incorrectly styled Spooner" - was rectified in the next transaction, when a mortgage was taken out.

Susan's daughters, as we now know, confidently described themselves as "married women", and were happy to take their husbands names so long as they were spelled right, whereas for me it was different ...

Called Suzanne Spinner- My own situation forms a coda to this story. When I married in 1979, I decided to keep my own name and not take my husband's. It was unquestionably a "feminist gesture" on my part. I had been intrigued to learn that taking your husband's name upon marriage was only a custom and not a legal requirement, and many women of my generation as well as adopting the new honorific "Ms" kept their own names. Notwithstanding, that of course we were actually keeping our father's names. At the time when our children were born at the Jessie McPherson Hospital in Melbourne- a hospital for women by women- mothers and babies had to be named the same for the wrist tags, so we were all labeled "Spinner-Gray", although my husband and I had decided explicitly not to give our children a hyphenated surname, as many of our peers had.

My own family were very resistant to accepting that I had not changed my name, but eventually everyone appeared to know who I was. However it became clear later, that my father had remained a persistent *refusnik*. A decade or so before his death, he asked my husband, who is a lawyer, to peruse his will and offer any comments. On the second page, Ian noticed a problem. My father in listing his three daughters had named me as "Suzanne Gray".

My father was incredulous at Ian's objection, he really could not accept, it was not my name; he had been present at my wedding, our children were called Gray, he knew I wrote and published under Spinner and he had therefore decided I was using a pen name and that my legal name had to be, indeed was required to be, "Suzanne Gray".

I told him no such legal person existed, I had never signed anything using that name and that if he wanted me to inherit equally with my sisters he would have to go back to his lawyer and change his will. He did so, but only after Ian assured him, who indeed I was and that he had to... Given there were no boys in our family to carry on the Spinner name, I had genuinely thought he would have been pleased I had kept the family name. The irony is now compounded. I think I might have inherited *Susan Spinner's will*.

My father, no doubt in his intuitive wisdom, attached me to her when he described her as “our original feminist” solely on the basis of her name on the title. To my knowledge, he had not even seen her will. I had grown up knowing my great grandmother, Fanny Spinner but had never really heard about Susan. I was never told I was named after her - “your mother wanted to called you Ann and your father wanted to call you Susan so we compromised on Suzanne”. It was Dad’s aunt, who said matter of factly to me when I was nearly forty, and she was showing me the Family Bible, she pointed out Susan’s name and said- “You’re named after her - Susan Spinner”. She was hiding in plain sight.

And so I, the direct descendent of Susannah Farmer who became Susan Spinner, a fatherless girl who lived through the Irish Famine, who could not read or write, and was a poor farm labourer, landless and almost certainly destitute, a woman who lived in awe of the people at the Big House ... I, her great great grand daughter, have a PhD from the University of Melbourne, and through my education I can reflect on her life and the great, great strides women have made and still must ...

Thank you for listening to this story of the will of Susan Spinner, *our original feminist* indeed.

Dr Suzanne Spinner is the great great grand daughter of Susan Spinner.

She was born on a farm at Boneo and went to Boneo Primary School when it was a one room, one teacher school with twenty students.

At Rosebud High School, she was School Captain and Dux of Humanities and she couldn't wait to leave town and get to the big city.

In 1969 she went to Melbourne University where she completed an Arts Honours degree and a Dip Ed and in 2012 a PhD.
Her expertise is Aboriginal art authentication.

She is a writer, researcher, editor and teacher.
She writes about art and theatre. In 1976, she was the founding editor of LIP, a magazine about women in the visual and performing arts.

In 1979 she married Ian Gray, a lawyer. The family lived in Darwin for ten years. In 1995 they bought a holiday house at Blairgowrie and in 1997 they returned to Victoria, where they live in St Kilda.

Suzanne has written some fourteen plays and she co-founded two theatre groups - Home Cooking Theatre Company in Melbourne and Paradise Productions in Darwin.

Today she is -
an Honorary Fellow in the Department of Indigenous Studies at the University of Melbourne;
a passionate supporter of local heritage and the Nepean Historical Society;
and an enthralled grandmother to three fascinating little boys.

She has recently completed a book about the East Kimberley Indigenous artist, Rover Thomas, and has nearly finished a book about the Spinners on the Mornington Peninsula.