

Thomas Mellersh (1818-1871)

Thomas Mellersh was the son of a solicitor, banker^{1 2} and land steward in England from Godalming in Surrey.^{3 4 5 6} He was baptised on 4 March 1818,⁷ so presumably was born shortly before that date.⁸

He first arrived in the Colony on the *James Pattison* on 19 August 1834, aged 16. On the same ship were Sir James and Lady Stirling returning to the Colony, with whom he formed a lifelong friendship, and in steerage, 14 boys and 4 girls from the Society for Promoting Juvenile Emigration.⁹

After arriving, he was apprenticed to Robert Brockman in Perth,¹⁰ where he appeared to still be in August 1835.¹¹

At some point, he bought *Woodlands* from Arthur Trimmer,¹² where he erected a house and barn and bred sheep and grew wheat.¹³

He kept a daybook of this time. The National Library explains the daybook as follows:

The daybook dates from 12 March 1836 – 27 December 1837. It contains brief entries for each day, written continuously with no paragraphs. They refer to the erection of Mellersh's house and barn, work on his garden, planting of vegetables, visits to York and Guildford, purchases of provisions and other goods, land clearing (grubbing), ploughing, sowing of wheat, reaping, binding and wheat grounding, lambing, sheep shearing, work with horses, wood splitting, carting timber, work undertaken by his employees and local Aborigines, kangaroo hunting, problems with wild dogs and cats, the management of Lady Stirling's sheep, news of ship arrivals, his surrender of 4000 acres to the Government, Mellersh's decision to leave the colony (November 1837), his departure from 'Woodlands', and financial

¹ Mellersh & Company was established as Mellersh, Moline & Weale in 1808 by John Mellersh, solicitor, Robert Moline, grocer and corn dealer, and James Weale, mercer and linen draper. It was otherwise known as the Godalming Bank. From 1822 all partners were drawn from the Mellersh family. Capital & Counties Bank (est. 1877) acquired the business in 1893. (from Archives Hub)

² Thomas's father was running Mellersh, Kidd & Co at Godalming, Surrey in the 1820s: Convict records in relation to William Summers who stole notes to the value of £7160 from the bank. See also REWIND: The rise and fall of Godalming's private banks.

³ R v Mellersh: Cobbett's Political Register 5 July 1834, p.53.

⁴ Inquirer 20 April 1842, p.3.

⁵ Wikitree.

⁶ The Mellersh family was connected with the family of Jane Austen: Austen Families (The Stem)

⁷ Ancestry.com.

⁸ His father Thomas Mellersh was born in 1787, his mother Mary was born in 1788 and died on 27 January 1864 aged 76: The Gentleman' Magazine, 1864.

⁹ Perth Gazette and Western Australian Journal 23 August 1834, p.342.

¹⁰ Diary of George Fletcher Moore. 28 September 1834, reported in West Australian 31 May 1881, p.3.

¹¹ Diary of George Fletcher Moore. 29 August 1835; reported in West Australian 10 February 1882, p.3.

¹² Perth Gazette and Western Australian Journal 25 November 1837, p.1012.

¹³ National Library of Australia, from notes on his daybook.

transactions. There are frequent references to visits from or to neighbouring settlers, including R. Brockman, G.S. Burgess, G. Elliott, A. Trimmer, Macleod, Mortimer and Knights.

While he was in Western Australia, he acted as the property agent for Lady Stirling, wife of the Governor.¹⁴

In October 1836, he was reported in the Swan River Guardian as having 5 acres of land under cultivation at York.¹⁵

In July 1837, Lieutenant Bunbury listed all the farms near York and made reference to Mellersh:¹⁶

Mellersh – himself, Grindall 2 men 4

This would be a reference to Rivers Grindall.

He was also mentioned in the 1837 census as employing three men on his farm.¹⁷

In November 1837, Mellersh surrendered 4,000 acres of the property,¹⁸ and also announced that he was “about to leave the Colony”,¹⁹ though in the same month, he also purchased a parcel of land of 640 acres in York.²⁰

He continued to own the balance of *Woodlands* but left a tenant in charge of the property.²¹

In January 1838, he was staying in the house of Mrs Lyttleton and was robbed of £23 by “a boy of colour named Wm Field”.²²

He departed for England in February 1838 per the *Abercrombie*.²³

While he was away, on his behalf Samuel Burges advertised his farm as being to let (but called it *Oatlands*), “the property of J Mellersh, Esq.”. The property was described as “comprising about 4,000 acres of superior pasture land, on which is a good Dwelling House, Kitchen, Barn, Stable, Stock Yard, and an enclosed Garden. Also about eight acres of

¹⁴ National Library of Australia, from notes on his daybook.

¹⁵ Swan River Guardian 27 October 1836, p.14.

¹⁶ Bunbury, HW, edited by W St Pierre Bunbury and WP Morrell, *Early Days in Western Australia*, Oxford University Press, 1930, pp 28-34.

¹⁷ Pamela Statham: *Dictionary of Western Australians Volume 1*, p.228.

¹⁸ Being Avon Location A1: Perth Gazette and Western Australian Journal 25 November 1837, p.1012.

¹⁹ Perth Gazette and Western Australian Journal 25 November 1837, p.1012.

²⁰ Swan River Guardian 7 December 1837, p.259.

²¹ National Library of Australia, from notes on his daybook.

²² Perth Gazette and Western Australian Journal 27 January 1838, p.14, 7 April 1838, p.55.

²³ Perth Gazette and Western Australian Journal 23 August 1834, p.342.

cultivated land.” The add goes on to offer: “A Flock of 100 Breeding Ewes will be let with the Farm on fourths of the increase”.²⁴

Mellersh returned two years later, in January 1840 on the *Westmoreland*.²⁵

He was noted as being the purchaser of 200 wethers in June 1840, his address being “of York”.²⁶ He also offered some foals for sale and put his address as being *Woodlands, York*.²⁷

Mellersh was one of the original committee members of the York Agricultural Society at its first meeting on 3 August 1840.²⁸

He was also a member of the Agricultural and Horticultural Society.²⁹

In September 1840 Mellersh offered two foals for sale putting his address as Woodlands.³⁰ He auctioned “100 fat four year old wethers” at the York Fair on 4 November 1840.³¹

He leased the farm *Seabrook* from W.L. Brockman.³²

He advertised his stock and possessions for sale and Woodlands “to be let” on 16 October 1840 in two separate advertisements:

For Sale, A CLEAN mixed Flock or dry SHEEP, of 1200, about 1200 of which are 6-toothed, in the finest condition

50 head of Cattle, consisting of Cows with calves, Steers, Heifers, and 8 Bullocks, in prime order

One half-bred Pony, one 3-year old Filly, one pair 5-year old staunch Bullocks

One new Dray (by Wall), one old Cart, Plough, Harness

A valuable lot of Household Furniture

About 300 volumes of Standard Works, Pictures by eminent artists

²⁴ Perth Gazette and Western Australian Journal 8 December 1838, p.193.

²⁵ Perth Gazette and Western Australian Journal 23 August 1834, p.342.

²⁶ Perth Gazette and Western Australian Journal 27 June 1840, p.2.

²⁷ Inquirer, 30 June 1841, p.6.

²⁸ Inquirer 12 August 1840, p.73; Perth Gazette and Western Australian Journal 15 August 1840, p.1; Inquirer 19 August 1840, p.1; Perth Gazette and Western Australian Journal 22 August 1840, p.2; Perth Gazette and Western Australian Journal 29 August 1840, p.2; Perth Gazette and Western Australian Journal 13 February 1841, p.2.; Inquirer 17 February 1841, p.3; Inquirer 7 April 1841, p.3.

²⁹ Inquirer 9 September 1840, p.23.

³⁰ Perth Gazette and Western Australian Journal 19 September 1840, p.1; 26 September 1840, p.1, 3 October 1840, p.1; Inquirer 7 October 1840, p.37; Perth Gazette and Western Australian Journal 10 October 1840, p.1, Inquirer 14 October 1840, p.41.

³¹ Inquirer 21 October 1840, p.45.

³² CSR 87/7.10.1840, H Drake-Brockman, Record of the Brockman and Drake Brockman Families; 1859 York Census, 244; Mem II/478, III/165; Muresk College Magazine, 1927; Donald S Garton, Northam, An Avon Valley History, Hesperian Press,, Northam Shire Council, 1992, p.23.

Cooking and Dairy Utensils

Agricultural Implements, and various Carpenters' Tools.

The above will be sold on reasonable terms.

Purchasers above £5, approved Bills at 3 months ; above £10, at 6 months. Apply (if by letter, post-paid) to Mr. MELLERSH, Woodlands, York. Oct. 16, 1840

To be Let, THE Farm of "WOODLANDS," containing 4,200 acres, 100 of same enclosed in a ring fence, 60 being cleared and in cultivation, with suitable buildings on the premises, and a vineyard of about 3 acres, enclosed with a substantial 5-railed fence, being stocked with 3000 vines of the choicest sorts, and 200 worked fruit trees, nearly all in full bearing.

Rent taken principally in improvements and keep of cattle, and possession will be given about the 1st of next January.

50 head of Cattle and a flock of Sheep will be let with the Farm if required.

For particulars apply (if by letter, post-paid) to Mr. Mellersh, York ; or to Mr. Lawrence, Solicitor, Perth. Oct. 16, 1840.

On 19 October 1840, Samuel Viveash noted in his diary: "JS³³ and Mr Onslow bound for the sum of 50 pounds that Robertson keep the peace towards Mr Mellish. Mr M is expected at Bland's in the morning for the like purpose. Disagreeing they were to have fought a duel."³⁴

While he was in York, Mellersh met 17 year old Jane Heal the daughter of a settler and former Lieutenant in Her Majesty's Navy Charles Heal.³⁵ Jane was born in about 1824.³⁶ Her father was a settler but had died when she was seven,³⁷ "leaving his family in poor circumstances, in consequence of which [Jane] had descended somewhat from that position to which she had been born, but (according to her lawyer in 1842) she had nevertheless retained an unsullied reputation."³⁸

To quote the story of Thomas Mellersh and Jane Heal by historian Jessica Barratt in a paper *Breach of Promise* which is on her blog The Dusty Box:

He first gained her affection and then made her a "shameful proposal". She refused him and subsequently cut off all communication. With the help of friends, apologies

³³ John Frederick Smith?

³⁴ Diary of Dr Samuel Waterman Viveash.

³⁵ Inquirer 20 April 1842, p.3.

³⁶ Rica Erickson, Dictionary of Western Australians.

³⁷ Inquirer 20 April 1842, p.3.

³⁸ Inquirer 20 April 1842, p.3.

were made, bridges were mended and courtship resumed. He was permitted to again visit her as an “accepted lover”. They wrote letters to each other, went riding together and behaved in such a way as to imply that they were “engaged to be married.”³⁹

In March 1841, a fire caused some loss to Mellersh. It was reported as follows:

T. Mellersh, Esq., of York, lost property to the amount of £400, from his hay and corn-stacks being burnt. The cause of the ignition is wrapped in mystery — rumor attributes it to the casual falling of a light from a pipe.⁴⁰

In June 1841, Mellersh was still farming at *Woodlands* and offered some horses for sale.⁴¹

He surrendered location 28 of 3,200 acres due to non payment of location dues.⁴²

However later in 1841, he was living at his home at Woodbridge (near Guildford), and from September to November Jane Heal was living at Matthew Moulton’s property at Canning River.

Some of his letters to Jane were produced in evidence in a court case in 1842:⁴³

Woodbridge, Nov. 4, 1,841.

My dearest Jane,—After leaving you, I had the pleasure of riding down to Guildford with Mr. Leonard. * * I speak with sincerity and truth when I tell you how dreary and cheerless everything appears now you are away, and how anxiously I look forward to a life when every thing, I am sure, will be harmony, bliss, and peace. Well, my dear child, after several fruitless attempts, I have succeeded in obtaining a place I think you will be pleased with; the view is so picturesque and beautiful, and the garden now is so charming, that it only wants your presence to render it complete. I mean Mr. [Alfred] Waylen's place but he cannot possibly leave it for six weeks, as he has many accounts to settle, and he then intends to sell by auction all the furniture and other goods : I shall buy everything you wish. I will not speak more on this subject at present, as I shall see you before long—but Mr. Waylen has everything there to make our home happy and comfortable, Of course, I hear a great deal of ourselves, which affords me much amusement, but our promise to each other is quite sufficient to make me indifferent to what others can say. I go down to Perth to-morrow for several days. You had better direct your letters to me at Perth, and remember to write a full account of the way in which you spend your time, what you think and wish, for really everything you can tell me will be very interesting. I shall send a longer letter next week, and a parcel from Perth to you. At present there is so much noise and confusion, that I am obliged to retire to my bed-room to write this, and I

³⁹ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

⁴⁰ Perth Gazette and Western Australian Journal 13 March 1841, p.2.

⁴¹ Inquirer, 30 June 1841, p.6.

⁴² Pamela Statham: Dictionary of Western Australians Volume 1, p.228.

⁴³ Inquirer 20 April 1842,p.3.

am certain your confidence in my unalterable love and fidelity will attribute this brevity to the proper cause, rather than to any disinclination on my part to say more. My finger still continues very, very bad. How anxious I am to see you—it appears an age already since we parted. Remember me, my dearest, to Mr. and Mrs. Moulton; and with the kindest love, believe me, my dear Jane, Yours most faithfully, T. MELLERSH.

Miss Jane Heal. Guildford, Nov. 10, 1841. Many thanks, my dearest girl, for your very kind and affectionate letter; it afforded me quite an indescribable pleasure to find that we are to meet again so shortly, and I sincerely trust never again to separate. I am glad to hear that you think so well of my arrangement with Mr. Waylen. The rent was to me quite a minor consideration, and nothing could have more strongly evinced the deep and heartfelt interest you take in my welfare than your anxiety to know the rent I am to pay. * * The gaiety and dissipation of Perth affords me no satisfaction. It is to me dull, cheerless, and despicable. I am too fond of my home to be contented in a noisy, riotous town, particularly where there is so much jealousy, strife, and party feeling. How cordially do I wish you were near me now, that I might cheer your lonely hours, and study to assuage your pain and grief. I am quite callous to what others may say—my mind is irrevocably made up, and I ever shall consider the day when you place yourself under my care and protection as one of the brightest in my life. I am glad you devote some hours to reading, as the advantage to be derived from study and application will never forsake you, and my knowledge of your mental powers justifies me in believing that they are capable of great improvement. I am sure you will excuse this advice, as it is my wish. So, my dearest Jane, you sometimes think of me. How I should like to know all your thoughts; what can they be ! I hope, with all my failings and blemishes, —and I know they are many,—you find some redeeming points in my character. I am very sorry your head has been so bad; I hope you do not unnecessarily fret about —; pardon my vanity. I have had such a strange and romantic adventure whilst in Perth in search of some unknown fair creature, but it was only a curious desire to know who she was. It appears this girl used to go to the Club and most anxiously inquire when I was coming down, and all about me, from Mrs. Embleton ; but she will not tell me who it is. The poor love-sick thing actually complains of sleepless nights, and, of course, says I am the subject of her dreams. I can partly guess who it is, as I have seen a black-haired girl in Perth who smiles most benignantly and sweetly as I pass. You see what a conceited fellow I am. I have not mentioned it to any one, but I ought not to conceal it from you. Can you throw any light on the matter? But my own dear Jane will ever possess my heart sole and undivided. I have not been out much, and probably shall still less. I find I am much altered : I am not so gay and merry as I was before I saw you—not that you have imparted a gloomy tinge to my character, but you have thrown a sort of halo around me which constantly and incessantly follows me. How impatiently I waited for my letter yesterday you can well imagine. I was quite furious and passionate at Abraham's long absence, as he was on a visit to his lady ; so irresistible is love, and selfish are we. * * I have sent a dress to Mrs. Moulton, which perhaps you will pre-sent with my best wishes for her health and happiness. I inquired everywhere for a silk dress for you, but could not meet with one; so I have sent, I think, one which is very neat and chaste ; it is quite a new

French manufacture, and I am sure, on you, will look pretty and becoming. I could not purchase a scarf anywhere in Perth; Mrs. Rogers has abandoned keeping things for ladies. Now have not I been a good boy for writing such a long letter, although not an interesting one perhaps ; still I know you would give me a kiss for it, were you here—and oh i how truly and fondly I wish you were, dear Jane, words are inadequate to describe. However, it is hopeless to call for you, but your dear image is indelibly impressed upon my mind and recollection. Come down as soon as possible, and how eagerly and tenderly will I throw my longing arms around your neck, and bestow, as an offering of my love, innumerable and sincere kisses. My paper is just out ; so may God protect and watch over you is the constant prayer, my dearest and best Jane, of Yours ever faithfully, T. MELLERSH. N. B — As you have not much to do, and are not liable to be disturbed, I hope you will endeavour to fill a whole sheet, and cross it. I send this kiss [a blot of ink] ; I wish it was more like reality. I am dull and miserable now you are away from me. — Fare thee well, my Jane.

Guildford, Nov. 18th, 1841. My dear Jane,—As I have a few moments to spare now I will occupy them in answering your very kind note, for surely no one has a better claim to my attention than yourself and I joyfully do that which you so much wish and so richly deserve. Who do you mean when you say that you know the misterious girl in Perth. It is really quite incomprehensible to me—after carefully reading again your letter, letter, I am left still in the dark ; perhaps you think I ought not to be so anxious to ascertain, but it is natural to wish to know those who have expressed any partiality for us. Never mind, it is not of much importance to me now, if I continue to be so well thought of by you ; but by the bye, why do you ask whether you must believe all the fondness I profess for you. I was going to accuse you of cruelty and injustice towards me but I cannot use such harsh terms to you—now calmly and soberly look at my past conduct, although I was once unkind—but certainly days and weeks of love, kindness, and repentance ought to wipe off and obliterate that. Some of my early friends in Perth, are now my most bitter enemies, all my views have been altered, my property sold, and lastly my stay in the colony secured, all my dear child for your sake. I do not fora moment regret these sacrifices, but do not let yourself again question my sincerity. I hope I may deserve all a girls devoted love,—I shall be studious to keep it by mild and gentle treatment, affectionate attention and unchange-able attachment and let that love be my beloved Jane's, this is all I ask in return and I think and believe if you were here you would give it. Now, you naughty little puss I am not satisfied with the length of your letter, I do not want to hear news but tell me everything about yourself, I am sure in your quiet, peaceful home and all a week before you there is every reason for writing more, it will much interest me and in the absence of conversation it is the only method of communicating our thoughts and feelings. I have a great deal to do and more to think of, for every thing de-pends upon my care, attention and activity. The days appear sometimes so long and dreary, and I pray hourly that the next month may soon pass away when we are, so you promise me, my best and dearest child never to part, can-not you imagine how dear our home will be, how happily and pleasantly the hours will slide by without a look or a word of unkindncss. If this is not happiness then good bye to all human pleasure. I saw Sarah the other day at Guildford, and I talked for half an hour to her, she in her manner and appearance much reminded me of you my sweet love,

so kind and gentle and then she looked so pretty and interesting that I could not help telling her if I were not already accepted by another I would try to win her, she smiled most sweetly, thanked me, and said I was very kind, so if you do not soon come down I shall fall in love with her and forget you, Oh, no ! no ! that is now impossible, it is too firmly and indelibly rooted and you would believe every word I say if you knew how fretful I am during the day and how restless at night. I cannot agree with you as to the correctness of the term, particularly when used by a young girl and applied to Mr. * * You call him interesting, now I will willingly acknowledge that he is agreeable, good humoured and cheerful, but not interesting if I rightly understand the term, still I am much obliged to you for the comparison, as to the truth of it I do not know, there may be some resemblance but I was not aware of it, yet you like me best—thank you my dear girl, where shall you stop when you come down and when will that be, I have made an arrangement with Mr. Agett, I do not like Perth and many of the people, they all ask why I am so fond of you, I only laugh, sometimes I am obliged to say that which I do not mean. When I get settled I shall buy a gig, then we will drive to Green Mount, how delightful is the idea ! there is nothing new at Guildford that I know of or I would tell you with much pleasure, I must now conclude my dear child but before I stop let me again entreat of you to depend implicitly on my constancy and affection and be quite regardless of what others tell you, that you may my own dearest Jane never regret loving me, enjoy good health, ever possess a contented mind and experience the greatest happiness is the fondest wish and constant hope of yours ever faithfully T.MELLERSH. N. B. Thank you my love for the lock of hair, it will always be valuable to me, I have the other piece, adieu my dearest.

Woodbridge, Nov. 25th, 1841. My dear Jane,—Allow me to express my most warm and unfeigned thanks for your very acceptable letter, a letter which contains all the devoted and fond attachment of which a woman is capable and the force of which I believe only she can feel and know, the sensibility expressed does the greatest honor to your heart and shows most forcibly how strong and fervent is the passion when a girl nobly and disinterestedly loves. Did you write the former part of that letter? The language and style differ so essentially from your usual manner, the ideas are fine and well expressed and reflect much credit on the writer, I do not wish my best and dearest girl for flowing or elegant language as long as it is kind and sincere, but above all springs from the heart. When you are answering a letter remember to have your correspondent's letter before you in order to answer it carefully, I observe many things I say pass unheeded by. I saw Sarah on Sunday last and I do not think I passed a hasty and precipitate opinion upon her person, manners or conversation, what you are going to do when we meet I really cannot say but I suppose briefly to give me a kiss for being so volatile and how anxiously I long and pant for that my bosom alone can tell ; and then you are so soft and tender in your mode of kissing, Oh ! dear child, the very thought maddens me! I am now going to take upon myself the arduous and difficult duties of an instructor find if a word too severe or apparently cold should escape me let me ask your forgiveness and implore you to use forbearance, charity and love, for pray do believe me my dearest that I am

actuated solely by a desire for your future tranquillity, happiness and welfare. In order to secure this listen patiently to what I am about to say and think long and frequently. It appears that your Mama wished you to go home and you objected on my account, that is you could not bear the idea of separating from me and leaving me to misery, hopelessness and sorrow at your absence. Undoubtedly by going to England and being admitted into more refined and polished society than you meet with here would tend much to the improvement of your manners, mind and person; that you would lose much of your sincerity and frankness no one who possesses any knowledge of the world and mankind will deny. Such being a concise and perhaps imperfect view of the case it remains with you to decide what course to pursue, I have no right to use unlimited control over your actions nor do I wish to be selfish or despotic, we are going to take the most hazardous and important step through life and you ought to give the subject calm end unbiassed thought ; you are still young and might meet with some one handsome, richer, and more engaging than me ; when young people have a reciprocal affection and have congenial habits, tastes and ideas, it is cruel and inhuman to separate them and I have seen much very much to love and revere, nothing to dislike. Affectionate in your manner, warm in your feelings and pretty in your figure, my dearest Jane might meet with some one besides your poor lover, who your vivid and romantic imagination now paints in the most captivating colours. Judging from your words I believe you now to love, respect and admire me beyond any one you know and with all the fervid devotion and determined resolution of a young warm hearted girl, but my sweet and dear child would your heart undergo the severest test of a woman's sincerity, be in the company of gay accomplished and perhaps handsome young men (it is useless to look for such in Swan River) and then cling to me, if so Jane I am not at all surprised at your refusal and your language to your mother; I feel confident as far as I am concerned of our happy and contented lot gaining in the love of each other that which the world may refuse us, but my dearest girl the world cannot deprive us of our hearts and souls. Now what do you say, will you take me such as I am and for ever, and when I hear from England you will recollect my promise, I wish I could only see you only for one day, this is even refused me and trying and hard as it is I must wait until you come down. You wish me to come and stop with you, Oh ! you dear kind thing how shall I ever be able to repay you for all your fondness. I must stop--- is just come in, he is very courteous to me now, I saw --- on Sunday, the first time for nearly a year, what a change! I studiously avoided her, such a train of unpleasant recollections overtook me that I almost ran after your sister, * * I can now proceed again. The inexorable hand of fate prevents me from accepting your invitation so unrelentingly and unpitying is fortune. When you go home I shall be in the midst of business and turmoil, Mr. Waylen's goods will then be sold, my house will be in a sad state of confusion, how much I wish you could then be there to assist, and finally --- will be constantly shipping goods to me in larger boats; so you see my dearest girl it is not the want of inclination but necessity compels me to reluctantly refuse. You wish to know how I spend my time, really it is a difficult question to answer even to you, sometimes in reading, writing, taking solitary walks, when I miss my former pretty companion, and smoke a little ; you know what a mischievous fellow I am, so I told Miss-----, I think her name is that, there was a letter of importance for her at the Post Office as she was anxiously expecting one from York, the girl in a terrible state

of uneasiness sent over and you may imagine her disappointment when she found out the— of my statement. Mrs. ———has been here lately and when I have been sunk in some pleasing reverie about you she comes in her troublesome manner and disturbs me, really I cannot be commonly civil to her. how much I wish we were together at this moment, the companion of my walks and the sharer in all my joys and troubles. Jane my best beloved shall we be happy? I firmly and conscientiously believe so, if we really love we must inevitably be. I do not think you treat me well in writing, you complain of the shortness of my letters but ask an impartial person, why My dear Jane, is one sheet of mine more than in two of yours. Mind you write longer next time, I cannot do more than repeat my best wishes for your happiness and I again promise a continuance of my never changing love, believe me my dearest, and only love ever to be till death. Yours very faithfully T. MELLERSH. N.B. So desirous am I of again seeing you, if I can possibly come for a few days, will you promise to be at home next Sunday week, that is the Sunday after next. I think you say in your letter you will be at home about that time, I will be there about the middle of the day. Tell me in your next letter which as the last must be very long, shall you be glad to see me, and will you give me a kiss, yes, I know my Jane would give me anything I asked for, good bye, My own dearest Jane, may we be happy and ever love.

Dearest Jane, — I return the tea I borrowed, and you will be pleased to return Mrs. Moulton my best thanks. You think, it advisable to write to my father. This I will do, but in the meantime I must remain in a state of suspense, single, lonely, and wretched. No! this is impossible, and, whatever resignation you may possess, I am sure my patience would be quite exhausted before I could receive an answer from home. I must have you, right or wrong ; so it is of no use for you to be so alarmed. When you possess all my heart and soul, it is needless again to assure you that my time shall be devoted to your comfort and happiness. Surely you ought to do something for my sake. I have never said that my father would object, to such a connexion ; on the contrary, if you prove, as I am sure you would, kind, attentive, and affectionate, he would not throw any objection in our way. Why I wait to hear from you is because you are more able to make any suggestion which would tend to our mutual happiness. Believe me ever to be very faithfully yours, T. MELLERSH. N.B.—I have availed myself of your kindness, but I am afraid you will have some difficulty—I did not think you would value such a trifle so much ; but I dare say you will forget me shortly, and then destroy it, but perhaps I have refused others this very trifle. Answer this, as I am anxious to know your thoughts and wishes. T. M.

For some time there were no letters. Then Thomas wrote the following:

Guildford, Feb. 25, 1842. My dear Friend, — My long silence had no doubt much surprised you, and I dare say you have attributed it to cruelty and neglect; but in reality I have been thinking well and frequently of our intended engagement and after mature and anxious consideration, I have, in justice to your prospects and my feelings, come to this decisive resolution—that as some months must yet necessarily elapse before I can have letters from my father and the probability of his then withholding his consent and positively refusing our union, on pain of his eternal displeasure, it is prudent and just that our acquaintance should cease. You cannot

suppose that I do not feel the pain of this course as well as yourself after our intimate friendship, which has made me thoroughly acquainted with your many excellent qualities, and having brought yourself now to bear a separation, it would be dishonourable in me again to renew our correspondence and intercourse. It will always afford me pleasure to bear testimony to your kindness of heart, goodness of disposition, and rectitude of conduct which I have observed in you during our unfortunate attachment and I shall always believe you are capable of being, my once and still dearest friend, one of the most devoted and affectionate wives ; and I can now only pray that you may meet with one who will prove worthy of your hand and heart. I shall often perhaps hear of your movements, and trust your life may be happier than mine appears likely to be; it has as yet been one series of vicissitudes and disappointment. As to what others tell you about me I care not one straw; I am too proud and callous to the opinions of the world to feel what others say but you at least will judge from my past conduct, and your own knowledge of my character. You will be as harsh and severe as others, probably, when you read this, but mark me, Jane, hereafter you will thank me for what I have said and done. I have formed no other connexion—my heart is even now lost, but I must forget the person who holds it. Trusting you will be happy and blessed with another's love dearer than Your unfortunate friend and well-wisher, T.MELLERSH. Fare thee well.

Initially, Jane took no further steps but then she learnt that Mellersh was “endeavouring to blast her character”.⁴⁴ She then then commenced legal proceedings against Mellersh for breach of promise of marriage and claimed damages of £2,000.

Mellersh wrote one more letter:

Before matters are gone too far—before all hopes of re- conciliation are extinguished, I implore you to let me see you for a moment at Mrs. Chauncey's. We may satisfactorily arrange this heart-rending business, and save you and your family from experiencing the consequences which necessarily must ensue from the dreadful disclosure. T. M. To Miss Jane Heal.

To quote Jessica Barratt again:⁴⁵

The breach of promise case was the first in Western Australia and “excited considerable curiosity.” The Civil Court was crowded with people eager to hear the details and revel in the gossip of the letters which they thought “would afford the richest amusement”.

The evidence in the case is well summarised by Jessica Barratt:⁴⁶

By presenting the letters in court, Jane’s counsel showed the jury that there was an agreement in place and that Thomas was not obligated to request permission from

⁴⁴ Inquirer 20 April 1842,p.3.

⁴⁵ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

⁴⁶ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

his father. They also argued that the letters and Thomas's conduct proved that he was acting out of vanity and had no sincere affection for her.

At the very time the letters were written defendant was laying wages with his friends that he was not in earnest, but making a fool of the girl.

Oral evidence for Jane's case confirmed that her conduct was not "indelicate" and nor was she "addicted to drinking" as Thomas claimed. Other conversations were recalled which made Thomas look duplicitous in nature. On the one hand he was looking for properties for a married couple while on the other hand he was taking bets that he would not be married within five months from December 1841.

Thomas's counsel put forward evidence to show that Jane's reputation was not as good as it was made out to be and that she was "unworthy of the affections of a man of honour." They essentially described her as a charlatan; acting one way in the presence of Thomas while another way in the presence of others.

It was also clear that Thomas chose to end the relationship because he was influenced by his friends who were said to have warned him of the "real character of the girl". Jane supposedly liked to have a drink, was at times rude to her mother, had a temper and was once heard swearing when she cried out with respect to a drifting boat, "Damn it, don't let the boat go."

Mr. F Whitfield was called who deposed that up to the time of his leaving Guildford, now two years ago, the character of the plaintiff was very bad so far as low habits, and the use of low language was concerned.

While Jane had claimed £2,000 in damages, the Jury awarded her £75.⁴⁷

After the case, the Crown then prosecuted Mrs Heal, Jane's mother, for perjury. The jury brought in a verdict of not guilty.⁴⁸

On 22 June 1842, he advertised for a servant for his property *Garden Hill* at Guildford. And in March 1844, he advertised sheep for sale at Guildford.⁴⁹

Then in May 1845, he was back at *Woodlands* as he advertised for labour in York.

Jessica Barratt comments:⁵⁰

At some point Jane joined him. They did not marry but chose to live together and in 1845 a daughter was born. They named her Fanny Sarah Heal.⁵¹

⁴⁷ Inquirer 20 April 1842, p.3.

⁴⁸ Perth Gazette and Western Australian Journal 2 July 1842, p.2.

⁴⁹ Pamela Statham: Dictionary of Western Australians Volume 1, p.228.

⁵⁰ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

⁵¹ Tribalpages for the Mellersh family says Fanny was born in 1849 and died in 1899.

Mellersh also attended the York Agricultural Society meeting in June 1847. In 1848 he employed a Parkhurst lad as a farm servant, and in October that year he advertised the sale of sheep at York, and his farm *Woodlands* to let.⁵²

Mellersh was a friend of Thomas and Eliza Brown and Thomas Brown noted his departure for England in one of his letters to his father in law, William Bussey, describing him as someone who “has generally a great deal to say”.⁵³

Mellersh left the Colony in early 1849, and in May he was in the unclaimed letters list.⁵⁴

What happened from then on in his personal life is related by Jessica Barratt as follows:⁵⁵

A year later he married Harriet Sophia Shotter, the daughter of a yeoman who lived near his hometown of Godalming in Surrey. It is not known where Jane and Fanny resided during this time but it would seem they stayed in Western Australia with their extended family.

Thomas and Harriet had two daughters, one of whom died in infancy. In 1861 Harriet died at the young age of 31. Thomas remained in England. He had retained his properties in Western Australia and continued his connection with the colony by becoming a member of the Western Australian Association in London. Throughout that time he most likely continued corresponding with Jane and his daughter, Fanny.

The reasons why he could not marry Jane in the 1840s were much too strong to overcome. By the 1860s, and having already been married once, it would appear that those reasons no longer mattered.

Along with Captain James Stirling, Captain James Mangles, Captain Henry Sanford and other former colonists, Mellersh was a member of the Western Australian Association set up in London in 1860.

To resume Jessica Barratt’s story:⁵⁶

On 5 January 1862, Jane and Fanny left Perth and sailed on the ‘Gloucester’ bound for London. The journey took three months and one month after their arrival, on 3 May 1862, Thomas and Jane were married in All Saints Church in St Johns Wood. Witnessing their union was another settler, Charles Wittenoom, as well as their daughter, Fanny.

In the marriage register, Mellersh put his occupation as “retired settler”.

⁵² Pamela Statham: Dictionary of Western Australians Volume 1, p.228.

⁵³ Letter from Thomas Brown, Grass Dale, to William Bussey 24 June 1849.

⁵⁴ Rica Erickson, Dictionary of Western Australians.

⁵⁵ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

⁵⁶ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

Almost three months' later, notice of the marriage was placed in the Perth Gazette which included Mellersh's address at the time, being 12 Acacia Road St John's Wood.⁵⁷

In 1863 Mellersh took part in discussions about the continuance of convict transportation to Western Australia.⁵⁸ He took shares in a company to explore the prospects for a steamer between Fremantle and Champion Bay.⁵⁹

Thomas died on 16 February 1871. She and Jane had been together for 9 years.

In 1881, Jane and Fanny were living together in St Marylebone, London, Middlesex, England.⁶⁰

Jane died on 30 June 1906 and left her entire estate (valued at £3,667) to Fanny.⁶¹

It appears that Fanny may have never married. She appears to have given the estate to her own charity.⁶²

Rob Garton Smith
President
The York Society (Inc)
March 2022

⁵⁷ Perth Gazette and Independent Journal of Politics and News 25 July 1862, p.2.

⁵⁸ Inquirer and Commercial News 22 August 1860, p.2; Perth Gazette and Independent Journal of Politics and News 24 August 1860, p.2, 17 April 1863, p.3; Inquirer and Commercial News 22 April 1863, p.3.

⁵⁹ Inquirer and Commercial News 3 October 1860, p.2.

⁶⁰ 1881 census: Findmypast.

⁶¹ Jessica Barratt: *Breach of Promise* on her blog The Dusty Box.

⁶² Deduced from the fact that, In the UK, there is a "Miss Fanny Sarah Mellersh Charity" (Charity number: 255951).