

Collector of old

Robert Richard Torrens

By Barbara Sweeney

Excerpt from *Scenes at the Port*, Gazette and Mining Journal, South Australia - 8 March 1849

SCENE 1 - The First Clerk's Office

Port Agent, - The Collector busy?

First Clerk, - Not come yet -

Second Agent, - Collector come?

First Clerk, - Not yet -

Third Agent, - Want to see the Collector.

First Clerk, - Not arrived -

Third Agent, - Why, it's two o'clock.

First Clerk, - Very likely -

Master of Ship, - Want to report myself; where's the Collector.

First Clerk, - Don't know -

Master, - What shall I do?

First Clerk, - Can't tell -

Merchant from Adelaide, - Just in time; where's the Collector?

First Clerk, - Didn't you meet him?

Merchant, - No! Where is he?

First Clerk - Can't say. He's not come to-day.

Merchant, - So! Here's my second journey for nothing. It's only five minutes to four.

Out-door Clerk - Hallo! I see the Collector coming -

[Collector arrives, and is immediately surrounded by merchants and agents. Clock strikes four.]

Collector.- OFFICE SHUT!

[Exeunt omnes.]

Robert Richard Torrens has many credits to his name. An Irish-born English MP, a Premier of South Australia and the man credited with simplifying the land titles system that bears his name, he was also South Australia's Collector of Customs from 1841 to 1852.

The year Napoleon abdicated the first time, and a year before Napoleon's defeat at Waterloo, 1814, Robert Richard Torrens was

born in Cork, Ireland. He was the son of Colonel Robert Torrens, an army officer, owner of the *Globe* newspaper and Chairman of the Board of Colonization Commissioners which actively promoted the new colony of South Australia. The Torrens River and Lake Torrens were named after Colonel Torrens.

It was while studying at Trinity College, Dublin, for an arts degree between 1830 and 1835 that, as the grandson of an Anglican minister, he became known as 'Radical Torrens'.

While Torrens was at Trinity, his father actively promoted the new colony of South Australia with the intention of his son being one of the first colonists. Robert Gouger, the first Colonial Secretary, wrote in his journal on 29 June 1835:

"Hindmarsh tells me of two or three youths who will be under his care in the Colony, and who must be in some way provided for; of these, young Torrens is one."

Apparently "young Torrens" had other ideas. In 1836 he joined HM Customs as a landing waiter on the docks of Port of London - the year before Queen Victoria came to the throne - marrying widow Barbara Ainslie Anson on 19 February 1838.

Like his father, Torrens actively promoted South Australia. He was elected one of two Honorary Secretaries to organise a campaign aimed at Protestant small farmers, tradesmen and rural labourers. It proved so successful that the number of emigrants soared, outstripping the revenue allocated for emigration purposes by the Colony. The number of emigrants that applied, combined with speculation and abuse of the Land and Emigration Funds, led to the scheme collapsing in August 1840.

At his father's instigation, Torrens was sent to Cork in Ireland to learn the duties of a Collector of Customs. He was nominated for the post of Collector of Customs in the new Colony of South Australia in the summer of 1840. The year Queen Victoria married.

Robert and Barbara left London on 15 August 1840 bound for South Australia. The Suez Canal was still 30 years off and the trip took four months, sailing around Africa. No cruise ship, the barque *Brightman* was 400 tons. Apart from Torrens, three other gentlemen were noted on the arriving passenger list in the *South Australian Advertiser*, including the Surgeon Superintendent, J.C. Slewman. These passengers would have had cabins. The other passengers, crew and cargo were crowded into the rest of the ship. The *Brightman* carried 169 emigrants and 630 packages of emigrants' luggage as well as bottled beer, boxes of soap, barrels of pork, oil, and flour.

In the *South Australian Advertiser* for the week of the *Brightman's* arrival was a glowing passage:

"Among the arrivals during the past week, we have the satisfaction to record the names of Mr Robert Torrens, son of Col. Torrens, Chairman of the late Board of Colonization Commissioners, and Mr George Morphett, brother to Mr John Morphett. To both these gentlemen South Australia is much indebted - to the former, independent of his relationship to one of the oldest and staunchest friends of the colony, for his more recent able expositions in various parts of Ireland of the principles of South Australian colonization, and the consequent addition to our population in a valuable class of settlers and emigrants from that country ... Mr Torrens, we hear, is appointed Collector of Customs, an office for which he is understood to be particularly qualified."

How different the tone a few short weeks later, after Torrens' action against the ship *Ville de Bordeaux* which, according to the newspaper, could bankrupt the colony. Articles and letters ran hot condemning the incident.

Within a month of becoming Collector, Torrens investigated whether the 625-ton French vessel was trading in intra-imperial waters. The case

became more involved when the captain, after he learnt of the investigation - which could result in seizure of the vessel - set sail with two Customs officers on board, effectively kidnapping them. Sheep already on the quay to be transported by the vessel were seized by Torrens on the suspicion

French vessel. The steam ship had been unable to catch the *Ville de Bordeaux*, but was officially seized by Torrens as it sailed back to port.

An article published 10 April 1841, referring to the case as "unaccountable folly" and "disgraceful and arbitrary proceedings", is followed by a letter



Sir Richard Torrens

of being sold to the French merchantmen. The sheep were eventually sold, in poor condition and below their original price. The crew mutinied, taking over the ship and turned her back to Adelaide. A steam ship said to have cost the colony 600 pounds sterling had meanwhile been commandeered by Torrens to chase the

Flinders history of South Australia written by Torrens in response to a flyer for a public meeting to "take into consideration the legality of the French ship *Ville de Bordeaux*" dated 11 February, 1841. In it he begs "leave to remonstrate against the line of conduct you have adopted as unprecedented, impolitic, and insulting to me personally".

Torrens' letter, dated 11 February 1841 states: "I do understand my duty, both its theory and its practice." Torrens often used the phrase 'theory and practice' and led to him being given the nickname Mr Theoretical and Practical Torrens.

The Customs board in London also proclaimed the illegality of Torrens' action in seizing the vessel, warning that his lack of caution could have proved seriously embarrassing to himself and the Colony.

His administration was considered unorthodox and he was frequently reprimanded for irregularities. In his first year he was censured four times - for careless pay lists, reducing wharfage rates without authority, being absent on a number of occasions and for not supporting Governor Grey's policies. During his employment with Customs, he also worked as a land surveyor. He was censured by all subsequent Governors during the 11 years he held the post.

He was described as an arrogant man who became most unpopular.

The Hon. B T Finnis who knew him well commented:

"Fluent of speech as his countrymen usually are, he was an eloquent speaker when roused to action. He wounded rather than persuaded, preferring invective as a weapon of attack to logical reasoning, for which he seldom exhibited much capacity" (*Pension to Sir R R Torrens*, South Australian Parliamentary Debates, 20 July 1880, cols 420-8).

He had a long-standing feud with the editor of the *South Australian Gazette and Mining Journal*, George Stevenson, and when Henry Watson, the Chief Clerk of Customs, who dealt daily with Torrens' mismanagement, complained to England, he was dismissed by Torrens for refusing to work one hour's overtime. Watson's cause was taken up by George Stevenson, ending in a minor scrap in Hindley

Street after publication of a series of articles in the form of a play *Scenes at the Port*. Torrens struck Stevenson about the head and face with a heavy walking stick and punched him in the ribs. This resulted in lengthy civil and criminal proceedings. Torrens was convicted of common assault and fined 250 pounds. Later, Torrens was successful in his libel action against Stevenson and was awarded the princely sum of a farthing (a quarter of a penny).

Young Torrens, like his father, took an interest in politics - his father was an MP in England 1831-35. In 1850, his position as Collector of Customs saw him nominated for a position on the 24-strong Legislative Council. He left Customs in 1852 to take up the appointment as Colonial Treasurer and Registrar-General for Deeds. In 1855 he was nominated to serve on the Executive Council.

He was elected to the first South Australian Parliament in 1857, due mainly to his campaigning.

"On the hustings he pledged himself to devise and initiate a new system for the transfer and other dealings with land." (*The Torrens Park Estate: a social and architectural history*, Ken Preiss, Pamela Osborn, Stoneyfell [S. Aust] ; K Priess & P. Oborn, 1991).

One of the first Bills presented to Parliament was a Private Member's Bill by Robert Torrens. This Bill, to simplify the laws relating to the transfer and encumbrance of freehold and other interests of land, when passed became the *Real Property Act*. This Act received assent on 27 January 1858 and is more commonly known as the Torrens Title System.

During the passage of this Bill, Torrens became Premier of South Australia for a short time, 1-30 September.

In 1862, given leave on half pay, Torrens left to lecture on the land titles system in England and Ireland. Due to ill health, he cancelled many of his

lectures and returned to Australia in November 1864, remaining less than two months before returning to England, this time without pay. In 1865, he wrote he was considering resigning as Registrar-General and as Chairman of the Lands Titles Board in order to enter politics in England and better promote the cause.

In 1868, at his third attempt, he was elected as Member for Cambridge. His ideas met with little interest and he retired from public life in 1874 after failing to be re-elected.

He was made Knight Commander Order of St Michael and St George (KCMG) in 1872 and, shortly before his death, Knight Grand Cross Order of St Michael and St George (GCMG). This, after in 1863 a strongly worded letter by the Queen's representative' Sir Dominic Daly:

"Ever restless and unscrupulous, he has been the occasion of much mischief in this community and honours conferred upon him would certainly not give general satisfaction."

A life-long bronchitic, Torrens contracted pneumonia and died on 31 August 1884. He was 70 years old.