

## THOMAS ERNEST ROFE 1869 - 1945

Thomas Ernest Rofe, known as Tom, was born in George Street, Brickfield Hill, Sydney on 15 June 1869.

His paternal grandparents were James (1817-1870) and Charlotte Rofe (nee Bailey 1823-1866). They both emigrated from Sussex on board the *Neptune* arriving in Sydney on 26 September 1839. James married Charlotte on 18 February 1840 in Scots Church, Jamison Street Sydney. They had six children (four sons and two daughters).

Tom's parents, Alfred (1841-1902) and Sarah (nee Fulton 1841-1908) Rofe were both born in Sydney and married on 14 June 1860 at Brickfield Hill, Sydney. They had 12 children (five sons and seven daughters) between 1861 and 1884. Thomas was their fourth son.

Alfred was principal of the firm of Alfred Rofe and Sons, Solicitors, located at 60 Castlereagh Street, Sydney. He was a Councillor of the Municipal Council of Petersham for five years, including two years as Mayor, a Past-Grand Master of the Masonic brotherhood, founder of the Petersham Bowling Club, founder and President of the Australian Union Benefit Society and director of numerous building societies. <sup>1</sup>

Tom attended Cleveland Street Public School and Cope College for boys, which is now Sydney Grammar School. He studied law and was admitted as a solicitor on 17 March 1893, aged 24.

Tom married Minnie Edith Hilder (1870-1949) at the Redfern Congregational Church on 27 December 1893 and they had five children:

Dulcie Victoria Eleanor Fulton Rofe 1897-1981

Ernest Fulton Gladstone Rofe 1899-1920

Minnie E F N Rofe Andrews 1894-1922

Jessie Margaret Fulton Rofe 1906-1968

Noel Lancelot Rofe 1917-1966



Sketch of Thomas Rofe 1899

In 1895 Tom was living in Castlereagh Street, Redfern.

As a young solicitor, then aged 25, Tom was convicted at the Central Criminal Court after being charged on 30 July 1895 having conspired with Thomas Richard Butler, Charles Davis and Elizabeth Susannah Peake to pervert the course of justice by bringing a false charge of adultery against Mrs Butler in a divorce case. Following a guilty verdict by the a jury Acting Justice Backhouse said he believed that Rofe had been led into a conspiracy. The jury's verdict ruined his legal career and professional standing. Tom was sentenced to five years hard labour.



Redfern home of Thomas Rofe

However, under the First Offenders Act, the sentence was suspended subject to providing two sureties of £1,000 each. <sup>2</sup>

## Thomas Ernest Rofe 25 October 1895



This decision devastated Tom because he felt he had been unjustly treated. He was removed from the roll of solicitors and from that moment on he was determined to clear his name and endeavour to have the conviction quashed.

He continued to be a partner in the firm of Alfred Rofe & Sons. When his father Alfred died in 1902 the estate was valued at of £187,400. <sup>3</sup> Tom received £50,000. <sup>4</sup>

The Truth newspaper was quite vocal and critical when Tom was given a suspended sentence and believed he received preferential treatment instead of what the paper considered should have been a custodial sentence. The Truth, noting Tom was the beneficiary of a substantial inheritance from his father's estate, referred to his 1895 conviction and stated:

*It is his bounded duty to follow, now he has come into a share of the immense wealth left to him in his father's will. Let him hasten to offer a substantial monetary allowance to Mrs Butler, the unfortunate victim of his horrible but happily frustrated machinations.*

<sup>5</sup>

In December 1902, five months after his father's death, Tom applied to be reinstated to the Bar. His application was refused by the Chief Justice who said: "the crime of which Rofe had been convicted was a most heinous one". <sup>6</sup> He tried again in 1906 but was unsuccessful and was distraught when the Chief Justice remarked that he should never be re-admitted to the Bar. <sup>7</sup>

The humiliation of his conviction left a deep psychological scar, so he turned to religion in 1910, joining the Churches of Christ.

Tom established his business as a financial agent, forming his own company, T E Rofe Ltd. He became a director of other companies and invested in real estate. At one time he owned houses at Wahroonga, Canberra and Port Hacking.

By 1912 the Sydney Symphony Orchestra had been formed for four years and Tom was active on the committee, being one of the main guarantors and subscribers, responsible for organising concert dates and venues. <sup>8</sup> Following a strike by the Professional Musicians Union in October 1912, Tom chaired a meeting to work through the industrial issues to ensure that the financial viability of the orchestra was not under threat. This was at a time when concerts had to be postponed due to the prolonged strike. <sup>9</sup>

With Tom's accumulating wealth, attributed to his profitable business dealings and wise investments, he became a well know philanthropist who said that the act of giving gave him extreme pleasure.

Tom offered a £25 per annum three year scholarship at the Conservatorium of Music in 1918 for a violin student, known as the Mr and Mrs T E Rofe Violin Scholarship. <sup>10</sup>

During World War I appeals were conducted to raise money for war loans at the Tivoli and Her Majesty's theatres. At a function in April 1918 Tom gave £10,000 to a war loan appeal. <sup>11</sup>

In another act of generosity Tom donated a total of £6,000 to six public hospitals and another £6,000 to the Churches of Christ in 1921. <sup>12</sup>



**Tom Rofe, 1921**

Twenty six years after his conspiracy conviction and, previously having two unsuccessful attempts through the judiciary to clear his name, he gained support from some prominent politicians, churchmen and lawyers to establish a Special Committee of Parliament to review his 1895 trial. The Select Committee was convened in December 1921 to inquire into the connection and involvement of Tom in the Butler divorce case. Tom submitted that, had the evidence been placed before a judge rather than a jury, it must have been found that his conviction had been wrong. In appearing before the Committee Tom stated:

*I thank you gentlemen for the time you have taken over this case, and I hope that the good name which I held in 1895 will be restored to me. I think I have shown by my life that I could not have been guilty of the offence charged against me. There has not been a day that I have not prayed God that He might not move this black cloud from my life. I feel confident that your report will be such as to say I should never have been convicted.* <sup>13</sup>

The Parliamentary Select Committee appointed to inquire into the case of Tom's conviction of conspiracy found him to be not guilty and innocent of the charge with Butler and Davis. <sup>14</sup> Following announcement of the decision, Thomas said:

*I feel like Pilgrim [the character in John Bunyan's book, Pilgrim's Progress] when he stood on the hill-top and felt his burden roll away. For over a quarter of a century now I have exhausted every means in my power to have a judge or other tribunal appointed to hear the evidence which convinced the Committee of Parliament, presided over by Mr Hickey, of my innocence...* <sup>15</sup>

In March 1923 Rofe Chambers in Castlereagh Street, Sydney owned by Thomas and John Rofe was sold for in excess of £40,000. <sup>16</sup> The building had a frontage of 45 feet and depth of 92 feet with four floors and a basement. <sup>17</sup> In the same month Tom donated £5,000 to the Royal North Shore Hospital. <sup>18</sup>

During 1923 Thomas travelled to England, and not long after departed from Southampton on board the *Majestic* arriving in New York on 10 July 1923.

As a life member of the Millions Club (a club founded in 1912 with the aim of making Sydney the first Australian city to reach a population of one million) Tom donated a scholarship of £25 per annum for three years in 1923 to help art students between 18 and 30 years of age finance their attendance at art school in Sydney. <sup>19</sup>

In October 1923 Shire President Paul James presided at a well attended public meeting to consider the issue of establishing a public hospital at Hornsby. Tom pledged to donate £1,000 to provide financial backing that would allow the movement to proceed. <sup>20</sup>

In 1924 Tom sued Smith's Newspapers Ltd for £25,000 damages for libel when it was stated that he had donated £6,000 to various hospitals and another £6,000 to the Church of Christ, in what was alleged as worthless shares in an act of philanthropy, to restore his name to the roll of solicitors. <sup>21</sup> The defamation case was dismissed by a jury. Tom appealed to the full bench of the Supreme Court and was again unsuccessful. Acting on his belief that justice had not been served, in 1926 he appealed to the Privy Council in England. <sup>22</sup> The Privy Council granted him a new trial and allowed costs. The protracted litigation ended in December 1927 when Smith's Newspapers Ltd settled out of court and agreed to make a public apology and pay costs in the vicinity of £4,092. <sup>23</sup>

During the 1920s and 1930s the T E Rofe Prize, administered by the Royal Australian Historical Society, was awarded each year to a student who won an essay competition that was based on a set historical subject. This was open to all pupils of State and Non-State schools who had passed the Intermediate Certificate. <sup>24</sup>

Between 1903 and 1927 Tom gave gifts to many organisations totalling £52,000.

In 1927 Tom and Minnie were living in Woonona Avenue Wahroonga and they decided to give 50 acres of land to the Ku-Ring-gai Shire for recreation purposes. <sup>25</sup> The area of 50 acres was described in the Sydney Morning Herald as lying west of the end of Warrigal Road, Turramurra, adjacent to the Upper Lane Cove River, being well wooded with a natural cave. The park opened on 24 May 1927 <sup>26</sup> and Mr and Mrs Rofe were present at the opening. Tom said that his decision to dedicate

the area as a park was as a result of reading a report of the Society for the Preservation of Wildlife and of the impression he received while travelling through the USA where many parks had been donated to local communities. <sup>27</sup>

Tom attended his first council meeting as Hornsby Shire Councillor on 17 May 1927, a position he retained for 14 years, including one year as President from December 1931 to December 1932. <sup>28</sup>

In 1928 Tom donated £1,000 towards the cost of £5,500 to finance a flight from Canberra to London by Captain Hurley. His donation was in addition to an earlier gift of £3,750 towards the project. The monoplane was named *The Spirit of Australia* which had a cruising radius of 3,000 miles with a capacity to carry a load of 350 gallons of petrol.

At a Council meeting in June 1929 Councillor Rofe said: “We don’t want flats. We’ve got too many” when a letter was submitted asking for Council’s requirements regarding the erection of flats on Pennant Hills Road. <sup>29</sup>

In 1919, a 10 acre (4 hectare) site on Galston Road, in the present-day suburb of Hornsby Heights, was set aside as a future site for a public hospital. Ten years later, Councillor Rofe considered the Crown Land site was too distant from Hornsby Railway Station for the location of a public hospital. He proposed to Council that on the condition the site be vested and remain the property of Hornsby Shire Council it be established as a public park. He offered to donate £1,000 and subsequently purchased six acres of land in Palmerston Road, Hornsby, including part of George Collingridge’s property, as an alternate site for a hospital. Subject to the land on Galston Road being dedicated as a public park, he promised to donate a further £500 to the Hospital Building Fund.

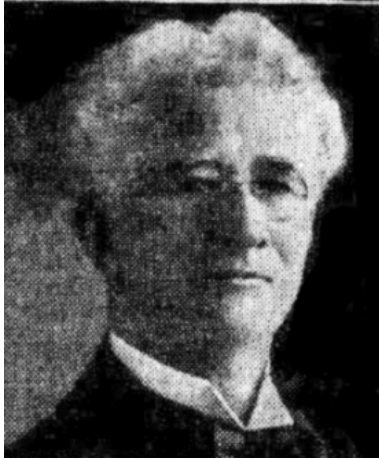
Council agreed with the proposal and in appreciation of Councillor Rofe’s generosity, at a Council meeting held on 9 January 1930, councillors unanimously voted to name the park, Rofe Park, in his honour.

In 1930, after seeking leave of absence from Hornsby Shire Council meetings, he went on a three months holiday leaving Sydney on 30 August 1930 arriving in San Francisco on 26 September 1930 on board the *Makura*. During his trip he studied methods of sewage disposal and visited the Town Clerk of California. Being a prohibitionist, he was given a drink of water and the Town Clerk said: “The water you just drank is from the river so that you will see that our process of elimination is perfect”. “What river” inquired Tom. “The one we pump the sewage into” replied the official. <sup>30</sup>

As Shire President in 1932, Councillor Rofe expressed concern that Hornsby did not have any hall of sufficient capacity to accommodate even small meetings. He submitted a presidential minute on the matter. There was discussion that a Town Hall should be built at the rear of Council Chambers however over time that idea did not gain sufficient support. <sup>31</sup>

In 1933, 38 years after his 1895 conspiracy conviction, a Full Court unconditionally restored Tom Rofe and exonerated him of any suggestion that he had been a party to the concoction of evidence to convict Mrs Butler of adultery. The Court acknowledged that the stigma attached to his conviction was undeserved. <sup>32</sup> The decision was handed down on his 64<sup>th</sup> birthday. <sup>33</sup>





*Tom aged 21 and 64*

On his house in Castlereagh Street Redfern in 1895 there was a brass plate bearing the words: "T. E. Rofe, Solicitor". This was removed when he was struck off the solicitor's roll. He kept the sign all those years and either retained ownership of the property or later re-purchased the house in the hope that one day he would be exonerated. With his wife beside him, accompanied by a small circle of friends, including the Mayoress of Redfern and others who had been office boys and law clerks in his early days as a solicitor, the group gathered outside the house. James Madden, who was the clerk given the duty to remove the sign in 1895, handed the sign and screwdriver to Tom and said: "You are putting your name back to where it belongs". Tom, now a white-haired man aged 64, stood back and glanced admiringly at his name plate and received applause and congratulations from the small crowd as he re-attached the sign to its rightful place. Tom was not living there at the time but kept the sign on the wall for six months as a reminder that he had won the battle to clear his reputation. <sup>34</sup>

In December 1933 Tom considered he had a reasonable chance in a ballot as a candidate for the Legislative Council. Despite promises of support he was defeated in the last of the four ballots. <sup>35</sup>

In his role as President of the Council of Churches, accompanied by Dr G Abbott (Historical Society), together with 200 men and women, the crowd gathered at the tomb of 121 victims of the 1857 *Dunbar* disaster at Camperdown cemetery. At the protest meeting a resolution was passed against any move to convert the historic cemetery into a playground. <sup>36</sup>

Tom announced his resignation from the Board of the Coogee Amusement Park Ltd in 1937 after strongly opposing Sunday games. He said: "I will no longer be a director of the company, now that I know that it hires out courts for Sunday tennis...Everybody knows my stand on the matter of sport on Sundays..." <sup>37</sup> He wanted penalties to be passed to fine individuals who played sporting games during church hours and said it was a 'desecration of the Lord's Day'. <sup>38</sup>

After repeated adjournments of his application for admission as a barrister, in a decision by the Chief Justice of the Supreme Court, Sir Frederick Jordan, Tom was finally admitted as a barrister to the Bar on 18 May 1939 one month prior to his 70<sup>th</sup> birthday. <sup>39</sup>

In an unusual step, Mrs Rofe made a public plea in October 1939 for Tom not to proceed with his threat to resign from seven hospital boards after he and other board members were removed from their positions at the Royal North Shore Hospital following an inquiry concerning the appointment of honorary doctors. She said it



*Tom admitted as a Barrister in 1939*

was the most dreadful report she had ever seen and thought it was actuated by jealousy on her husband. She remarked:

*I have known my husband since we were at Sunday School together at the age of six and never have I seen him so shocked as when he read the Government's decision. Somebody is jealous of him – that's why all this has happened. My husband has given all his spare time assisting the poor to better themselves. He was the first layman to become president of the Federated Churches of Christ. I am organiser of the local W.C.T.U. and the Hornsby Sewing Guild. It is terrible to think that this is how he has been rewarded.* <sup>40</sup>

Tom concluded his 14 years as a Councillor, representing 'B' Riding, attending his last Hornsby Shire Council Meeting on 11 December 1941. The Council sent him a letter of appreciation for his service to the Shire. <sup>41</sup>

Tom Rofe died on 16 May 1945 in his home at 44 Woonona Avenue, Wahroonga aged 75 years survived by his wife and two daughters.

His funeral service was held in the Hornsby Church of Christ on Thursday 17 May 1945 when leading members of the Churches of Christ in New South Wales attended with other citizens. The funeral cortege proceeded to the Rookwood Crematorium. <sup>42</sup>

Tom left an estate of £90,739. In his will, he wrote he had been associated for many years with a number of public hospitals and had endowed in perpetuity in the joint names of his wife and himself, seven beds and five wards in large public hospitals, having given away for the public benefit more than £30,000.



*The Rofe Ward, Hornsby District Hospital. Photo Hornsby Library Local Studies Collection*

Due to the treatment he had received over an inquiry into the Royal North Shore Hospital, and having been removed from the position as a director of the hospital when he had done nothing to

warrant such treatment, he revoked bequests to certain hospitals, including the Royal North Shore Hospital.

His will directed executors to create a fund from his residuary estate to be known as the T E Rofe Fund, with the income divided into 31 equal parts, the main beneficiaries being:

- Eleven parts to the Churches of Christ throughout Australia
- Six parts to the temperance movement
- Four parts to Sydney University with income accumulating until it reached £10,000 when it could then be used to assist needy students to graduate in medicine, dentistry, law or science.
- Two parts to the YMCA <sup>43</sup>

Religious and charitable organisations benefiting from his will were required to appoint five trustees to administer the T E Rofe Trust with an election of members taking place every five years.

<sup>44</sup>

Apart from his position as Hornsby Shire Councillor Tom was an active member of many organisations during his lifetime:

- President of the Churches of Christ
- President of the New South Wales Conference
- Foundation President of the NSW Council of Churches
- Government representative on the Sydney Hospital Board of Management
- Director the Royal North Shore Hospital
- Vice-President Royal North Shore Hospital
- Member of the National Park Trust
- Member of the Ku-Ring-gai Chase Trust
- Vice President of the Local Government Association
- President of the Anti-Tuberculosis Association of NSW
- President of the Royal Philharmonic Society of Sydney
- Founding Chairman of the Hospitals Contribution Fund (HCF)
- Vice President of the St. John Ambulance Association
- President of the British Empire Union
- Fellow of the Australian Institute of Secretaries
- Fellow of the Royal Geographical Society of London
- Member of the Federal Real Estate Institute
- President of the Town Planning Association of New South Wales
- Life Member of the Millions and National Clubs
- Life Member of the Henry Lawson Society
- Life Member of the Royal Empire
- Chairman of the Adult Deaf and Dumb Society of NSW
- President of a number of sporting organisations and musical societies



Thomas Ernest Rofe was a man of principle with strong religious convictions. As a teetotaler he claimed to live by the precept “As I go through the world I strive to do well, for I will not pass this way again”.

He was awarded the King George V’s Jubilee and King George Coronation medals. His dedication and commitment to work with so many organisations and his generosity as a philanthropist is indeed a tribute to a man to whom we are indebted. It is fitting as a legacy that Rofe Park was named in his honour.



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## ENDNOTES

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- 1 The Australian Star 10 July 1902 Page 7
- 2 Goulburn Evening Penny Post 2 October 1895 Page 2
- 3 Dungog Chronicle 2 September 1902 Page 2
- 4 North West Champion Moree 26 June 1924 Page 2
- 5 The Truth 7 September 1902 Page 4
- 6 Barrier Miner (Broken Hill) 7 December 1906 Page 4
- 7 Wellington Times 6 December 1906 Page 4
- 8 The Sydney Morning Herald 5 October 1912 Page 21
- 9 The Sydney Morning Herald 15 October 1912 Page 10
- 10 The Sun 22 February 1918 Page 7
- 11 The Daily Telegraph 11 April 1918 Page 6
- 12 The Daily Telegraph 5 March 1921 Page 10
- 13 The Daily Telegraph 20 December 1921 Page 4
- 14 The Sun 24 December 1921 Page 6
- 15 Sunday Times 25 December 1921 Page 5
- 16 Macleay Argus 2 March 1923 Page 4
- 17 The Sun 28 February 1923 Page 8
- 18 The Gosford Times and Wyong District Advocate 29 March 1923 Page 18
- 19 The Daily Telegraph 16 July 1923 Page 6
- 20 Cumberland Argus 6 October 1923 Page 6
- 21 Cootamundra Herald 25 June 1924 Page 1
- 22 The Daily Telegraph 23 April 1926 Page 5
- 23 The Daily Telegraph 18 August 1927 page 12
- 24 The Sydney Morning Herald 1 July 1925 Page 7 and 31 January 1934 Page 14
- 25 The Tweed Daily 7 April 1927 Page 3
- 26 The Sun 6 April 1927 Page 3 and the Sydney Morning Herald 6 April 1927
- 27 The Sun 6 April 1927 Page 3
- 28 Hornsby Shire Council Ordinary Meeting Minutes 17 May 1927 Page 2
- 29 Cumberland Argus 29 June 1929 Page 9
- 30 The Daily Telegraph 30 March 1931 Page 6
- 31 Cumberland Argus 17 November 1932 Page 17
- 32 Braidwood Dispatch and Mining Journal 16 June 1933 Page 2
- 33 The North Western Courier Narrabri 15 June 1933 Page 1
- 34 The Sun 29 June 1933 Page 26
- 35 The Labor Daily 20 December 1933 Page 5
- 36 The Sun 19 August 1934 Page 2
- 37 The Daily Telegraph 23 July 1937 Page 7
- 38 The Sun 13 June 1937 Page 1
- 39 The Daily Telegraph 19 May 1939 Page 8
- 40 The Daily Telegraph 19 October 1939 Page 8
- 41 Hornsby Shire Council Meeting Minutes 18 December 1941 Folio 374
- 42 The Sydney Morning Herald 18 May 1945 Page 5
- 43 The Sydney Morning Herald 18 August 1945 Page 5
- 44 The Sun 17 August 1945 Page 7