

Heritage Council Hearings Protocol 2: Submission to Heritage Council (VHC) by Charmian Gaud on behalf of Nominator Save Williamstown



DETAILED FURTHER REASONS AND FURTHER RESPONSES TO THE EXECUTIVE DIRECTORS REPORT AS TO WHY THE ORIENTAL, NELSON PLACE, WILLIAMSTOWN SHOULD BE LISTED ON THE VICTORIAN HERITAGE REGISTER

1 Save Williamstown Nomination and Previous Submissions Status & what is included in this update.

At the hearing please consider

- Save Williamstown original nomination July and October 2013,
- Charmian Gaud on behalf of Save Williamstown and Daniel McKinnon on behalf of Save Williamstown response to the Executive Director Heritage Victoria submitted April 2014, (as distributed to all parties)
Note: Why 2 reports – whilst recovering from an operation in March and April Charmian Gaud was not sure that her submission would be complete by the required date. Daniel McKinnon added a report for others in Save Williamstown.
- Klopferdobos report “Professional Opinion Regarding Restoration Viability of 55 - 57 Nelson Place (Oriental Hotel) Williamstown Victoria” 10 February 2014 (as distributed to all parties)
- B Haynes, “The History of the Cox’s Family Hotel, Barkly Arms Hotel, Oriental Hotel’, 2013” listed as Key Reference for Executive Director Report

On 7th July 2014 we are supplying **newly researched information**:

- Supplementary information about the claim of State Significance, prepared by myself on behalf Save Williamstown Inc.
- Supplementary information prepared by Brian Haynes updating his previous report re; “Cox Family, Barkly Arms, Oriental Hotel- Nelson Place, Williamstown”

Save Williamstown originally nominated the Oriental Hotel for the State Heritage Register 2 July 2013 and responded to the request by VHC for more information about State Significance by 9 October 2013. Unfortunately a major case development application before VCAT (P73 2013 P74 2013 P398 2013 P401 2013 P611 2013 P625 2013) included an application to demolish the Oriental Hotel. VCAT was unwilling to consider that an application for the Victorian State Register had been made and determined that demolition of the building be permitted. The determination was made on the basis that the owner had not yet received formal notification of the VHC nomination and therefore VCAT was not required to contemplate the nomination in making its decision.

Despite finding significant heritage of the building and acknowledgement by all parties including the owner’s representatives that:

- The building was located on the site in 1854,
- The building could be restored/reconstructed for about \$2million in an overall development valued by the developer as approximately \$300M

VCAT determined that Hobson Bay Council must issue a demolition permit and in that determination placed weight on factors such as: the outdated Hobsons Bay Heritage Overlay dating the building as 1871; the damaged state of the building fabric and that the walls which were 100mm out of alignment

in the 3 storey height.

WITH IMPENDING DEMOLITION the application to VHC for inclusion in the State Register is very important.

Although the Executive Director's Report considers the building as a 3 storey Colonial Georgian Hotel circa 1854 and compares with other such Hotels, we believe that new information shows:

- an earlier construction date between 1849 and 1851 pre separation of the Colony of Victoria from the Colony of NSW on 1 July 1851
- the building was first constructed as a large dwelling
- the earliest 3 storey dwelling in the State
- a pre separation example of an architectural style which is later than Colonial Georgian and better described as EARLY VICTORIAN REGENCY WITH ITALIANATE INFLUENCE
- links to Edward Snell engineer, surveyor, artist and adventurer and designer of the Geelong-Melbourne Railway 1852
- an example of a government employed customs boatman with aspirations to become a property developer building a grandly designed dwelling with the most elevated views in the colony over the bay and river, which would later transition to a private boarding house in the Gold Rush Era and a large 3 storey hotel from the late 1850's until the 1990's

Consequently there are SIGNIFICANT reasons within the assessment criteria used by the HC for this building to be saved and protected.

As it is over a year since the initial application to HC, I would like to update some points made in the original application materials.

In our application to HC submitted in October 2013 updates are needed:

- Reference to the oldest 3 storey hotel in Victoria c 1854 is now changed to the oldest pre separation remnant 3 storey dwelling or hotel in Victoria.
- Comparisons with other hotels in Victoria, needs to be expanded to comparisons with early 3 storey dwellings which is now covered.
- The square corner of the design is more typical of a dwelling than a hotel or commercial building which typically had a cut away corner.
- Surveyor's field book No 2 shown in the original application and at VCAT has a correction on a loose sheet pinned to the relevant page in the original document held in the Public Records Office of Victoria (PROV). It is a more accurately representing measurements in links than the page of the book drawn by the surveyor Middleton, to which it is attached. The pinned sheet version is now substituted in this current submission
- In the Quarrill Lithograph more consideration of the drawing from which the lithograph was prepared and evidence that the incomplete Pier Hotel, which is under construction in the lithograph, was open for business in 1853.

There is now no name to identify the first incantation of the 3 storey building on the corner of Ann St and Nelson Place, so we will refer to the building as **Skelton Oriental Building** in our submission, except where another specific name is being used in the time-related context.

In our submission to VHC in response to the report of the Executive Director of HV 21 February recommending NOT to include the Oriental in the Victorian Heritage Register the following updates are needed:

- The earliest use of the building is now to be considered as a dwelling c 1850/1851 which later became a hotel
- The Skelton Oriental Building could be the same age as the Timeball Tower 1849
- The Skelton Oriental Building is shown in 1852 in the drawing of Edward Snell which was published in the Quarrill Lithograph and is prior to it being called Cox's Family Hotel
- Further investigation of style shows that equal height windows on the second and third floor, the decorative parapet, the flat roof, plain stucco over brick, symmetry and square

corner are better described as Early Victorian Regency with Italianate influence and are a later style than Colonial Georgian. There are no 3 storey examples of this style pre separation in Victoria

We now understand that the Executive Director only reviewed certain reports as provided. We misunderstood the role of Heritage Victoria in researching new material about the nominated site, believing that Heritage Victoria may have access to non-public records. We now know that the new material in terms of categorising the building style, providing documentary evidence from the various state and commonwealth records must be presented by the nominators and submitters and that the Executive Director will only review what is supplied. We hope that the new evidence will lead the Executive Director to change his recommendation to one supporting listing on the Victorian State Register

At the time of preparing the previous applications, research into Victoria, NSW and Commonwealth Records of original documents had not been undertaken in detail either by us as nominators nor the other heritage experts for Hobsons Bay Council or the Developer/Owner. We have since undertaken this further research and in this current submission we include an updated evaluation of new information. The appendix includes relevant references either as hard copy, or where printing is impractical or of minor importance, on the included CD.

2. Pre-separation Buildings - preceding the Colony of Victoria

When the first submissions were made the building appeared to be post gold rush and after the Colony of Victoria was formed. New information indicates the Skelton Oriental Building was built before the Act of Separation came into effect on 1 July 1851 and before the Legislative Council met. During the 1840s when the District of Port Phillip was administered from the Colony of NSW in Sydney, City of Melbourne had some autonomy with its own Council, levied rates and had some planning approval of buildings requirements. However, Williamstown was outside the area of City of Melbourne and had no rates or planning approvals until its own council was established in 1856. The local administration around the time of separation was the County of North Bourke. Even the licencing records of hotels in Williamstown are difficult to find with any consistency between 1848 and 1855. It is said that the streets of Williamstown were built according to the Hoddle layout plan but repairs and maintenance were not carried out because of the lack of a rate base.

Much of the fine architecture of Victoria is post Gold Rush when prosperity arrived in the state. In Williamstown in the 1840s during a decade of depression, most buildings were wooden and have since disappeared through deterioration of the wood or fires etc. This makes the retention of any remnant buildings from 1849 to 1851 very important. We need to acknowledge that the level of historical information available for the City of Melbourne is just not going to be available for Williamstown. The lack of public records for the period makes definitive proof of construction date very difficult to ascertain and a deductive process is needed. This lack of records in Williamstown is across the board and involves all types of buildings in the era pre 1855/6 when the Williams Town Council was formed and the local newspaper was established.

3. Skelton Oriental Building likely construction date between 1849 and early 1851

Firstly there is now evidence from design features; single mortgage in June 1851; historical records about the original owner; and dating of the drawing for the lithograph that the **Skelton Oriental Building** was built as a three storey brick dwelling building on the corner of Nelson Place and Ann St between 1849 and 1851 making it PRE SEPARATION.

This makes the building rare in Victoria, because it has a heritage reflecting a number of stages of cultural heritage in the state. Being a large tall building it has adapted to those stages of Victorian history by a number of different uses. At the turn of the 1850s it was a large dwelling of an aspirational "physical" worker; with the gold rush it adapted to a large private boarding house; then a family hotel and later it became a public house. It was used as an early morgue before the Ann St Morgue and inquests were held there over several decades. Even in the 1990s its use was changing –

it became a nightclub tavern (unsuccessful) and was used for a long running TV series Blue Heelers. In the 19thC it was associated with Seamen's Unions and the first place of the Australian Navy (Norm Roberts has been researching these 19thC uses and will supply a report which can become part of the story).

In terms of asking VHC to list the building in the VHR, and thus protect it from demolition, we will concentrate on establishing the credentials of pre separation construction.

We believe the Skelton Oriental Building to be the only remnant three storey dwelling (or hotel) pre-separation building in the State of Victoria. Because, unlike the City of Melbourne, Williamstown had no rates or records of planning approvals, most of the analysis below has to be deductive rather than via definitive documents. However we believe that the logical interpretation of what evidence is available leads to a clear and undeniable deduction that the Skelton Oriental Building was first building to be constructed as a three storey building between 1849 or early 1851. If the Heritage Council were to determine this is not so, there is the risk that a building with real state significance will be destroyed. To be dramatic we understand the demolition equipment is awaiting the HC decision. The owner is keen to implement the VCAT decision.

Given the time needed to physically build such a large tall building in brick on bluestone foundations on land acquired by Benjamin Skelton as a Crown release in August 1849, we believe at least 6 months construction time would be needed. It is more credible that Skelton Oriental Building was completed and ready for occupancy by Benjamin Skelton and his wife during 1850 or very early 1851.

We also believe the Skelton Oriental Building was first built as a large and tall private dwelling for a person with an occupation based interest in viewing the water of the bays and shipping arrivals. There were specific occupational advantages in the building design with an accessible flat roof for a person who worked in the Colony of NSW, District of Port Phillip, Customs Service from 1847 to 1853. Also if Benjamin Skelton was a practical man and was a "home builder" himself then the flat roof would have given the opportunity to create an ornate parapet as the only decorative feature of the building in complete safety, something which would be harder to achieve from a pitched roof.

To put ourselves in Benjamin Skelton shoes, imagine his building reaches the third level and standing on the roof joists he perceives the wonderful views (similar to his views from his residence in Sydney in Princes St The Rocks where residents could see to the Heads), would he then decide to enclose this view in within a roof!

3.1 Significant Design Features of the Skelton Oriental Building

The flat roof with the safety of the parapet walls around it offered extensive viewing opportunities to the owner. The large scale of the roof is described in the advertisement in The Argus of 23 November 1867



Figure 1

Its construction materials were subject to wear and tear and it was repaired in need of repairs in 1875.

25 years after original construction seems to be a reasonable time for such repairs to be required.

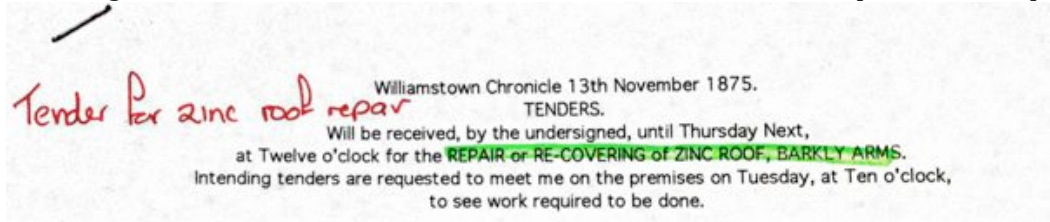


Figure 2

This feature of the building design would have enabled Benjamin Skelton to view Port Phillip Bay as far as the heads, Hobsons Bay, Williamstown Beach (over the ridge of Pt Gellibrand Peninsula), and up the Yarra River to the city of Melbourne, without leaving his house. The only other elevated view of shipping from Williamstown was from the top of the Timeball Tower constructed from 1849 plans. The Timeball Tower was a 10 minute walk from Benjamin Skelton's house. The Harbour Master's two storey house in Section 1 about 300m away had been noted for its views over Port Phillip and Hobsons Bay from the second storey balconies by local Williamstown historian Ada Ackersley cited in Brian Haynes' earlier report. However access to the Timeball Tower and the Harbour Master's house would not have been easy for a customs boatman such as Benjamin Skelton. Also the Harbour Master was absent without leave, being a gentleman of the city(!), on so many occasions that one of the first committee reports in the first Legislative Council December 1851 was an inquiry into the Harbour Master at Williams Town (CD Appendix CD4 – also in the folder is Mr Bunbury's opinion 1849 that there is no need for telegraph station at the heads).

Although there were many boatmen and watermen in Williams Town, there were only a small number of customs boatmen. In 1850 when Benjamin Skelton applied for promotion to become a Tide Watcher, there were two Customs Boatmen applicants on the Williamstown side of the Hobsons Bay and two on the Sandridge side (See CD Appendix CD1 – correspondence re position of tide watchers from PROV VPRS19/P0000/142). Early information of shipping activity would have been advantageous and there is an interesting account of the activities of Boatmen in Sydney and how they made their income by spotting the new arrivals first – a bit like today's taxi drivers (CD Appendix CD5).

In 1849 ships such as the Randolph destined for Sydney from the UK with convicts on board were attempting to make free settlement in Port Phillip in contravention of laws about free settlers only in Port Phillip. The importance of visibility of activity on the bay is exemplified in this old photo of the Telegraph Station. The Telegraph Station is considerably lower than Skelton Oriental Building

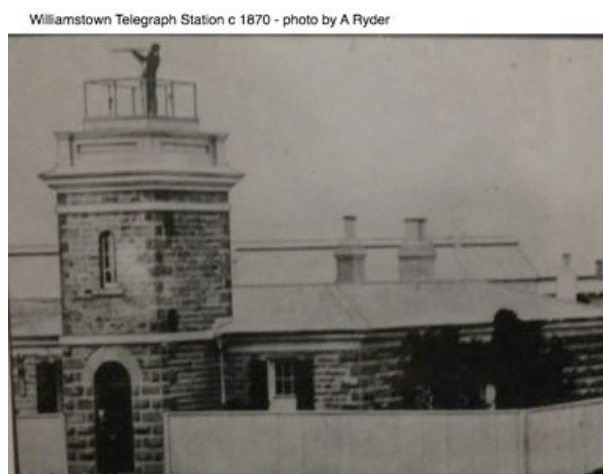


Figure 3

The flat roof was still visible in 1933 in the Helen Lardner report to VCAT appendices. It has since been replaced by a pitched roof, but reconstruction in the original design using new more substantial waterproof materials could be implemented.



Figure 9: The Oriental Hotel, 1933. (Source: Raworth, p. 5)

Figure 4

With the discovery of gold publicised in *The Argus* in September 1851, there started an escalation of immigration of the gold-rush era. The massive rush mainly occurred once the Europeans learnt of gold. Numbers of arrivals are documented in Brian Haynes supplementary report Appendix 7. The Skelton Oriental Building offered a birdseye view of all the shipping arrivals and departures and the tides and wave conditions on the bay.

Another feature of the building is the square corner of the building, which is on a street corner of Nelson Place and Ann St. This type of corner shows that the building was more likely to have been a dwelling than a commercial building. Corner Pubs and corner shops typically addressed two streets. This building with a three windows, 3 storey frontage onto Nelson Place can symmetrically address the main street Nelson Place. The building looks towards the new Ann St pier and the arrivals in the colony via that pier. A centrally positioned entry and symmetrical windows is what a “tidy” building in the Georgian era showed but this was more modern with Regency features introduced by Prince Albert famously at Osborne House, Isle of Wight. **The features include** relatively plain walls, symmetrical doors and 12 pane windows but decorative parapets and taller windows on the upper floor reflecting a full living floor at the top of the house instead of attic windows of lesser height at the top of the house. Later, with wealth from gold, the Regency highly decorative Italianate parapets **were** to become very popular in Victoria but this building is very early and probably still constrained by ideas of Colonial Georgian buildings with which Benjamin Skelton coming from The Rocks area of Sydney would be familiar.

Examination of the ground floor walls on Nelson Place would allow original structural support and bricks to be analysed in a time context. Unfortunately the Executive Director of Heritage Victoria, structural engineers and heritage experts other than the developer’s own, have all been declined the opportunity to examine the building inside and out. A detailed examination would allow for analysis of bricks, foundations, cellar size and construction methods, remnant roof structure information and original layout of rooms analysis to determine whether the original rooms were of a domestic or commercial shape and size.

We believe that the Heritage Council should order a full archaeological study of this building to determine likely original construction, origins of bricks, which are unlikely to have been made in Victoria, and any later alterations. This study should be completely independent of the current owners. The owners in the 9 years of ownership have allowed the building to deteriorate by failing to do any maintenance including water drainage and wall strengthening. The building has been left unsecured or **in an unlocked** state for much of the time encouraging vandals to enter. The building was accessible and safe when purchased by the current owner in 2005 and although it may not have been in perfect condition some maintenance would have prevented it reaching the stage where access to authorities has been denied.

3.2 Mortgage between Benjamin Skelton and Victoria Benefit Land and Building Society (VBLBS)

The only evidence of any mortgages involving Benjamin Skelton is one mortgage in June 1851 which

appears in Appendix 1. When the mortgage was taken it is recorded in the mortgage document that there were houses, outhouses etc already on the land and according to the rules of the mortgagor no previous mortgage could be held on property.

Extract from the rules of VBLBS

~~throughout proper to be advanced on such premises.~~
That, in no case shall any property be deemed a sufficient security for any money to be advanced by this Society, which shall be subject to any previous mortgage.

Figure 5

The mortgage involved the handing over of title papers therefore no subsequent mortgage could have been obtained without access to those papers. The mortgage was paid out according to its original terms in September 1853, after Benjamin Skelton's death on proof of probate by Skelton's heir Sarah Skelton (then Cox).

This leads to the conclusion that Benjamin Skelton must have had his own financial resources to erect houses, outhouses etc on the land prior to June 1851.

Details about the mortgage

Sometime between 1849 and early 1851, Benjamin Skelton became a member of Victoria Benefit Land and Building Society VBLBS. The society was established in 1849. Membership involved attending monthly meetings and paying fees based on an organised share system. The monthly fees of all members led to an **accumulated loan fund** of the society – the highlighted Rules of the VBLBS are in the Appendix 2. A summary of rules, relevant to this submission, are:

Victoria Benefit Land and Building Society Rules established 1 January 1849

Rule 1

Purpose Shareholders of such Society to become possessed of Freehold Property and other benefits

Rule 3

Committee shall nominate a Secretary and a PROFESSIONAL SURVEYOR - approval by General Meeting of members

(p8)

That the Surveyor shall examine all Lands and Buildings offered as security to this Society and make a separate report thereof in writing at the next Committee Meeting... committee to make best arrangements for properties outside the city i.e. Williamstown

(p9)

The Surveyor to be required to give the fullest and most correct information relating to the property so surveyed by him.

Rule 8

Members can subscribe to quarter half three quarters shares of the sum of £120 (Skelton took 1 ½ shares)

Rule 12

When any Member is entitled to receive his or her share or shares rule 10 he shall give notice in writing of the nature and situation of the premises intended to be offered for the security thereof and he shall forthwith transmit to the committee and to the Surveyor. When the committee satisfied that the premises so to be offered whether in Building or land are of sufficient security to the society they shall direct the Trustees to pay the member the sum he is entitled to receive on such member executing a Trust to sell, conveyance, mortgage or...

THAT IN NO CASE SHALL ANY PROPERTY BE DEEMED A SUFFICIENT SECURITY FOR ANY MONEY TO BE ADVANCE BY THIS SOCIETY WHICH SHALL BE SUBJECT TO ANY PREVIOUS MORTGAGE

Rule 17

Relates to the member dying

OFFICERS

Trustees Henry Moor, Lawrence Roston, Henry Miller, John O'Shannassy - all the same as in the Skelton Mortgage 16 June 1851

Surveyor Mr Thomas Armitstead

On 16th June 1851, Benjamin Skelton signed a mortgage with the society and security for the loan required the land title to Allotment 8 Section 1 being handed over to the trustees of VBLBS until the loan was paid out. However the process of obtaining the loan involved members waiting their turn at monthly meetings to be allocated an offer of a loan out of the accumulating funds of the society. VBLBS appears to have been a financially healthy society. The trustees were important people in the colony and its shares were based on a unit amount of £120 which was fully offered at the time **when** Benjamin Skelton signed his mortgage amounting to 1 ½ shares or a loan of £180. Some other such benefit building societies (ie Williams Town BL&BS in 1855) was only able to allocate a portion of the share value presumably because of lesser accumulations. VBLBS was a society with a purpose of providing financial assistance for land and building developers/investors. To obtain a loan the Surveyor of the society had to provide a report and inventory of what was to be offered as security on the loan and the report had to be presented at a monthly meeting of the society in Temperance Hall Melbourne where members must attend. This was not an organisation for persons with minimal existing assets. Given that member contributions over a number of months were required, an application citing existing property owned by Benjamin Skelton and a Professional Surveyor's report verifying the value of the Skelton property was **needed before** any loan was to be granted. It can therefore be deduced that the existing Skelton property must have predated early 1851 and is more likely to have built by Skelton from his own funds in 1850. The mortgage documents of June 1851 refer to existing property as including all the land in Allotment 8 PLUS houses, outhouses, etc. ie the land has already had some development prior to the mortgage.

Once mortgaged, we know from Memorials in September 1853 and the requirement to clear the mortgage before the conveyance of a subdivision of the land in September 1853 (Appendix 3) that Benjamin Skelton only ever borrowed £180 on his property.

After Benjamin Skelton died in March 1853, the property transferred after probate to his wife Sarah Skelton and she married Henry Cox on 25 April 1853. On 1 September 1853 Sarah Cox cleared the mortgage with VBLBS paying them £180. The probate documents show that the net value of Benjamin Skelton's assets real and personal (Appendix 4) was less than £800. Allowing for the mortgage of £180 that means that the value of all land and buildings on Allotment 8 at the time of Benjamin Skelton's death was just under £1,000. Unfortunately unlike later wills and probates an inventory of the probate items is not available in PROV. Also we have not been able to ascertain whether any form of probate tax was payable in 1853 but would suggest that if that were required then there would be a tendency to report low values of land and buildings associated with original purchase value rather than market value at time of death, thus avoiding a tax bill. An indicative cost of about £500 for the Skelton Oriental Building in 1850 along with land purchase price and the contract between James Moxham and Benjamin Skelton at the time of his death and which is explained below, fits well within £1,000 assets.

3.3 How did Benjamin Skelton use the mortgage money?

If Benjamin Skelton already had a substantial home on the corner of Ann St and Nelson Place, his borrowings would have been put to use as soon as possible. There is now evidence that, **before his death**, Benjamin Skelton had contracted to James Moxham to sell lot 2, a subdivision of the land, which had Skelton Investment Building on it and was on land 62ft from the Ann St corner.

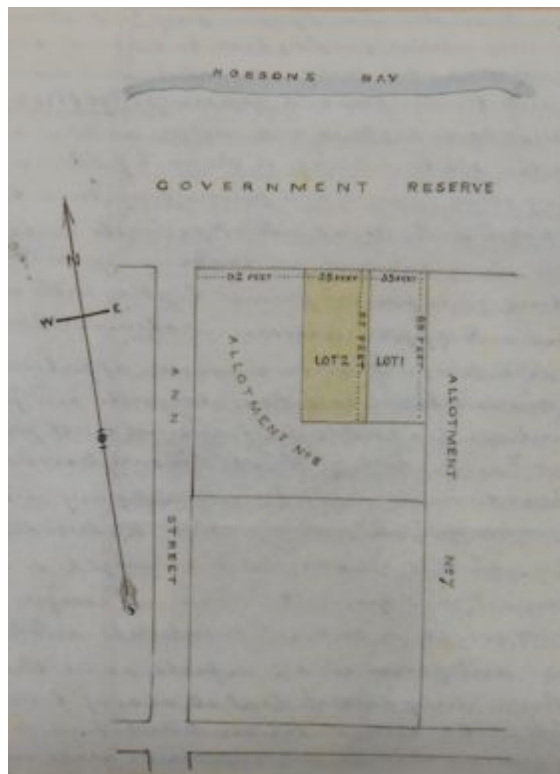
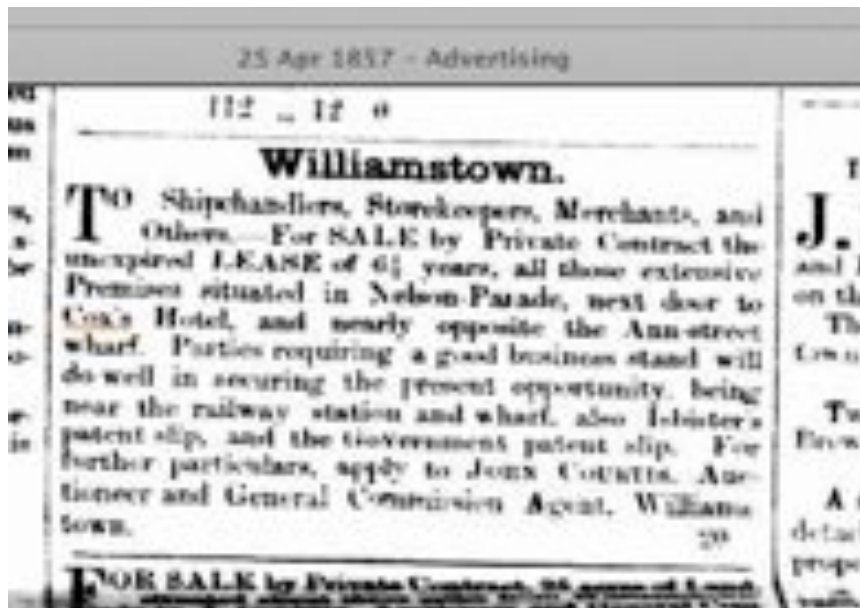


Figure 6 from the Conveyance of Lot 2 to James Moxham PROV 460/P0000/98

According to the conveyance documents of Sarah (prev Skelton) and Henry Cox and James Moxham, (Appendix 5) the sale of the land and buildings on it for the price of £385 had been a contracted agreement with Benjamin Skelton prior to his death. It seems that James Moxham pressed Sarah Cox to honour the contract at the value agreed with Benjamin Skelton. Sarah Cox was not a member of the VBLBS and had to clear Benjamin Skelton debt to the building society before retrieving the land title and being able to effect the subdivision of title. At the same time according to PROV Memorial 506 Book 2, Lot 1 was subdivided and sold for a lesser amount (not having a building on it) for £294 (CD Appendix CD2)

In his lifetime Benjamin Skelton had profited from his first investment using his mortgage of £180 to sell his first subdivided property at £395 making a profit of £215 within 18 months which was 4 times his income as a customs boatman and establishing him as a property investor. It is unlikely that he had a prior agreement to sell lot 1 because there was no building on that part of Allotment 8 in 1853. The position and matching size (35ft x 85ft) of Lot 1 compared with the Moxham land (Lot 2) shows intent to subdivide. It is also notable that the land of lot 2 is a “comfortable” distance from the Skelton Oriental Building with an allowance for vehicular access/laneway between the Skelton Oriental Building and the Skelton Investment Building and to the remainder of Allotment 8, which is a matter spelt out in the mortgage documents. However Sarah and Henry Cox did sell both lots in September 1853 allowing them to concentrate on plans to turn the dwelling/private boarding house into a licenced hotel, which subsequently became the “subject of a mortgage” between the Cox’s and George Thomas

From April 1853 with the marriage of Sarah to Henry Cox, the Skelton Oriental Building could have **begun** using the name Cox’s Hotel or Cox’s Family Hotel implying it was for families, unlicensed and not a pub. From September 1853 following the subdivisions all land reference in mortgages, assignments, leases is PART OF Allotment 8. The building on Lot 2 Skelton Investment Property later became the Union Dining Rooms and was leased from August 1854 for 10 years at £500 per annum (Memorial 725/bk16 Appendix CD3). Interestingly the lease spanned both lots 1 and 2. The lease involved George Thomas also and within 3 years of the lease, the lease was up for sale with.



The lease being on the lot 2 building establishes that it was not a £500 per year lease on the Cox's Hotel (Skelton Oriental Building) but on the adjacent building.

3.4 Skelton Oriental Building as shown in the Quarrill Lithograph



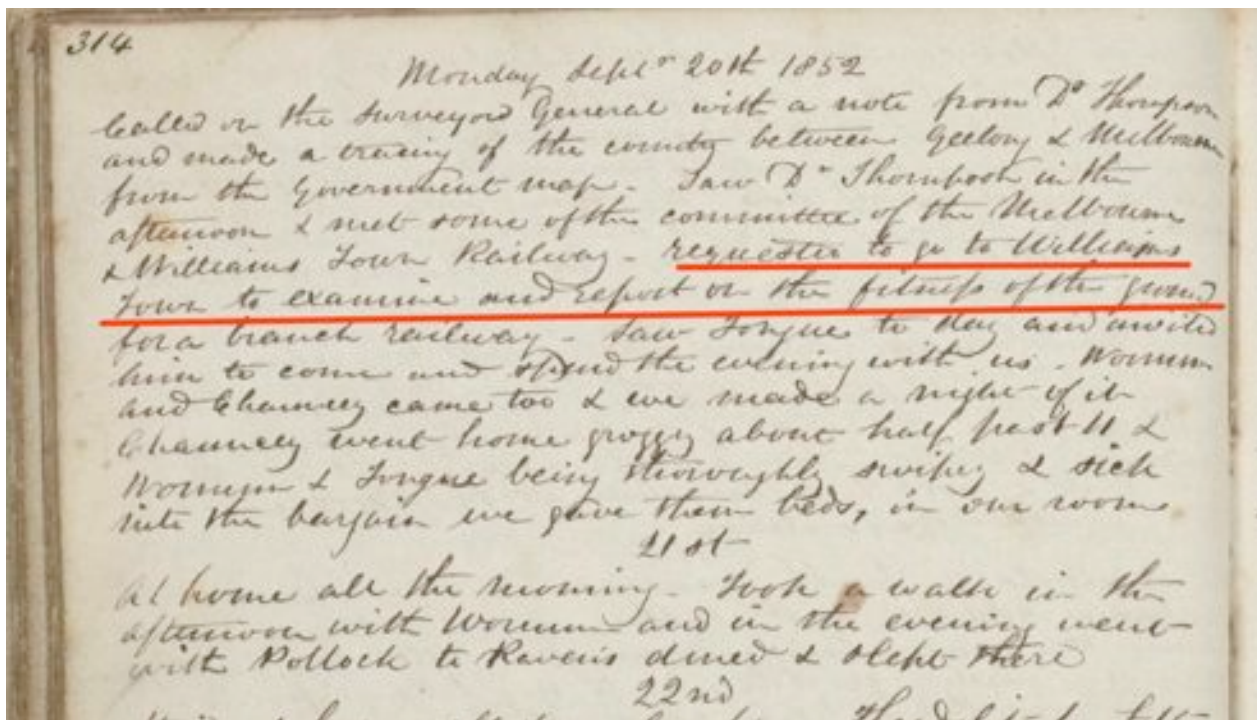
Although the Quarrill Lithograph which was influential at VCAT in changing the accepted date of construction of the Skelton Oriental Building to early 1854, recent research into the journals of the artist Edward Snell whose drawing was later lithographed, shows that the artist arrived in Australia in 1849 and travelled around Australia for the next decade. Fortunately his diaries are published and a copy of his original handwritten diaries has been ordered and will be supplied for the hearing but it has a 15 day ordering period. The full diary will show that there were only 2 visits during the period 1849-1859 to Williamstown by Snell.

However the relevant pages from the diary have been copied below, in which Snell **records** his two visits to Williamstown both in 1852. He drew a detailed sketch of Williamstown and as previously recorded shows an elegant tall building which is recognisable as the Skelton Oriental Building. Another interesting part of the drawing is that the Pier Hotel (See a poster print summarising issues Appendix 6) is clearly under construction having reached the top of the upper floor window piers. In "History of Williamstown" by William Elsum p 115 there is reference to a fire alongside the Pier Hotel

in 1853; Pubs of Williamstown by Bruce Tait refers to the first owner and licensee of the Pier Hotel in 1853. So it is very likely that at the end of 1852 when Edward Snell stayed in Williamstown the Pier Hotel would have been in an uncompleted stage thus depicted. By contrast the Skelton Oriental Building is complete and the most elegant building in the picture. Interestingly the building looks a little higher and more ornate than the later photographs from the same viewpoint and that adds to the possibility that the private lodging house with a room for 27 people referred to in the diaries, where Skelton stayed in Williamstown, was in fact the Skelton Oriental Building and that was a time some 4 months before Benjamin Skelton died. It would be logical with the arrival of so many "gold rush" immigrants for the dwelling house of Benjamin Skelton to have been converted into a boarding house. This was the time when the government had to provide accommodation in Canvas Town for the swell of people arriving. It is also entirely possible that the Skelton Investment Building was a refreshment house catering for new arrivals. Fuller details of what Williamstown was actually like in 1852/3 and why it is reasonable to assume that the Skelton Oriental Building became a private boarding house is explained in the attached supplementary report of Brian Haynes (Appendix 7)

In terms of State Significance Edward Snell is an important person in the early history of the State and how/when he drew places and where he stayed would indicate a State Significance which has not been presented before

Figures 7 and 8 - Pages from Edward Snell's diaries



NOVEMBER 1852

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The afternoon went on board the Selma lying in Hobson's Bay with Pollock got tolerably tattered & were wetted through by the surf in landing.

Thursday Nov^r 11th 1852

Made a lot of drawings for a Methodist Chapel for Pollock Whist & bottle port at Mrs Seawards in the evening

Friday 12th

Drawings for Methodist chapel - called on Warrum and dined with him spent the rest of the day in Lonsdale St

13th

Drawing part of the day - spent the evening at Mrs Pollock's

Saturday 14th

Walked to the Haystack - went to chapel in the evening with Mrs & Miss Pollock

15th

Commenced the survey of the Melbourne & Williamstown Lines - engaged the following hands: Powell, O'Rourke, Fry, & a boy - surveyed through the swamp 1 hour deep in mud to the salt water river & from thence to the Murderers Creek - returned to Melbourne and spent the evening at Pollock's

16th

Resumed the Survey & levelled to within a mile of Williamstown - Slept at the Steam Packet Hotel there - sacked the boy who was useless and engaged a run away sailor in his stead

17th

The sailor worked for me for about an hour and then bolted - so did without him - finished the line into Williamstown and did about 2 1/2 miles out on the road to Geelong - returned to Williamstown & slept at a private boarding house - only 27 in one room, queerest lodgings I've been in yet - floor covered with beds and hammocks slung to the rafters

18th

Resumed the survey & got as far as Mr Langhorne's station - left our traps there and returned to Williamstown having a desperate job to cross a creek at a place called the Stepping Stones slept at the same place as last night -

19th

Walked out to Langhorne's and went on surveying all day & in the evening walked on to the Werribee

3.5 Legal Case 1859 which preceded the bankruptcy of Henry Cox

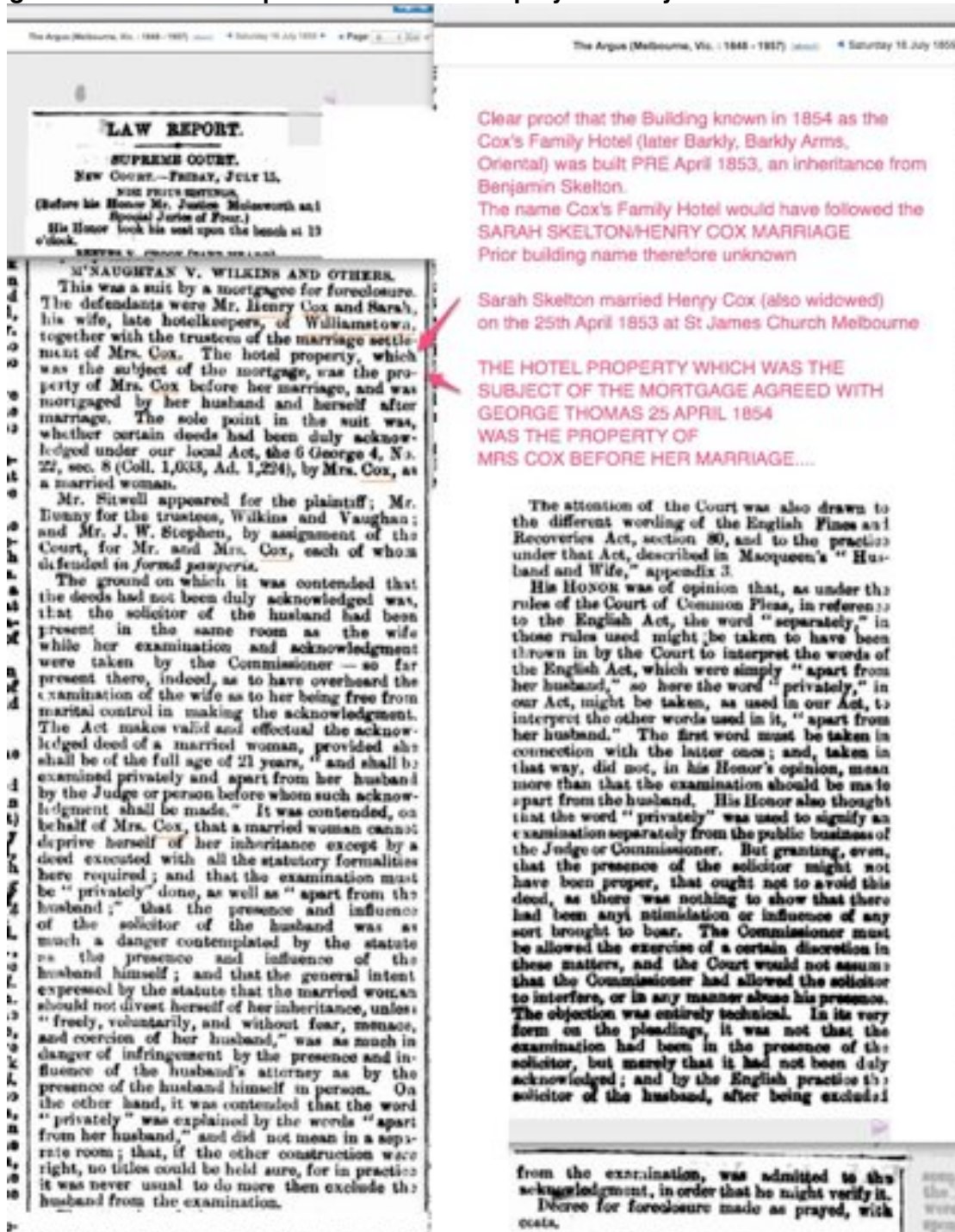


Figure 10

Research in Trove revealed the above Law Report about a case in the Supreme Court 15 July 1859. The case involved Henry and Sarah Cox who were paupers and needed legal assistance. The argument was whether Sarah Cox had been independently advised when she handed her inheritance property to her new husband. The husband's solicitor had been present and thus there was a question of independent advice without undue influence. The case was lost by the Coxes, and it was taken that the advice was clean. However the very first paragraph states that Sarah Cox owned the hotel property, which was the subject of the mortgage before her marriage. The mortgage on the Cox Family Hotel was taken out in April 1854 with George Thomas trustee of Williams Town Benefit Land and Building Society and there had previously been an assumption in the Alves report which was the only expert report referring to this particular article that the "hotel property" referred to other buildings on the land such as the small houses on Ann St or the Union Dining Rooms. However we now have records showing that the Cox's sold the Skelton Investment Property (Union Dining Rooms) in September 1853. The

mortgage of April 1854 was not on that property.

With the earlier date of the Lithograph making a construction date for the Skelton Oriental Building pre November 1852 when Benjamin Skelton was alive and the Skelton Mortgage of 1851, it is quite clear that the Skelton Oriental Building is the same as the "Hotel Property which was the subject of the mortgage" referred to in the law report. Memorial 936 Book 10 summarises the mortgage (10)

Memorial 936 Bk 10

Date of instrument

the twenty fifth day of April in the year of our Lord one thousand eight hundred and fifty four

Nature of Instrument

Equitable mortgage by agreement for the deposit of title deeds and charge on the land

Name of the Parties

Henry Cox and Sarah his wife of the one part
and George Thomas of the other part

Name of Witness

SB Vaughan Attorney at Law Melbourne

Description of the lands or property conveyed

A piece of land being Allotment Number eight of section number one in the town of Williamstown

Consideration and how paid

The money now due to the said George Thomas for or in respect of the erection of a certain Hotel or House upon the said land and his commission thereon according to an agreement therein executed and for the purpose of better recovering the payment thereof as well as of all further sum or sums of money which the said George Thomas may thereafter expend or which may become due to him in and about or for the finishing and completing of such house and premises and all expenditure connected with the memorialising agreement and of the carrying of the same into execution and of all monies which may become due to the said George Thomas by way of commission or otherwise by reason or on account of the premises together with receipt on the total amount of such several sums at the rate of ten pounds per centum per annum from the time of the completion of such house

Any other particulars

Supreme Court Date

Twenty eighth day April 1884 mortgage of Henry Cox from George Thomas for the erection of an Hotel or House which were considerable were likely to be for refurbishment erection of kitchens and servicing areas

George Thomas later mortgaged and handed the title to McNaughton of Kerr Boyle shipping agents and as the loans secured by title started to unwind a series of actions in the supreme court unfolded.

This is documented in a list which appears in the Conveyance of Title Documents in 1877 when the land transferred from Bridget Walker to Charles Keig of Lots 3 & 4 on Allotment 8

From Title Documents of Lots 3 and 4 of Part of Allotment 8 Section 1

The Schedule referred to

30 August 1854 Grant from the Crown of allotment 8 Section Number one to Benjamin Skelton
 5 June 1852 Office Copy will of Benjamin Skelton
 29 May 1854 Indenture by way of Settlement made between Henry Cox and Sarah his Wife of the one part and John Wilkins and Samuel Bradford Vaughan of the other part
 8 July 1854 Mortgage George Thomas of the one part and James McCallum and Robert Sellar of the other part
 23 January 1854 Agreement George Thomas of the one part and Alexander McNaughton of the other part
 22 December 1854 Indenture made between George Thomas of the one part and Alexander McNaughton of the other part
 2 October 1856 Order to refer to arbitration all matters in dispute in suit of Alexander McNaughton (trading under the firm of Messrs Boyle and Company) Plaintiffs and Henry Cox Sarah Cox George Thomas John Wilkins and Samuel Bradford Vaughan Defendants
 7 September 1857 Award of George Mackay in pursuance of above order
 7 October 1857 Indenture made between John Wilkins and Samuel Bradford Vaughan of the one part and Alexander McNaughton of the other part
 26 April 1860 Order of Foreclosure under the hand of Frederick Wilkinson Esq. Master in Equity of the Supreme Court of the Colony of Victoria
 21 January 1860 Indenture made between Alexander McNaughton of the first part John Boyle of the second part and William John Meek (a trustee to be named) of the third part
 16 March 1877 Confirmation and release made between John Boyle of the one part and John Boyle of the other part
 Delivered by the said John Boyle

Figure 17

In 1855 Henry Cox sued George Thomas for failure to perform in erecting the hotel and creditors were claiming damages from Henry Cox with notice of bankruptcy appearing in the press and later a sale of all goods and chattels in the Cox Family Hotel

The Argus (Melbourne, Vic. : 1848 - 1957) | Wednesday 18 July 1855 | Page 7

volumes, as per list at set paper
FRED J. AGG,
 Colonial Storekeeper,
 required of the articles
 the best and most ser-
 subject to approval
 at this office, on the
 of the account.
 1674 July 20

L. GATH.—Tenders will
 n o'clock on Friday, 18th
 his authorized to be col-
 pon the Mount Alexan-
 18th from 1st August

be seen at the Central
 Burke street west; or
 ice, Barker's Creek.
 1 4 Tender for Golden
 awarded, prepaid, to
 ral Road Board, Mel-
 arly accept the highest
 1156 July 19

until the 26th instan-
 ion of a Brick Chimney
 it, and Stone Engine
 west tender not neces-
 sary, architect, 'Mechanics'
 166 July 25

red at the office of this
 rest west, up to two
 th inst., from Parties
 mentioned Articles
 rment.
 f can be obtained on
 ed satisfaction with L.

not with the Official Assignee; and unless it shall be shown at such meeting that the goods and effects of the said insolvent exceed the sum of one hundred pounds, I shall summarily proceed to rank the debts which shall then be proved upon the said estate, and direct the proceeds to be distributed accordingly.
 Dated at Melbourne the 17th day of July, A.D. 1855.
FREDK. WILKINSON, Chief Commissioner of Insolvent Estates. 15 3

IN the Insolvent Estate of Henry Cox, of Williamstown, in the colony of Victoria, Licensed victualler.—Whereas, on the petition of John Alexander Hay, of the city of Melbourne, in the said colony of Victoria, auctioneer, the estate of Henry Cox, the above-named insolvent, was, on Monday, the sixteenth day of July, one thousand eight hundred and fifty-five, by order of his Honor, Sir William Jackson, Knight, Chief Justice of the Supreme Court of the colony of Victoria, placed under sequestration in my hands, until the same should, by the said Supreme Court, be adjudged to be sequestrated, or the said petition discharged according to law; and his Honor did, appoint Tuesday, the second day of August next, for the said Henry Cox to appear before the said Supreme Court, to show cause why his estate should not, by sentence of the said Court, be adjudged to be sequestrated for the benefit of his creditors; and his Honor did, at the same time, appoint Alexander Laing, Esquire, of Melbourne, one of the Official Assignees of Insolvent Estates within the said colony, to be Official Assignee of this estate.
 Dated at Melbourne this 17th day of July, A.D. 1855.
FREDK. WILKINSON, Chief Commissioner of Insolvent Estates. 15 16

LECTURES TO YOUNG MEN.—The Rev. Dr Mackay will deliver the Sixth of this Course in the Great Iron Store, Emerald Hill, This Even-

INDICATED FROM FINDERS LIST
WHITE Meis
 possite the M
ZING on s
 agents.
20.00
 mills, Bourd
50.00
 Timber-yard
 street.
1000
 and Mill's t
 street east.
1000
 beds, Flind
1000
 Cross, oppos
500 or
97.00
 steam mill,
50.00
 and Macquie
20.00

TUESDAY 16th OCTOBER.
 By order of the Mortgagee,
BLISS and CO., will sell by public auc-
 tion, on the premises on Tuesday 16th
 inst., at twelve o'clock,
 All that substantial and well-built stone
 premises known as the Clifton Hotel,
 situated in Derby-street, Collingwood.
 Terms at Sale.
 For further particulars apply to the auc-
 tioneers. 4 Oct 16

THIS DAY.
Cox's Family Hotel, Williamstown.
 To Hotelkeepers and Others.

BLISS and CO., have been favored with
 instructions to sell by public auction,
 on the premises known as Cox's Family
 Hotel, on Monday, 15th inst., at twelve
 o'clock,
 The whole of the stock, furniture, fixtures,
 and effects now in and upon the above-named
 hotel, consisting of—
 Tables, chairs, bedsteads, bedding, linen,
 plate, glass, &c.
 Terms—Cash. 013

Figure 11

Items 26 -27 shows 3 properties owned by Henry Cox in 1858

RATE WILLIAMSTOWN 1858 RATE ROLL BOUNDED BY FERGIJSON ST & RAILWAY						
NO.	OWNER	OCCUPYER	LOCALITY	DESCRIPTION	LAND	LOT / SECT
1	WILKINS JOHN	TRUMP HENRY	MORRIS I NELSON PLCE	PRINCES WALES HOTEL	s	14 LT 1 SEC 1
2	DOUGLAS SAMUEL	DOUGLAS SAMUEL	NELSON PLCE	BLACKSMITH SHOP	w	
3	VERDON GEO. F	VACANT	NELSON PLCE	LAND		LT 3 SEC 1
4	MASON THOM	MASON THOM	NELSON PLCE	DWELL OUTHOUSE	s & w	9 LT 3 SEC 1
5	MCAUGHTON ALEX	CHAPMAN FRANCIS	NELSON PLCE	SAW MILL SHED & OFFICES		LT 3 SEC 1
6	MCAUGHTON ALEX	LANCASTER JAMES	THOMAS'S YARD	DWELL	w	2 LT 3 SEC 1
7	MCAUGHTON ALEX	POULE MARIA	THOMAS'S YARD	DWELL	w	2 LT 3 SEC 1
8	MCAUGHTON ALEX	MINK JOHN	THOMAS'S YARD	DWELL	s	2 LT 3 SEC 1
9	MCAUGHTON ALEX	FLOWMAN ROBERT	THOMAS'S YARD	DWELL KITCHEN	s	4 LT 3 SEC 1
10	MCAUGHTON ALEX	KINGSTON & WOOD	NELSON PLCE	SAL LOFT		
11	MCAUGHTON ALEX	BAKER HENRY	NELSON PLCE	DWELLING	w	4
12	JACKSON THOMAS	VACANT	NELSON TO LT NELSON	LAND 1 ACRE		LT 4 SEC 1
13	LINDSEY ALGERNON	FREEHOLD LAND SOCIETY	OFF NELSON PLCE	OFFICES	w	3 LT 6 SEC 1
14	LINDSEY ALGERNON	MCINDOE JOHN B	OFF NELSON PLCE	SHOP & DWELL	w	3 LT 6 SEC 1
15	LINDSEY ALGERNON	VACANT	OFF NELSON PLCE	LAND		LT 6 SEC 1
16	LINDSEY ALGERNON	WARD WM	OFF NELSON PLCE	DWELL	i	2 LT 6 SEC 1
17	LINDSEY ALGERNON	SUTHERLAND JAS	OFF NELSON PLCE	DWELL	i	2 LT 6 SEC 1
18	LINDSEY ALGERNON	O'CONNOR MARTIN JOHN	OFF NELSON PLCE	DWELL	w	2 LT 6 SEC 1
19	LINDSEY ALGERNON	CASEY JOHN	OFF NELSON PLCE	DWELL	i	2 LT 6 SEC 1
20	LINDSEY ALGERNON	BUNTER JOHN	OFF NELSON PLCE	DWELL & OUTHOUSE	w	4 LT 6 SEC 1
21	LINDSEY ALGERNON	SHAW GEO	OFF NELSON PLCE	DWELL	s	3 LT 6 SEC 1
22	LINDSEY ALGERNON	SMITH DUNCAN	OFF NELSON PLCE	DWELL	s	3 LT 6 SEC 1
23	RIDDLE J	VACANT	NELSON PLCE	LAND		LT 7 SEC 1
24	HUGHES JOHN	TAYLOR SAML**	NELSON PLCE	LAND 40 X 100		
25	FOSTER J V LT	DON DAVID	NELSON PLCE	UNION DINING ROOMS B	s	10 LT 8 SEC 1
26	COX HENRY	CARROLL THOMP	NELSON PLCE ANN ST	BARLEY ARMS	s	15 LT 8 SEC 1
27	COX HENRY	COHEN MARY**	ANN ST	DWELL	w	2 LT 8 SEC 1
28	COX HENRY	COX HENRY**	ANN ST	DWELL	w	2 LT 8 SEC 1
29	BARRICK JAMES	VACANT	ANN ST	LAND 33 X 130		LT 9 SEC 1
30	BARRICK JAMES	RAMSAY JANE	ANN ST	DWELL	w	5 LT 9 SEC 1
31	BARRICK JAMES	RIDDEN ELIZ	ANN ST	DWELL	w	5 LT 9 SEC 1

Figure 14

4. Victoria State Heritage Register Inclusion Criteria

CRITERION A: IMPORTANCE TO THE COURSE, OR PATTERN OF VICTORIA'S CULTURAL HISTORY:

Victoria was experiencing rising immigration after the depression of the 1840s, the owner of **Skelton Oriental Building** was employed as a customs boatman - an important service in the Colony of NSW and his 3 storey dwelling from c1850 offered a vantage point, similar to climbing to the top of the Timeball tower. The building's flat roof offered better views than the Harbour Master's 2 storey house, and commanded views down Port Phillip Bay to the heads, across Hobsons Bay to Sandridge, up the Yarra River to the City of Melbourne and over the Pt Gellibrand ridge to Williamstown Beach and headlands. In 1867 when the Duke of Edinburgh visited the colony, this feature of the building was advertised, offering to accommodate 400 persons on the roof to view the arrival - it was the most elevated situation in the colony, which in 1867 was probably an exaggeration but would certainly have been true in 1850.

Edward Snell artist, engineer and surveyor visited Williamstown in 1852 and in his drawing shows the position of the Skelton Oriental Building near to Ann St pier where many gold rush arrivals occurred. The building's grand scale and ornamentation show even at a distance. Snell also records that he stayed 2 nights in a private boarding house in Williamstown in a room accommodating 27 persons. More detailed research inside the building, which has not been possible to date because the building is barricaded by the current owner, may yield more evidence by archaeological study of what the building was originally like such as room size, cellars, cultural heritage.

Skelton Oriental Building is a grand large dwelling showing the aspirations of those immigrants who performed physical work **who** could live in buildings as grand as those of the upper classes and that Australia has long enhanced transition of people through social class.

CRITERION B: POSSESSION OF UNCOMMON RARE OR ENDANGERED ASPECT FO VICTORIA'S CULTURAL HISTORY

Oldest 3 storey dwelling in the State of Victoria which is in imminent danger of demolition. Very early use of Victorian Regency with Italianate features. THERE ARE NO OTHER SUCH PRE SEPARATION BUILDINGS IN VICTORIA and if it **is** demolished it will be lost to our history.

CRITERION C: POTENTIAL TO YIELD INFORMATION, WHICH WILL CONTRIBUTE TO AN UNDERSTANDING OF VICTORIA'S CULTURAL HISTORY:

Archaeological research within the building and the grounds will potentially yield important cultural heritage as the Skelton Oriental Building was the first use of the land after white

settlement, prior to that it was unoccupied.

It is also within the 200m of the original Yarra River waterfront of Pt Gellibrand and may yield Aboriginal cultural heritage as Pt Gellibrand was a place of law making and ceremony for the first peoples.

Much of the pre separation history has not been researched in this part of Victoria because Williamstown is relatively undocumented compared with the City of Melbourne. Until the mid 1850s there was no local council or newspaper in Williamstown.

The location of the Skelton Oriental Building close to the new Ann St pier and links with the port and changes of the gold rush era are important to the history of the state.

CRITERION D: IMPORTANCE IN DEMONSTRATING THE PRINCIPAL CHARACTERISTICS OF A CLASS OF CULTURAL PLACES/OBJECTS:

The Skelton Oriental Building early date of construction, location, siting, scale, form, vestigial details and construction materials demonstrate the extent and early development of large buildings and hotels in Williamstown's foundation, settlement and early development.

CRITERION E: IMPORTANCE IN EXHIBITING PARTICULAR AESTHETIC CHARACTERISTICS:

The Skelton Oriental Building physical fabric, external form and detail exhibit the pragmatic planning and form; also the relatively austere mid-Victorian period aesthetic of this early building.

Despite the facade being modified and modernised in the twentieth century the early drawings and photos (refer Alves report 2012) show the building's original and enduring appearance form and detail

CRITERION F: IMPORTANCE IN DEMONSTRATING A HIGH DEGREE OF CREATIVE AND TECHNICAL ACHIEVEMENT AT A PARTICULAR PERIOD:

There is no evidence as to a particular Architect or Builder being involved and it is quite possible that Benjamin Skelton physically built this building himself to his own design. The use of a flat roof would have given the opportunity to make decorative cornice and a patterned parapet from a position standing on the flat roof. The building has lasted over 160 years on reactive soils and is only 100mm out of alignment after such a long period.

CRITERION G: STRONG OR SPECIAL ASSOCIATION WITH A PARTICULAR COMMUNITY OR CULTURAL GROUP FOR SOCIAL, CULTURAL OR SPIRITUAL REASONS. THIS INCLUDES THE SIGNIFICANCE OF A PLACE TO INDIGENOUS PEOPLES AS PART OF THE CONTINUING DEVELOPING CULTURAL TRADITIONS:

Building: Use in late 20th C for filming in the TV series Blue Heelers.

Land: Aboriginal cultural heritage of the area near to the original Yarra. The Boonwurung and the Wurrundgeri although there is no RAP have submitted that the area is of cultural heritage significance. (Appendix 9)

Location as meeting point: origins of the Australian Navy and various seamen's unions (see material submitted by Norm Roberts re cultural significance in the 19thC)

CRITERION H: SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON OR PERSONS OR IMPORTANCE OF VICTORIA'S HISTORY:

Edward Snell artist engineer and surveyor published journal 1849-1859. Contracted for design and construction of Melbourne Geelong Railway line.

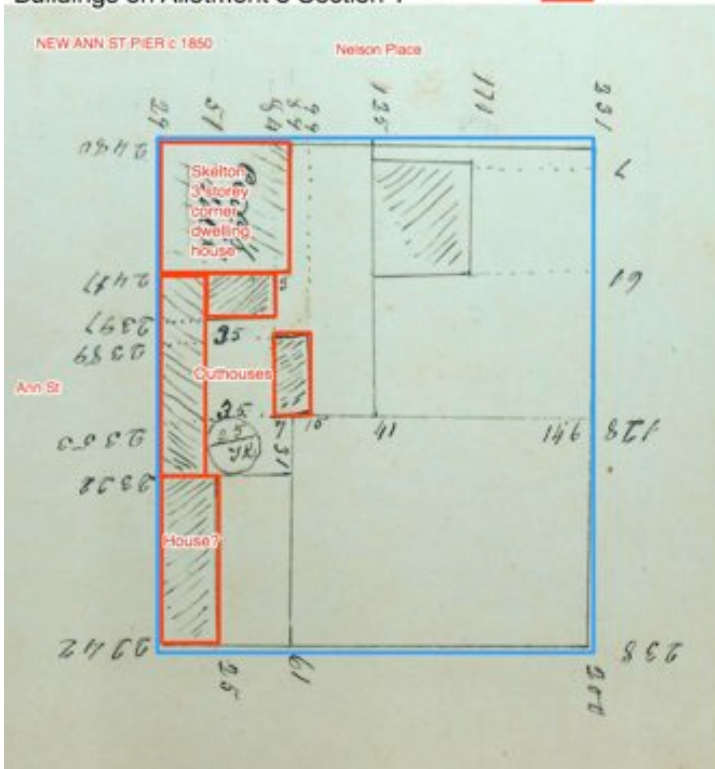
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5. Diagrammatic Representation of Allotment 8 Section 1 Land and Buildings over time

1. Progressive Development of Skelton's Land

Late 1849 to April 1851

Buildings on Allotment 8 Section 1



August 1849 Skelton purchases land c. £23

1850 Skelton Juror - qualification required

1849 to early 1851 - Skelton becomes member of Victoria Benefit Land and Building Society

Early 1851 and latest April Surveyor of VBLBS prepares report with inventory of land and buildings on site to be approved by VBLBS Includes Houses, Outhouses etc along with Land of Allotment 8 which must be of sufficient value to be security of the loan.

No previous mortgage is permitted on the property

Land was worth about c. £300 per acre in Williamstown 1850 / 1851.

Three Storey Building in Brick in 1850 - 1851 cost to build c £600 to £1000 based on government tenders for buildings at the time.

May 1851 VBLBS meeting to approve loan to Skelton

15 June 1851 Skelton mortgage for VBLBS loan of one and half shares £180

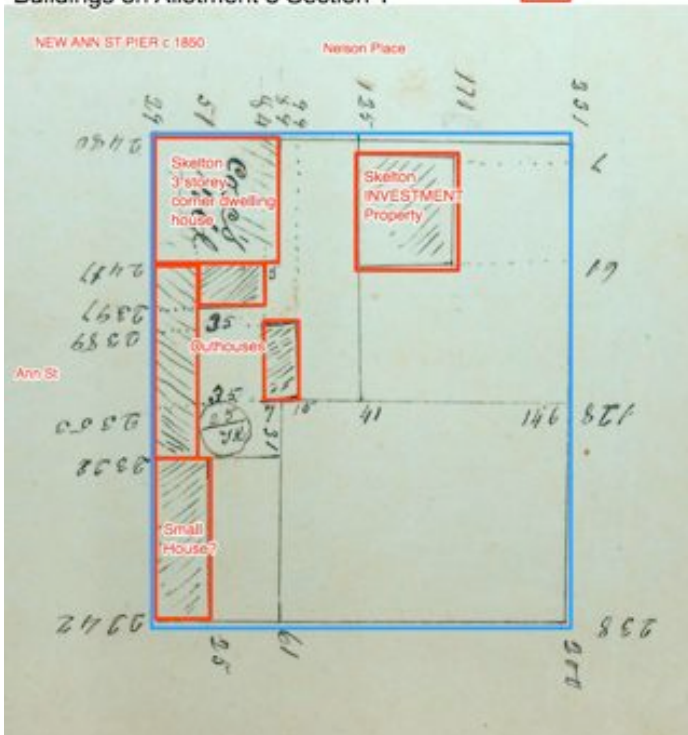
27 June 1851 Skelton lists in The Argus notice as voter resident and landed proprietor

Land Title to Allotment 8 is handed to VBLBS when Mortgage is signed. Therefore NO FURTHER LOANS OR MORTGAGES during Skelton's Life

2. Progressive Development of Skelton's Land

September 1851 to March 1853

Buildings on Allotment 8 Section 1



June 1851 Skelton has loan of £120 to invest in building on Allotment 8

July 1852 Skelton writes his will leaving property to his wife Sarah

September or November 1852 Edward Snell drawing of Williamstown used for the Lithograph shows 3 Storey Skelton Corner Building completed Early Victorian Regency with Italianate influence and Pier Hotel which opened in 1853 under construction

Nov 1852 during height of Gold Rush Edward Snell stayed in Private Boarding House in a room with beds for 27 people. Were there any Williamstown buildings so large? Was the Skelton Corner Building a Private Boarding House during the Gold Rush. Does that explain the grandure of the building in the Snell drawing?

March 1853 Skelton dies having contracted to Moxham

April 1853 Sarah Skelton marries Henry Cox

Skelton Corner Building as a private boarding house could change name to Cox's Family Hotel

Investment property could possibly have started business as Union Dining Rooms

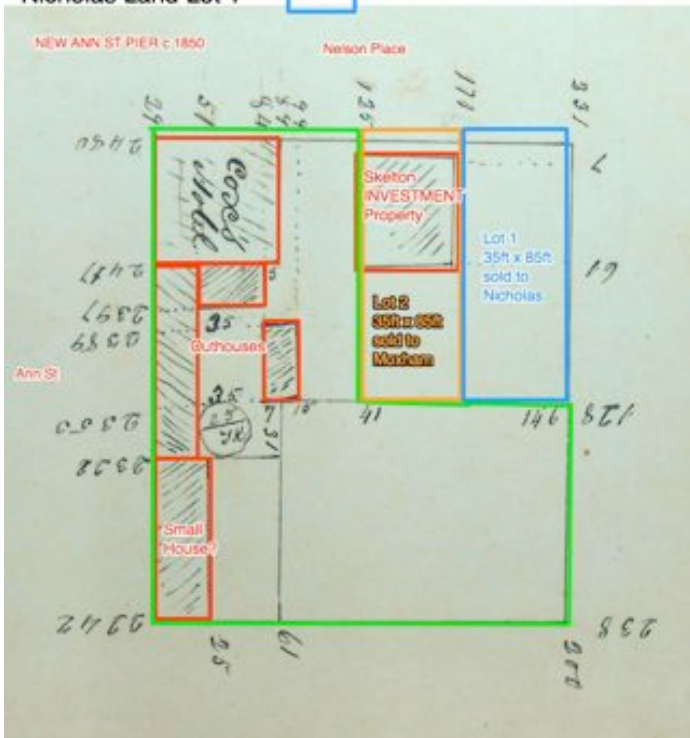
3. Progressive Development of Skelton's Land - Part of Allotment 8 owned by S&H Cox

September 1853 - April 1854

Buildings on Allotment 8 Section 1

Moxham Land Lot 2

Nicholas Land Lot 1



March 1853 Skelton dies having contracted to Moxham

April 1853 Sarah Skelton marries Henry Cox

April 1853 Skelton Corner Building as a private boarding house could change name to Cox's Family Hotel

Investment property could possibly have started business as Union Dining Rooms from Benjamin Skelton era.

1 September 1853 Mortgage with VBLBS paid off

3 September 1853 Surveyor General Corres shows Surveyor Darbyshire and men were in Williamstown Survey Book 2 is undated but the fact that Cox's Hotel is marked and building (labeled Skelton Investment Property) is marked without the subdivisions indicates Survey Book 2 may be before September 1853.

20 September 1853 Sarah Cox sells Lot 2 to Moxham as contracted by Benjamin Skelton for £384 (sales conveyance refers to buildings) - probably less than it was worth as Lot 1 was sold without a building on it at the same time for £295

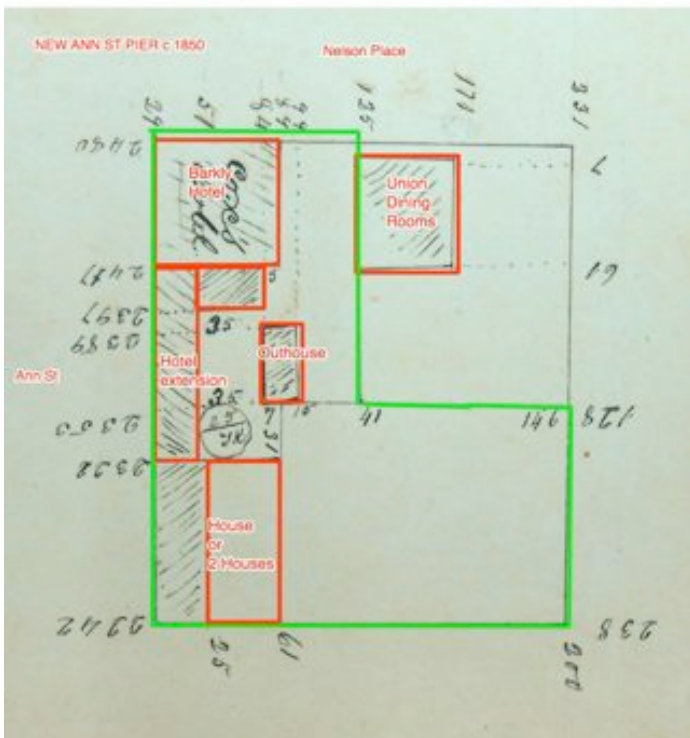
April 1854 S&H Cox take mortgage with George Thomas and Williams Town Benefit Land and Building Society to erect certain Hotel or House - later to become a licenced hotel

July 1859 Supreme Court Case refers to Sarah Cox owning the Hotel Property which was subject to the mortgage PRIOR TO HER MARRIAGE ie prior to April 1853. The only mortgage it could be is with George Thomas April 1854) which was after Lots 1 and 2 had been subdivided

4. Progressive Development of Skelton's Land - Part of Allotment 8 owned by S&H Cox

April 1854 to 1859

Buildings on Allotment 8 Section 1



April 1854 S&H Cox take mortgage with Thomas Williams Town Benefit Land and Building Society

August 1854 Lease between George Thomas Williamsown Benefit Building Investment Society & David Morris for 10 year lease at £500 per yr on Union Dining Rooms building and Lots 1 and 2 appear adjoined.

September 1854 advert for Cook at Cox Family Hotel

Late 1854 various inquests held at Cox Family Hotel

1855 legal action Cox sues Thomas for non performance in building hotel as mortgaged and consequent losses

Question what was the erection and building associated with the hotel - was it changing a dwelling house into a licenced hotel, changing rooms, building extension on Ann St and servicing buildings, making private accommodation for Cox's

1858 the footprints of buildings as appears in the City of Williamstown rate books and the Windsor Map 1858 when there was the Hotel and 2 wooden houses in the rate list

Architectural Style

Some consideration has been given as to whether the Skelton Oriental Building is Colonial Georgian. Using "A pictorial guide to identifying Australian Architecture" by Apperly, Irving and Reynolds (Appendix 11) we consider that Early Victorian Regency with features such as symmetrical façade, parapet embellishment, smooth walling of stucco, boxed eaves, parapet concealing the flat roof.

The uniformity of window size on all upper levels is not typical of Colonial Georgian, where the top storey generally have smaller attic type windows. The flat roof and parapet are also not typical of Colonial Georgian.

Being pre separation makes this a very early example of the style.

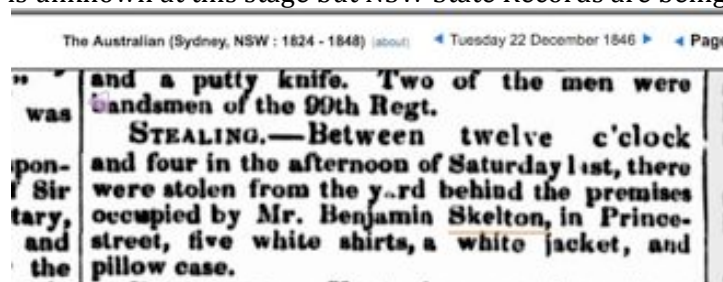
Comparisons with other State Registered Buildings

In the Victorian State Register there are very few 3 storey dwellings or hotels. All hotels are post separation. There is only one other three storey dwelling 300 Queen St, Melbourne (Appendix 12). It is originally built in 1849 but it was built as a two storey building and had its third story added in 1858. The other three storey dwellings are Royal Terrace (Appendix 12) in Rathbone St opposite the Royal Exhibition Building but they were built in 1853 post separation and a terrace is somewhat different from a freestanding house. This leads us to conclude that the Skelton Oriental Building is unique in Victoria.

Benjamin Skelton – Original Owner and his wife Sarah

Summarised details that we know about Benjamin Skelton as shown in the section on Skelton below (CD Appendix CD6 is original documents related to Benjamin Skelton)

- Born in 1815, he arrived in Australia from Greenock Scotland in March 1846. Greenock town centre today still has Georgian buildings to the street front.
- Only passenger on the Barque Mary and travelled cabin class
- From 1805 through to the 1860s there are numerous records of Captain Skeltons involved with shipping in the Australasian waters starting with a whaling boat captain in 1805 and Captain Skelton involved in the treaty of Waitangi New Zealand. Captain Skelton brought convicts from London in the 1840s. So there is the possibility that Benjamin Skelton is related to a seafaring family with some wealth.
- Barque Mary arrived Port Phillip 6 March 1846 & Port Jackson (Sydney) 26th March 1846
- 26 October 1846 Benjamin Skelton married Sarah Conway at the Holy Trinity Garrison Church in The Rocks Sydney within 8 months of arriving in Sydney
- In December 1846 he was living on the most prestigious street Princes St in The Rocks, Sydney when washing was stolen from his yard. The white jacket and white shirts and the location of his residence imply that he was a gentleman in Sydney or at least aspirational. Whether he worked in Sydney is unknown at this stage but NSW State Records are being researched.



- Princes St is shown on the map on Appendix CD6 – it was where the Mayor of Sydney and many sea captains lived – it was the highest street previously called Windmill Row and was demolished to make way for the Bradfield Highway and Harbour Bridge. Pictures of Princes St, Cumberland St, the Orient Hotel, Customs House are included on the CD. This view of a building on Princes St shows some of the features of street frontage and 3 storey building which would have commanded a view down Sydney Harbour to the heads



- Benjamin Skelton would have been very familiar with the many Colonial Georgian buildings in the Rocks – many of them built to street fronts.
- A reference document “Boatmen and Sydney” describes the life of boatmen in the mid 19thC and refers to people who lived on Princes St
- Benjamin and wife Sarah Skelton moved to Williamstown on 19 October 1847
- In 1847 Port Phillip directory as soon as he arrives in Melbourne, Benjamin Skelton is listed as customs boatman earning a per diem from the government
- In 1850 Benjamin Skelton is a juror
- At sometime from 1 January 1849, Benjamin Skelton becomes a member of a Victoria Benefit Land and Building Society and is a prospective property/building investor
- In 1850 Benjamin Skelton sought promotion to Tide Watcher but was unsuccessful.
- In June 1851 Benjamin Skelton supports a candidate for the Legislative Council by listing with other supporters in The Argus. He states that he is a resident and landed proprietor
- In July 1852 Benjamin Skelton wrote his will leaving everything to his wife Sarah.
- Before March 1853 Benjamin Skelton contracted to sell his investment property and lot 2 to James Moxham
- In March 1853 Benjamin Skelton died – cause of death did not have to be recorded in those days
- His burial record in the parish of Williamstown is included – at 38 yrs he is the oldest death recorded on the page
- Sarah Skelton inherited up to £800 net assets from her husband.
- Within a month his widow remarried to Henry Cox and subsequently the pair lost all their money as a result of mortgages entered into with George Thomas. Henry Cox having 2 bankruptcy notices appear in The Argus in 1855 and in 1860. (Appendix CD7).
- Interestingly the Customs Coxswain who died in 1858 after 20 years service wrote a will which was aimed at protecting his assets for his step-daughter and allowing life interest to his wife only – maybe what happened to the Benjamin Skelton assets in the subsequent remarriage of Sarah forewarned and forearmed others. The information about James Pearce Coxswain is included in Appendix CD6.
- Sarah Cox died in Williamstown aged 76 yrs in on 10th May 1892 – occupation laundress.

In summary is Benjamin Skelton not only a Customs Boatman but also an aspirational Property Developer?

We cannot find any record of what funds **he** brought to Australia to establish himself here but he did appear aspirational joining and identifying with gentleman activities? Did he have financial resources? Did he have an inheritance? Or did he need to raise money to build his houses?

There is also the question why would Benjamin Skelton have waited 4 years to build his house? It would have been irrational.

Charmian Gaud
On Behalf of Save Williamstown
PO Box 141
Williamstown 3016

Sunday, 6 July 2014

Appendices

- 1. Mortgage Document Skelton VBL&BS 1851**
- 2. Rules of VBL&BS 1849**
- 3. Memorial Reconveyance Skelton / VBL&BS 1853**
- 4. Probate Skelton 1853**
- 5. Conveyance Cox to Moxham Lot 2 1853**
- 6. Poster ORIENTAL issues (updated) 2014**
- 7. Brian Haynes Supplementary Report 2014**
- 8. Lithograph Quarrill 1852-1854**
- 9. Aboriginal Heritage of the site**
- 10. Cox Mortgage with Thomas 1854**
- 11. Architectural Style**
- 12. VHR Three Storey Buildings comparison 300 Queen St and Royal Terrace**

Digital appendices CD1 to CD15

- 1. Skelton Tidewatcher**
- 2. Lot 1 conveyance Memorial**
- 3. Memorial Union Dining Rm on Lots 1 & 2 Memorial**
- 4. Harbour Master**
- 5. Boatmen Sydney**
- 6. Benjamin Skelton**
- 7. Cox**
- 8. Lot 2 Lease advert**
- 9. Captain Skeltons Australasia**
- 10. Building Costs 1850s**
- 11. Pictures of the Oriental**
- 12. Maps Williamstown Section 1**
- 13. VHR Comparable 3 Storey buildings**
- 14. Miscellaneous PROV documents Memorials and Title documents**