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**SARAH AND CONSTANT BROYER,
PHARMACIST AND PHYSICIAN, OF CARLTON**

David Haig

Abstract

Constant Broyer (1833–1911) trained as a herbalist in Victoria during the 1850s and practised as a medical botanist in Carlton in the 1860s. He obtained medical degrees from the Eclectic Medical College of Cincinnati (1875) and Harvard University (1879). He is perhaps the first Australian to have studied at Harvard. He was twice found guilty of manslaughter by a coroner's jury in 1874 and 1896. Both cases were much publicised but Broyer was not prosecuted on either charge. His wife, Sarah Broyer (1829–1877), ran the family pharmacy during her husband's absence in America in the 1870s. She was the first woman to apply for registration as a pharmacist in Victoria in 1877 under the new Pharmacy Act and was represented in her negotiations before the Pharmacy Board by a young barrister, Alfred Deakin. This article traces the chronology and major events shaping the personal, professional and public lives of Constant and Sarah Broyer (and their extended family) from the mid-nineteenth century to the 1940s.¹

THE LIVES AND WORK of Sarah and Constant Broyer in Melbourne were shaped by the colony of Victoria's campaigns for the professionalisation of its medical and pharmaceutical bodies. The example of Constant Broyer is of special interest, both because of his medical training at Harvard (rare for a colonial in the 1870s), and in relation to his very public profile as a result of charges of manslaughter, concealment of birth and medical

negligence. This reconstruction of the lives of Sarah and Constant Broyer, respectively pharmacist and physician of Carlton, is largely based on the availability of digitised personal and professional records, and, as such, is an example of piecing together a family/social history from such sources. Unless otherwise indicated, these provide the basis for the biographical material in this article. Further, the probate files of Sara Broyer held at the Public Records Office of Victoria provided an additional wealth of personal information.²

Beginnings: Bath 1841–1854

On the English census night of 6 June 1841, Constant Broyer (eight years old) was at home in Harley Place, Walcot parish (near Bath), with his mother, Mary Broyer, a lodging-house keeper. His father, Nicholas Broyer (a native of Brussels), was a servant in the household of Fountain Addison, Beaufort Buildings, Walcot. Nearby, in Beaufort Square, resided Robert Amery (twenty years old), his father William (draper), mother Fanny, and brothers. On the other side of Bath, in Lyncombe and Widcombe parish, Sarah Maidment (twelve years old) lived with her father, Henry (plumber), mother Sarah, and brothers and sisters. A decade later, on the census night of 30 March 1851, Constant Broyer (apprentice to an upholsterer) was at home in Catherine Place, Walcot parish, with his father (butler) and mother (lodging-house keeper). Sarah Maidment was now a maidservant in the household of Mr Henry Walters, Somerset Place, Walcot. Robert Amery was absent in North America.³

Robert Amery's diary records that, in August 1851, he travelled from St Catharine's, Canada, via Buffalo and Rochester to New York. His intention was to sail to Liverpool to meet Sarah Maidment, whom he had not seen for three years, and return with her to New York. Robert sent a letter to Sarah that she could expect him to arrive at Liverpool by 8 September. His ship departed New York on 25 August but did not reach Liverpool until 30 September. The next day he found two letters waiting. Sarah had quit her situation with Mr Walters but her father would not let her leave unless Amery returned and married her first. Robert Amery expressed shock and bewilderment at this development. At this point in his diary, three pages have been torn out. The text resumes on 8 October with a relaxed Amery visiting the Crystal Palace in London. He travelled to Bath on 11 October and the next evening had supper alone with Sarah. Some more pages have been ripped out and the diary ends.⁴

A month later, on 10 November 1851, Sarah Maidment (servant) married Robert Amery (tailor) at the Register Office, District of Bath. The newly wed couple arrived in New York on 16 January 1852 on the *Yorkshire* from Liverpool. A son was born on 5 January 1853 in Jersey City and Robert Amery died of cholera in August 1854 (Sarah was also stricken but survived). The young widow returned to England with her infant son, who was christened Robert Francis Amery at Batheaston church (near Bath) on 12 November 1854. Sarah went out as a wet nurse and the child was looked after by her unmarried younger brother, Henry. By the time of the 1861 census, the Maidment family had moved to Chelsea, but Sarah was in Melbourne, married to Constant Broyer.⁵

Victoria 1852–1861

Nicholas, Mary and Constant Broyer possibly arrived in Victoria at the height of the goldrush in 1852 (the year given at Nicholas's death in 1878). It is known that, in March 1854, the city of Melbourne granted Constant Broyer a hawkers' and pedlars' licence to travel on foot. Constant Broyer (but not his father) is listed on the 1856 voting roll as a dealer and freeholder of Bouverie Street and Constant is similarly listed in the Sands' directory for 1857. In June 1859, Nicholas and Constant both signed a petition for severance of Smith Ward from the city of Melbourne and then both signed a counter-petition a month later against severance. On both petitions they are listed as freeholders of Bouverie Street and their names appear sequentially, suggesting father and son signed at the same time. Nicholas and Constant were both granted hawkers' and pedlars' licences for Melbourne in December 1859. Nicholas Broyer appears as a general dealer at 50 Bouverie Street in the 1859 Sands' directory and at 71 Bouverie Street in the 1860 Sands' directory. These limited data hint that Constant (but perhaps not Nicholas) lived in Melbourne during the mid-1850s but both lived in Melbourne in the final years of the decade.

In 1944, Sarah's niece Lizzie Maidment (the daughter of Sarah's brother Henry) wrote from England retelling a family legend that her aunt and Mr Broyer had been lovers who had had a tiff, after which Sarah married Robert Amery and the broken-hearted Broyer emigrated to Australia. In Lizzie's account, written in old age about events before her birth, the family story was that Broyer learnt by chance from a customer in Melbourne that Sarah was widowed and had returned from America to England. He wrote to Lizzie's father, and then to Sarah herself, asking if she would marry him

now.⁶ Constant Broyer wed Sarah Deborah Amery on 13 August 1860 at the parish church of St Luke, Chelsea. Constant's occupation is listed on the certificate as 'Medical Doctor' (quotation marks in marriage register) with his father, Nicholas Broyer, described as a gentleman. For the second time, Sarah married a man who had not seen her for years and who travelled great distances to marry her.

Nicholas, Mary, Constant, and Sarah Broyer embarked on the *Orwell* at Plymouth on 13 January 1861 and arrived in Melbourne on 4 May 1861. Father and son re-entered the colony as traders. 'Frank Broyer 4 yrs' (presumably Francis Robert Amery, Sarah's son by her first marriage) appears on the passenger manifest but his name is struck out. This is consistent with Lizzie Maidment's report that Constant asked Sarah to bring the child but this was vetoed by Henry, who had raised the child. The names of Constant, Sarah and Mary (but not Nicholas) are also struck out but then re-entered on a new page of the manifest. Perhaps there was some indecision as to who would travel when it was decided that Frank would stay in England.

Lizzie Maidment wrote that Frank was fetched after his mother's departure but I have found no record of when he was brought to Melbourne, nor who fetched him. Frank is not recorded as living with the Maidments in Chelsea in the 1861 census, and shipping records show that he visited England with the rest of the Broyers in 1869. This is a knot I have been unable to unravel. Despite Lizzie Maidment's account—and the crossing out on the passenger list—it is perhaps simplest to conclude that Frank emigrated with his mother in 1861.

I have found no record of the Broyers' first arrival in Victoria in the 1850s, nor of their return to England in 1860, and no records of Mary Broyer between the 1851 census and her arrival in Victoria in 1861. The simplest interpretation is that Nicholas, Mary, and Constant Broyer arrived in Victoria in 1852 and returned to England in 1860. On this visit, Constant Broyer married Sarah Amery, who then emigrated with the Broyers (and possibly her son) to Melbourne in 1861.

Sarah and Constant's marriage was fertile. Constance Broyer was born in 1861, followed by Mary Violetta Broyer in 1862, Sarah Florence Broyer in 1864 (died at 6 months), Walter Kelson Grant Broyer in 1866 (died at 3 months), and Walter Henry Grant Broyer in 1867.

Medical Botanist to Harvard Medical School 1861–1879

On 28 June 1861, C. Broyer of 28 Pelham Street advertised for tenders for the construction of a brick building on Madeline Street, Carlton. Subsequent advertisements for tenders in 1863 and 1864 describe 120 Madeline Street as Broyer's Botanical Dispensary. This appears to have been close to the corner of Madeline and Pelham Streets. The *Lancet* of 27 January 1866 acknowledged receipt of a letter (with enclosure) from Mr Broyer of Melbourne but the letter was not published.

In 1862, the Victorian Legislative Assembly passed a Medical Practitioners Bill that imposed fines on unregistered individuals who used medical titles. Graham Berry MLA had attempted to exempt 'medical botanists, homeopaths, and others, on whom it would be very unjust to inflict a fine, as their services were sought by a large portion of society', but his proposed amendment had been defeated.⁷ Thus, Constant Broyer could not legally describe himself as a medical practitioner. Among the prerogatives of registered practitioners was the right to provide medical testimony before coroner's inquests. The unregistered Broyer would find himself on the receiving end of such testimony.

In September 1868, the 'spacious eight-roomed house, with shop' at 120 Madeline Street Carlton was advertised for sale because the owner was leaving the colony. The house took several months to sell. The three generations of the Broyer family, including 'Frank Broyer 11 years', departed for London on the *Yorkshire* on 24 June 1869. Frank's age (in truth sixteen years) was probably understated to reduce costs, because individuals twelve and older travelled as adults rather than children. It was a short-lived return to England for the Broyer family. On 20 July 1870, the *Highflyer* from London arrived at Melbourne and disembarked Nicholas (settler), Mary (wife), Constant (settler), Sarah (wife), Frank (still only eleven years!), Constance, Mary, and Walter Broyer. Then, during August 1870, ships from London delivered '23 packages apothecaries' ware, a bale paper, 1 drum methylated spirit, and 10 casks glass bottles' plus '2 cases acids, 1 case ether' for C. Broyer. The elder Mary Broyer died in Melbourne sometime in 1870. An advertisement for a boarder dated 3 February 1871 has Constant Broyer listed as a medical botanist residing at 64 Lygon Street, although he did not become the registered proprietor until 18 March 1873.

Then, however, the relative normality of the Broyer family's existence was suddenly disrupted. A coroner's inquest in March 1874 found Constant

Broyer guilty of the manslaughter of Mary Ann Allison. The deceased 'knew that [Broyer] was not a regular doctor, but ... had great faith in him'. At the inquest, Henry C. Wigg, registered surgeon, criticised Broyer's diagnosis and treatment. Nevertheless: 'He did not think the case was ever anything but most dangerous and from the state of the kidneys likely to be fatal under any treatment'. The jury found that Mary Allison's death was accelerated by the treatment of Constant Broyer, who was committed to trial at the next criminal sessions and admitted to bail on two sureties of £100 each as well as the sum of £250 of his own. The case, however, was not brought to trial.⁸ The *Age* simply noted:

The Crown has entered a *nolle prosequi* in the case of Constant Broyer, chemist and herbalist of Carlton, who some time since was committed upon a coroner's warrant, charged with the manslaughter of Mary Ann Allison, who died while he (Broyer) was in attendance upon her. The *post mortem* examination would lead to the supposition that the deceased had been unskilfully treated, but from subsequent inquiries Mr. Broyer was considered blameless, and the charge has consequently been withdrawn.⁹

In contrast, the *Argus* expressed outrage:

The lower classes, for some reason it is impossible to arrive at, appear to place a fatuous confidence in these irregular professors of the healing, or rather the killing, art, and it is incumbent on the Government to save them if possible from the consequences of their folly. Whether the abandonment of the charge of manslaughter against Constant Broyer is capable of justification or not, one thing is certain, viz., that his presumption in prescribing for Mary Ann Allison should not go unpunished. If the law as it stands will not reach him, then the sooner it is altered the better ... We must confess that we feel grievously disappointed at what appears to us to be a complete miscarriage of justice.¹⁰

Soon after this brush with the law, Broyer travelled to the United States and enrolled at the Eclectic Medical College of Cincinnati from which he rapidly obtained a degree on the basis of one course, an examination, and his many years in practice.¹¹ His thesis was on phthisis pulmonalis (tuberculosis). Professor Howe of the college acknowledged Broyer's assistance in an operation on a thyroid tumor in September 1874, and also reported treating a cirroid aneurism of the scalp using gum of eucalyptus rubrum sent to him by Broyer. The Eclectic Medical College of Cincinnati was the premier school of eclectic medicine in the United States; it was an American branch of medical practice that emphasised use of herbal

medications, in part, inspired by observations of Native American practices. Broyer probably chose this school because his medical philosophy was similar to that of the eclectics. He was elected an honorary member of the Natural History Society of Cincinnati in 1874. After graduation, he visited the Shaker religious community of New Lebanon, New York, where he was present for the fire of 6 February 1875 and was credited with saving the life of Elder Daniel Boler, who had been badly burned. Broyer arrived back in Melbourne on 8 May 1875.¹²

On 11 June 1875, just one month after Broyer's return from America, a 27-year-old Dr James Grant Black (he had registered in November 1874 and was also practising in Carlton) questioned his medical judgment at an inquest on the body of James Wardrop. The deceased 'was subject to asthma, and went to the herbalist Broyer, from whom he got some medicine which had always done him good, and he thought he was better' but Wardrop died during the night. Broyer signed the death certificate as an 'eclectic medical botanist' and ascribed the death to bronchitis. At *post mortem*, Dr Black found evidence of heart disease but no evidence of bronchitis. A verdict of death from disease of the heart was found. Broyer's involvement in this case was mentioned in the Legislative Assembly as an example of the dangers posed by 'unlicensed practitioners'.¹³

On 16 June 1875, Broyer's application for registration as a medical practitioner was rejected by the Medical Board of Victoria. He was judged not a 'fit and proper person' to be placed on the roll of the profession. His application was ridiculed at a subsequent meeting of the Medical Society of Victoria (he was said to have studied for only four months) and in editorial comments in the *Argus* (although Yee Quock Ping who applied for registration at the same time with a Chinese diploma was considered even more dangerous). Broyer felt called upon to defend his reputation in a letter to the *Argus*, which was published with his unorthodox spelling retained and emphasised. In this letter, Broyer claimed to have studied medicine for 24 years, nearly four of them under the late Dr James Grant Smith: 'I went to America to obtain what I could not obtain here, an examination; and after an honourable examination of four months, both clinicle [*sic*] and otherwise, by the faculty of that institution, I obtained the degree of Doctor of Medicine'.¹⁴

Dr James Grant Black's rejoinder was published in the next issue of the *Argus*:

I know nothing of Mr. Broyer's qualifications as a botanist, eclectic or otherwise: but this I do know, that he is doing a great deal of illegitimate practice, that he does visit people at their homes, and carry his medicines to them, and that, if there is not soon some interference by the authorities, there will be more cases like that of the late Mr. Wardrop . . . I have no desire to discuss such matters, as it is more a subject for the police. One statement in Mr. Broyer's letter requires explanation. Where has he studied medicine for the last 24 years? It must have been at the expense of the residents and confiding people of Carlton, as he has been there for the last 14 or 15 years.¹⁵

In the same issue, the *Argus* published an editorial dripping with sarcasm about Broyer's 'orthography and composition' and his medical qualifications, 'probably this eclectic gentleman has been so closely employed studying herbs and the intricacies of illegal practice that he has not had time to acquire a knowledge of the English language'. They reminded their readers of the case of Mary Ann Allison: 'For some reason which we could not understand at the time, and which is still a mystery, the Crown declined to prosecute, and Mr. Broyer went to America instead of to Pentridge'.¹⁶

Broyer's letter to the *Argus* provides hints about his early medical training. If he had indeed studied medicine for 24 years, then his studies began about 1851, when the English census describes him as an apprentice to an upholsterer, or shortly thereafter on his first arrival in Victoria. In the records of the Eclectic Medical Institute, Broyer is recorded as having been a practitioner for fifteen years, placing the beginning of his practice about 1860 (after his second arrival in Victoria). James Grant Black also claimed that Broyer had been engaged in illegitimate practice in Carlton for fourteen or fifteen years. These clues suggest that Broyer obtained an apprenticeship in medical botany with James Grant Smith during the 1850s and then commenced 'practice' in the 1860s at 120 Madeline Street. I have found one record of a Dr J.G. Smith, who may be the elusive James Grant Smith, testifying at an inquest in Gisborne, outside of Melbourne, in 1862.

Broyer's desire to be recognised as a medical practitioner was not to be thwarted by the rejection of his degree in eclectic medicine, nor by public humiliation in the pages of the *Argus*. He now sought a qualification the Medical Board would find difficult to refuse. From 1876 to 1879, he was enrolled at Harvard Medical School (fees \$200 per year). He was one of only two students with a foreign address in his first-year class of 111 students (the other was from Brazil). He is also the earliest student

with an Australian home address found in the Harvard Archives for any division of Harvard University. Constant was a boarder in Charlestown (across the Charles River from Harvard Medical School) for at least some of his time in Massachusetts. The 46-year-old Constant Broyer was one of seventy students to receive an MD from Harvard University on 25 June 1879. He arrived in Sydney on 1 September 1879 on the *City of Sydney* from San Francisco. Finally, on 5 September 1879, he was successful in his application to practise medicine. He was granted certificate No. 928 by the Medical Board of Victoria.

Constant Broyer had been absent when his father died in 1878. In a list of deaths at Melbourne Hospital, the *Argus* noted that Nicholas Broyer ‘aged 77 years, native of Brussels, arrived 1852 in the *Highflyer*, died February 27 [1878], of pneumonia’. The *Highflyer* (built in 1860) is the ship in which Nicholas immigrated for the second time in 1870, but 1852 may have been the year in which Nicholas, Mary and Constant Broyer first entered the colony.

Dr Constant Broyer first practised from 64 Lygon Street but, by 1883, he had moved to Stratford House, 15 Grattan Street, a former residence of Dr James Grant Black (a critic of Boyer as discussed above). After this move, 64 Lygon Street remained the location of the Broyer pharmacy. The two properties were a few doors apart, near the corners of Grattan and Lygon, and remained in the Broyer family until 1945. After street numbers changed in 1888, the Grattan Street premises became 54 Grattan Street and 64 Lygon Street became 262 Lygon Street.

Sarah Broyer

During Constant’s studies at Harvard, Sarah Broyer was left with care of the children and running the family business. She advertised herself as in attendance daily at the Botanical Dispensary, 64 Lygon Street, where she sold ‘Mrs Broyer’s female remedies’, Broyer’s instantaneous cure for toothache, Broyer’s celebrated cough syrup, and concentrated fluid extracts, herbs, roots, and barks. Advertisements in her name first appear in December 1875, suggesting Constant may have already left for America.

During 1876, Joseph Bosisto brought forward a private member’s bill in the Legislative Assembly to establish a board for the examination and registration of pharmacists. Francis Longmore ‘stonewalled’ the bill in the select committee, proposing various amendments to include herbalists. The Pharmacy Bill only passed out of committee after Longmore was allowed

to insert a clause defining a chemist or druggist as including anyone who at the passage of the act ‘kept an open shop for the compounding of the prescriptions of duly qualified medical practitioners’.¹⁷

Druggists working in Victoria prior to the Act were required to apply on or before 6 August 1877 if they were to be registered without examination. Sarah Broyer was the first woman to apply and was considered in the first batch of applicants on 18 April 1877. She was interviewed and advised by the Pharmacy Board that her application was ‘informal’. The board then sought legal advice as to whether women could be registered. On the basis of this advice, Wilhelmine Groening (a widow in business in her late husband’s shop) became the first woman registered on 30 May 1877.¹⁸

On 9 July 1877, Constant Broyer signed an indenture at New Lebanon, New York, in which he sold the Eclectic Medical Dispensary at 64 Lygon Street, Carlton, the business and all stock therein, to Sarah Broyer for the sum of one dollar. The location suggests that Broyer may have spent Harvard’s summer recess at the Shaker settlement he had visited in 1875. The indenture arrived in Melbourne on 17 October 1877 and was verified by a 21-year-old Alfred Deakin (admitted to the bar the previous month), who also witnessed Sarah’s signature. Sarah Broyer was registered on 31 October 1877 (certificate number 535). By contrast with the delays in his mother’s registration, Francis Robert Amery, using his father’s rather than stepfather’s surname, was registered as a pharmacist on 11 July 1877 (certificate number 267). Mother and son both qualified as pharmacists, without examination, on the grounds that they had been in business in Victoria before 1 October, 1876. The register recorded their residential address as 64 Lygon Street.¹⁹

The timing suggests that Sarah’s registration was contingent on the transfer of the business. One possible interpretation is that Sarah, as a married woman, was not considered to be in business as a pharmacist while the pharmacy was owned by her husband. Constant therefore ‘sold’ the business to Sarah so that she could register before the deadline. Francis Robert Amery, by contrast, was able to register simply on the basis that he had been working as a pharmacist. Alfred Deakin appears to have been advising Sarah Broyer in her negotiations with the Pharmacy Board. Deakin was an active spiritualist and this is the probable source of his connection with Sarah. ‘Mrs Broyer’ was the medium of a seance circle attended by Catherine Deakin, Alfred’s sister, on 11 June 1876.²⁰

On 10 January 1885, Sarah Broyer completed a will, with ‘my friends Alfred Deakin barrister at law and Francis Longmore late one of her Majesty’s ministers’ named as trustees and executors. Constant, Constance, Mary Violetta, and Walter Henry Grant Broyer were named as beneficiaries. Francis Robert Amery was not mentioned in the will. Sarah’s personal estate was to be shared among the beneficiaries. Her real estate was to be held in trust and ‘the best rent that can be had for the same’ shared equally among the beneficiaries. The trust was to stay in force until the beneficiaries had died, at which point the real estate was to be sold and the proceeds shared equally among any surviving grandchildren. In the absence of a will, the real estate would have passed to Constant Broyer. Therefore, the will’s principal effect was to ensure an income for Sarah’s children, Francis excepted, and to constrain Constant’s freedom to dispose of the property as he willed. What property or properties comprised Sarah’s real estate is not specified in the will, although this was probably the pharmacy on Lygon Street ‘sold’ to Sarah by Constant in 1877. A codicil dated 9 September 1885 replaced Deakin and Longmore with Constant, Constance, and Mary Violetta Broyer as trustees and executors.²¹

Sarah Broyer died at Stratford House on 21 December 1887. Probate of her will was not sought at the time. The pharmacy on Lygon Street continued under the management of Francis Robert Amery. It is unknown whether this arrangement constituted the best rent that could be had for the property or how the profits of the pharmacy (if any) were divided among Francis, Constant, and Constant’s children. Constant Broyer himself made a will on 24 December 1894 in which he bequeathed all his property, including his ‘interest in the house known as No. 262 Lygon Street Carlton’, to his daughters Constance and Mary. The will was witnessed by Francis Robert Amery.²

Constant Broyer M.D. 1879–1911

Once qualified, Broyer was involved in several public and controversial medico-legal cases. Details of these cases tell us much about the realities of life and death and professional tensions and relationships between medicine and the law in the latter decades of colonial Victoria.

Dr Broyer gave testimony in October 1882 as a registered medical practitioner at an inquest on the body of the illegitimate child of Alice Berry, a servant girl. He conducted a *post mortem* and certified that the child was stillborn. As a result, the mother was committed for trial on the

lesser charge of concealment of birth rather than the more serious one of killing the child. In November 1886, the *Queanbeyan Age* published 'A Sad Case of Poverty' telling how Broyer discovered the emaciated body of a 15-month-old girl who had died of starvation in a tenement in a back street of Carlton. Broyer's role is not mentioned in the less detailed report of the inquest in the *Age* and it is possible that Broyer himself was the informant for the *Queanbeyan Age*.²³

Arthur Redfern, proprietor of the *Coburg Leader*, was a vocal opponent of compulsory vaccination. Broyer provided certificates exempting Redfern's children from vaccination for two months on medical grounds. At the Brunswick Police Court on 25 July 1894, Redfern was charged with not having one of his children vaccinated. Sergeant Brown rejected Broyer's certificate as not worth the paper it was written upon because Broyer was not a doctor and only a herbalist. Costs were awarded against Redfern. At the adjournment the following week, Broyer appeared before a different bench to testify that he was a medical practitioner. The bench dismissed the case against Redfern and awarded costs against the police. Redfern was once again before the court on 20 October 1894 to show cause why he should not be fined for neglecting to have his child vaccinated. He presented a certificate for a further two months' exemption signed by Broyer on 17 September 1894. Sergeant Brown said that Broyer's certificate was a standing affair and should be treated with contempt. Mr Hennessy adjourned the case for a month and stated that another certificate of exemption would not be accepted unless it came from a government vaccinator. The *Coburg Leader* editorialised that the Act provided that any registered medical practitioner could provide a certificate and threatened an appeal to a higher court if Broyer's certificates were not accepted.²⁴

In September 1895, Mary Golding died from blood poisoning at the house of the herbalist/midwife, Madame Fitzjames (Emily Dibbs). Drs Broyer and Peacock attended Golding in her final illness. An inquest concluded that death was from natural causes and found no evidence of an illegal operation. (The following year, Madame Fitzjames was sentenced to death for the murder of Adele Dixon who died as the result of an illegal operation performed by Fitzjames. The sentence was later commuted to ten years' imprisonment with hard labor.) In November 1895, a coroner's jury found Albert Unna Lewis, electrician of Collins Street, guilty of the wilful murder of Annie Strauss following an illegal operation (Lewis was acquitted at trial). On 7 January 1896, Thomas Meredith Sheridan hanged

at Darlinghurst Gaol, Sydney, for the murder of Jessie Amelia Nicholls as a consequence of an illegal operation.²⁵

The fate of Sheridan was probably in Broyer's mind as he appeared before a coroner's inquest in February 1896 in a sensational case that involved the exhumation of an allegedly mutilated corpse. The jury found Dr Constant Broyer and Mrs Ellen Hendy guilty of manslaughter of Mrs Hendy's own daughter, Theresa Garrick, who had died while attended by Broyer. Evidence was presented at the inquest that Mrs Hendy operated an unregistered hospital at which illegal operations were performed and that her daughter had died after such an operation. Broyer was aware that the hospital was unlicensed but he was 'not a policeman or an informer' and did not consider it his duty to see that it was registered. Broyer described himself as Mrs Hendy's family doctor who had been called in to attend to Theresa Garrick after a miscarriage. After exhumation, the intestines of Mrs Garrick were found to be protruding through a rent in the vagina. An unnamed part of the body (presumably the uterus) was missing. Dr Samuel Peacock, with whom Broyer had consulted, testified that the injuries to the body might have been due to decomposition. The crown decided not to prosecute.²⁶

At the Garrick inquest, it was revealed that Broyer had signed a death certificate declaring a previous baby of Theresa Garrick to have been stillborn, even though the baby had survived for two days. The certificate avoided an inquest into the cause of death. Broyer was tried on the charge of falsification of the death certificate but was acquitted because the infant had been premature and could not have lived in any case.²⁷

Broyer attended both Mary Golding and Theresa Garrick before their deaths from blood poisoning. In both cases, there was strong suspicion that septicemia was a sequel to the performance of an illegal operation but, in neither case, was Broyer himself suspected of performing the operation. Rather Broyer (and Peacock) appear to have been considered sympathetic doctors who could be called upon when things went wrong after an abortion. In February 1900, Dr Broyer served as bondsman for Samuel Peacock when the latter was charged with performing an illegal operation on Mary Cairnes (Peacock was eventually acquitted). In 1906, Dr Broyer himself was mentioned in connection with the death of Elizabeth Williams after an unlawful operation. References to Dr Broyer after 1896 are ambiguous because, by this time, Walter Broyer was also a registered doctor.

Between November 1894 and April 1900, the *Lancet* acknowledged receipt of at least eight letters from Constant Broyer, but none was published (as was the case with Broyer's earlier letter mentioned above). In the early 1900s, Constant is listed as the Australian correspondent for the Harvard Medical Alumni Association.²⁸ On 4 September 1911, he transferred his real estate on Grattan and Lygon Streets to his daughters.²⁹ He died on the 28 November 1911 at home, 54 Grattan Street, Carlton, aged 78 years, and was interred privately.³⁰ Constant Broyer was survived by his two daughters, his son and stepson, and it is to their stories and livelihoods we now turn.

Constance, Mary and Walter Broyer

During the 1880s, visiting masters taught drawing and singing in the state schools. Constance and Mary Violetta Broyer passed the examination to teach drawing in 1885. Constance was enrolled at the Painting and Drawing School of the National Gallery in 1886–87, 1889–90, and 1892. Mary was enrolled at the school in 1893–94.³¹ On 30 June 1893, all visiting teachers of drawing and singing were dismissed as part of government retrenchment associated with the depression and financial crisis of that year. On 4 November 1893, Miss Violetta Broyer (certificated teacher) advertised drawing and painting lessons at Stratford House. Similar advertisements appeared until February 1896 under the names of 'Miss Broyer' and the 'Misses Broyer.' The timing suggests that the Broyer sisters had taught drawing in the public schools and had been among those retrenched in 1893. Art classes taught by 'Miss M. Broyer' of 54 Grattan Street were also advertised in 1903 and 1907. From 1895 until the death of her father in 1911, Constance Broyer advertised classes in singing and voice production at Stratford House. She described herself as a certificated pupil of Madame Anna Steinhauer (a concert performer resident in Victoria 1890–1895).

Constance Broyer won a silver medal for paintings in oil exhibited at the Jubilee Exhibition (1885) and had pictures displayed in at least two exhibitions of the Victorian Artists' Society (1893, 1894). She was a member of the committee of the farewell concert for Anna Steinhauer (1895), performed at concerts in aid of the Fitzroy and Collingwood Free Dispensary (1895), the Footscray Presbyterian Church (1895), and St John's Church of England, Footscray (1897). She was elected a member of the Musical Society of Victoria (1897) and was an executant at two of its meetings (1897, 1899). She was advertised as a well-known artist at a 'Grand Concert' of the Victorian Artists' Society (1901) and performed as

a soloist at services of the Unitarian Church (1899–1902), at the Victorian Association of Spiritualists (1902), at the Yarra Sculptors' Exhibition (1902), and at lectures by Loie F. Prior, an American spiritualist (1909).

In September 1884, Walter Broyer entered Scotch College, from which he matriculated to study medicine at the University of Melbourne (June 1886). At the Scotch College speech day of December 1886, Walter Broyer received a special prize of three guineas in books and class prizes in Greek and practical chemistry. He entered the university in March 1887, passed first-year medicine in October 1888, second-year medicine in December 1889, third-year medicine in October 1891, and fourth-year medicine in December 1893. His student record reveals that he failed more examinations than he passed, but eventually completed all courses satisfactorily, except theory and practice of medicine. This was the final course required to pass fifth-year medicine, but he failed four times, for the last time in December 1895, and never graduated from the University of Melbourne.³²

Medical students who failed at colonial universities often sought qualifications through the easier examinations of the Royal College of Surgeons, Edinburgh. Walter Broyer embarked for London on the *Orizaba* on 21 December 1895, and returned to Melbourne on the *Parramatta* on 25 September 1896. Thus, Walter was absent from the colony for the entire period encompassing the death of Theresa Garrick and the dismissal of charges against his father arising from her death. On 9 October 1896, Walter Henry Grant Broyer received certificate 2018 from the Medical Board of Victoria on the basis of his qualifications LRCP et RCS Edinburgh and LFPS Glasgow. Three days later, 'Dr. Grant Broyer' advertised he was commencing practice at Stratford House.

Walter Broyer was briefly Acting Public Vaccinator at Kingston in 1898, and, later that year, was registered as a qualified medical practitioner in South Australia. He was appointed a temporary deputy officer of health at Penola, South Australia (1900) and subsequently acted as *locum tenens* at Frankston (1904) and Horsham (1906) in Victoria. In the 1903 electoral rolls, he is listed at 54 Grattan Street with his father and sisters but, in the 1909 electoral rolls, he is listed at 103 Courtney Street, North Melbourne. During the years 1909–1911, advertisements in the *Argus* announced that 'Dr. Broyer' or 'Drs. Broyer' could be consulted at '54 Grattan-st or 103 Courtney-st'. Such advertisements cease after Constant's death in 1911, along with advertisements for singing lessons by Constance Broyer.

Constance, Mary and Walter lived together at 54 Grattan Street after their father's death. They probably derived some or all of their income from rental properties, including Bayview, a holiday home in Sorrento (advertisements with 54 Grattan Street as a contact address appear 1903–1919) and the shop and dwelling at 262 Lygon Street (advertised for rent from March 1912). Constance died at 54 Grattan Street on 19 August 1933, aged seventy years, and was privately interred. Walter died on 2 February 1937, also aged seventy years. After her brother's death, Mary wrote regularly to Lizzie Maidment in England, also a spinster, and asked whether Lizzie would come and join her, but Lizzie declined on account of the heat. Lizzie reported that Mary sold 54 Grattan Street and briefly lived in a flat, but then re-bought the property.³³ Mary died at 54 Grattan Street on 12 August 1944, aged 81 years. Both Walter and Mary had public funerals, unlike their father and sister.

Francis Robert Amery

Francis Robert Amery, Sarah Broyer's first child, appears in the Pharmaceutical Registers for 1877–1885 as residing with his mother at 64 Lygon Street. In 1885, he married Phyllis (Philippa Mary Ann) Davey and his address changes to Cremorne Street, Richmond. Then, from 1898 until 1914, he appears in the Register at 262 Lygon Street (formerly 64 Lygon Street).

Francis Amery became the manager of the Broyer pharmacy after his mother's death in 1887 and remained in this position until the death of his stepfather in 1911. On 13 March 1912, the shop at 262 Lygon Street was advertised for rent, together with the dwelling. The *Australasian Journal of Pharmacy* reported that 'Mr. F.R. Amery, who has for the past 22 years managed the pharmacy of C. Broyer & Co.' had gone to work for Mr. J. Garrick, Footscray. Later that year, it was reported that Francis Amery had gone to Mr C.E. Keays of Newmarket as an assistant. The pharmaceutical register and electoral rolls indicate that Francis and family had moved by 1915 to 233 Drummond Street, Carlton.

The *Australasian Journal of Pharmacy* of 1919 reported that 'Mrs. E. M. Keays applied for a permit to carry on the business of her late husband under the management of Mr. F. Amery'. Later that year, Francis 'was notified to the Pharmacy Board as manager for Mr. W.M. Jewkes of Newmarket.' In 1925, he was listed as one of only 27 remaining pharmacists to have been registered before 31 July 1877. Francis Robert Amery was attended by

Walter Broyer (his half brother) in his final illness and died on 22 August 1925 (aged 72). There are two notices of his death in the *Argus*, one from his wife and children, and one from his Broyer half-siblings in memory of their ‘beloved step-brother.’

Sarah Broyer’s Grandchildren

Francis and Phyllis Amery’s children were Rupert Francis (1887–1970), Harry Stanley (1890–1961), Phyllis Maud (1893–1984), Francis William (1896–1983), Benjamin Reginald (1900–1983) and Edith Phillis (1903–1930). Harry Stanley Amery and Francis William Amery enlisted in 1916, served overseas, and returned in 1919. Phyllis Maude (Maude) and Edith Phillis (Phyllis) both became professional dancers. Phyllis’s career as a dancer began as a child of five years. She married the actor, Eric Edgely, in 1925 but died giving birth to Phillip Edgely in 1930. Her son became a child actor and then the host of *Spotlight*, the first television variety show broadcast in Western Australia.

Francis W. Amery and family stayed at 54 Grattan Street with Mary Broyer at some time after the death of Walter Broyer. Francis’s wife, Myra, discovered Sarah Broyer’s will and codicil with other documents while cleaning the house during Mary’s absence on an extended holiday. Mary gave the documents to the Amerys but their contents were not discussed. After Mary’s death, a claim on 262 Lygon Street was lodged with her executors on behalf of Sarah Broyer’s five surviving grandchildren, the offspring of Francis Robert Amery. With the agreement of the grandchildren’s representatives, Mary’s executor auctioned properties at 50 William Street Balaclava, 262 Lygon Street Carlton, and 54 Grattan Street Carlton during November 1944. The Lygon Street property fetched £900. Then, on 11 June 1945, Harry Stanley Amery, applied for letters of administration *ad litem* of the sixty-year-old will and codicil of Sarah Deborah Broyer in consequence of her executors now being deceased. Letters of administration were granted and the grandchildren shared the proceeds from the sale of their former family home. The narrow (17ft x 76ft 6ins) two-storey shop, which had also been the family home of the Broyers and then up to eight Amerys, became the location of Caffè Sport in the 1950s, one of the first Italian eateries on Lygon Street. As stated above, the probate files proved to be invaluable in writing this account of three generations of the Broyer family and locating the principal properties in which they lived and worked.³⁴

NOTES

- 1 I gratefully acknowledge the help and advice of , Graeme Davison, David Ellis, Mike Francis, Jeffrey Lipshaw, Colin M. Moore, Fiona Moore, Stuart McIntyre, David Newgreen, Kevin O'Callaghan, Thomas Rogers, and James Simpson.
- 2 The probate files of Sara Broyer at the Public Records Office of Victoria (VPRS 368/079) contain many useful documents; these include a diary of Robert Amery, with notes by Sarah Broyer, and the letter from Lizzie Maidment to Maude Ellis (née Amery) written after Mary Broyer's death in 1844.
- 3 Birth, marriage and death certificates, census, shipping, and electoral records reported in this study were obtained from the databases of ancestry.com. The histories of the main protagonists were traced by search of on-line data bases, especially the digital copies of early Australian newspapers at trove.nla. Most newspaper advertisements referred to are from the pages of the *Argus*.
- 4 Diary of Robert Amery, VPRS 368/079, Public Records Office of Victoria (PROV).
- 5 Diary of Robert Amery and letter of Lizzie Maidment, VPRS 368/079, PROV. Death from cholera of 'man called Ambury' at Marine Terrace, Jersey City, reported in *New York Daily Times*, 24 August 1854. Date and location of death match those recorded by Sarah Broyer in Robert Amery's diary.
- 6 Letter of Lizzie Maidment.
- 7 *Victorian Hansard: Debates & Proceedings of the Legislative Council and Assembly of the Colony of Victoria*, Vol. VII, Session 1860–61, Legislative Assembly, 5 June 1862, p. 1271.
- 8 *Argus*, 30 March 1874, pp. 5, 6; 6 May 1874, p. 5.
- 9 *Age*, 7 May 1874, p. 2.
- 10 *Argus*, 7 May 1874, p. 6.
- 11 Term started on 15 September 1874; graduation was 26 January 1875; the total fees paid were \$98.
- 12 Records of Eclectic Medical Institute of Cincinnati, Lloyd Library and Museum; *Eclectic Medical Journal*, vol. 35, p. 147; A.J. Howe, *The Art and Science of Surgery*, Cincinnati, Wilsatch, Baldwin & Co., 1879; *Peg Board*, vol. 4, no. 3, First Shaker Number, New Lebanon, N.Y., June 1936; J.S. Haller, *A Profile in Alternative Medicine: The Eclectic Medical College of Cincinnati, 1845–1942*, Kent OH, Kent State University Press, 1999.
- 13 *Argus*, 12 June 1875, p. 8; 18 June 1875, p. 6.
- 14 *Argus*, 18 June 1875, p. 4; 21 June 1875, p. 6. *Illustrated Australian News for Home Readers*, 12 July 1875, p. 98.
- 15 *Argus*, 22 June 1875, p. 4.
- 16 *Argus*, 22 June 1875, p. 7.
- 17 *Argus*, 14 July 1876 p. 6; 7 September 1876 pp. 4, 6; 14 September 1876, p. 7; 21 September 1876 pp. 5, 6; 5 October 1876 p. 4; 19 October 1876 p. 6.

- 18 Janette Bomford and David Newgreen, *The Pharmacy Board of Victoria: A History 1877–2005* (Melbourne, Pharmacy Board of Victoria, 2005); Pharmaceutical Register of Victoria.
- 19 Indenture, VPRS 368/079, PROV; Pharmaceutical Register of Victoria.
- 20 J.M.T. Carter, *Eyes to the Future*, Canberra, National Library of Australia, 2000.
- 21 Will and codicil, VPRS 368/079. PROV.
- 22 VPRS 368/079, PROV.
- 23 *Argus*, 24 October 1882, p. 10; *Age*, 12 November, 1886, p. 6; *Queanbeyan Age*, 16 November 1886, p. 4.
- 24 *Coburg Leader*, 28 July 1894, pp. 1, 2; 4 August 1894, pp. 1, 3; 20 October 1894 p. 1.
- 25 *Argus*, 28 September 1895 p. 7; 23 November 1895 p. 8; *South Australian Register*, 14 July 1896, p. 5.
- 26 *Argus*, 25 January 1896, p. 8; 5 February 1896, p. 6; 7 February 1896, p. 5; *Age*, 5 February 1896, p. 6; 7 February 1896, p. 6; 25 March 1896, p. 5; Janet McCalman, *Sex and Suffering: Women's Health and a Women's Hospital: The Royal Women's Hospital, Melbourne 1856–1996*, Melbourne, Melbourne University Press, 1998, p. 129.
- 27 *Argus*, 15 February 1896, p. 5.
- 28 *Argus*, 5 February 1900 p. 6; 6 February 1906, p. 6.
- 29 VPRS 368/079, PROV.
- 30 On the same day, the High Court of Australia heard Samuel Peacock's appeal of his death sentence for the murder of Mary Margaret Davies following an alleged illegal operation. *Argus*, 29 November 1911 p. 13.
- 31 Register of Students 1886–1925, Lucy Kerley/National Gallery School Archive, Univeristy of Melbourne Archives.
- 32 Student records of Scotch College and University of Melbourne.
- 33 Letter of Lizzie Maidment.
- 34 Probate Files, VPRS 368/079, PROV.