

8. Darling Despatches, C 1202, p. 1057.
9. Darling Despatches, C 1209, p. 47.
10. Darling Despatches, C 1206, p. 322.
11. Bourk Despatches, C 1210, p. 174.
- 11A. Bourke Despatches, C 1211, pp. 161, 618.
12. Old Chum (Mr. M. T. Forde) in *Truth*, 11.7.1920.
13. *Sydney Gazette*, 17.1.1829.
14. *Sydney Gazette*, 23.4.1829.
15. *The Australian*, 9.7.1830; 27.7.1832.
16. *The Australian*, 10.1.1834.
17. *The Australian*, 10.4.1838.
18. *Sydney Morning Herald*, 6.2.1844, 8.3.1844.
19. *The Australian*, 16.9.1840.
20. *Aust. Jew. Hist. Soc. Journal & Proc.*, Vol. I, Part VIII, 275.
21. *Sydney Gazette*, 23.8. and 2.9.1826.
22. Report of the Committee of the York Street Synagogues, 1845, p. 15.
23. *Wellington Times*, 27.6.1904.
24. Old Chum (Mr. Forde), *Truth*, 25.12.1910.
25. *Sydney Morning Herald*, 1.12.1842; 21.12.1843.
26. *Sydney Morning Herald*, 19.12.1842.

## DAVID POOLE

### The First Jewish Lawyer in Australia

by

Dr. G. F. J. BERGMAN

On 15th September, 1839, a meeting of local Jews took place at the Synagogue Chambers in Bridge Street, Sydney, for the purpose of electing a Building Committee for the planned erection of a permanent Synagogue in Sydney. At the meeting, Mr. Poole, a Sydney solicitor, was elected solicitor of the Committee and he pledged £50 for the building fund.<sup>1</sup> On 23rd February, 1840, the Bridge Street Synagogue Committee resolved to request Mr. Poole to apply to the Government for a grant of land on which the new Synagogue was to be erected.<sup>2</sup> Mr. Poole duly applied for the grant and on 11th January, 1841, was informed by the Governor that his request on behalf of the Jewish Community had been approved.<sup>2</sup>

On 29th January, 1841, the *Voice of Jacob* reported that "the Committee of the Synagogue felt themselves so much indebted to Mr. D. Poole, solicitor, for his assistance that they forwarded a letter of thanks to the gentleman to which he made a very suitable response. Subscriptions are in progress for a handsome silver salver to be presented to Mr. Poole,<sup>3</sup> in acknowledgement for his services."<sup>4</sup> The subscription was successful and Mr. Poole gratefully accepted the silver salver.

The late David Benjamin, in a note to this report<sup>4</sup> commented that "that Mr. Poole was not Jewish, but

appears to have worked hard in the interests of the congregation”.

But was David Poole indeed “not Jewish”? Research has shown that he was a Jew and consequently the first Jewish lawyer in Australia.

David Poole, of Old Broad Street, London, was in 1795 admitted as attorney and solicitor of H.M.’s Court of King’s Bench at Westminster.<sup>5</sup> In December, 1827, he left London with his wife and three children and arrived in Sydney on 31st July, 1828, by *Sarah*.<sup>6</sup>

According to the Census 1828, he was then already aged 52, his wife, Elizabeth, 15 years younger, and the children David, Sarah and Amelia were 8, 4 and 2 years of age respectively. The religion of the whole family was stated as “Protestant”.<sup>7</sup>

A fortnight after his arrival, on 15th August, 1828, Poole was admitted as a barrister, solicitor, attorney and proctor of the Supreme Court of N.S.W.<sup>8</sup> and for seventeen years practised very efficiently in Sydney.

From the start, he had strong connections with the Jewish community. It appears typical for these connections, that, five days after his admission to the Bar, Mrs. Rebecca Levi, the widow of Mr. Walter Jacob Levi, the rich Jewish planter, who had tried to introduce cotton and sugar planting into Australia and whose untimely death had shocked the Jewish community, chose Poole to be her proctor.<sup>8</sup>

And it was David Poole, who in March, 1829, was representing Esther Johnston, the Jewish widow of Lieutenant-Colonel George Johnston, when she was arraigned in Court by her son, Robert Johnston.<sup>9</sup>

He established his offices in Castlereagh Street and on 11th November, 1829, applied to the Governor for a “town allotment to build a gentleman’s residence”,<sup>10</sup> but had to wait until August, 1834, when he was permitted to buy land at Double Bay which he actually bought a year later.<sup>10</sup>

In 1831 he moved his office to the Morris Building in George Street.<sup>11</sup> Poole was at once admitted into Sydney’s “Society” and became active in civic affairs.

In 1832, he was on the E. S. Hall Committee<sup>12</sup> and signed a request for a meeting of A. E. Hayes’ friends.<sup>12</sup> In January, 1833, he took part in the movement of the colonists to get a Legislative Assembly.<sup>13</sup> He soon occupied important commercial positions. In May, 1833, he became Vice-Chairman of an Australian Steam Conveyance Company<sup>14</sup> (which in the forties became a victim of the Depres-

sion), in March, 1835, Director of the Australian Wheat Company,<sup>15</sup> and in April, 1836, Director of the Sydney Gas Company.<sup>16</sup>

He was an active Freemason,<sup>17</sup> subscribed to the Patriotic Fund<sup>18</sup> and was present at the Mayor's dinners.<sup>19</sup> In January, 1840, he was appointed Agent for the new Colony of Victoria<sup>20</sup> and became solicitor of the Mutual Indemnity Assurance Association.<sup>21</sup>

Obviously he also had landed interests in New Zealand<sup>22</sup> and was a member of the New Zealand Association.<sup>23</sup> In 1839 he had sent his son, David Poole, Jun., to New Zealand,<sup>24</sup> in 1841 to the Whale fisheries,<sup>25</sup> and in 1842, probably on a business mission to Tahiti and Valparaiso.<sup>26</sup>

In 1842, he established a company to employ steamers from Sydney to Kissing Point, a forerunner of the Sydney ferries.<sup>27</sup>

As a prominent lawyer he had been asked to give evidence in 1838 in the debate on the "Insolvent Debtors and Imprisonment for Debt Bill", which was introduced in the depression years to alleviate the debtors' position and although, in 1838, he had been against this Bill, he had in 1841 to concede that the Bill, which was then passed, Bill 5 Victoria 1841, was a "good, sensible and well-arranged Bill". Yet he still had objections. No wonder, for he mostly represented the creditors, although the majority of the merchants regarded the Bill as "much wanted, because it at once afforded relief for the insolvent and protection for the creditors".<sup>28</sup>

As already mentioned, it was during the years 1839-1842 that Poole was most active for the general Jewish community.

In September, 1842, he decided to stand for election as councillor of the Brisbane Ward in the Sydney Municipal Elections.<sup>29</sup> In an advertisement in the *Sydney Gazette* he pointed out to the electors what "he had already accomplished for the City's advancement and prosperity, namely the introduction of steam vessels on our rivers and shores and that useful help to our comfort and security, the Gas light, a Company, which", he said, "was formed greatly with my help and assistance".<sup>30</sup>

Poole failed to be elected.<sup>31</sup> He was, however, honoured by the citizens who placed him in the chair at the Mayor's Dinner on 21st December, 1842.<sup>32</sup> In March, 1843, he was elected Auditor for the Brisbane Ward.<sup>33</sup>

Poole was now aged 66 and it appears that he grew restless. Two years later he made known that he was to leave Sydney, allegedly returning to England.

What were his reasons for deciding to give up a well-established practice? Was it the depression, in which many of his clients became insolvent? He might even have left Sydney to avoid further complications with the Jewish community. Although he was a Jew, he had never become a member of the congregation and he had not even honoured the pledge given in 1839 for the Building Fund of the new Synagogue, which was soon to be inaugurated in York Street. His relations with the Community might have become strained.

In January, 1845, he had his very valuable furniture sold at auction<sup>34</sup> and on 24th February, 1845, he left Sydney with his wife and four daughters, the youngest one born in Sydney.<sup>35</sup>

He went, however, not to England, as indicated in the auctioneer's advertisement,<sup>34</sup> but to Hobart Town, where he arrived by *Louisa* on 5th March, 1845.<sup>36</sup>

He applied at once for admission as barrister, solicitor, attorney and proctor of the Supreme Court of Van Diemen's Land and was sworn in in open Court at Hobart Town on 30th May, 1845.<sup>37</sup>

He established himself in the fashionable district of Davey Street and started to practise again.

And then something curious and unexpected happened.

The Minutes of the Hobart Town Hebrew Congregation record in 1845 that David Poole, solicitor of Hobart Town, enrolled himself and his whole family as members of the Hobart Town Hebrew Congregation. His wife and daughters were allotted seats in the gallery of the Synagogue. He attended services at the High Holidays in 1845, was called up to the Reading of the Law and offered £5.0.0, but at the Simchas Thora Festival refused to act as "Chaten Bereshit", for which he was fined one guinea, but refused to pay.

So, David Poole, was definitely Jewish. And his wife was indeed Jewish, too. She was the daughter of the renowned London Jewish painter, Solomon Polack, the sister of Abraham Polack, the well-known Jewish emancipist, who by 1845, unfortunately had already lost the great fortune he had made as an auctioneer in the City of Sydney.<sup>38</sup> It may well be that Abraham Polack, who in 1828 had been one of the leaders of the budding Jewish congregation in Sydney, had persuaded his brother-in-law

## Notice

It is hereby given that I David Poole formerly of  
 Old Broad Street in the City of London  
 Gentleman. one of the Attorneys of Her  
 Majesty's Court of Queen's Bench at Westminster  
 and a Solicitor of the High Court of  
 Chancery and late of George & Castle Street  
 Street Sydney one of the Attorneys Solicitors  
 and Proctors of Her Majesty's Supreme Court of  
 New South Wales at present of No. 10 Quay Street  
 Hobart Town in Van Diemens Land do intend  
 to apply on the last day of this present  
 Term to be admitted a Barrister Attorney  
 Solicitor and Proctor of the Honourable the  
 Supreme Court of Van Diemens Land and  
 which said Term commences on this present  
 day.

Dated the fifth day of May 1845

David Poole

This is the copy which is referred to  
 in the annexed affidavit of D.  
 Poole sworn before me this 30<sup>th</sup> 4<sup>th</sup>  
 day of May 1845. Witness  
 my hand this 30<sup>th</sup> day of May 1845.

to migrate to Sydney, where there was a growing Jewish merchants' community and no Jewish solicitor.

That Poole was Jewish, was suspected in Australia, shortly after his arrival. On 5th March, 1830, the *Tasmanian and Australasiatic Review* of Hobart Town had reported that "Mr. Poole (who, we are informed, is of Israelite persuasion) has been offered the vacant position as Solicitor General in Sydney. Mr. Poole has refused it, considering his Practice as Attorney more profitable". Significantly no Sydney newspaper reported this incident.

There had been Jewish families with the name of Poole in Pool (Dorset) in England. Their name had originally been Abrahams and they had immigrated from Holland. Members of this family were wardens of London's Great Synagogue in the 19th century.<sup>39</sup>

Why had Poole, in the Census 1828, declared himself and his family as Protestants? The only explanation for this denial of his faith I can think of, is that he may have thought it opportune to hide his Jewish origin, with the consent of his brother-in-law, because at the time of his arrival, the Jewish community almost entirely consisted of convicts and emancipists and was anything but respectable, and the then Governor, Sir Ralph Darling, did not favour the Jews. Yet he, at once, became the trusted attorney of the Jews in the Colony, and the Jewish community at this time seems to have closed their eyes to this state of affairs. But in 1845, where there was already a large congregation of Free Jewish settlers in Sydney, the situation had changed and his denial of the faith might have become a real stumbling block for him.

That he was in social terms with the better-class Jews, becomes obvious, when we read on 12th September, 1837, in the *Sydney Gazette* that a serious accident nearly occurred when Mr. S. Levien, the proprietor of the Pulteney Hotel, who was highly regarded in the City, and his wife, nearly fell with Poole into a ditch in Parramatta Road, when riding with Mr. Poole in his carriage.

Why did Poole suddenly change his mind, when he went to Hobart? Poole was now aged 68 and the old man probably felt remorse. He wanted to be a Jew again and was now happy once more to sit in a Synagogue with his Jewish brethren.

Yet it was not to last for very long. At the end of 1845 he decided definitely to return to England with his family. Maybe his new practice was not what he expected from it—after all, the colonies were still in a state of depression—or his wife and his marriageable daughters

did not feel at home in provincial Hobart Town which was then still the capital of a convict settlement, whilst transportation to N.S.W. had ceased five years earlier.

On 31st December, 1845, the *Hobart Town Courier* carried an advertisement, saying that on the 5th January, 1846, Messrs. Lowes and MacMichael, auctioneers, will sell in public auction "on the premises in Davey Street, the whole of the valuable furniture and effects, the property of David Poole, Esq., previous to the gentleman's departure for England". The advertisement shows that Poole quite obviously had the intention to stay in Hobart Town for good, because the house had been lavishly furnished with good taste and among the objects to be sold, were even valuable paintings by famous Dutch painters such as Ostade and Wouverman, as well as a large library. "The sundries", it was said, "consist of everything required in a large establishment".

Poole must have had serious reasons to leave Hobart Town after such a short sojourn in Van Diemen's Land. Before leaving, he donated £5.0.0 to the Hobart Town Synagogue.<sup>40</sup>

David Poole and his family left Hobart Town on 10th January, 1846, by *Calcutta*<sup>41</sup> and so ended the astonishing, but perhaps somewhere tragic story of David Poole, the first Jewish lawyer in Australia.

It remains to relate what happened to David Poole, Jun., who had not accompanied the family when they left for Hobart and had not returned with them to England.

David Poole, Jun., had been in employment with a Mr. G. Ralston in Bathurst. His dismissal led in 1839 to a law suit between his father and Mr. Ralston and to proceedings in the Police Court, at which Mr. Ralston was fined 5/- for having assaulted Mr. David Poole, Sen., at the Royal Hotel.<sup>42</sup>

He then was, as already related, sent by his father in 1841 and 1842 to the whale fisheries, to South America and to Tahiti.

The Poole family was closely connected with Tahiti, because another daughter of Solomon Polack, Rebecca, Elizabeth Poole's sister, had married the South Sea trader, John Salmon, whose son, Alexander Salmon, married the Tahitian princess, Aritarimari. Their daughter, Marau taaroa, became the wife of King Pomare V., the last King of Tahiti.<sup>43</sup>

This connection, as the *Sydney Gazette* reported on 5th July, 1842, brought honour to David Poole, Sen., because, according to the paper, "Mr. David Poole had been

honoured by the Queen of Tahiti with her public and private seal". The paper commented humorously:—"This favour has conferred on Mr. Poole the offices of Lord Chancellor and Lord Private Seal of her sable Majesty".

When on 19th September, 1842, the British residents at Tahiti sent an address to the French Rear Admiral, Abel du Petit Thouars, who started the French occupation of Tahiti, there were among the signataires of this address David Poole, Jun., and Alexander Salmon.<sup>44</sup>

David Poole, Jun., had therefore gone back to Tahiti and had preferred the lovely South Sea Island and its girls to cold Hobart Town.

#### ACKNOWLEDGMENTS

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#### NOTES

1. Australian Jewish Historical Society, Journal & Proceedings, Vol. I, p. 23; Vol. II, p. 63; Vol. VI, p. 39.
2. Ditto.
3. In the Minutes of the Bridge Street Synagogue congregation the name is spelled "Pool".
4. Australian Jewish Historical Society, Journal & Proceedings, Vol. III, pp. 350, 359.
5. *The Australian*, 16.9.1841; Supreme Court papers of Van Diemen's Land, file SC 207/85 in the Archives Office of Tasmania.
6. *Sydney Gazette*, 1.8.1828.
7. Census 1828 (Mitchell Library).
8. G. F. J. Bergman, Walter Jacob Levi and Governor Darling, in Australian Jewish Historical Society, Journal & Proceedings, Vol. VI, p. 461ff.
9. G. F. J. Bergman, Esther Johnston, the Lt-Governor's wife, in Australian Jewish Historical Society, Journal & Proceedings, Vol. VI, p. 109.
10. Col. Secretary's in-letters re land, Vol. 2/7951 (Mitchell Library).
11. *The Australian*, 13.5.1831.
12. *The Australian*, 17.12.1832.
13. *The Australian*, 11.1.1833.
14. *The Australian*, 3.5.1833.
15. *The Australian*, 13.3.1835.
16. *The Australian*, 19.4.1836.
17. *The Australian*, 3.6.1834, *Sydney Gazette*, 5.6.1834.
18. *The Australian*, 12.6.1835.
19. *The Australian*, 8.12.1837, 27.2.1838, 23.12.1842.
20. *Australian Chronicle*, 7.1.1840.
21. *Australian Chronicle*, 24.4.1840.
22. *The Australian*, 24.2.1840.
23. *The Australian*, 4.4.1840.
24. *The Australian*, 12.10.1839.
25. *The Australian*, 25.6.1841.
26. *The Australian*, 5.6.1842.
27. *The Australian*, 23.11.1842.
28. *The Australian*, 16.9.1841.

29. *The Australian*, 19.9.1842.
30. *Sydney Gazette* 22.9.1842.
31. *The Australian*, 4.11.1842.
32. *The Australian*, 31.12.1842.
33. *The Colonial Observer*, 4.3.1843.
34. *Sydney Morning Herald*, 2.1.1845.
35. *The Weekly Register*, 1.3.1845.
36. *Hobart Town Courier*, 5.3.1845.
37. Supreme Court Papers of V.D. Land, SC 207/85.
38. Family tree of the Polack family, supplied by Mrs. J. L. Sanderson, née Polack, descendant of Abraham Polack.
39. Information supplied by the late Professor Dr. Cecil Roth.
40. Minutes of the Hobart Town Hebrew Congregation.
41. *Hobart Town Courier*, 10.1.1846.
42. *Sydney Gazette*, 13.2.1839.
43. Eric Ramsden, Alexander Salmon, an English Jew who made history in Tahiti and his family. Australian Jewish Historical Society, Journal & Proceedings, Vol. I, p. 57ff.  
A descendant of Alexander Salmon, Monsieur Ernest Salmon, wrote his biography "Alexandre Salmon (1820-1866) et sa femme Ariitaimari (1821-1897), published by "Publications de la Société des Océanistes", No. 11, Paris, 1964.  
From this book it becomes clear that certain data given (1) by Mr. Eric Ramsden in AJHS, Vol. I, Part III, and (2) by A. M. Gurau in AJHS, Vol. I, Part VIII, are wrong.  
Alexander Salmon married in 1843 and not in 1833. He was born in 1820 and not in 1802 and arrived in Tahiti in 1841. He died during a dysentery epidemic in August, 1866, aged only 46.  
His grandson, Ernest Salmon, became Presiding Judge of the Court of Appeals in St. Denis in the island of Réunion.
44. South Australian Register, 7.1.1843.

## PROFESSOR SAMUEL ALEXANDER, O.M., F.B.A.

Dr. G. F. J. BERGMAN

When in 1941, Mr. Hirsch Munz published in Vol. I, Part VI, pages 170 ff., a biography of this famous philosopher who was born in Sydney in 1859 and died in Manchester in 1938, a book which had appeared in 1939 had obviously escaped his attention.

It was in this year that Mr. John Laird, a disciple and friend of Alexander, published posthumously a number of his essays under the title "Philosophical and Literary Pieces" by Samuel Alexander. These essays were prefaced by Mr. Laird by a "Memoir" on Alexander of more than 90 pages, giving intimate details of his life and evaluation of his efforts. Any student of the life of Alexander will be obliged to read this "Memoir" which touches aspects of his life not elaborated by Mr. Munz in his biography. This applies especially to the "Jewishness" of Alexander. Apart from the fact, mentioned by Mr. Munz, that his last years