

## THE COMPLEX COLONIAL: THE CASE OF SAMUEL LYONS

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### ABSTRACT

The story of colonial Jewry is a complex and often fragmentary topic. Much is now known about the origins and early development of this small antipodean community. However the lives of early Jews are often discussed as cursory or somehow free-floating in the fluid and rapidly transforming colony. The life of Samuel Lyons is one such example. His story conforms and contradicts the general Jewish experience but is unexplainable without a contextual understanding of his contemporary society — its debates and peculiarities. My aim is to explain and place Lyons within the context of colonial Sydney whilst also paying attention to his often tense and contradictory, though ongoing, ties with his original faith and its wider diaspora.

**T**he story of Samuel Lyons, the Jewish-born convict, entrepreneur and emancipist, who became one of the 'more substantial'<sup>1</sup> members of colonial Sydney, is full of contradictions and tensions. Lyons' experience arguably runs parallel to the trajectory of Australian colonial society. His was the 'classic' and mythologised story of sin and redemption within an (idealised) upwardly mobile and often fluid antipodean society. Indeed, four years after his death, Godfrey Charles Mundy observed that Lyons provided 'one satisfactory instance in connection with the subject of wealthy emancipated prisoners of the crown'.<sup>2</sup> However, Lyons' story is more than pure material gain or conformism. Indeed, his tale is part of a relatively forgotten tradition of Jewish emigration before the onset and aftermath of the European Holocaust. Traditional accounts have tended to highlight the Jewishness of certain early Australians, as an end in itself, or constructing the diaspora as

practical necessity or conscious development. Yet, Lyons' story cannot stand as a blueprint of the typical Jewish experience.

I will argue that he developed his own self-interested sense of new class-consciousness, which was both within and against traditional religious and cultural ties. Most of Lyons' exertions after he achieved his prosperity and social standing were spent defending a sense of masculine 'colonial honour', particularly within the realm of the emancipist struggle. Moreover Lyons, despite his implicit denials (witnessed in his clashes with the newspapers during the 1830s), was an important political agent in the developing 'free' colonial society — largely demonstrated through his involvement in the emancipist cause. His personal struggle for 'respectability' created a clear distinction between the public and private spheres of his life. In addition, accounts such as Mundy's have consciously or unconsciously removed elements of his character forming a popular though very partial historical memory. Lyons almost Machiavellian nature, his mistress, illegitimate child, and Jewish heritage have frequently been ignored or understated. My approach is two-fold within a chronological framework. Firstly, I will explain and identify his role and experience within colonial society, particularly amidst developing constructs of an increasingly colonial liberal commerce. Secondly, I will aim to explore and understand Lyons' relationship with his religious faith and the small Jewish community during its formative period in Australia.

Samuel Lyons was born in London in 1791, the son of Levy and Hannah Lyons. The Lyons family was likely to have come from an Ashkenazi background,<sup>3</sup> the dominant Jewish group in London by the late eighteenth century. Given that Lyons was convicted at the 'Old Bailey', like 74% of his fellow Jewish felons, he is more than likely to have lived and worked in the East End of London.<sup>4</sup> Whilst little is known about his formative years, Lyons appears semi-literate, and his family relatively anglicised. His listed occupation was as a tailor (in keeping with the large Jewish representation within the apparel trade), yet work may have been infrequent and indeed marginal. Lyons' semi-literacy, and initial trade, would later prove crucial in a developing colony in which capital and government sought pragmatic responses to growing levels of demand for producer and consumer durables. Perhaps owing to economic difficulties or the low paid nature of his employment, Lyons, through individual necessity or group influence drifted into petty crime. In fact, before his arrest, Lyons was apparently well known to police 'as a member of a gang of three'.<sup>5</sup> Lyons, aged 23, was charged and convicted on 16 February 1814 with stealing a handkerchief worth five shillings from a passer-by, Mr Robert Goodsall, on London Bridge.

Lyons was sentenced to 'transportation for life'.<sup>6</sup> This 'harsh' sentence resulted from the British courts' attempt to permanently 'rid' London of petty criminality, but also indicates Lyons' likely, though undocumented involvement, in previous offences and association with criminals.

In January 1815, after an eight month journey, Lyons arrived on the *Marquis of Wellington* in Sydney and was made the assigned servant to a 'Mrs. Armitage'. Lyons arrived with a relatively large number of fellow Jewish felons,<sup>7</sup> (ten — the equal highest number transported on one ship alongside the *Lady Castlereagh* of 1818) which may have assisted his adjustment to his new environments, but also provided for his initial 'incurable'<sup>8</sup> state. In any event, Lyons would later use his Jewish heritage selectively, listing himself as Protestant in the 1828 census and later, challenging any early sense of Jewish solidarity. Lyons, like many other convicts with little or no experience as 'proper servants' may not have been used to such regular or long hours within his assigned service.<sup>9</sup> Just three months after his arrival, according to the *Sydney Gazette* of 22 April 1815, Lyons absconded with a fellow Jew, ten year old 'John Morris'.<sup>10</sup> Both were eventually found and in February 1816 Lyons was corporally punished and reassigned as a convict in Sydney. Lyons' rejection of authority had a cumulative effect, yet he had the clear advantage of youth, and apparently time to reform. As Robson has argued, 'convicts were not vicious thieves incapable of reformation, or unable to cease their criminal activity'.<sup>11</sup>

However the young Lyons failed to reform and as a result of likely misbehaviour was sent to Hobart Town in late 1816, on the brig *Kangaroo*, for secondary punishment. Lyons, perhaps aware of conditions in Van Dieman's Land, made furtive arrangements with Lieutenant Captain Jeffreys for passage back to England, in apparent return for the safe journey of 2000 gallons of rum to be smuggled into Hobart Town.<sup>12</sup> Whether this represents Lyons' ability to bluff or a reality of substantial contacts in colonial society or back in England is open to interpretation. Nevertheless, Lyons was hidden beneath the decks of the ship with four other convicts but before the ship sailed Lyons and company were captured and found guilty of secretly planning to leave the colony.

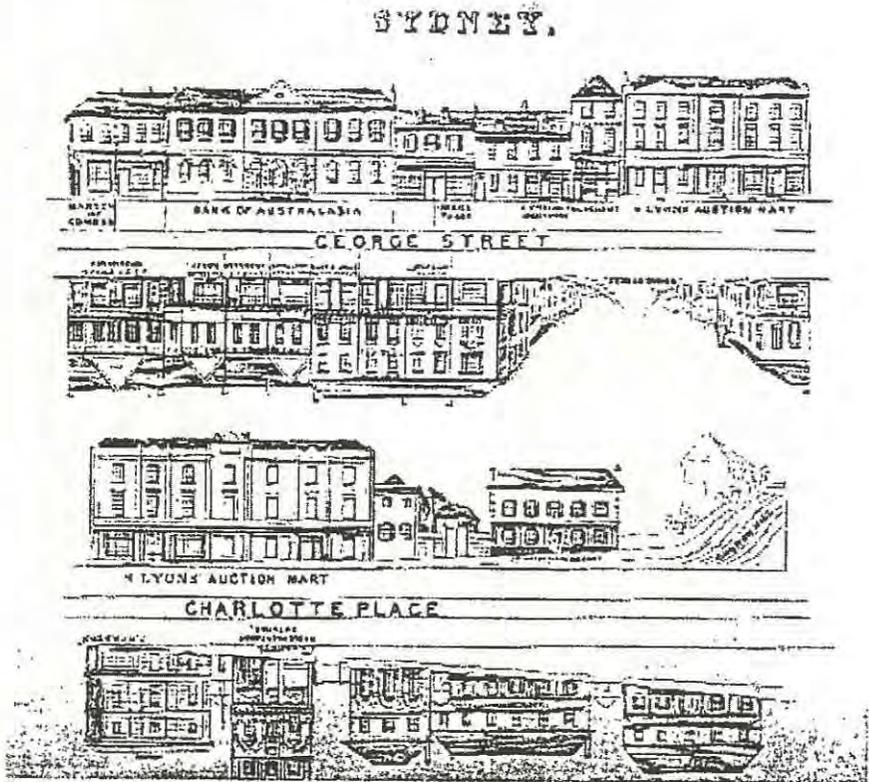
After a somewhat lenient sentence for a period of confinement, Lyons appeared to take steps towards respectability. In the pragmatic settings of the new colony, Lyons was not limited to his former occupation. Whether he bribed an official to guarantee his self-employment is unknown but highly likely. So whilst re-applying himself as both a tailor and general dealer,<sup>13</sup> such was Lyons' durability that he competed (unsuccessfully it seems perhaps owing to

his diminutive stature of 5'5") in amateur boxing matches alongside friend and fellow shipmate, Moses Moses.<sup>14</sup> In addition, Lyons, like numerous other Jewish emigrants, prepared plans to open a tavern and 'set up house' with a woman who would later become 'known' as his mistress, 'Ann Lyons'.<sup>15</sup> Perhaps struggling to pay his debts, or still attracted to a rebellious life made possible by criminal contacts, Lyons had 'unfortunately ... not rid himself of an itch for other people's property.'<sup>16</sup> In July 1819, he was charged with robbing government stores.<sup>17</sup> He received 200 lashes, and was sentenced to four years at the 'dreaded' Hunter River Coal mines at Newcastle.<sup>18</sup> The psychological glimpse of respectability offered in Hobart may have acted as a catalyst for Lyons' eventual reformation, but being physically 'lifted out' of Hobart had important practical effects.

This presumably depressing experience appeared to finally reform Lyons. As Mundy, speculating on his transformation, rather dramatically suggested: 'Perhaps the devil was whipped out of him. Perhaps reflection cast the foul fiend out.'<sup>19</sup> Lyons, probably on account of good behaviour or skilful cultivation of connections, was sent back to Sydney in early 1822 as the assigned servant of fellow Jewish emancipist and publican Joel Josephs. Josephs may have been the steadying influence that Lyons required. On 28 May 1822 Lyons, aged 31, married Mary Murphy, the daughter of a former Irish convict, who it appears was aged between 15 and 16 years of age. Significantly, they were married 'according to the rites and ceremonies of the Holy Catholic Church.'<sup>20</sup> Whilst Lyons appears ambivalent to Judaism in a strict religious sense (his social and related business ties were less so) his marriage to an Irish Catholic was a practical response to the fact that very few female Jews were transported. Only six were transported between 1810 and 1819, and only 7% (28) of the Jewish convict group of were women.<sup>21</sup> Furthermore 'because women of their own age group were missing, (convict) men married into the next generation.'<sup>22</sup>

The role of paterfamilias and married life transformed Lyons. Lyons was keen to please his new wife and as a testament to Mary's likely influence, or an act of religious compromise, all three children were baptised in the more socially respectable Church of England.<sup>23</sup> On 24 March 1825, Lyons received a Conditional Pardon. By June 1827, Lyons appears to have accumulated or been sent enough funds from England (an undocumented but seemingly important link), to open his own drapery business in Pitt St, Sydney. In the same month he received a Ticket of Leave. Within the new few months Lyons had expanded his business, moved to George St, and opened a general store. By 1828, he gained the 'key to his fortune': an auctioneer's licence.<sup>24</sup> Revealingly, in the same year he

described himself as a Protestant in the census. His newfound respectability saw him granted an Absolute Pardon in May 1832, becoming a 'free and equal citizen' of colonial New South Wales. The governor of New South Wales supported his case by asserting that he had become a 'very industrious and respectable' member of the business community.<sup>25</sup> Somewhat earlier, in August 1827 the *Sydney Gazette* noted that Lyons was 'getting a tolerably fair share of the public patronage (of the auctions)' and was 'deserving what he is acquiring by his extra-ordinary application to trade.'<sup>26</sup> As a clear measure of Lyons' increasing economic influence, particularly as an auctioneer, it was reported that in 1834, he transacted £61,872 out of a total of £117,537 of land sales in Sydney. This would clearly make Lyons the most prominent and successful auctioneer in colonial Sydney. Lyons also expanded his range of business dealings, acting as financier and moneylender. Lyons' developing expertise was particularly important within real estate and the emergent Australian wool markets.<sup>27</sup>



*Lyons' Auction Mart, 1848 (sourced from 'Sydney 1848', Sydney: Ure-Smith, facsimile edition, 1962, p.10.)*

Lyons' success owed much to his pre-transportation trade and literacy but also to the pragmatic requirements of colonial Sydney. Lyons fitted the mould of 'men with scarce skills ... who had developed a useful business [and] were granted indulgences and given early pardons.'<sup>28</sup> As Nicholas and Shergold contend, skilled tradesmen were assisted by 'strong demand for consumer and producer goods requiring non-rural occupational skills which the convict workers were able to provide.'<sup>29</sup> Moreover, Lyons was aided by the absence of a significant free-landed population.<sup>30</sup> Like many colonials there was a clear nexus between the acquisition of land, wealth and social standing.

In 1831, Lyons bought his own large block of land on George St in Sydney, on which he built 'Lyons' Auction Marts'. Lyons Auction Marts, including the residential quarters, were reputedly hailed as the 'finest rooms south of the line.'<sup>31</sup> At around the same time, Lyons' first wife, Mary died in March 1832, presumably aged 25. The reasons for her death are not documented and Lyons' subsequent 'call' to Ann from Hobart Town provides substantive evidence of a mistress or at least an ongoing contact throughout his first marriage. Though Lyons never remarried, he had a child with Ann two years later, ironically and sentimentally baptised Mary on 27 February 1834. Paradoxically, despite his 'new' relationship and illegitimate child with 'Ann', Mary's death appeared to have had a profound influence. In 1832, and presumably after Mary's death, Lyons joined the newly formed Sydney Synagogue. While Lyons' distance from the Jewish community may appear to reflect his religious ambivalence, in practical terms, the entirely logical 'late' establishment of the Sydney Congregation in 1831 is a more sufficient explanation. However, Lyons lacked a general sense of Jewish 'camaraderie'<sup>32</sup> present in colonial New South Wales. For instance, in 1823, as an assigned servant, 'bent on securing a ticket of leave, Lyons did not hesitate to betray two fellow Jewish convicts who attempted to stow away on a ship bound to England'.<sup>33</sup> Later, in 1837, Lyons rabidly pursued and had his Jewish debtor Michael Phillips placed in a gaol in Hobart Town.<sup>34</sup> For Lyons, a pragmatic sense of individual economic and social development outweighed community loyalties, particularly as he sought respectability and honour within developing constructs of colonial commerce. By the mid 1830s Lyons had largely, if only materially, escaped his convict origins, being entrenched as a wealthy member of the emerging upper-middle class. However, his sense of respectability and class-consciousness, amid the growing animosity of various Sydney newspapers, meant that elitist acceptance would demand more than material success. As Hilary Rubinstein suggests, 'During the 1830s

and 1840s at least one-fifth of the emerging middle class were Jews. People tended to notice successful Jewish merchants such as ... Lyons and assume that all Jews were people of substance.<sup>35</sup>

Lyons' increasing economic and political influence aroused strong feelings amongst the 'free settler' elites. Whilst Lyons was ostensibly a member of the newly formed metropolitan elite, he spent much of his latter life defending middle-class 'respectability' within his de-limited conception of a public sphere. Moreover Lyons rapid accumulation of wealth coincided with what McKenzie has described as a 'turbulent period of social change for ... New South Wales [in] a world in flux, where social position remained unfixed and in need of vigorous defence.'<sup>36</sup> Lyons played a somewhat 'janus-faced' role; defending against 'exclusivists' attacks while asserting a bourgeois sense of 'respectability'. The emancipists, often newly established landowners but typically always former felons, who felt they had a 'stake' in the colony sought to emphasise occupational identity by repudiating rank derived from birth.<sup>37</sup> Aspiring middle class businessmen such as Lyons were instrumental in creating a 'particular brand of masculinity' or narrow fraternity, as they sought to create a society in which they would demand 'earned' political rights.<sup>38</sup> In this patriarchal sense of bourgeoisie masculine identity, a cleavage was formed between a 'masculine' and exclusionary public sphere and the 'feminine' private sphere. Unfortunately for Lyons, the emancipist political challenge, with a class, racial and religious specificity of its own, did not go unanswered.

Lyons' growing stature prompted public attack and in 1836 Lyons claimed the substantial sum of £2000 as compensation from the *Sydney Morning Herald* for libel. Lyons' action was the culmination of an ongoing and at times bitter debate. The 'polite world' saw the emancipist threat as the realisation of their old world inspired, 'depraved' colony fears.<sup>39</sup> Exclusivists were attempting to send a clear message that New South Wales was 'exclusive' and that emancipist attempts to assimilate would be resisted.<sup>40</sup> The *Herald* had earlier complained on 2 December 1833 of a large and 'unjust monopoly on the part of the tribe of Israel' to 'the exclusion of the Gentiles' who were turning the Sydney market into 'a fair'.<sup>41</sup> The implication was clear to most. Apart from Lyons' Jewishness, it suggested that a small, noisy minority was exercising power and influence out of proportion to its 'place' in colonial society. And Lyons, whilst not always a devout religious Jew was keen to defend himself and the broader Jewish community against (largely economic based) antisemitism. Old world stereotypes and assumptions of disproportionate Jewish power, 'greed' and 'trickery' still seemingly

persisted.<sup>42</sup> On 14 March 1834, the *Sydney Monitor* explicitly personalised the attack, accusing Lyons of being the 'head of a small political faction, which if not exposed, will ruin the cause of the emancipist cause.'<sup>43</sup> Lyons' fierce response, a sign of his growing stature within colonial Sydney, printed in both *The Australian* (with its qualified editorial support) and the *Sydney Gazette* asserted:

It is no disgrace to be a member of a trading community, and if the Jews do monopolise the retail trade ... it is a more creditable and legal manner of obtaining a livelihood than the fore-stallers who have the honour and distinction of being members of other sects ... calculating on the census the solitary Israelite stands at the ratio of 1 to 273. Why, have the gentiles a deed of settlement more than the infidels, or do they pay more taxes, are they more patriotic?<sup>44</sup>

Though the enemy here was the 'gentile', because of their earlier experiences, emancipists such as Lyons often 'regarded themselves as better patriots'<sup>45</sup> than the free-landed, perhaps conflated with the gentiles, whom they perceived as transplanting themselves into a newly constituted and oppressive aristocracy.

On 20 June 1836, amidst growing public and elite anger at the auction system, and heightened emancipist and exclusivist tensions, the *Herald* launched a spiteful personal attack on Lyons within a series of articles entitled '*Auctions and Auctioneers*',<sup>46</sup> referring caustically to a 'foster father' 'Mr.L'. The *Herald* echoed the cries of the exclusivists, who were appalled but nervously conscious that a thrice convicted former felon could actually claim 'respectability' — it was the 'greatest' of all 'the anomalies in this anomalous community'<sup>47</sup> that:

Outright low scoundrels, who have lost all character, be permitted to annoy and rob respectable persons with immunity, under the pretence of seeking to vindicate their good name, forsooth — even though the sensitive gentleman ... should be three or four times convicted felons, whose backs may yet bear the mark of the lash which, for their crimes, had been justly administered ...<sup>48</sup>

The *Herald* repeated its attack on the 26 October. Again, as a sign of Lyons' political or economic influence (by virtue of the threat of withdrawing advertising), the *Herald* printed his vitriolic reply of 29 October 1836. In essence, Lyons, as a thrice-convicted felon, sought legal recourse against those who sought to 'rob him of his

good name.<sup>549</sup> As Mackenzie argues, 'The Lyons case centred on the integral link between commerce, masculine honour and the claims of rising men to political influence.'<sup>550</sup> The *Herald* claimed that it was 'not our intention to fit any man with a cap — we merely assailed a system.'<sup>551</sup> However, and despite the religious overtones being overlooked, Lyons was eventually awarded the sum of £200 for libel.<sup>552</sup> Despite the successful judgement, the bitter experience remained with Lyons even after his return from England. For instance, in 1837 Lyons prevented the release of 'free-men' Lawrence and Stephen Spyer from gaol on account of their inability to meet their debts.<sup>553</sup> Lyons was somewhat contradictorily signalling his 'respectability' in opposition to the free men's forfeiture of such a social standing as debtors.

Lyons' emancipist claim represented the juncture between an emergent colonial middle-class and newly developing definitions of masculine honour. His successful defence of 'name and honour' was indicative not only of the 'exclusionary practice'<sup>554</sup> of masculine honour, but also by virtue of Lyons' political and economic influence of 'whose opinion mattered ... and whose reputation was deemed worthy of a particular kind of defence.'<sup>555</sup> Indirectly, Lyons' libel action influenced contemporary debates about transportation and the development of self-government. Despite his denial of an allegiance to any 'political faction', as Lyons' public standing increased he somewhat unintentionally became politically active. Earlier in 1832, he had been a signatory to a petition requesting trial by jury and cessation of taxation without representation.<sup>556</sup> By 1836, and the symbolism is stark, Lyons was the 'honorary collector' of the Australian Patriotic Association.<sup>557</sup> However, Lyons' emancipist credentials were limited by his newfound sense of class-consciousness. For instance in 1842, Lyons petitioned to the City of Sydney that the franchise 'be restricted to those who could claim property worth £100.'<sup>558</sup> Lyons' rather paradoxical and elitist assertion, which arguably conformed to the growing hierarchical divisions within the emancipist cause, was violently resented, and in November 1842, 'a mob of 200 angry citizens shouted threats and threw stones at his George Street house.'<sup>559</sup>

Despite making his fortune within colonial Sydney, Lyons, partially as a result of the Sydney newspaper attacks, likely (proudly) visiting relatives and his three children who were educated in England, and perhaps burdened with the ongoing reality of his 'convict stain',<sup>560</sup> announced that he would be retiring from business and returning England on 12 August 1836,<sup>561</sup> for the first and last time since his transportation — though he did not depart until February 1838. However, his stay would be short. Lyons had seem-



*A contemporary drawing of Samuel Lyons — a picture of respectability and affluence with auction hammer at hand — though the allusions to his Jewishness are also prominent. Source: Heads of the People, 1847 cited in Bergman and Levi, Australian Genesis, p. 98*

ingly acquired a taste for public life and 'repelled by the anonymity of London he returned to rebuild his business'<sup>62</sup> in March 1839. Lyons encountered difficulties on returning from England, particularly after the onset of the 1840s depression. For instance, he was a shareholder in the Bank of Australia that failed in 1844. Mundy later claimed that Lyons failed for an 'immense sum' close to £50 000. However, as Mundy also pointed out, Lyons, 'at the time of the general money quake ... unlike his compeers in mischance, bond and free, who sheltered themselves in the court ... [actually] succeeded in paying up twenty shillings in the pound.'<sup>63</sup> Despite the obvious harm to Lyons' financial position after 1841, he would have received assistance from relatives, and thus was not critically weakened by the depression.<sup>64</sup> Again the contradictory question of

respectability in public and private spheres emerges, as well as his continuing connections in London: were those connections themselves respectable or indeed criminal in nature?

Within Lyons' pragmatic sense of ideology and community there existed certain ongoing tensions. Despite a long-term religious apathy, Lyons increasingly involved himself in certain aspects of Jewish life, particularly after his return from England. He had a keen interest in education (perhaps realising the practical benefits of his own literacy) and alongside fellow successful emancipist Solomon Levey, was a committee member of the prestigious Sydney College. The college apparently taught the 'Jewish legacy' and possessed 'a compatibility with Jewish needs.' Lyons accordingly provided his children 'the highest education England could furnish'<sup>65</sup> sending them 'home' without their father and deceased maternal mother, Mary. Ironically, Lyons did not insist on a secular education or religious upbringing, probably as a result of their mother's influence and an attempt to assimilate into the elitist and sectarian public sphere. In this context, tension exists within Lyons' relationship with Australian Jewry. Whilst a critic of antisemitism Lyons exhibited certain ambivalence towards, and in fact did not acknowledge his faith or heritage in an explicit manner. This may have been understandable yet the 'death of his wife, the absence of his children in England, the presence of his brothers and sisters ... and organisation of a Jewish congregation'<sup>66</sup> combined to bring him back into his ancestral faith. When Lyons died in Sydney after a short illness on 3 August 1851, aged sixty, he was buried in the 'Jewish burial ground, accompanied by the usual ceremonies of that community.'<sup>67</sup> Lyons' funeral certainly impressed Mundy who glowingly described it as 'perhaps the most numerous procession ever seen in Sydney on similar occasions.'<sup>68</sup> Indeed his 'cortege consisted of a hearse, nine mourning coaches, sixty private and hired carriages and ten gigs, altogether 80 vehicles.'<sup>69</sup> Lyons, despite his religious ambivalences played a significant, though unconsciously indirect role in the foundation years of Australian Jewry.

Lyons performed an important role in defining the nature and role of the small emergent Australian Jewish community. As a measure of his success, Lyons brought out his brother Saul Lyons<sup>70</sup> from England in 1827, his nephew Lewis Samuel in 1829, and his older brother, Abraham and aunt Lydia Samuel in August 1832. Yet, no account of Lyon's life mentions his seemingly fractious relations with his kin, particularly his brothers Saul and Abraham. In June 1833 Lyons sought to recover the sum of £269, 'being ... for the passage-money of the defendant, board and lodging, washing, &c.; as also £100 which the defendant undertook to pay as past of the pas-

sage-money of Mr. Abraham Lyons.<sup>71</sup> He brought a separate case against Saul Lyons for 'the recovery of £100.'<sup>72</sup> It would seem that Lyons' sense of self — in terms of respectability and honour, at least at this stage, overrode familial ties — yet the later attacks of the exclusivists and newspapers seemed to reverse this tendency. Nonetheless, Lyons' example explicitly points to the long lineage of the Jewish community in Australia. The Jewish community, are arguably the second oldest (after the Aboriginal nations) non-Anglo-Celtic group in Australia, with an estimated eight to fourteen Jews on the First Fleet, and its first free settlers arriving from 1809. The experience of successful emancipists created the ongoing process of chain migration. As Rubinstein has argued, Jewish convicts were the first example of 'forced' or 'non-consensual' Jewish emigration, later overshadowed by the great influx of Jewish refugees after the Holocaust.<sup>73</sup> Moreover, examples such as Lyons 'gave it (the Jewish community) its Anglo-Jewish tone'<sup>74</sup> as derived from London.<sup>75</sup> Paradoxically, the experience of Lyons perhaps overshadows the majority Jewish experience in colonial Australia, as people tended to notice successful Jewish emancipists and assume certain stereotypical traits — which would reverberate in the increasingly antisemitic nature of accusations against the so-called money power interests after 1820. However, Lyons' Jewishness has often been unrepresented, and 'by the 1820s, Lyons appeared in the historical memory ... solely in the guise of respectable and wealthy Sydney merchant — his convict status, his mistress and illegitimate child, and ... Jewish heritage are excised.'<sup>76</sup>

Samuel Lyons played a prominent, if at times contradictory role within the development of colonial Sydney's economic, political and social life. Lyons pragmatically used his experience in England and was aided by a sense of 'luck',<sup>77</sup> the practical requirements of the developing colonial economy and perhaps, though undocumented, continuing London links. After his reformation during the late 1820s, Lyons achieved substantial material success, yet elitist acceptance, given his convict (and cockney-Semitic) origins, was far more difficult. Lyons performed an important 'political' role, by virtue of his economic influence, in the development of a 'free' society. However, the 'free' society Lyons and other middle-class emancipists were demanding was exclusionary, articulating a masculine, landowning class view. It articulated a clear distinction between public and private spheres. Lyons spent the first part of his life fighting elite authority and the latter demanding elite acceptance: a contradiction that could never be resolved. Such a contradictory position was arguably mirrored in Lyons' relations with the Jewish

community. Lyons' ambivalent and at times tense relations with the developing community (and his family) perhaps overshadow his indirect influence upon an emergent Australian Jewry. Lyons acted as a prominent critic of antisemitism, and wittingly or unwittingly, made possible the basis of future Jewish emigration.

#### NOTES

1. G. F. J. Bergman and J. S. Levi, *Australian Genesis: Jewish Convicts and Settlers, 1788-1850*, Rigby, Adelaide, Australia, 1974, p.98.
2. Godfrey Charles Mundy, *Our Antipodes, or, Residence and rambles in the Australasian colonies, with a glimpse of the goldfields (3rd ed.)*, Richard Bentley, London, United Kingdom, 1855, p.102.
3. Hilary Rubinstein, *Chosen: the Jews in Australia*, Allen and Unwin, Sydney, Australia, 1987, p.7. As Rubinstein demonstrates, the Ashkenazi Jewish population constituted the majority of Jews in the United Kingdom, as opposed to minority elements of Sephardim. As such the majority of Jewish emigration both convict and free was from an Ashkenazim and logically anglicised background.
4. John Levi, *The Forefathers: a dictionary of biography of the Jews of Australia 1788-1830*, Australian Jewish Historical Society, Sydney, Australia, 1976, p.8.
5. Suzanne Rutland, *Edge of the Diaspora: two centuries of Jewish settlement in Australia (2nd ed.)*, Brandl & Schlesinger, Rose Bay, Australia, 1997, p.15.
6. Levi and Bergman, op. cit., p.95. It is likely that the theft of a handkerchief would have been used as a tool and/or materials within his trade, and thus his crime resulted probably not from idleness but the requirements of his employment, or alternatively, utilised for a speedy sale.
7. Levi, op. cit., pp.129-130. Furthermore, according to Levi (p. 3) 32% of all Jewish convicts sent between 1788 and 1830 were sent to Australia between 1810-1819.
8. Mundy, op. cit., p.102.
9. John Hirst, *Convict Society and its Enemies: A history of early New South Wales*, Allen & Unwin, North Sydney, Australia, 1983, p.32.
10. Levi and Bergman, op. cit., p.95.
11. L.L. Robson, *The Convict Settlers of Australia (2nd ed.)*, Melbourne University Press, Carlton, Australia, 1994, p.135.
12. Levi and Bergman, op. cit., p.96.

13. *Ibid*, p.96. Such general dealings, according to Levi and Bergman, included providing the colonial Police Department a quantity of pencils.
14. *Ibid*..
15. *Ibid*..
16. *Ibid*..
17. Lyons was charged alongside Morris, John Faulkner and his son John Pascoe Faulkner. Incidentally, Faulkner Jnr was later to become one of the founders of Melbourne. Ann's reaction is undocumented, though moving elsewhere was impossibility, but her quick departure to Sydney upon the death of Lyons' first wife is suggestive.
18. Levi and Bergman, op. cit., p.97.
19. Mundy, op. cit., p.102.
20. Levi and Bergman, op. cit., p.97.
21. Levi, op. cit., p.12.
22. Robson, op. cit., p.108 (my addition).
23. Mary Murphy and Samuel Lyons had three children in three years: George Joseph Lyons born on 4.4.1823, Hannah Lyons on 10.10.1824, and Samuel Lyons Jnr on 9.6.1826. All three were baptised in the Church of England. This may have been easier for Samuel the Jew, as many Jews listed themselves as Protestant, than Mary the Catholic.
24. Levi and Bergman, op. cit., p.99.
25. Darling to Goderich, 20 October 1831, Dispatches, Part 4, p. 444, A1267 Mitchell library, cited in Kirsten McKenzie, 'Of Convicts and Capitalists: Honour and Colonial Commerce in 1830s Cape Town and Sydney', *Australian Historical Studies*, v.33, Special issue no.118, 2002, p. 209.
26. *Sydney Gazette*, 14 August 1827 (my addition), cited in Bergman and Levi, op. cit., p.99.
27. Levi and Bergman, op. cit., p.102.
28. Hirst, op. cit., p.85.
29. Stephen Nicholas and Peter Shergold, 'Unshackling the Past', in Stephen Nicholas (ed.), *Convict Workers: Reinterpreting Australia's past*, Cambridge University Press, Melbourne, Australia, 1988, p.9.
30. Hirst, op. cit., p.85.
31. Rutland, op. cit., p.15.
32. Hilary Rubinstein, *Chosen: The Jews in Australia*, Allen and Unwin, Sydney, Australia, 1987, p.8. Rubinstein explains this general sense as well as exceptions like Lyons.
33. *Ibid*, p.8.
34. Bergman and Levi, op. cit., p.202. This is despite Lyons'

knowledge of Phillips' ongoing support of a pregnant wife and five children. However, putting debtors in gaol until they paid up was the normal if apparently contradictory method of dealing with debt.

35. Rubinstein, op. cit., p.10.
36. McKenzie, op. cit., p. 1.
37. *Ibid.*
38. *Ibid.*
39. Hirst, op. cit., p.190.
40. *Ibid*, p.192. As Hirst also points out, the emancipist were not simply a deprived group battling against a ruling class of emigrants: neither had rights to representative government (p.120).
41. *Sydney Morning Herald*, 2 December 1833.
42. Hilary L. Rubinstein, *The Jews in Australia: a thematic history*, William Heinemann Australia, Port Melbourne, 1991.
43. *Sydney Monitor*, 14 March 1834, cited in Bergman and Levi, op. cit., p.102.
44. *Sydney Gazette*, 17 March 1834, cited in Bergman and Levi, op. cit., p.103.
45. Hirst, op. cit., p.191.
46. *Sydney Morning Herald*, 23 June 1836.
47. — , 24 October 1836, cited in McKenzie, op. cit., p. 210.
48. *Ibid.*
49. *Sydney Gazette*, 29 October 1836.
50. McKenzie, op. cit., p. 209.
51. *Sydney Morning Herald*, 7 November 1836.
52. *Lyons v. Stephens and Stokes* as reported in *Sydney Morning Herald*, 7 November 1836.
53. Levi and Bergman, op. cit., p.202.
54. McKenzie, op. cit., p. 220.
55. *Ibid.*
56. Bergman and Levi, op. cit., p.105.
57. The Australian Patriotic Association was a movement founded in 1835 that sought to simultaneously lobby for representative government and broad emancipist rights.
58. Levi and Bergman, op. cit., p.103.
59. *Ibid*, p. 104
60. *Ibid*, p.104.
61. *Ibid.*
62. Rutland, op. cit., p.16.
63. Mundy, op. cit., p.102.
64. Whilst not remarkable in itself, according to Bergman and Levi, 4% (bearing in mind that Jews made up 1% of the popu-

lation) of the 1500 firms were owned by Jews. As such the depression had a particularly devastating effect upon Australian Jewry.

65. Rubinstein, op. cit., p.328.
66. Bergman and Levi, op. cit., p.105.
67. *Sydney Morning Herald*, 6 August 1851, cited in Bergman and Levi, op. cit., p.106.
68. Mundy, op. cit., p.103.
69. Bergman and Levi, op. cit., p.106.
70. A future long-serving parliamentarian in Henry Parkes' Government, and also later knighted.
71. *Sydney Gazette*, 15 June 1833 cited at [http://www.law.mq.edu.au/scnsw/Cases1833-34/html/lyons v\\_lyons\\_1833.htm](http://www.law.mq.edu.au/scnsw/Cases1833-34/html/lyons_v_lyons_1833.htm), 18.2.04
72. *Sydney Gazette*, 29 June 1833 cited at [http://www.law.mq.edu.au/scnsw/Cases1833-34/html/lyons v\\_lyons\\_1833.htm](http://www.law.mq.edu.au/scnsw/Cases1833-34/html/lyons_v_lyons_1833.htm), 18.2.04
73. Rubinstein, op. cit., p.5.
74. *Ibid*, p.7.
75. According to Levi, 89% of Jewish convicts were born in London and another 3% were born outside London but lived in England.
76. McKenzie, op. cit., p.214.
77. Rubinstein, op. cit., p.5.