

Sir Redmond Barry (Obituary from 1880)



It is something more than a mere figure of speech to say that the news of the death of Sir Redmond Barry communicated a painful shock to the people of this city, and we may venture to add, of this colony, when it was promulgated yesterday morning. It was as unwelcome as it was unexpected. The deceased judge was something more than a personage; he was one of our institutions. He had lived in Melbourne ever since it was a small village, had identified himself with its growth and progress, had administered justice in the Supreme Court for a period of 28 years, and had occupied so eminent a position in connection with the Melbourne University, the Public Library, the Philharmonic Society, and cognate undertakings, that we had come to look upon him as an essential portion of our social system, without considering the possibility or rather the certainty, that a day would come when the active brain would cease to labour and the busy hand would lie nerveless, by his side. And perhaps his apparently ample reserve of vital force and the eager interest which he continued to manifest in all the occupations and enjoyments of his daily life contributed to discourage the idea of any immediate, or even early, termination of his busy and beneficial career. There was certainly no such expectation or presentiment in his own mind, and his outlook of life, if we may judge from what fell from him in conversation a few days ago, was as bright and hopeful as it was when he was 10 or 20 years younger. How much he will be missed, and how kindly he will be thought of when we discover what a great void his departure has occasioned, are topics too painful to be dwelt upon while the recollection of his almost sudden death is so fresh in our memories. He is a part of our history, and his biography interweaves itself with the annals of this city more particularly. Of that portion of his life which was spent in Ireland, brief mention will suffice.

The late Sir Redmond Barry was born in June 1813. He was the son of General Barry, of Ballyclogher, in the county of Cork, who intended his son to follow the same profession as himself. For this purpose the boy was placed, as soon as he was old enough, under the tuition of a competent preceptor at Bexley, in Kent, from whence he was to proceed to Addiscombe College. But as the old general's prospects of obtaining a commission for his son were diminished by the death of influential friends, the young man was induced to turn his attention to the study of the law, and he had for his

fellow pupils in Dublin several persons like the late Isaac Butt, who afterwards distinguished themselves at the bar or in the senate. Having entered himself at the Dublin University, young Mr Barry graduated as a B.A. in 1835 and was called to the Irish bar in 1838. Just then, the Australian colonies were beginning to be spoken of in the mother country as a land of promise to the uneasy classes; and, equipped with a liberal outfit in the shape of good health, an excellent education, an adventurous spirit, and a buoyant disposition, young Barry determined to seek his fortune in a new country. Admitted to the bar of New South Wales, of which colony Port Phillip was then an outlying settlement, Mr Barry landed on these shores in November 1839. Melbourne then went by the name of "Bearbrass." It was a small, shabby, straggling township, a mere clearing in the bush; and the aspect of the place to anyone coming fresh from a metropolitan city must have been depressing and discouraging in the extreme. But the young Irish barrister, having once put his hand to the plough, refused to look back. He commenced the practice of his profession and his business naturally expanded with the growth of population in the settlement. A Court of Requests—the first legal tribunal founded here—was established and he was appointed to the chairmanship of it. A taste for literature had to be fostered and Mr Barry gave lectures and assisted to organise a Mechanics Institute. A hospital was needed, and he was among the most zealous of its promoters. In course of time, the separation of Port Phillip from New South Wales began to be agitated, and in this movement, he took an active part, as also in the strenuous opposition offered by his fellow colonists to Earl Grey's inconsiderate proposition for the revival of transportation to the Australian colonies. When the colony of Victoria was created in 1851, Mr Barry was appointed Solicitor-General, and in that capacity drafted many acts with so much care and ability, that as a general rule, no subsequent amendment of them was found to be necessary. In the year following he was appointed judge, and, as he recently stated, his occupancy of a seat on the judicial bench has extended over a greater number of years than any other judge in any portion of the British empire can lay claim to.

When society was revolutionised by the gold discoveries, and peoples' heads were turned by the extraordinary events of 1851-2-3; when the thirst for wealth was universal, and its acquisition so easy; and when all men's thoughts were absorbed by their own selfish schemes, Mr Justice Barry devoted his attention to the practical execution of carefully considered schemes for the benefit of his own and of future generations. The revenue of the colony had decupled in the short space of two years and was still increasing. What a splendid opportunity for founding two such noble institutions as the Melbourne University and the Free Public Library! He discerned it with the utmost clearness and resolved to embrace it with a pertinacious determination which insured success. Other circumstances conspired to this end. The Government of the day was composed of educated gentlemen, who warmly sympathised with and cheerfully concurred in Mr Justice Barry's views. They granted 40 acres of land for the purposes of a University, and 60 acres as the site of four colleges, to be erected by the principal religious denominations. They bestowed upon the former an annual endowment of £9,000 and passed an act of incorporation for it. In its infancy, it was the butt of trivial jesters, but its real founder lived to see it take its place among the higher educational institutions of the British Empire and to know that its academic honours were highly prized by the fortunate recipients of them. It was only a fitting acknowledgement of the value of his services to the University that he should have been elected its chancellor—an office which he sustained with appropriate suavity and dignity.

The Public Library, Museums, and Picture Gallery are also institutions of which he might justly claim the paternity. By his untiring energy, he succeeded in obtaining the large block of land bounded by four streets, upon which this pile of buildings stands, and upon which has been expended nearly £120,000. It was in deference to his earnestly expressed convictions that unreserved and unconditional access was permitted to the books in the Library from the very first, while his efforts have been unremittingly directed to increase its value and extend its usefulness. Differences of opinion may have arisen between himself and his co-trustees with respect to matters of detail, but there can be no question as to the singleness of purpose and the enthusiasm by which he was actuated in all he thought and did on behalf of the whole of the institutions thus grouped together. As he was their founder, so he continued to be their animating spirit, and the various officers who are

engaged in them would no doubt cheerfully acknowledge that in their intercourse with him they found abundant occasion to respect the firmness of his authority, tempered as it was by the unvarying courtesy of his demeanour.

The Supreme Court Library, the Melbourne Philharmonic Society, the Botanical gardens, and the various intercolonial exhibitions which have been held in this city, have materially benefited by his public spirit and personal activity. In London, in 1862, and again in Philadelphia, in 1876, his exertions were conspicuously directed to the advantage of the colony he represented, and none of our fellow citizens have better deserved or more fully earned the distinction of knighthood conferred upon him some years ago by Her Majesty, than the late Sir Redmond Barry. On three separate occasions he was called upon to act as Chief Justice, and once as administrator of the government, and the opinion entertained of the deceased gentleman in his judicial capacity may be gathered from the following extract from an address, signed by all the members of the bar, and presented to him on his departure for England a few years ago:-

"We take the opportunity of your Honour's departure from Victoria to express our high appreciation of the many eminent qualities which have distinguished you in the discharge of your duties as a judge of the Supreme Court for the last 23 years. The ability, impartiality, and courtesy which you have uniformly displayed on the judicial bench, though sufficient claims to our regard, are not our only reasons for feeling proud that we are connected with your Honour by professional ties. That enlightened energy and genuine enthusiasm which you have ever displayed in the cause of literature, science, and art, and to which this country is indebted for the noble institutions that adorn and give lustre to their metropolis, are qualities understood and acknowledged, not merely by members of the bar, but by the whole people."

We shall not attempt to anticipate the estimate which his learned colleagues and the members of the higher branch of the legal profession will express concerning the magnitude of the loss they have sustained by the lamented death of Sir Redmond Barry; but it may not be out of place to remind the public that shortly after he was raised to the bench he applied himself, in conjunction with Mr Justice Williams, to the task of drawing up new rules of court, with a view to a simplification of the practice and to the establishment of a real uniformity of process in all branches of jurisdiction.

By a wide circle of private friends, the loss of the deceased judge will be deeply felt. He was a genial host and an entertaining companion. The very stateliness of his manner was a standing protest against the free and easy demeanour of a generation which, in its reaction against the stiffness, formality, and restraint of former times, has gone to the opposite extreme, and is discarding all the bienséances and amenities of good society, while his language, if it savoured somewhat of Sir Charles Grandison, was greatly preferable in its measured precision and studied balance to the slipshod English and the slang which are so popular in many circles. His mind was scholarly, and his range of information was wide rather than deep, but his retentive memory and the acquaintance he was enabled to make with a great many people, and a great many institutions in foreign countries, during the last 20 years of his life, seemed to have renovated his mind and supplied him with a fund of anecdote and experience, always ready to be drawn upon for the amusement or instruction of others.

It is for his public services, however, that the late Sir Redmond Barry will be held in permanent remembrance by the people of Victoria, and he has erected more durable monuments to his own memory in the Melbourne University and the Public Library than any that may be constructed in his honour of bronze or marble. Future generations will come to regard him as one of the earliest benefactors of an infant community, and will probably bestow on him the well-deserved title of the William Wykeham of Victoria.

Sir Redmond Barry had been suffering from diabetes for about 10 years, but the state of his health was not such as to occasion alarm to his friends. On his return from his trip to Europe and America a few years ago, it was apparent to his medical adviser that the disease had affected his system. His Honour, however, always took the most hopeful view of things, and was, if anything, slightly indifferent about the state of his health. On Monday, the 15th inst., he was first troubled with the carbuncle on his neck. Sir Redmond was counselled by his medical adviser to at once rest from duty, but he was reluctant to do so and continued to attend the court until his disease had such a prostrating effect that he was compelled to take rest. He was constantly attended by Dr Gunst, who, however, could scarcely impress his patient with a sense of the very serious nature of his disease, which he regarded somewhat lightly. Latterly, he became restless, and it was deemed advisable to place him under the constant care of a nurse, lest any injury should ensue from exposure or want of attention. Despite the precautions, however, his Honour caught a cold through exposure, and congestion of the left lung set in. Dr Gunst held a consultation with Dr Teague and pronounced the case hopeless. The left lung had become greatly congested, and this, together with the exhaustion and wasting away of the system resulting from the previous disease, proved fatal.

As a mark of respect to the late judge, the Legislative Assembly yesterday adjourned immediately after the Speaker had taken the chair. At the Town-hall, the Exhibition, and elsewhere, the flags were lowered to half-mast. Directly the news of the death of Sir Redmond Barry reached Wesley College the forms were mustered in the quadrangle and briefly addressed by the president and the headmaster, who referred to the position which the late judge occupied as chancellor of the University. It was announced that the college would adjourn until the next day, as a mark of respect to the late chancellor. The boys accordingly left at 3 p.m., abstaining from their usual sports on being dismissed.

Sir Redmond Barry had been suffering from diabetes for about 10 years, but on his return from his trip to Europe and America, it was apparent that the disease had affected his system. On Monday, 15 November, he was first troubled with the carbuncle on his neck. Sir Redmond was counselled by his medical adviser to at once rest from duty, but he was reluctant to do so and continued to attend the court until he was compelled to take rest. He was constantly attended by Dr Gunst, who however, could scarcely impress his patient with a sense of the very serious nature of his disease, which he regarded somewhat lightly. He became restless, and it was deemed advisable to place him under the constant care of a nurse. Despite the precautions, Barry caught a cold through exposure, and congestion of the left lung set in. Dr Gunst held a consultation with Dr Teague and pronounced the case hopeless. The left lung had become greatly congested, and this, together with the exhaustion and wasting away of the system resulting from the previous disease, proved fatal.^[14]

Redmond Barry never married but had four children to Louisa Barrow, all of whom he acknowledged and supported.

After his death, The State Library of Victoria named a reading room after Sir Redmond Barry, who was the first Chair of the Board of Trustees of the Melbourne Public Library. The University of Melbourne of which he was the first Chancellor has a Redmond Barry building named for him. A plaque marking the location of Sir Redmond Barry's residence is located near the corner of Josephine Avenue and High Street Road in Mount Waverley. The University of Melbourne has also established the Redmond Barry Distinguished Professor, a title awarded to professors within the university who display outstanding research and leadership.

The Australian Library and Information Association's highest honour that can be bestowed on an individual not eligible for membership of the association is the Redmond Barry Award, awarded in recognition of outstanding service to or promotion of a library and information service or libraries and information services, or to the theory or practice of library and information science, or an associated field.

NOTE: This obituary was written only a few days after Sir Redmond Barry sentenced Ned Kelly to death, but it was not mentioned in this obituary. It was clearly not considered an event of note at the time.