



The Pick

of the

Great North Road

Scandals, Crime and Corruption along the Great North Road Volume 6

The Stolen Stones of Bucketty [Paul Budde] page 2

Murder Most Foul – The Tale of a Blue Basin and Tin Quart Pot. [June Roughly edited Elizabeth A. Roberts] page 3

Henry Martineer Road Party Overseer sacked for transporting his Fowls in a Government Cart [Drawn by Gillian James] page 4

Abduction, Rape and Robbery at Laguna [Elizabeth A. Roberts] page 5

Straight and Crooked Thinking. [Barbara Appleton] page 6

Henry Harris – a pawn in Governor Darling's games. [Research Fay O'Donnell, written E. A. Roberts] page 8

Best's Inn Licence [T. Richmond] page 9

To Be Worked In Irons [Maitland Mercury] page 10

John McDonald Explorer and Bushranger [Elizabeth A Roberts] page 10

Bushrangers Along the Great North Road [Anne Mobbs] page 11

Yellow Billy - The Bushranger [Gregory Powell] page 22

Ramsay's Leap – Who was Ramsay? [Elizabeth A. Roberts] page 25

Wollombi Court House [Elizabeth A. Roberts] page 27

Rejection of Authority. Jonas Morris Townshend v Magistrates David Dunlop & Benjamin Sullivan. [Carl Hoipo] page 28

The Scandalous Jonas Morris Townshend [Elizabeth A. Roberts] page 31

Crimes along the Great North Road [Elizabeth A. Roberts] page 32

Who was Stafford of Wollombi? [research Robyn Thurston, written Elizabeth A. Roberts] page 36



The Stolen Stones of Bucketty

Paul Budde

Looking at the theme of this *Pick* it became clear that, ironically, the Convict Trail Project was born out of a criminal offence.

This is a recurring theme throughout the project and its history. Criminals built the Great North Road; it was a criminal offence that led to the formation of the Project, modern-day prisoners are working on the Road, and are assisting us in maintaining parts of the Road; and now criminal offences are taking place again. The Thompsons Bridge and the Murray Run culverts were recently damaged by vandals and more sandstone stones were stolen – this time from a section known as the St Albans Ramp.

So let's start with the beginning of the Convict Trail Project.

On Australia Day 1990 I noticed that a large number of sandstone blocks had been stolen from a convict-built wall on the other side of the road at the bottom of our property. I alerted the authorities and, along with other members of the Bucketty community, tried to get official authorities interested in preventing further damage and restoring the monument. The Great North Road is classified as a national monument. But no action was taken.

And so, together with Carl Hoipo from Wollombi Tidy Valley, I established the Convict Trail Project.

At that time, on assessing the impact of the stolen stones in Bucketty and looking at the scale of the project, it quickly became clear that we needed a vision for the Convict Trail Project, and that this would require two strong strategies:

- Act locally by restoring, cleaning up and maintaining the convict-built road and its monuments in the local area;

- Lift the plan state-wide/nationally to obtain overall support for the restoration, maintenance and promotion of this '240km museum of convict engineering'.

The Convict Trail Project quickly gained the support of the local communities along the Great North Road between Sydney and Newcastle, each of whom began to take responsibility for the convict heritage in their area. More than 30 organisations, including Councils, Historical Societies, Tidy Towns, NPWS, NSW Heritage Council, State Authorities, National Trust and Australian Geographic, are participating in this project. The aim is to protect, restore, maintain and promote this unique piece of Australian heritage.

The Bucketty and Wollombi communities took a leading role in the early years and restored and cleaned up large sections of the Road within their communities.

In 1996 the organisation received funding for a part-time Executive Director.

Sections of the Road have since been earmarked for World Heritage Listing and additional sections are earmarked for State Listing.

The stolen stones of the St Alban's Ramp

In July 2006 we were confronted with the theft of a large section of the Road between St Albans and Bucketty. Between July and November at least a further 100 sandstone blocks were stolen, each of these convict-hewn blocks weighing around 100kg.

This looked like a professional operation. In all, more than 200 sandstone blocks were stolen – stones that were hewn in the year 1830.

As a result we received strong support from the then NSW Minister for Planning, Frank Sartor. The value of this Road was acknowledged by the current Minister as well.

This is a masterpiece of colonial engineering which was essential for the growth and prosperity of Sydney and Newcastle, he said. It represents a defining chapter in the history of Australia and many sections are still in use today.

The event however, also clearly revealed our greatest weakness. Over the years it has become clear that our major problem lies in the fact that all the councils and agencies view their stretch of the Road in isolation.

This has led to very serious management problems.



*Community with advice rebuilding the wall at Bucketty
Photo Paul Budde*



2006 Bill Nethery of NSW Heritage Office installing cease demolition sign in at St Albans Road Ramp

Due to the absence of a state-wide focus on this convict road NSW is rapidly losing the last remaining timber and stone bridges. In addition, with three different regional tourism organisations involved (all naturally focusing on their own region) the overall tourism value of the Road is not maximised. Some councils have a different view on heritage values and would prefer to upgrade the Road, which effectively undermines its heritage value.

There is only so much that the Convict Trail Project, as a voluntary organisation, can do to get the various stakeholders to focus on the heritage value of the Great North Road.

Often it is not clear who is in charge of particular sections. For instance, in the case of

the St Albans Ramp (the location from which the stones have been removed) the road constitutes the boundary between Gosford and Hawkesbury Councils – however it falls under the law enforcement jurisdiction of Cessnock Police, and that stretch of the Road is within the Yengo National Park in which the NPWS has a vested interest.

Prisoner escape at Ramsey's Leap

I would like to end on a lighter note with another event that happened on the Great North Road that fits the theme of this issue of the *Pick*.

The spectacular convict-built retaining wall known as Ramseys Leap commemorates a prisoner of that name who escaped in March 1854 at that spot. This event eventually led to a court case in 1855, during which the chief constable, who was responsible for the transport of this accused man from the Macdonald River to Wollombi, was investigated for deliberately allowing the man to escape. The Magistrates Messrs Wiseman and Lindsay dismissed the case, pronouncing it to be a 'trumped-up affair'.

The Convict Trail Project is as much about its stories as it is about its physical infrastructure. The two go hand-in-hand and it is that combination that makes it such a fascinating project, one that warrants our attention, protection and respect. It is still a largely undervalued but very important part of our national history.

Murder Most Foul – The Tale of a Blue Basin and Tin Quart Pot.

June Roughly edited Elizabeth Roberts

The first murder victim in Dural on 6th February, 1828 was Thomas Fuller also known as John Fulton an absconding convict from Iron Gang No.8 who was shot for stealing a blue basin and a tin quart pot.

From September 1827, there were four gangs working to build the Great North Road under the instruction of Jonathan Warner. One of these gangs was No 8 Iron gang which was stationed "on the North Road" south of Wisemans¹. Bryan McMahon, the overseer stated the deceased Thomas Fuller

*was continually running away; he was a runaway at the time he was shot, and absconded on account of a robbery he had committed.*²

Fuller or Fulton arrived in the colony aboard the *Phoenix 3* on Christmas Day, 1826. Sentenced to seven years transportation, he was aged twenty eight. Convicted of stealing a watch in Dublin on 6th April, 1826, he had no previous convictions, was 5'2" in height, of sallow complexion, with light brown hair, grey eyes and a brown mark under his left leg.

Michael O'Brien a settler of Seven Hills, to whom he had been assigned, described Fuller or Fulton as an industrious and well behaved convict: in the record of his absconding he was described as above with the additional information that he was a carpenter.³

James Kelly, an ex-convict, who arrived on the *General Hewitt* in 1814, had a farm on what is now Galston Road, Galston. It appears that over a period of time numerous articles had been stolen from him, he suspected, by the same person. The theft of his basin and quart pot was the final straw, so Kelly decided to take the matter into his own hands. On February 6th he acquired a gun from Daniel Grady, who lived in a small cottage on the Great North Road and worked for Thomas Best of Middle Dural. Together with Jonathan Handle a young lad of thirteen who lived with Daniel Grady they set out to look for the "bushranger" in the area then known as Rocks of Towro. Arriving there they observed the smoke of a newly lit fire. They proceeded to search in the surrounding rocks

Kelly, who was the first to discover him,



A tin dipper that from research is the approximate shape of the original quart pots. Photo E.A.Roberts

told the man to stand. The latter, upon this, was making an effort to creep out of the cavity on his hands and knees, without evincing any disposition whatever towards resistance, when prisoner levelled a musket, which he had in his hand, at the man, who at this instant cried out "for god's sake don't shoot me, I give myself up." These words had scarcely been uttered, when the prisoner, with a musket, fired upon him.⁴

Believing he had killed Fuller, Kelly set off to find Constable Moore the district constable at

Castle Hill to inform him he had shot a man dead. When Moore reached Fuller he was still alive and believed he would live. The constable fetched a cart to convey him to hospital but failed to stop the profuse bleeding and Fuller died the following day.

A search found the missing blue basin and tin quart pot.

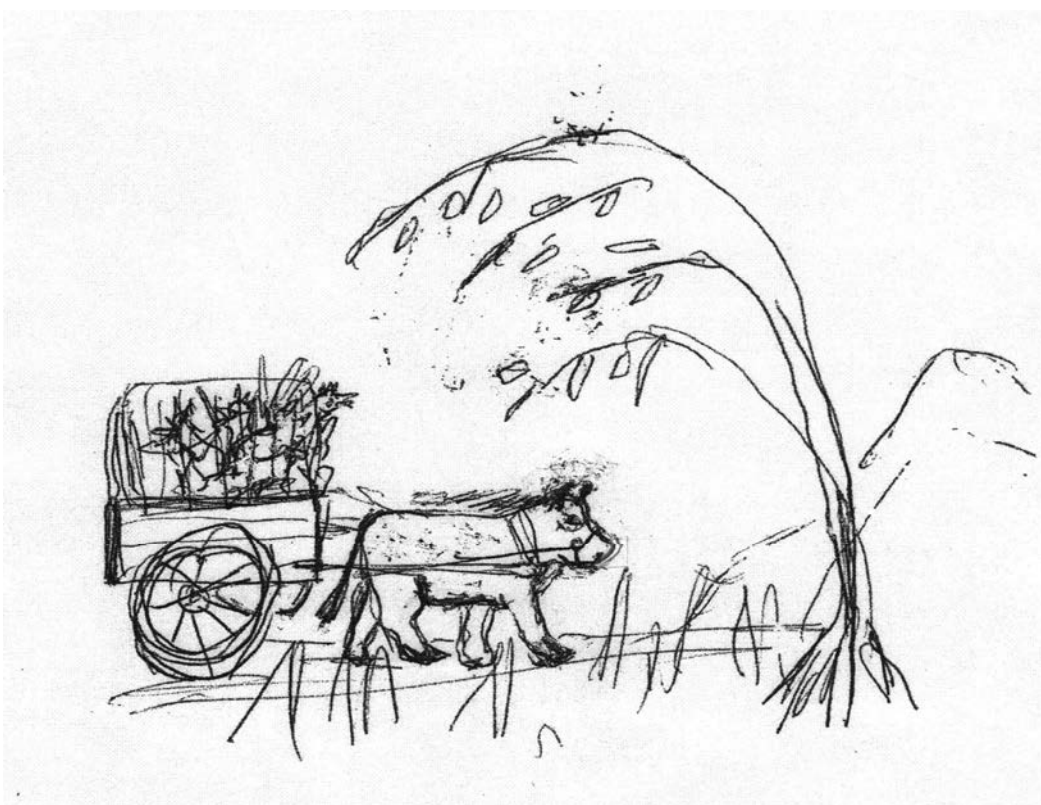
On Monday 25th February 1828 at the court in Parramatta, James Kelly was indicted for the wilful murder of John Fuller at Parramatta on the 6th day of February instant. He was found guilty, the judge stating

It therefore devolves upon me to perform the painful duty of passing sentence upon you. - the sentence therefore of the Court is, that you be taken from hence to the prison whence you came, and that on Wednesday the 27th of this present month of February, you be hanged by the neck until you be dead.⁵

References:

1. June Roughly: The Way We Were. Page 4 *Dooral Round Up* December 2007
2. Grace Karskens MA Thesis, Sydney University scanned thesis: Section 2 page 82: No 8 Iron Gang stationed on the north road, south of Wisemans
3. Sydney Gazette Wednesday 27 February 1828.
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Henry Martineer Road Party Overseer sacked for transporting his Fowls in a Government Cart
 Drawn by Gillian James



Abduction, Rape and Robbery at Laguna

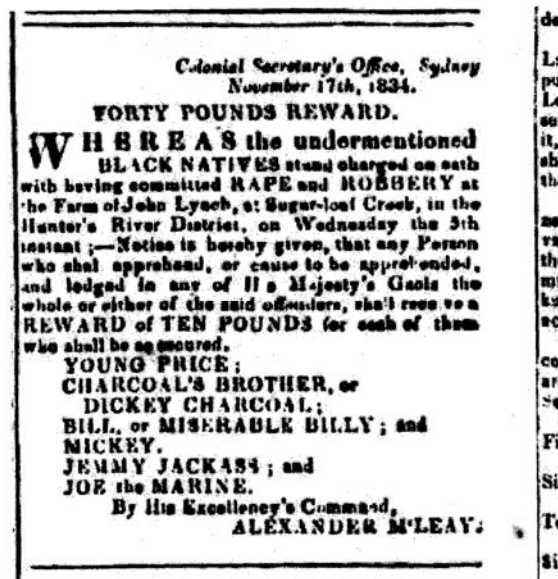
Elizabeth A Roberts

In 1834 an event happened near Laguna that must have horrified and frightened the few European women who were living in the Wollombi Valley. In the beginning of November 1834 a group of eleven Aboriginal males came to the hut on John and Sarah Lynch's farm on Sugarloaf (Wattagan) Creek. The hut was about 5 yards from the main house, possibly a detached kitchen. At the house complex were Mrs Lynch, six of her seven young children, the youngest three only a year apart, and Margaret Hanshall/Henshall who was employed as a servant. When they observed there were only male Aborigines they became frightened.

Sarah and Margaret attracted the attention of John Lynch who came to the house and tried to placate the Aborigines by offering them the head of a calf he had just killed. This they refused but demanded the whole calf. They then lit a fire and cooked and ate it. After they had eaten, two of them known as Mickey and Monkey took Margaret forcibly from the hut, while John and Sarah were fending off the rest of the party that was trying to get into the house.

Margaret was taken into the bush and over a mountain where she was gang raped at gunpoint by the whole group and left alive but battered and bruised. When John Lynch found her some five hours later she was covered with wounds and bruises and nearly all her clothes were torn off. The Aborigines had a fowling piece and John only had a scythe with which he inflicted some deadly wounds on those attacking the house. They stated they wanted his wife and daughter who was not yet nine years old.

In 1834 there were only a few women in the Wollombi Valley and many were very isolated. When the Census was taken in November 1828 there were thirty three females in the Luskintyre District that ran from Cockfighters Creek (Warkworth) to Bucketty and east to Lochinvar, Harpers Hill and parts of Maitland. There were five women in the district of Black Creek, and another cluster of seven not far away were the wives of men working for Alexander McLeod near Maitland. Most of these women were young and had children. Another eighteen women were in groups of two. Of the remaining four three were married and one a servant, assigned to Heneage Finch at Laguna. By 1834 there were more women in the valley. Sarah Lynch had moved from living near her sister in law, Elizabeth Pendergast at Millfield to Wattagan Creek and had employed a servant, the unfortunate Margaret Henshall. Elizabeth Pendergast could well have replaced Sarah's company with a sister or a servant. Army Veterans had been settled in

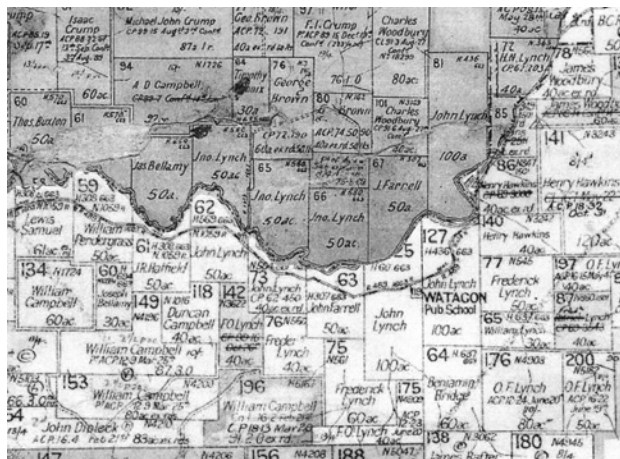


Wollombi; one at least Thomas Budd was married. In 1831 Patrick Doolan at Millfield a neighbour of the Pendergasts received a female assigned servant. How many additional females had arrived by 1834 is not known but the numbers would still have been small. The attack on a house and the abduction of one of the women and subsequent rape and threatened rape of the other must have been the last straw for some of these women. Indeed it was just after this incident that it appears that Heneage Finch's wife Eliza departed for England never to return.

Mickey and Monkey, probably copying what Europeans males did to their women, were sentenced to be executed.

References:

Sydney Gazette: 12 February 1835; December 1834 various dates.
Macquarie Law website http://www.law.mq.edu.au/scnsw/cases1835-36/html/r_v_monkey__1835.htm
1828 Census



Combination of Parish Maps, Corrabare and Hay; boundary at Sugarloaf or Wattagan Creek showing John Lynch's land

Straight and Crooked Thinking.

Barbara Appleton

In December 1825 the colony of New South Wales was almost thirty-eight years old. The first generation of locally-born white residents was already adult; farms and businesses were succeeding if operated skilfully, and voices were clamouring for free speech, including freedom of the press, and a form of government in which the people were represented.

Over all ruled British law, under Francis Forbes, the chief justice of the Supreme Court. He had arrived only nine months before, appointed within the 1823 Act to provide for the better administration of New South Wales and Van Diemen's Land and for the more effectual government thereof.¹ Under this Act the governor, as the chief administrator, would be expected to work in partnership with the legislative and judicial system, and any bill which the governor wished to introduce would have to be certified by the chief justice as being *not repugnant to the laws of England*

.Into this scene as the new governor came Sir Ralph Darling, fifty years old, a veteran of war in the West Indies and Spain, and having just experienced four years in the troublesome island of Mauritius, relatively recently captured by Britain from France. In that crowded colony, where 70,000 slaves worked for French-speaking plantation owners, the military were definitely in command.² That was the mode of operation that Darling understood, and favoured. Orders were



Governor Darling National Library

given to one's subordinate, and were promptly obeyed, or passed to the rank below. It was all very straightforward: disobedience resulted in punishment.

But in New South Wales, since the very establishment of the British settlement at Port Jackson, punishment of any wrongdoing had been decided by magistrates and in courts, and administered by an appointed person such as a scourger. Darling was not familiar with the details of civil law, and made little effort to respect it, or to apply new legislation as it was announced, either in dispatches from Britain or by the Legislative Council in Sydney. His attitude was amply demonstrated in the Sudds-Thompson case

Darling had a reputation for achieving reform, but it had all been in a military context. In Britain he had found some 800 officers living on allowances and sent them to Spain to fight against Napoleon's forces in the Peninsular War – the war which gave rise to many Spanish street names in the infant Sydney³. In Mauritius he had made a determined effort to end the slave traffic. He came to Sydney with orders to bring about change. Appointed the governor of both New South Wales and Van Diemen's Land, he was to call at Hobart and inform George Arthur, already the lieutenant-governor, that Van Diemen's Land should be administered as a separate colony. In Sydney he was to inaugurate a new Executive Council and to appoint three members to the Legislative Council. Thus the latter had new voices, but none elected by popular vote.

With him on the *Catherine Stewart Forbes* came his wife Eliza (née Dumaresq), and her brother William. A second brother, Edward Dumaresq, had travelled with them as far as Hobart, and remained there. Another older brother, Henry, had been Darling's military secretary in Mauritius. As soon as Darling accepted the post of governor of NSW, he invited Henry to become his private secretary there. Henry, sent ahead, arrived in Sydney in October 1825 to arrange accommodation for Darling's party. He was later made the clerk for the elite Executive Council – a body consisting of only four officials, presided over by the governor, and sworn to secrecy.

Eliza Darling seems to have been of a calm and kindly nature. During her time in Sydney she wrote encouraging letters to several soldiers and settlers who were finding colonial life difficult. Darling himself, however, did not confine his 'kindness' to members of the existing colonial hierarchy, but continued to be



Eliza Darling National Library

generous in his appointment of family members to prime positions. Both the chief justice and the Sydney newspapers began to make accusations of nepotism, and eventually Darling received a warning from Sir George Murray in the Colonial Office.

William Dumaresq, too, was an army officer. He had served in Canada and been involved in building the Ottawa canal. In Sydney, Darling provisionally appointed him as a civil engineer and inspector of roads and bridges. He later became the deputy surveyor general. As the major project of the Great North Road was born and the Dumaresqs acquired properties in the north, Darling's actions laid William open to accusations of self-interest.

Within two years Darling had also appointed his nephew Charles Darling as an assistant private secretary. Charles later served in India with the army, then in public office in various colonies. Many years later he returned to Australia as the governor of Victoria⁴.

The Dumaresqs were keen to acquire land, and did so, in both the Hunter and New England areas. Henry founded *St Heliers* at Muswellbrook, and later *Saumarez* at Armidale; William founded *St Aubins* at Scone and established the *Tilbuster* property, also near Armidale, as a stock-run⁵.

The colony had progressed under Macquarie – not least from his extensive building programme. Under Darling it was to advance in many different ways.

Banks

Darling is credited with having controlled and re-organised the banking system which, on his arrival, was near collapse. The Holey Dollar and Dump created by Macquarie had been declared outmoded currency, and quickly lost value, but the British Treasury was slow in supplying sufficient sterling to replace them. As well as this, several government employees, including both the colony's treasurer and its customs collector, were making use of government funds for their personal profit.

Under orders from London to keep major reserves of money locked up and guarded, Darling's interventions were so successful that the colonial revenue doubled.

Administration

Darling was determined that the colony would see both better administration and the provision of new public infrastructure. His reform of the banks allowed the local revenue to meet the costs of government; the integration and supervision of the clerical system laid the foundation for an efficient public service. Darling, however, saw this as a means to ensure "*the moral improvement of the people*".

Land and convict labour

Under Governor Brisbane the sale of land had begun, while large land grants were conditional on keeping an assigned convict per 100 acres. Darling commenced a Land Board which was to allow grants only to actual settlers and not to absentee landlords. However, he found it convenient to continue to grant land himself to faithful officials or give it to friends to be used as dowries for their daughters.

The orders given him regarding convict labour were simple. "*Reformable*" convicts were to be assigned to settlers, all others were to go to penal settlements. The last part of the orders was not possible so he deployed hundreds of prisoners to public works, including road gangs.

As each ship arrived, the Colonial Office allowed first choice of convict servants to the Australian Agricultural Company. Thus other landholders did not always get their expected number of workers. Darling sometimes overrode his own Assignment Board by removing the convict servants of anyone who chose to criticise him.

Exploration

Darling's governorship saw much exploration of both the coast and the inland, including expeditions led by Sturt, Cunningham, Stirling, Logan, Barker, and Dangar. Thus the map of New South Wales became crowded with names given in his honour: Sturt, for instance, naming the Darling River and Cunningham naming the Darling Downs.

Surveying



Sir
Charles
Darling

(wood
engraving)
National
Library

Both the sale of land and the mapping of newly-explored areas required accurate surveying, but both surveying instruments and skilled men were scarce. Darling refused to supply more of either, so Mitchell (the surveyor general) decided to use his staff only for the massive general survey. Measurement, and hence sales, of Crown land came to a stop, but Darling's administration together with Mitchell's survey saw the foundation of a unified land system, with sixteen counties divided into parishes.

Roads

Darling's policy was to improve the major roads leading out of Sydney – north, south and west – and of the one leading from Newcastle to the Hunter Valley. This did aid the expansion of settlement, but the efficient planning and building of both roads and bridges was due to Mitchell. He insisted on building the new road down Mount Victoria on his (correctly) preferred route. This so annoyed Darling that he tried to have Mitchell dismissed from office. Mitchell, wisely, had corresponded directly with the Colonial Office in London, and retained his authority.

The Great North Road

Henry Harris – a pawn in Governor Darling's games.

Research Fay O'Donnell, written Elizabeth A. Roberts

Barbara Appleton wrote of Governor Darling removing convicts from people he did not like and of his intolerance of criticism. These aspects of Governor Darling's personality came together to affect the life of Henry Harris per Grenada. Henry Harris was convicted at the old Bailey on 13 September 1820 of coining, passing counterfeit Bank of England notes. He arrived in Sydney one year and three days later on board the *Grenada* with a life sentence. He was 19 years of age and printer by occupation

Heneage Finch had been ordered by the previous surveyor general, John Oxley, to survey a road facilitating access from Windsor to the growing settlements of the Hunter Valley⁶. This he completed before the arrival of Darling, but it was Darling's emphasis on hard labour as punishment which saw the road progress. By 1830 about 560 men were working on that road alone.⁷

Countering all these achievements were Darling's incomplete knowledge of the law and some very questionable practices. His nepotism became legendary, nevertheless those family members whom he appointed each seem to have been very capable. Henry Dumaresq, in particular, drew many remarks complimenting him on his kindness and good management.

Just as important was Darling's absolute intolerance of criticism, either in the Legislative Council or in the press. The latter he saw as subversion, and set out to silence it, or at least restrict it. This he tried to do with two bills which placed a stamp duty on newspapers and announced that newspapers had to be licensed. Though Francis Forbes criticised both of these, a modified form of the first was passed. Later the Crown disallowed it. The second allowed prosecution for libel, and banishment from the colony for a second offence. Eventually Edward Smith Hall, the publisher of the *Monitor*, went too far in his attacks and was jailed.

Darling, also, went too far in his authoritarian rulings. Some praise and much adverse comment had been forwarded to London, and in 1831 he was recalled.

Australian Dictionary of Biography, 1966, MUP, Vol. 1, p.393.

2. *Ibid.*, p.282

3. Coronna Road, Stanmore, and Talavera Road, North Ryde, are examples.

4. *The Australian Encyclopaedia*, 2nd edn., 1958, Grolier, Vol. 3, p.194.

5. *Australian Dictionary of Biography Vol 1*, p.334.

6. Webb, Ian. *Blood Sweat and Irons*. 1999; D&LWHS p3

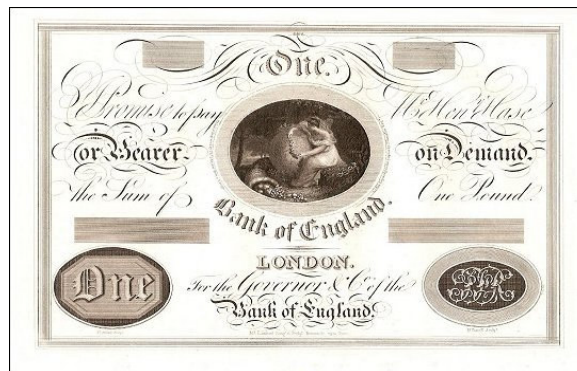
7. *Ibid* page 10

His native place was Carlisle. He had a pale fair complexion with brown hair and blue eyes. It appears on arrival he was placed on government Clearing Parties as he was in Clearing Parties in the 1822, 23, 24, 25 musters. By 1826 Henry Harris was working (on loan) for E S Hall the owner and published on *The Monitor*. In August 1827 Alexander McLeay wrote to F A Hely superintendent of convicts

I am directed by His Excellency the

Governor to request that you will immediately order into Barracks the three prisoners named in the margin who were lent to Mess^{rs} Hall and Hill, Printers in April and October 1826, those gentlemen...

One of the convicts named in the margin was Henry Harris per *Grenada*. He is then listed as a painter and briefly assigned to the Reverend CPN Wilton of the Female Orphan Institution Parramatta before turning up in a road party in the 1828 Census. When Hely asked in March 1829 how the men now in barracks were to be disposed of, the answer came back *Order Leasham to be forwarded to the Wellington Valley and the two Printers to be removed to the interior*. Harris was already in a road party. In March 1830 both Hall (*the Monitor*) and Hayes (*the Australian*) separately but at the same time both brought cases against Hely for damages suffered caused by the removal of the convicts. What happened to Henry Harris? By the 1828 Census he was in Road Party 14 at Kissing Point. He apparently transferred to other road parties as he received a Ticket of Leave on 1st May 1830 for the District of Wallis Plains. He was not to enjoy his limited freedom for long as he died in Maitland in early June 1832 aged approximately thirty years old and had been employed by Richard Newman of Maitland. Would Henry Harris have



lived a longer fuller life if he had not become a pawn in Governor Darling's power games is a question we cannot answer.

References Full documentation held.
 Old Bailey Website
 Convict Indent: "Grenada" State Records
 1822 and 1823/4/5 Musters
 1828 census
 Col Sec Correspondence 1826-31 4/2069 30/1963 includes note signed RD re the men being ordered into barracks
 Col Sec Correspondence out, re convicts 1826 - 1832: reels 1041, 4/3665 page 453,556; 1042, 4/3666 page 185; 1043, 4/3668 page167
Sydney Gazette 9 March 1830 p3; 20 March 1830 pp2,3
Sydney Monitor 24 March 1830 p2
The Australian 19 March 1830 p 2
 Ticket of Leave

Governor Darling and Best's Inn

Tom Richmond

Sometimes, old documents provide curious little puzzles that lead to suspicions, if not directly to facts.

On 16th September, 1828, Thomas Best wrote to the Bench of Magistrates at Parramatta asking for a free licence for a house that he was building at Dural. The house had six rooms and Best had been encouraged to build it by Captain William Dumaresq. Best noted that another person (presumably Wiseman) had been granted a free licence.

A comment in Dumaresq's writing appeared in the margin, stating that he had seen the house and had no objection to a free licence when it was completed. Governor Darling had initialled the comment.

Alexander McLeay of the Colonial Secretary's office wrote to Best on 12th November, 1828, advising him that the Governor had said that he would approve the licence when the building had been completed.

Building apparently continued and on 28th March, 1829, Captain Dumaresq certified that the building was sufficiently completed to furnish good accommodation. Surveyor Lockyer signed the certification. The documents were forwarded to the Governor by William McPherson, Collector of

Inland Revenue.

There then appears on back of one of the documents a curious exchange of comments between Darling and Dumaresq.

Darling commented: "It does not appear to me that Capt. Dumaresq's certificate is satisfactory -- and I believe he could not furnish Captain D. And a friend with a breakfast lately -- Best's object must therefore be merely to keep a public house."

Dumaresq replied: "I never required a breakfast at Mr Best's -- the complaining parties were, I believe, Mr Wiseman and Mr Green, Paymaster 59th Regt. Best's house is a very good one -- he has not yet completed a stable, which is much required. The house contains the required accommodation of four rooms besides those required according to the Act. I am of opinion that the mere travelling public along the North Road will not remunerate a publican who pays for a licence."

Darling responded: "He must keep to conditions more than is the position at present -- the government must not encourage deviations."

Dumaresq wrote on 30th July, 1830 informing Best that the free licence had been refused. It

must, however, be asked why Governor Darling responded to the complaints of Best's competitor, Solomon Wiseman and not to the advice of his own senior official, Captain Dumaresq.

There was obviously no ICAC in 1830!

TO BE WORKED IN IRONS

George Holwell was found guilty of stealing a mare, the property of Richard Webb, at Pennant Hills, on the 1st of April; and was sentenced to be worked in irons for three years.-Robert Jones, previously convicted of sheep stealing, was sentenced to be worked in irons for twelve months.-Maitland Mercury:17 October 1846

MacDonald Explorer turned Bushranger.

Elizabeth A.. Roberts

John McDonald per Asia 1 was a convict who should have done well in NSW but after 14 years in Australia something went awry and it appears he ended his life being shot as bushranger aged thirty one.

Born in County Derry Ireland John McDonald had already experienced migration before he was convicted in Glasgow and transported for life. He was seventeen years old and had been working as a cotton weaver for three years. By 1823 he was assigned to Robert Crawford at Parramatta and then it appears lent to Robert's brother Thomas at Ellalong.

Robert Crawford had arrived before his brother Thomas and was employed as Principal Clerk of the office of the Colonial Secretary and was established at Parramatta before taking up land at Prospect. When Thomas arrived he took up land at Ellalong near present day Millfield.

Somehow, probably from friendly aborigines, John McDonald became a good bushman and learned a way to reach the Hawkesbury River from Millfield that did not involve going down the Great North Road. This track went past Percy Simpsons land at Coorangbong. This was then known as MacDonald's Line and ran north-east, from Ten Mile hollow, across Mangrove Creek, through the Watagan Mountains and beside Lake Macquarie, before turning north into the Hunter Valley over Brunkerville Gap.

As this new route went past his property, in January 1828, Percy Simpson wrote anonymously to the *Sydney Gazette* praising McDonalds Line as an alternative route to that surveyed by Finch. This influenced the Government sufficiently to allow Jonathan Warner to borrow John McDonald for three weeks so Warner could inspect the route and report back. Warner wrote in praise of McDonald's line but the final report to the governor was written by Captain William Dumaresq, acting Surveyor of Roads and Bridges, and Governor Darling's brother-in-law. Although their report said that the route was easier and shorter than Finch's line, Captain Dumaresq wrote to the Governor stating

that he thought it would not be very useful to the rich and numerous settlers in the upper Hunter area, from Wollombi out to Broke and Patrick's Plains. Captain Dumaresq himself was one of these people as he owned land in the Hunter Valley. The most influential person and not the best route won out.

In 27 September 1828 John MacDonald was rewarded with a ticket of leave for his efforts. He did not keep his ticket of leave for long. After holding his ticket for nearly five years he and another were caught stealing men's clothes in Maitland. His Ticket of Leave was cancelled and as well he was sent to the Newcastle Iron Gang, from where he absconded. He had crushed two figures on his left hand, and because this became a distinguishing mark it was mentioned in a report of his escape in 1833. In 1834, we hear of him having become a bushranger, living with the Aboriginal people up at Barraba, and in the Watagan Mountains. During his time as a bushranger, he was considered to be the best bushman in the country. In June 1834, he led a gang in a raid on the property of Captain Dumaresq in the Hunter Valley, the very person who had supervised his work in finding roads. But his life as a bushranger did not last long. In November 1834, a newspaper reported that he had been shot dead in a raid on a farm at Liverpool Plains in the Upper Hunter aged thirty one years.

There are two interesting facts in story, there was a second John McDonald on the Asia 1 with a seven year sentence, once he had served this sentence he was free but our John Macdonald, as a convict with a life sentence he remained a convict all his life despite have a T of L but although the awarding of the ticket of leave was noted on his indent, neither the cancellation nor his death were which is unusual. A more details about John MacDonald can be found on the CTP website. His track although not built as a road was well used as a route to the central coast and became known as Simpsons Track as it passed his property.

References:- CTP Website
Copies of reference material collected by Lesley Wickham held by CTP.
Convict indent, Asia 1 arrived 28 December 1820.

Bushrangers Along the Great North Road

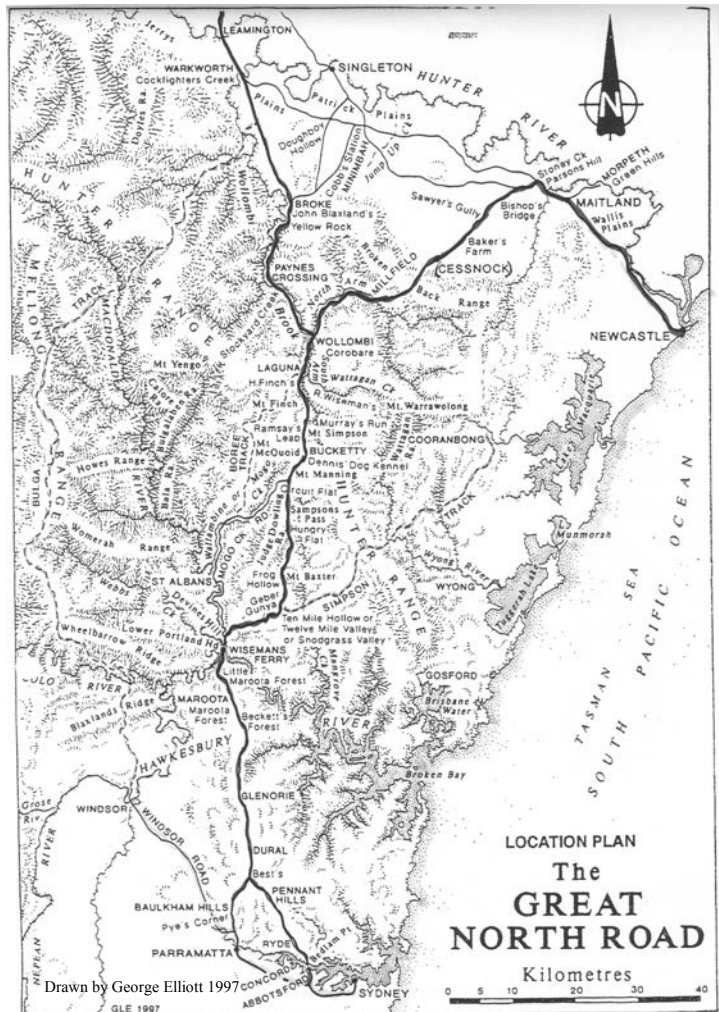
Anne Mobbs

The term Bushranger is synonymous with colonial Australia and initially relates to absconders from gaol gangs or iron gangs and harsh assignments during the early years of colonial settlement of the Australian colonies of NSW and Tasmania. They robbed and pillaged travellers along the dirt highways and inhabitants of neighbouring settlements. The early bushrangers owned no horses, and were recognised athletes, fleeing and hiding in the Australian Bush. The English called their similar characters highway men, the Americans – outlaws. The bushranger's characters became more sophisticated as horses became common. Prosperous farmers became an easy target. Horses became easy to steal, exhaust and exchange along the bushranger's escape routes. Numerous ale houses and inns sprang up along the roads as invitations to rob easy cash.

This article will discuss some examples of bushrangers, who applied their activities along the Great North Road and its environs. This discussion is informed by and relates the bushrangers activities along the Great North Road to the theories about bushranging creating a social culture and the similarities between Australian Bushrangers and American Outlaws especially the twelve basic elements that identify outlaws as postulated by Richard E. Meyer an American professor of Folklaw.¹

The Great North Road, now identified as the Convict Trail, was built in three stages. What was to be the first stage from Parramatta to Castle Hill was built by 1810; the second stage the main section of the road was built between 1826 – 1832 from Castle Hill – Dural to Wiseman's Ferry and through to Wollombi into the Hunter Valley and from there onto Maitland and Newcastle. The third stage was from Wollombi to Warkworth was built 1832 – 1836. As each stage of the road was completed, the bushrangers showed their increased confidence, plundering their enlarged territory.

The early bushranging period was heralded in a public notice in the *Sydney Gazette* on 12th February 1809, warning the constables and settlers against harbouring John Gordon, Michael Murray, Thomas Porter, and Nicholas Lacey as absentees, 'on pain of penalties in such cases provided'. The newspaper provided a little more information on 19th February that J. Gorman was under commitment on a charge of felony, and had escaped from custody whilst Benjamin Porter, Nicholas Lacey, John Gorgan, and James Hutchison were well known offenders, having absconded from the Gaol Gang.



Nicholas Lacey born in Kilkenny circa 1777² was tried in 1803 of an unknown crime of which he was sentenced to seven years labour³. His crime was possibly political, as at this time, Robert Emmett raised an uprising against the colonial English Government. Emmett was captured and executed in Dublin⁴. Lacey languished in prison, till 31st August 1805 before embarkation on the *Tellicherry*. The transport's voyage took one hundred and sixty two days, stopping at Madeira, and arriving at Port Jackson on 15th February 1806⁵. Again the details are scarce as to Lacey's assignment details on arrival to the colony, but he must misbehaved to be placed with the Gaol Gang from which he absconded in early February 1809!

From the *Sydney Gazette* it is known Nicholas Lacey was still at large a fortnight later but captured at Richmond Hill after a month on the run. Bushrangers recognised no boundaries and made use of the bush surrounding the settlements. Lacey would have roamed in all directions by foot, skirting Sydney, Toongabbie, Castle Hill, Parramatta and Windsor. He may have made friends with some of the natives, assisting him to survive on bush food and

sharing their kills. It is likely many Irish convicts or settlers would have secretly aided him.

A copy of the bushranging trial is missing, but the register of the Bench of Magistrates, states on 11th March 1809 'Nicholas Lacey was apprehended as a bushranger, proved and sentenced to two hundred lashes and the gaol gang'⁶. That poor individual tried to escape an unbearable ordeal, to have life made worse, his skin peeled back in bloody strips on his back from the whip; his pain increased as his body stiffened whilst his back recovered and he continue with working hard labouring duties, tightly tethered in leg-irons and closely watched. Nicholas Lacey was then transported to Hobart in Van Dieman's Land for a time⁷.

Nicholas became the centre of attention again, perhaps by absconding although records detailing the events are missing, He is included on a list of prisoners (four male and one female) dated 10th March 1814, to be sent to Newcastle per the 'Mary'; he was convicted by the governor on 1st March with a sentence of two years. The instructions accompanying the list stated that the prisoners '*were to be employed in the usual manner, during their respective sentences in Newcastle*'⁸. The 1814 muster omitted confirming his whereabouts.

Life in Newcastle was tough, with both an unsympathetic commandant and bereft of any hospital facilities, or medical attention. After 16 months Nicholas was transferred to Sydney on 26th July 1815 to receive attention as the appointed surgeon had *no medicine, and he has reported to me that the principle surgeon pays no sort of attention to his requests, in fact it is a melancholy thing for a settlement like this to be without any comfort for the settlers, soldiers as well as prisoners suffer by this want and this neglect*⁹.

When Nicholas Lacey returned to Newcastle is unknown. After completing his sentence, he was transported from Newcastle to Sydney on board the 'Kangaroo' and discharged. Nicholas Lacey had a chance to start life a new.

Time passed and in 1817 Lacey married colonial born Ann Mobbs¹⁰. The only daughter



Bushrangers of Bygone Days

of William Mobbs, convict, pioneer orchardist and pioneer exporter of fruit to Europe., He was moving on and up.

On 15th May, 1820 Nicholas Lacey sent Governor Lachlan Macquarie a memorial requesting a fifty acres grant of land, that '*he came to this colony by the ship 'Tellicherry', has been a free man nine years is married and rents land at the Northern Boundary following agricultural pursuits and supporting an industrious character. That the memorialist never had any indulgence from the crown and being anxious to improve a farm*'¹¹.

Surveyor General's Office, Sydney Notice dated 28th April 1821 published in the *Sydney Gazette* on 12th May 1821 confirmed he received a grant The 1822 Muster lists him as a landowner at Parramatta¹² and 1823/24/25 muster confirm his property's location at the Northern Boundary.¹³

By 1826 the tables had turned. The *Sydney Gazette* of 22nd November noted that a case was heard in the Supreme Court on Monday 20th November, 1826; *William Rummage was indicted for a highway robbery on the person of Nicholas Lacey, on the Windsor Road, on the 21st September last – and found not guilty.* Lacey may have felt that justice was one sided.

Nicholas Lacey/Lacy died on 1st October 1838 aged 56 He was buried at St Patrick's Catholic Church Cemetery, Parramatta, with the transcription '*Alas thine earthly race is run, Rest in peace, Beloved One*'. A most appropriate closing thought for such a life's turbulent beginning.

Although we have concentrated on Nicholas Lacey, Cliff Hanna states that on 7th February 1819 seven men escaped from the limeburners at Newcastle and terrorised the local settlers. In December 1821 twelve men escaped along 'Parson's Road, a cattle track blazed along the Wollombi area, by John Marquet Blaxland'¹⁴. Other bushrangers included 'Jacobs Mob' who raided from the Coal River and roamed between Wallis and Patrick's Plains. The name of the gang was taken from the employer of the escaped convicts ex Lieutenant Vicars Jacob. The gang members included Lawrence Cleary, Aaron Price, Patrick Clinch, and Patrick Reilly¹⁵. They were known to have raided farms in Rosebrook, Bolworra and Luskintyre.

Punishment dealt out must have been re-valued for absconding, 'H.W.D' of Montpellier, NSW wrote in 1835 that '*for disobedience or insolence fifty lashes applies, first offence not less then twenty five lashes, second offence, seventy five lashes; third offence, attached to a iron gang; absconding to the bush – first*



Bushrangers of Bygone Days

offence, fifty lashes, second offence attached to the iron gang for twelve months and increased each further offence'.¹⁶ The brutal inflictions only encouraged the down trodden convict to abscond, bolt, runaway and the number of runaways increased during the 1830's and 1840's; they included Jack/John Donohoe.

John Donohoe, an errand boy, was born in Dublin c1804. It was in Dublin, aged twenty one, that he was tried on 3rd April 1823, with 'the intent to commit a felony' which was a political sentence, aimed to round up 'known' persons, agitating for Ireland's independence from Britain. John was sentenced to transportation for life, and arrived in Port Jackson per the 'Ann and Amelia', on 2nd January 1825¹⁷. The research of this bushranger became most interesting when discovering that there were two John Donohoe's embarked on the transport. The records are intertwined between 1825 and 1841. Both convicts were born circa 1804, both were advertised as arriving on the 'Ann & Amelia' both frequented the same locations and both absconded from their assignments.

On arrival into the colony 'our bushranger' John was forwarded to Parramatta, where he was assigned to John Rogan¹⁸. On 29th July, 1825 Donohoe was a convict servant of Leslie Duguid, he was to be virtualised from the store at Newcastle for six weeks.¹⁹ Leslie Duguid owned the Lochinvar Estate. By 1828 John Donohoe was assigned to Major West from where he bolted causing havoc with two confederates Kilroy and Smith, holding up bullock carts. They were charged with two accounts of highway robbery and found guilty in the Supreme Court before Judge John Stephen on 1st March and sentenced to death. Kilroy

and Smith hung, but Donohoe escaped custody between court and the gaol in Sussex Street, Sydney²¹ and the Sydney Gazette reported:

*'Colonial Secretary's Office, 1st May 1828
TWENTY POUNDS REWARD*

Whereas John Donohoe, who was convicted of Highway Robbery and received Sentence of Death on 1st March last, effected his escape while on his return from the Court House to the Gaol-Notice is hereby given that a REWARD of TWENTY POUNDS will be paid for any person, who may apprehend and lodge the said John Donohoe in one of His Majesty's Gaols.

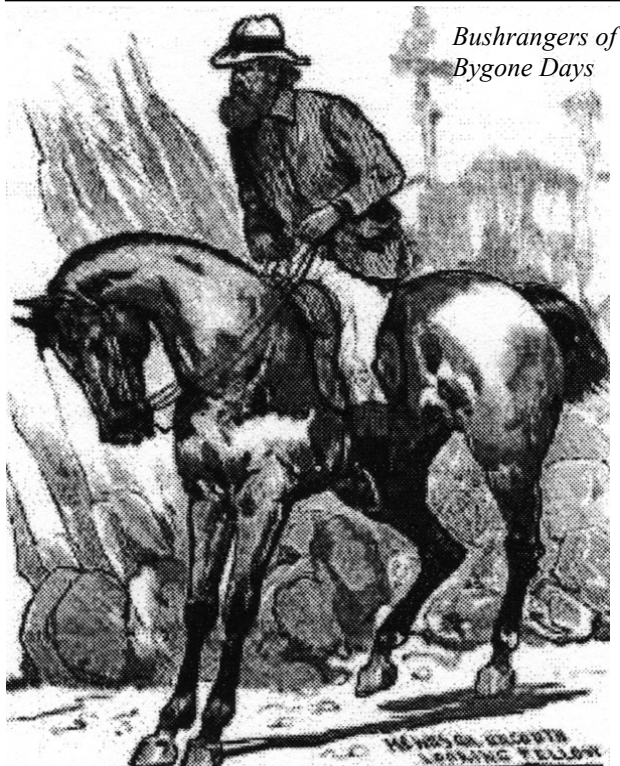
Donohoe is a native of Dublin, 22 years of age, 5 feet 4 inches in height, brown freckled complexion, flaxen hair, blue eyes, and has a scar under the left nostril. He arrived in the Colony a Prisoner, per 'Ann and Amelia' in 1825. In the Service of Major West.'

Donohoe became recognised as a gang member, associating with William Webber, John Walmsley and William Underwood. Their activities broke out all over the place, from Bathurst south to Yass, east to the Illawarra, north to Wollongong and the southern approaches to the Hunter River Valley²². The Constabulary were in disarray as the bushrangers would disappear into the bush for months on end, then pop up on unsuspecting citizens, miles away from their last appearance²³. Like 'Robin Hood' identities, they refused to rob struggling settlers; their sympathies earned them a large spy network, whose loyalty was repaid in rum and tobacco²⁴.

'ONE HUNDRED POUNDS REWARD' ran a series of advertisements, which began on 23rd September and ran constantly throughout the next six weeks.

'Whereas the Escaped Felons William Underwood, and John Donohoe, for whose apprehensions Rewards were offered on 4th March and 1st May 1828 respectively stand charged with having since committed divers OUTRAGES; - Notice is hereby given, that a Reward of Fifty pounds and a Ticket of Leave will be paid to any Person or Persons, who may apprehend and lodge either of the said Felons in one of his Majesty's Gaol. Underwood is a Native of Antrim, a Labourer, about 28 years of age, 5 feet 8 inches in height, sallow, complexion, brown hair and hazel eyes.

Donohoe, who arrived a Prisoner per Ann and Amelia, in 1825, is a Native of Dublin, 23 years of age, 5 feet 4



inches, in height, brown freckled complexion, flaxen hair, blue eyes, and has a scar under the left nostril.'

In November 1828 Walmsley and Donohoe raided between the Nepean River and Windsor, and they robbed a Colo man called Chilcott²⁵. In April 1829 Donohoe was associated with the murder of William Clements on the Northern Road between Newcastle and Windsor. Clements was a Newcastle Overseer.

The gang ran amuck until the Sydney Gazette reported on 24th November 1829 that

'William Wilson having been lately apprehended in the County of Camden, in company (it is supposed) with Underwood and Donohoe, and concerned with them in several Highway Robberies, has been forwarded by the Bench at Stone-quarry and lodged in Sydney Gaol, in order to be identified by any Person who may have been robbed by that Party of Bushrangers on the Bringelly, Richmond or Argyle Roads.'

Donohoe's conduct was seen to become over confident, showing himself in Sydney, his gallantry towards the ladies, locking police officers in their own cells, and expressing his anti British beliefs. His celebrity status increased, amongst the lower classes, becoming their champion. Bushranging was changing from an act of survival to political agitation. His deeds would later be copied by bushranger Ned Kelly.

Donohoe was not guilty of committing all the

crimes linked to him. On 19th January 1830 *The Sydney Gazette* printed an extensive letter dated 25th December, 1829 'The Bushrangers' wherein a correspondent 'one somewhat versed in police matters' set straight the misinformation relating to the killing of Chilcott by Donohoe, that Walmsley was the culprit, as Chilcott was known to him. That Donohoe was not connected to Underwood 'until they accidentally met up on the road'. The correspondent went on to describe the manner the stolen goods are fenced, and how Donohoe's spy network was successful.

In 1830 Governor Darling lobbied for a bill, to be known as the 'Bushranger's Act. It incorporated the following:

That all suspected persons might be apprehended without a warrant; that any one carrying arms might be arrested, and any one suspected of having them might be searched; that general warrants to search houses might be granted, armed with which the police might break and enter any house by day or night, seize firearms found therein, and arrest the inmates. Robbers and housebreakers were to suffer death on the third day after conviction'.²⁶

On 6th February.1830 *The Sydney Gazette* reported that Donahoe (sic) and Underwood were sighted at Bathurst between Mr. Rankin and Mr. Lambert's property 'with a pack horse pursuing their course down the Macquarie River'.

24.8.1830 *The Sydney Gazette* described a highway robbery, which was committed on the previous Wednesday,

on two carts belonging in Mr. McQuade of Windsor, laden with a puncheon of rum, 50 pieces of India prints, 5 pieces of white shirting, a crate of earthenware, several parcels of door locks, keys, screws, and various other articles, were stopped and within two miles of Windsor, and taken into the bush by a party of armed bushrangers, and plundered of the whole of the property, except for the rum, which, strange to say was left behind. One of the carters states that, having known the person of the notorious outlaw, Donohoe, before, he is confident of his having been one of the party. They were all well dressed, and had each a belt around his waist containing a brace of horse pistols, independently of other fire arms...the carters were met by Mr. North, the Superintendent of Police at Windsor, who was accidentally riding by and, on learning

what had occurred, immediately sent a party of constables under the orders of Mr. Hodgen, in pursuit. The party remained out the whole of that night and the next day, but could not discover any traces of the robbers. The strictest inquiry was made of the carters, by the Magistrates (S. North and W. Cox Esqs) on the day after the robbery, as to the circumstances attending it; and one of them swore positively to Donahoe (sic) being one of the gang. He was described to have been dressed in a blue frock coat, lined with silk, cloth trowsers (sic) and a black hat.'

It seems Donohoe was dressed like a real swashbuckling hero.

The 4th September.1830 *Sydney Gazette* reported:

On Wednesday evening, at dusk, as a party of the Mounted Police were riding through the bush at Reiby, near Campbell Town, they came up with three bushrangers, one of whom was Donahoe; on being called to stand, they threw away their hats and shoes and ran off, when the Police fired, and killed Donahoe on the spot, one ball entering his neck and another his forehead. Favoured by the dusk, the others made their escape, and in defiance of the dreadful fate of their comrade, that very night broke into a hut and carried of what they wanted. The body of Donahoe was removed to Liverpool, and will be brought to Sydney this morning.'

Jack Donohoe was strapped onto the back of a horse and conveyed to Sydney Hospital, where his portrait was sketched by the Surveyor General Thomas Mitchell. It is thought to be the only likeness done of him²⁷.

On 7th September.1830, the *Sydney Gazette* included John Donohoe's inquest and the narrative became more complex. The inquest was held at the 'Fox and Hounds' in Castlereagh Street, Sydney by Major Smeathman and a jury.

Michael Gorman commenced giving evidence explaining he was a

constable to Major Antill of Stone-quarry Creek, and hold a ticket-of-leave;[and] on the afternoon of the 1st instant, [he] was on duty in the neighbourhood of Bringelly, about a mile and a half from Mr. Lowe's; there were two constables and six of the mounted police in company with

him and they had spent the previous fortnight

searching for the bushrangers. They were waiting to meet the chief constable who had gone for rations when in the distance they saw a man of horse back at first they thought it was the Chief Constable then realized it was probably the bushrangers they had been looking for so went carefully and quietly in pursuit getting to within 100 yard (100 meters) before being detected. On being seen the bushrangers hid behind tree and prepared to fight. *Donohoe exclaimed 'Come on, you cowardly rascals, we are ready, if there 's a dozen of you'.*

A stand off followed but after about half an hour one of the police men fired at the tree one of them were hiding behind, he then gave a detailed description of the gun fight that followed that resulted in Donohoe being killed and the other escaping despite a hot pursuit. Dr. Gibson then identified the deceased as Donohoe *...having sat upon the jury that tried him...the jury, after consulting about five minutes, returned a verdict of justifiable homicide²⁸.*

On 9th September. 1830 *Sydney Gazette* then reported on Donohoe's accomplices stating than on the way to Parramatta to attend Anniversary of the Missionary Society the Rev. George Erskine and Mr. James Scott were stopped by two armed men who demanded their money. On finding out who they were

Webber exclaimed 'give me your hand, Mr. Scott, for I was once your assigned servant' and after conferring for a few moments with his accomplice, they told the travellers to go on and returned to the bush²⁹.

John Walmsley's freedom was short lived. The *Sydney Gazette* dated 6th January, 1831 advertised his capture by four mounted police on Mr. Campbell's farm at Mt. Philo, on the



Donohoe drawn after Death .attributed to Sir Thomas Mitchell National Library

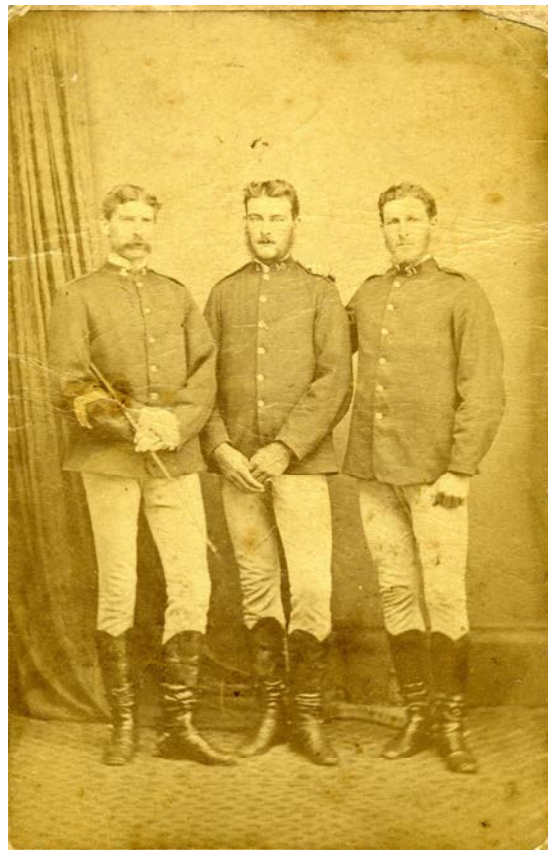
Western Road. He turned approver hoping for a sentence reprieve, giving evidence before the Supreme Court as a witness for the prosecution to the charges brought against Michael O'Brien, Mary O'Brien, John O'Hara, James O'Hara, Mary O'Hara and Michael Cantwell who were fences for Donohoe and his gang. During his evidence Walmsley confirmed the association of the individuals. From the transcript of the court case published in The Sydney Gazette we learn that

Michael O'Brien, Mary O'Brien, John O'Hara, James O'Hara and Mary O'Hara and Michael Cantwell were indicted for feloniously receiving sixty yards of print and forty yards of calico, the property of Michael McQuade; one chain and one hat and one shirt the property of William Aird; one hat and one shirt the property of John Carlton Atkinson; two bolts of canvas, the property of the Hon. Alexander McLeay; fifty yards of fustian, the property of John White; one cloak one bonnet and five yards of serge, the property of Francis Mowatt; and one chest of tea and ten pounds of tobacco, the property of Thomas Henry Hart. They (the prisoners) well knowing the same to have been feloniously stolen by one John Walmsley and one William Webber, at the Seven Hills, on the 18th January last.

John Walmsley gave evidence as to how he met the indicted people where their residences were how they did business together³⁰.

The Sydney Gazette's publication closely links Donohoe's gang to the district as the local O'Hara family of little Dooral/Dural, later known as Kenthurst were well entrenched with the bushranger gang's activities. The district's memory of the family lingers on with O'Hara's Creek, O'Hara's Gully and O'Hara's Hill near Pitt Town Road³¹. The Gang thus includes their 'romantic' bushranging activities to the Castle Hill-Dural section of Great North Road.

One other bushranging gang should be acknowledged as tied to the Great North Road they had a great impact on the environment associated with the 'Convict Trail' and were affiliated with a father and son association, which in turn held a great impact on the gang members. The gang was originally known as the Marshall gang, but for a short turbulent period, its notoriety was linked to Edward 'Teddy the Jew-boy' Davis. His association with the gang grew to mythical proportions through inaccurate memory, and the violent acts perpetuated on the administration citizenry living in the area. In actual fact, Davis was a member of the gang for only about six weeks.



Three Mounted police from Armidale district in uniform similar to that worn by other police the 1860s. Photo supplied by Greg Powell.

The gang's turbulent four months kept the constables and the citizen volunteers very busy, in trying to locate and apprehend the gang members. 'During one hundred and thirty two days they terrorised eight police districts, whilst one hundred men were searching for them; they raided thirty seven properties, stealing horses, weapons, clothing, food, jewellery, grog and money³².

Just prior to the formation of the gang, the *Sydney Gazette* reported on the frustration of the colonial administrators of taming the Hunter Valley wilderness, which was ripe for the pursuing of bushranging activities. This frustration carried over into the inconvenience of settler appointed constables of having to leave their business to pursue these rascals and lose valuable time and money. Dated 3rd April, 1839 the paper read:

The country between Patrick's Plains and Maitland has lately been the scene of numerous outrages by bushrangers. A party of runaway convicts, armed and mounted, have been scouring the roads in all directions. In one week they robbed no less than seven teams on the Wollombi Road, taking away everything portable. They also went to Mr. Nicholas's house and carried away a great quantity of property after

destroying a great many articles which they did not want. Mr. Macdougall, late Chief Constable of Maitland, and a party of volunteers set out in pursuit. The Wollombi district constable is a tailor by trade and he refused to leave his work to accompany the party on the plea that it would not pay him'.

The Gang Members associated with Edward Davis included: James Bryant, Robert Chitty-ex soldier, flogger, overseer and constable, James 'Ruggy' Everett, Richard Glanville – deserter of the British Army, William Gunn, John Marshall, John Shea 'wild Irishman'. They operated in the Hunter Valley, around Lake Macquarie and south along the coast to Wyong³³. John Marshall, James Everett, Francis Knight and John Wilson met in Sydney Gaol circa 1840. Wilson and Knight were already well known bushrangers attached to the John Hobson bushranging gang³⁴. Marshall and Everett were convicted rapists; all four convicts were sent to Hyde Park Barracks from Sydney Gaol on 18th May.1840³⁵, where they met William Brown, transported from Adelaide, convicted of financial theft. Whilst confined at Hyde Park Barracks, the convicts were under the cruel administration of Timothy Lane who *'would meet new prisoners arriving from the country districts, call them vagabonds, scamps, convicts and scoundrels and taunt them with threats of making taking them before the courts to receive punishment. The better the appearance of the prisoner, the worse he was treated. It is likely that Marshall's men were employed on Busby's Bore in the Tunnel Gang'*³⁶.

Five of the gang escaped the barracks on the 12th August 1840.

Roope and Gregson describe the escapees making their way towards the Hunter Valley, but were seen at the Hawkesbury River a week later³⁷. *The Sydney Morning Herald* reported on 31st August.1840 of the convicts being seen on August 19th

'our police department has been unusually busy of late, in consequence of five bushrangers who escaped from Sydney being, it was reported, in the neighbourhood of Mangrove Creek to take the new road towards Wollombi and the unfrequented forests of either Brisbane Water or Maitland'.

They bailed up Samuel Paley's Lodging House at Ten Mile Hollow for food, clothing and £16, then moved north through the Watagan Range to the Wollombi plans on Wednesday 2nd September 1840, and raided the settlement there...During the raids, William Brown left the gang for South Australia, where he lived peacefully until spotted and his indentures

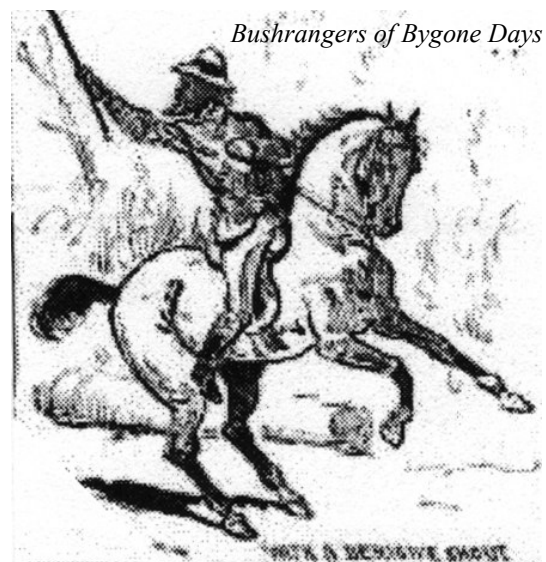
confirmed – to be returned to Sydney in 1843. The remainder of the gang retreated to their hideout at 'Surgarloaf' until the Wollombi Magistrate, David Dunlop and his constables moved into the area, and the gang made a strategic move to the upper Hunter Valley³⁸.

Edward Teddy 'Jewboy' Davis is thought to have joined the Marshall Gang about 10th November 1840³⁹, but he was not new to absconding from servitude, or from living off the bush. He had family connections, who could easily hide his whereabouts and fence his goods. It is thought that his family connections introduced him to the Marshall Gang. Our attention now centres on Teddy Davis.

As George Wilkinson, Edward Davis was transported on the 'Florentine' to Port Jackson. He was born at Gravesend, circa 1816. He gave his occupation as a stable boy at his trial at Middlesex on 5th April, 1832. The Offence was noted as 'Robbing Till' on 29th March 1832. Cliff Hanna elaborates that the takings included two shillings, and five shillings in copper coin, the property of Phillip Hughes⁴⁰. He was sentenced to seven years transportation as a former offender with a seven day sentence. Davis was an unmarried Jew and could read and write⁴¹ He deliberately changed his name, so not to attract the attention that he was connected to family members previously transported to Port Jackson. They were his father John Michael Davies (sic)⁴² and brother John, transported to Van Diemen's land⁴³.

Prior to joining the gang Teddy Davis's activities included:

Absconding from the third Road Party. The *Sydney Gazette* dated 3rd October 1833 reported 'David Edwards alias George Wilkinson, Camden (2) No 33-49, 18, Gravesend, Stable Boy, 4 feet 11 ½ inches, dark brown hair, hazel eyes, dark ruddy and much freckled complexion, MJDBN inside lower left arm, EDHDM, love and another on lower left arm from ditto (no 3 Road Party) since 14th June.



Absconding from Hyde Park Barracks 23rd. December 1833, he was given a twelve months extension to his sentence⁴⁴.

December 1835 Davis absconded from a Penrith settler and a further twelve months extension was added to his sentence.

On 10th January 1837 he absconded from Edward Sparke at Hexam; upon recapture was sent to the Iron Gang.

The 1837 Muster lists Edward Davis, convict No 27491 as George Wilkinson, Age 20, Ship: Camden, Year 1830, Master: Government, Locality: Vale of Clwyd⁴⁵. He was returned to Sparke's service and again absconded on 21st August. 1838 to the Wallis Plains District. On being sent back to Sparkes he was transferred to Phillip Wright of Aberdeen - a publican, storekeeper and settler, also an associate/partner to Sparke)⁴⁶ Absconded early 1840

Edward Davis absconded again on 10th November 1840 'from a party moving Sparkes' sheep from New England to Wright's property, in the Murrurundi vicinity⁴⁷.

In February 1840 the *Sydney Gazette* recorded

Bushrangers Apprehended: A gentleman named Brown apprehended three bushrangers named Davis and Sullivan and a native, on the estate of Mr. Scot's named Scot's Flats, on Sunday last. He followed them to a bark hut, and he being armed kept them there till he got assistance, and took them down to Patrick's Plains, where they are now in custody. These men were concerned in an extensive robbery between Jump-up-Creek and Leed's a blacksmith and wheelwrights shop. Great credit is due to Mr. Brown for his gallant conduct on this occasion; if every person was as active as he was in securing these rascals, the country would soon in a great measure be rid of them.

In all probability, Edward Davis was introduced to John Marshall and his gang through his father John Michael Davies (sic) emancipist, who associated with bushranger sympathiser Henry Denny; both were outcastes for being either Jewish or Irish and were frequently denied indulgences and written communications described them as unsavoury characters. Denny leased land at Lake Macquarie. In 1841 Denny was charged with cattle rustling by John Davis son of emancipist Davis ap Davis of Wollombi⁴⁸. Davis's evidence included describing the location of the Marshall Gang's bushranging camp one-and-a-half miles south of Denny's lease, who had fenced stolen goods from 'Edward Hely, Henry Boyce and drays in the Hunter District'⁴⁹. Denny was convicted on the former charge due to lack of

evidence of the fencing of goods, and transported to Norfolk Island for fifteen years. John Michael Davies, applied for the lease crown land at Reid's Mistake in October 1840, the land previously occupied by Denny⁵⁰. The liaison with the Davis Senior and Denny was fruitful as it is alleged they provided a bushranger's hideaway and concealment for their goods⁵¹.

Michael John Davies (sic), a London Jew, was forty years old when he was convicted at Maidstone on 13th July 1830 for 'obtaining goods', and sentenced to seven years transportation. He was educated, being able to read and write skills he used as an attorney. He had no former convictions. Davies was described as five feet four-and-a-half inches with ruddy, freckled complexion, dark brown to grey balding hair and hazel-grey eyes. He arrived at Port Jackson on board the '*Florentia*' in December 1830⁵². He was assigned to Richard Smith of Sydney, but later for disciplinary reasons, sent to Port Macquarie to work for the Australian Agricultural Company⁵³.

Normally convict indulgences are given out for good behaviour, one had to be blemish free to apply for the English Government to bring one's wife and family free after sentencing had expired. Nevertheless, Davies' (sic) wife Hanna Benjamin and children Charles, David, Ann, Jane, Frances and Sophia joined him by 1832; maybe they were financial enough to be independent travellers. It is thought that John Michael could have been assigned to his wife, at Port Macquarie⁵⁴. He received his Conditional Pardon No 372 in 1845, although his personal disposition did not endear himself to the authorities⁵⁵. His reputation was reported to the government as 'a person of the Jewish persuasion and of a malicious disposition, turned out of Port Macquarie for repeated bad conduct, and that he was the father of a notorious bushranger and suspected of being a fence to the gang⁵⁶.

Now well entrenched into the Marshall Gang, Davis's personality must have been such that he became their new recognised leader. The *Sydney Morning Herald* of 10th December 1840 reported on the gang's bailing up Dr. McKinley. The reporter fuelled fear to the readers when describing the raid of William Dangar's property 'Turenville' and John Graham's murder. Two days later Henry Cohen's Inn at Black Creek (Branxton) was raided. The *Sydney Gazette* was beside itself with one letter writer stating:

The Rubican is past – and human blood is now shed by one of the most lawless gangs of bushrangers that ever infested the Hunter Valley. Blood that cries aloud for retribution at the hands

of our vacillating government. Blood – yes blood, the first of a long list which it is anticipated, will mark the career of the Hunter River bushrangers. My last letter feebly narrated the career of this gang at the Wollombi;

He then went on to outline what had happened in the past, described how John Graham, Clerk to Mr Danger was shot when attempting to shoot the bushrangers. With more scaremongering he then said

When desperate men like them first dip their fingers in human blood, it is like first of blood to the sanguinary blood-hound- he cannot refrain from it again. Besides, these men know that if they are now taken their death is certain.

In the same paper we have the following account of depredations at Wollombi written by a local newspaper correspondent who further in the article reveals himself to be Thomas Crawford:-

Wollombi – I am sorry to have occasion to inform you that the neighbourhood has been for a third time within the period of a few short weeks the scene of almost unparalleled and licentious outrage – the perpetrators, the well known bushranging ruffians whose depredations have been so alarming to the Lower Hunter. On Friday morning, the 18th instant, about 11 o'clock, these villains, six in number, in their route from Brisbane Water, visited for a second time within a few weeks, the station of E.C.Close, Esq. and, after committing their usual depredations, forced his overseer to accompany them to Mr. Crawford's establishment; unfortunately, or perhaps fortunately, Mr and Mrs C. were absent at the time, on a visit to Maitland. The scene which presented itself on their return was truly a distressing one, every place of security about the house was broke upon; and almost every piece of furniture more or less injured. After remaining about two hours at my house they forced a free man, whom I had left in charge to show them the road to my brother's station (Illalong), about 5 miles distant.

He went on describe how two of the Wollombi District

Constables got drunk on spirits the bushrangers found in his house and handed out. He told how they broke a bell at Illalong and took corn for their horses. Got one of the men to show them to Mr M.J.Davis house about two miles distant where Davis and his guest David Dunlop were sitting down to start a meal. The men bailed up Davis and Dunlop then proceeded to eat the meal prepared for them. After the usual ransacking and getting the servants drunk and taking three of Davis's horses they proceeded on to the Rising Sun Inn then kept by Mr Pendergrass where they

stole £13, here they met with Mr John McDougall, who keeps the inn at the township, and for some alleged offence stripped him and tied him up, two of them indicting a most unmerciful lashing; had it not been for the interferences of Mr P. it is probable they would have taken Mr McDougal's life.

Pursuing their course of infamy, the miscreants directed their way to Mr. White's of the 'Red House', on the Maitland Road, whom they robbed of a double barrelled gun, a saddle and a few shillings in money, several of them being a state of intoxication, so that on leaving they could scarcely keep their seats. They then proceeded to Mr. Garrard's (late Mr. Harper's) station about a mile distant, which they ransacked...it is reported they have since robbed the mail on its way from Darlington to Maitland... (since writing the above, news has been received that most of this gang has been captured by the Mounted Police and others. Davis was dangerously wounded in the shoulder.

On the 31st December the capture of the bushrangers was reported in the Sydney Gazette under the title *Capture of the Bushrangers* the paper described their capture in detail When Police Magistrate Denny Day got word late Sunday evening that the bushrangers were raiding properties near Muswellbrook he gathered together a group of T of L men and at 7am the next morning took off after them. In the mean time the gang had robbed William

Sketches of Bushrangers from wood blocks printed in the Australian Sketcher 9 September 1886. As bushrangers of Bygone Days



Dangers property 'Turanville' (near Scone) at 4am and by 6am were at Thomas Dangers where they shot John Graham, Danger's store keeper. After shooting Graham they next robbed an inn and store at the Page (probably present day Blandford) before crossing the Liverpool Ranges to Doughboy Hollow (Ardglen). Despite heavy rain Day and party pursued all day finally catching them at Doughboy Hollow about 5pm. The bushranger gang immediately took to the trees and shots were exchanged. Davis and two others were wounded. When the Bushrangers ran out of ammunition all but one were captured, exactly 11 hours after shooting Graham.

So secure in themselves had these ruffians got, that they wore flags and ribbons during the last day of their career, and had the impudence to send the police word to bring the dead cart with them when they came in pursuit.

The bushrangers arrived in Sydney by steamer, on 28th December 1840 and were interred in the Old Gaol in George Street where they were closely guarded and heavily ironed⁵⁷. There they languished until the trial commencement on 24rd February 1841. Edward Davis was separated from the remainder of the gang, it is thought as to the result of his father's lobbying for legal representation and respectable clothing to properly present his case. John Shea was indicted for the wilful murder of John Graham. Marshall, Davis, Chitty, Everett and Glanville were indicted for being present, aiding, abetting and assisting in the commission of the murder. The case summed up against Davis by the Attorney General resulted thus:

That he would restrict his observations in reply to the case of Davis who was defended by Mr. Purefoy. He had to caution the jury against being led away by any spirit of compassion in his behalf. It was proved that at the time of the murder, he was aiding and abetting so far as to be acting as a sentry on the parties bailed up in Mr. Chivers' bar when the murder was committed, and but for whom aid might have been extended to the inmates of Mr. Dangar's house. He also reminded the jury that it was a principle of British justice that if parties went out to commit robbery or any other felony, and there was another perpetrated by one or other of those who went out to commit the first, that unless the others could prove that they had no hand in the perpetration of the second the whole were in the eye of the law legally guilty as accomplices⁵⁸.

The jury found the bushrangers 'guilty' The Sheriff was instructed by the Colonial Office,

That in the case of John Shea convicted at the late Criminal session of the Supreme Court of Wilful murder and of John Marshall, Edward Everett, Edward Davis, Robert Chitty and Richard Glanville, convicted of being present aiding and abetting the said murder, the sentence of the law is to take effect in the usual manner at Sydney on Tuesday the sixteenth day of March instant, and to request that you will appraise the unhappy men accordingly.

At nine o'clock in the morning the bushrangers were ascended the scaffold. It is noted that Edward Davis' last rites were allowed to be received by Mr. Isaacs of the Jewish congregation⁵⁹.

Like that of John Donohoe, the Jewboy or Marshall gang's dress was swashbuckling attire, which included Manilla hats, pink ribbons, red satin neck-cloths, brooches, rings and watches they had stolen⁶⁰. The memory of Teddy Jewboy Davis, is contradictory, due to the writings of his father who was the Newcastle journalist, writing for the 'Commercial Journal'. Firstly the Sydney Gazette described on the capture thus:

The Ruffians arrived in Sydney about midnight on Monday, and the manner in which they did so was terrible. They came along George Street strongly guarded and heavily ironed; instead of looking dejected or penitent, they were laughing, singing and cracking jokes, as merrily as they were enjoying themselves in a public house. We never in our lives saw such a fearful example of human depravity.

In contrast under the 'sign off' of M.D. it is thought Michael John Davies was the author of the following letter, published in the Sydney Gazette:

"The Worst possible use you can make of a man is to hang him – Edmund Burke"

...I was present this evening in the crowded court house when the awful sentence of death was passed upon six convicted bushrangers, whose depredations on the Hunter have been so alarming and notorious...There are besides redeeming circumstances in the career of these men; they carefully, in their desperate proceedings abstained from personal violence; their object was plunder, and this was obtained by intimidation rather than by cruelty. The whole execution of these

*men will be a disgrace to our society; it would certainly not take place in London*⁶¹.

It is this ideal of the bushrangers not being murderers which was taken up by the Jewish Review.

In all our bushranging candidates who were associated with the Great North Road, they each had their followers, campaigners versus their detractors – the law, administration, large property owners. From these opposites their lives became cultural myths. In each case we can link their lives and memories into the twelve outlaw elements described by Richard Meyer. Their lives have shown the important contribution the Great North Road made in creating a connecting highway amongst the communities of the large expanse from Parramatta to Singleton. This highway created the possibility of fast travelling from point to point and access to dense bush and cave hideouts.

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16. ditto, pps 28-29.
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Cartoon drawn and etched by Fredrick Grosse ,
Wood engraving published in the Melbourne Punch
1855

Yellow Billy - The Bushranger

Gregory Powell

There is a cave in a well-hidden cliff lined gully, high in the Broken Back Ranges, which forms a serrated rampart behind the vineyards of the Hunter Valley in N.S.W. This is Yellow Billy's cave, but who was Yellow Billy? He certainly doesn't rank highly in the annals of our most notorious and successful bushrangers but during his criminal career he created terror for the citizens of the lower Hunter Valley.

The centre of his territory was the important village of Wollombi. The old sandstone courthouse at Wollombi still stands strongly today, thanks in part to Yellow Billy. Maitland Goal, Darlinghurst Goal and Bathurst Goal all housed Yellow Billy. So, who was Yellow Billy?

William White was one of those shadowy characters that emerge into our history, make their mark either note ably or notoriously, and then disappear into the mists of time. As a part Aboriginal, he became known in the Cessnock, Wollombi and Singleton areas as Yellow Billy, a twenty four year old stockman of Howe's Valley. He makes his first mark on Hunter history in the winter of 1863.

Wollombi in 1863 was a quiet village on the junction of the convict built, Great North Road. One branch led to Maitland while the other headed to Singleton. That situation remains the same today. There were some substantial stone buildings in the village but the 1840 courthouse was not one of them. It was described as an eyesore and a disgrace and there were calls to have a new one built. In August 1863, someone broke into the dilapidated courthouse and stole twenty pounds in cash.

Senior Constable O'Sullivan was quick to detect that Yellow Billy may be the culprit. One piece of evidence left at the scene was a pipe that resembled one that Yellow Billy was known

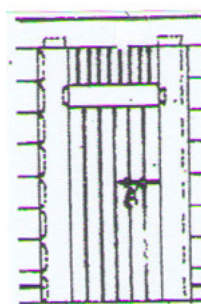


Bushwalkers lunching in front of Yellow Billy's Cave on the Broken Back Range. Photo Greg Powell

to have owned. He was arrested and held in the Wollombi lockup, located at the rear of the courthouse, prior to being sent to Maitland for trial. That trial would never take place.

On the night of 10 August 1863, Yellow Billy set fire to the wooden door surrounds of his cell. The fire loosened the metal bolt and cover. Once out of his cell, he dug through the back of the chimney in an adjoining room and was able to escape.

The people of Wollombi who had been requesting a new courthouse and lockup, now had a new reason to push their case. Yellow Billy's successful escape must have aided their cause. It also showed the folly of having the police station located at a distance from the lockup.



Yellow Billy was an excellent horseman and on the 16th August, after stealing a police horse, he was back in his familiar Howe's Valley located on the Putty Road, an important route to western Sydney and the Blue Mountains. It was here that he performed his first act of bushranging. Armed with a carbine, he bailed up and robbed two drovers who were camped at Reedy Creek. Senior- Sergeant Thorpe of the Singleton police led a party in an unsuccessful pursuit. Meanwhile the Wollombi police under Senior-Constable O'Sullivan, who had been searching for their escapee, gave up the search after being out for a week and covering around 130 km on horseback. When news of the highway robbery reached Wollombi, Troopers Tait and Smithers set out to scour the Howes Valley area, but they too returned after four days, without success. Our colonial lawmen showed great dedication to duty and spent many long days in the saddle in pursuit of lawbreakers.

The year 1863 was a major one in the history of Australian bushranging. Ben Hall, Dan Morgan and Captain Thunderbolt were coming into prominence, but in the Lower Hunter, life was still peaceful. Yellow Billy changed that secure local attitude and now no-one felt safe.

The bushranger struck again in early September. This time he bailed up a traveller near Bulga but Senior-Constable O'Sullivan was soon in close pursuit. After three warning shots, Yellow Billy surrendered.

Once again, Billy was put into the old Wollombi lock-up to await his trial in Maitland and once again he found a way to break out. This time he removed a slab from his cell wall and then climbed the outer fence. His luck soon ran out however, as he was recaptured by O'Sullivan and Smithers before he could reach the cover of the bush.

This time he did reach Maitland for trial, was found guilty of stealing a police horse and sentenced to two years with hard labour. This could have been the end of the story of Yellow Billy, the not so successful bushranger, but more was to come.

After serving two years in Darlinghurst and Bathurst Gaols, Yellow Billy returned to the Hunter and quickly took up his previous trade of robbery under arms. In October 1865 he rode up to Watts's Inn at Warkworth. After at first appearing sociable, even playing a game of quoits, the bushranger demanded money from Mr. Watts and presented two pistols. Watts and others challenged Billy and he made a hasty retreat minus any money. Sergeant Thorpe was soon in pursuit but again Billy vanished into the mountains that he knew so well.

He next appeared at his old employers property of Charlton and stole a racehorse from Mr. Cobcroft. The robberies continued but they were not all committed by Billy. Other minor criminals were mistaken for Billy in real or imagined incidents from Millfield to Mulbring to Cessnock. People were in a panic and Billy took on the new persona as the Millfield Terror.

The real Billy was back in the Wollombi area. He stole a horse from Laguna and then had close shaves with locals who challenged him, even shooting off his hat at an isolated Yango Creek property. Superintendent Morisset at Maitland sent out more troopers but Billy still eluded capture. As if in defiance of the law, Yellow Billy bailed up and robbed travellers



Bushwalkers enjoying the view from near Yellow Billy's cave, looking over the lower Wollombi Valley. Photo Greg Powell

between Maitland and Cessnock soon after Christmas 1865.

In January 1866, the NSW Government put a reward of twenty five pounds on the head of William White, alias Yellow Billy. This made the bushranger go quiet for a while but in mid March he was back on the Putty Road bailing up travellers near Howe's Valley. He then vanished again for over four months, appearing in August in the Wollombi area.

William Brennan was a teenage mail deliverer, who rode the route between Wollombi and Maitland. On 1 August, Yellow Billy bailed him up and ransacked the mailbags and gathered up the bank notes. As in previous robberies, Billy was armed and keen to prove so. This time it was the often-used double-barrel shotgun that faced the nervous mail boy. Young Brennan was later allowed to continue to Maitland to raise the alarm and give a detailed description of the culprit. Yellow Billy, the local nuisance was back.

Once again the mounted police took to the field, with parties from Wollombi and Singleton scouring the countryside for many weeks. A party made up of Senior Sergeant Parker and Trooper Forrest of Wollombi and Trooper Steele of the Singleton police converged on Howe's Valley. On 2 November 1866, the police party came upon the horse stolen from Mr. Doyle of Jerrys Plains, which Billy was known to be riding. The horse was grazing peacefully about two miles from Howes Valley, in the vicinity of Howes Mountain.

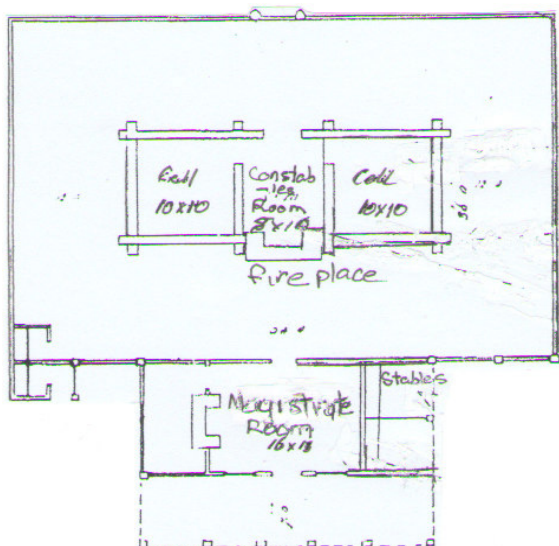
The police trio split up and approached the area from different directions. Trooper Steele was the man to make the discovery of Billy, asleep on a grassy flat. Beside him was a loaded double-barrel shotgun and in his coat was a pistol. Steele covered Billy with his revolver while waiting for Parker and Forrest to come up. Billy remarked that if he had had the chance, he would have shot one of the policemen.

That night, Yellow Billy found himself back in the Wollombi lock-up, but by now the new sandstone courthouse and adjoining cells had been completed. There would be no daring escape this time. He was soon transferred to Maitland Gaol and held in remand during his long trial.

The staggered trial was complete by October 1867, nearly a year after his capture. Yellow Billy was found guilty of committing robbery under arms and sentenced to twenty years in prison. His lawless but colourful contribution to Hunter history now ends and Yellow Billy disappears into the mists of time.

The old Courthouse and Lock-up.

The plan and front profile show a standard design for early lock-ups and courthouses, used throughout NSW c1837, as held in the State Records of NSW. From the newspaper reports of Billy's escapes, it is very likely that the old complex at Wollombi was built along these standard lines.



Plan of Wollombi Court house and lockup 1840-64, from standard Design for Temporary Goal and Courthouse and confirmed by physical description. State Records: Colonial Architect 1837, Reel 2669 X694

The cottage at the front served as the courthouse and was reputedly robbed by Billy on 7 August 1863. Two slab cells were located within a timber stockade at the rear. Between the two cells was a Constable's quarters, with a fireplace and chimney. Billy was placed in one of the cells on 10 August 1863 and soon escaped. *The Maitland Mercury* reported on 13 August that the prisoner had received smuggled matches and burnt the wooden doorpost, which liberated the metal bolt. He was now able to enter the vacant central



The Exercise yard at Wollombi Court House. Photo Greg Powell

Constable's room, which was also apparently locked. Billy bored a hole through the back of the chimney using two iron bars, which lay across the fireplace. It was then an easy matter to scale the stockade fence and run off into the darkness.

By 11 September Billy was back in the lock-up and planning his second escape. We can assume that the fire damage was now repaired or more likely, he was placed in the other cell. It was reported, that he removed a slab from his cell wall, which gave him entry to the vacant central Constable's room. This time the room was unlocked which gave Billy free access to the stockade compound, where he climbed the fence unobserved.

Yellow Billy's Country today.

The people of Wollombi finally got their new courthouse and lock-up in 1866, the year that Yellow Billy was finally captured. The building can be visited today, as the Endeavour Museum, sited prominently on the road junction. It has held the well-presented displays of the Cessnock Historical Society since 1970. It is run by Society volunteers and is usually open daily from 11am to 2pm. and a little later on weekends. It is well worth paying the small entry fee. You can even enter a cell, which probably housed Billy. Maitland Gaol no longer holds inmates and is open for public tours and functions.

The Yango Creek area is a pleasant drive. The line of rustic letter boxes at the Yango Creek Road junction proves that this area is no longer the isolated locality that it was in Billy's time. Finchley Lookout provides views to Mt Yengo in the wild Yengo National Park. It is easy to see when looking over this country, why the police had such difficulty in tracking down the bushranger.

The site of Billy's capture in Howes Valley is probably in the Old Paddock Road area (untrafficable), which follows a valley to the foot of Howe's Mountain.

Yellow Billy's Cave on the Broken Back Range can be approached from the communication towers at the end of Broken Back Road, which starts as Pokolbin Mountains Road at Robyn Drayton's Vineyard. The scenic gravel road winds up through rural countryside and into Pokolbin State Forest. The road is usually suitable for 2WD vehicles though there may be some rough bits after rain. There is a great feeling of remoteness up on the sandstone escarpments of the range, yet you are in close proximity to the Hunter vineyards, one of Australia's most visited areas.

From the towers on the 592m Broken Back



*Partly hidden entrance to Yellow Billy's Cave photo
Greg Powell*

Mountain, the trackless escarpments can be followed in a northwest direction for about 2km. Always close at hand are the magnificent Hunter Valley views. On the Broken Back map is a valley called Calf Pens. The cave is along the southern escarpment in this valley.

Now, most areas in Australia have a fabled bushranger's cave but this one is different. It has actually been lived in. It has a classic yawning mouth, half of which has been blocked off with large sandstone slabs to form a windbreak. Behind this, a natural chimney hole would make an internal fire easy to build but hard to detect. The view from the entrance is north-westerly towards the village of Broke.

Perhaps Billy used this cave during his long periods of inaction. It is certainly in the centre of his territory. This is wild country and perfect for his concealment. We will never know, but up in the high gorge it is easy to imagine that you are in bushranger country.

The Author. Greg Powell is a keen bushwalker with an interest in historic walks. He has written four books on bushranger sites.

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Ramsays Leap, who was Ramsay?

Elizabeth Roberts

The spectacular convict-built retainer wall known as Ramsays Leap commemorates a prisoner of that name who escaped in March 1854 at that spot. As Paul Budde wrote

This event eventually led to a court-case in 1855 where the chief constable who was responsible for the transport of this convicted man from the Macdonald River to Wollombi was investigated for deliberately allowing the man to escape. The Magistrates Messrs. Wiseman and Lindsay dismissed the case, pronouncing it to be a 'trumped-up affair'.

But further investigation now that the appropriate years of the *Maitland Mercury* are searchable online reveals that there was probably more trumped up about this whole case than just that incident. It is possible the initial charge of horse theft was also trumped up.

The first mention of William Ramsay is as the publican of the 'Freugh Arms' on the Maitland road within the Singleton police district. It appears 'Freugh Arms' was on the Singleton Maitland Road at New Freugh which was the property of John Crichton Stuart M'Douall, J.P the son of the Rev. Wm. M'Douall, Vicar of Luton, and Prebendary of Peterborough; and great nephew of the late Patrick M'Douall Crichton, fifth Earl of Dumfries¹; all references to New Freugh appears to have disappeared off the maps. William Ramsay also owned the 'Maitland Hotel' at West Maitland and a house in Singleton where his wife and their five children lived. It appears in January 1854 he sold the inn

at New Freugh and withdrew £732 from the bank in Maitland and the *same evening that he drew out the money he eloped with a daughter of the man to whom he had transferred his inn.*²

It would appear this action triggered a charge of horse stealing as it was a constable from Singleton, Thomas Giles, who chased after him and eventually arrested him at the Colo in the Windsor Police district. He was being brought



Wall and culvert lip at Ramsays Leap showing sheer drop



Ramsays Leap Photo Gillian James

back to Singleton via the steamer to Maitland. Thomas Giles, a constable of the Singleton district took him handcuffed on board the steamer in Sydney but when it did not depart due to a bad storm he did not return him to the lockup but stayed on board hoping it would sail. Having watched him all night he fell asleep for a few minutes towards morning having not slept for the previous several nights. When he woke Ramsay had absconded and Gill was charged with negligence of duty. Eventual he was reprimanded only and fined fifty shillings³.

There is no mention of the young women Ramsay eloped with but he was carrying a double-barrel pistol, a watch, and £732 in money, the money he taken from the bank before he left⁴.

Meanwhile his wife Eliza advertised

Caution. ALL PERSONS are hereby CAUTIONED' against PURCHASING or ADVANCING MONEY upon the LANDED PROPERTY in West Maitland, on which stands the Inn formerly occupied by Mr. William Nicholson, now occupied by Mr. William Drew, and known by the-sign of the MAITLAND HOTEL, as I hold the deeds of the said land, and will not give them up to' any person-my husband, William Ramsey, having Absconded, leaving me with five children to provide for. ELIZA RAMSEY. Witness-Thos. Williams. Singleton, 9th Feb., 1854. 667⁵

Meanwhile William returned to New Freugh and probably was staying with Samuel Teas. Samuel, claiming he had permission, advertised the Maitland Hotel for sale. It was a substantial brick building and no rough way side inn. Eliza again advertised he did not have permission to sell it. Then William was seen at the New Freugh pound sale and was nearly captured except for the intervention of Samuel Teas⁶. The Police again took off after him and it was after this that he was captured a second time and escaped by leaping over Ramsays Leap. The paper wrote

It is stated that Ramsay, who recently escaped from one of the Singleton police at

Sydney, and who it was stated had come up to this district, and had got safely off to sea again, was last week apprehended at the Macdonald River by the Wollombi chief constable and another constable but on the way from thence to Wollombi succeeded in escaping from them by jumping down a precipitous descent, being imperfectly handcuffed at the time.

Questions were asked as to why he was allowed to escape.⁷

Ramsay obviously had friends as in July an agent applied in the supreme court on his behalf for the money that was confiscated from him on his arrest. The judge found for the plaintiff when he was in the position to claim the money. By August the case was back in the supreme court Ramsay having been detained. He was arguing that he was now entitled to have his money returned. This time the court reserved Judgement⁸. The outcome of the initial horse stealing charge has not been found. What ever the outcome, in September 1854 it appears Eliza left Singleton as there was an advertisement for an auction sale at Mr Ramsay's residence in Singleton of household furniture, horses, pony etc.

The final court case arising out of the escapes took place in Wollombi in on a very hot day in early February 1855. In this case Henry Blake the ex constable accused the Chief Constable of deliberately providing opportunities for Ramsay to escape. It is not stated but reading between the lines it appears it was though the court case was Blake attempting to get retribution for the loss of his job. The magistrates Wiseman and Lindsay dismissed the case *pronouncing it at the same time to be a trumped up affair, unworthy of the least degree of credit*⁹.

1. *Maitland Mercury* 25 May 1850; 23 April 1853.

2. *Maitland Mercury* 8 July 1854

3. *Maitland Mercury* 8 February 1854; 15 February 1854;

4. *Maitland Mercury* 15 February 1854

5. *Maitland Mercury* 11 February 1854

6. *Maitland Mercury* 22 March 1854; 25 March 1854; 15 March 1854

7. *Maitland Mercury* 29 April 1854

8. *Maitland Mercury* 8 July 1854; 2 August 1854

9. *Maitland Mercury* 7 February 1855

Wollombi Court House

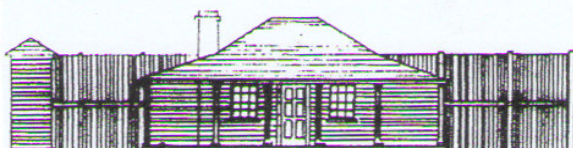
Elizabeth A. Roberts

Under Thomas Mitchell's plans for the Hunter Valley the permanent Wollombi Courthouse would have been a glorious edifice at the junction of the two most important roads in the Hunter valley. Unfortunately for Wollombi by the time the current Court House was built in 1866, the police magistracy wanted a courthouse that did not leak every time it rained and residents just wanted a gaol that would contain prisoners without letting them break out, so no one complained when the government funded only a very much modified version of a standard court house.

In 1839 as there were no permanent residents suitable to be appointed as voluntary magistrates the government appointed David Dunlop as the Police (paid) Magistrate for the Wollombi. He had initially been appointed to Penrith where the locals had decided the voluntary magistrate should be appointed as a paid magistrate. The appointment of an outsider was greatly resented and the government solved the problem by moving Dunlop to Wollombi and leaving Penrith with only voluntary magistrates¹.

When Dunlop arrived in Wollombi the only government building was an old hut (the surveyors dwelling) left from the road gang days and totally unsuitable as either accommodation or a court house. Dunlop solved his accommodation problem by buying land and building a house out of stone quarried out of the hill the house is built on, using the space formed to create cellars. The court house problem was over come by the construction of a temporary court house and gaol. It is likely this building was built to the standard plans for Temporary court houses. It was only three months after Dunlop's appointment that tenders were called for the construction of the temporary court house. But it was a few months before a suitable tender was submitted².

This temporary court house served for over twenty five years and was certainly passed its use by date by the end of its life having been repaired numerous times and had Yellow Billy the bushranger break out of the lock up twice.



Drawing of a weatherboard temporarily court House looking like a cottage with 3 meter timber stockade behind surrounding the goal yard. From descriptions this is what was built in Wollombi in 1840. NSW state records R2660

A description of the building as it approached the end of its life tells us what it was like. The court house and lockup were inspected by the clerk of work in 1857 who described the court house as being an old weatherboard cottage containing a courtroom 15ft 10 inches by 14foot 5 inches and a 9 foot high ceiling with a veranda at front and store room 7foot by 14 foot 5 inches at one end and a shed for the Magistrates horses at the other end of the building. It had a plaster ceiling and a shingle roof. Behind it was the police lockup which was built with logs and contained a Police or Keepers room 8 foot by 10 foot and two cells each 10 foot by 10 foot and 8 foot ceilings. There was a brick chimney in the keepers room and a 10 foot high fence round the lockup. Many shingles and some of the ceiling plaster was replaced in 1858 but by 1863 the building was described as in a dangerous state with water pouring through those shingles that had not been replaced and plaster falling from the ceiling. By now the lower sawn timbers were rotting, and the goal had been escaped from³.

It was decided a new building was needed. The Government Architects department drew up plans in 1864 which they costed at £1750⁴. This was included in the government estimates and voted for. Then contracts were let the lowest coming in at £2334, contracts were again let but they were still no lower. This then sat until Joseph Echford the local member of Parliament wrote in February 1866 asking what had happened to the court house. Much reduced new plans were hastily drawn up and let to tender. This time the tender came in well under the voted estimates⁵. The successful tenderer was Thomas H Wright of Maitland with a tender of £1258/-/. The description of the building matches what is currently extant. The only difference being the exercise yard that was built later. Initially the entry/exit to the exercise yard was the entry to the police department. The other two rooms in the Court house with their private external entrance were the Magistrates room and the clerks' rooms. There was no room for the jury to retire to and no room for the legal council. The current building was built in 1866 by Thomas H Wright of West Maitland.

Despite galvanized iron roofing having been available since 1858 the new stone court house was to have a shingle roof, floors of wood except for the cells where the floors were to be cemented. The internal walls were to be of brick, but Thomas Wright could not get brick makers to come to Wollombi, so he requested



Wollombi Court house built in 1866 of locally quarried stone, the 1890s exercise yard is visible at the side. Photo E.A. Roberts

permission to use stone throughout and sent a sample of the stone from a quarry in Wollombi to Sydney for inspection⁶.

It appears one of the first inmates of the new lock up was Yellow Billy who had escaped so readily from the original lockup.

In 1898 the fence round the prisoners yard was installed and entrance to the lockup altered to the police house side of the court house.

Because the contractors in 1864 all quoted far beyond what the government architects had calculated it would cost to build the court house at Wollombi, Wollombi ended up with a much reduced not traditional courthouse. Traditionally court houses were designed to demonstrated the importance of the justice system and to separate the justices from coming in contact with the prisoners accept across the courtroom. At Wollombi if the keeper got his timing wrong or the Judge was slow in entering the Judge and the prisoner could have met as they walked into court - a much inferior courthouse design. From the price the redesigned court house was eventually built for in 1866 it appears the Government architects were about right in their 1864 estimates of building costs.

1. Appleton, Barbara. Early Building of the Convict Trail Mulla Villa. in *The Pick Volume 4 2006*
2. Appleton, Barbara op cit; *Government Gazette*; 19 February 1840; 29 April 1840.
3. State records NSW 2/629 Wollombi Court house and Watch House 1857 60; 1863- 1866
4. State records NSW 2/629 Wollombi Court house and Watch House 1857 60; 1863- 1866 Plans.
5. State Records 2/629 Wollombi Court House records.
6. ndpbeta.nla.gov.au/ndp/del/article/786660; State Records 2/629 Wollombi Court House records

Rejection of Authority.

**Jonas Morris Townshend v Magistrates David Dunlop & Benjamin Sullivan.
Carl Hoipo**

Benjamin Sullivan was Wollombi's second Police Magistrate following David Dunlop in 1846. On his arrival, he was welcomed by a local delegation, and was read a welcoming address by Jonas Morris Townshend¹, a prominent personality of the district. Over the next year, Sullivan was involved in dealing with a messy matter between Dunlop and the local Clerk of the Court, and suffered an attack by Townshend in the form of a petition calling for his dismissal, to which he responded to by seeking support from some local notables, and on another matter several years later, Sullivan sued Townshend for slander.

It is easy to think of the society of early NSW as a large number of convicts, with an army unit and police and an administration to keep order, and convicts who had served their time taking up land, employing convicts still doing their time plus a few free settlers.

The few free settlers who did come must have been a really outstanding group of people. We have seen from the migrants who arrived here after WW2 how some extremely highly motivated people can succeed in a new society. Perhaps the most outstanding example is Frank Lowey,

who arrived with very little financial and now is one of Australia's richest men, heading the Westfield organization. There are many more similar examples. It seems that many of the first free settlers may have had similar qualities and were quite prepared to take action to remove people who they saw as obstacles to them reaching their objectives. The Rum Rebellion is the obvious very early example, with Governor Bligh being removed, and this must have set an example and helped to set an attitude towards authority by the upper class in the early days of the Colony. The troubles between Townshend, Dunlop and Sullivan can be seen as a local Wollombi example of these attitudes.

When Sullivan was gathering support for himself in the Wollombi community, he obtained letters of support from the local doctor, William DuMoulin, the local shopkeeper and correspondent for the *Maitland Mercury* Michael Byrne, and the publican John McDougal.

Among other comments, these people described Townshend
as a *dangerous man* (with a) *most turbulent and uncontrollable obstinate*

temper... Some three years ago I treated Townshend with Epilepsy. He is periodically suffering under that disease to the present day. Its recurrence are accelerated by intemperance ... DuMoulin²

..., J. M. Townshend is known to me for 18 years of intemperate habits and has been expelled from the Court House of Patricks Plains some years back, and latterly the Court House in this township (Wollombi) for grossly insulting the Bench...John McDougal³

...When you Sir, arrived in the Wollombi, you found owing to the gross misconduct of your predecessor in office (Dunlop), this Court House more like a beer garden, than a court of justice, a place where the crowds swore, laughed and talked aloud as they listened. You introduced proper discipline by operating in a gentlemanly manner, the dignity of the bench, by endeavouring to repress overbearing insolence of language and demeanour in its presence and in thus doing your duty you offended the petitioners and great Agitator of the district who had to obey an order in the court, to be repeatedly removed to the outside by the constables. This gentleman who professes the faculty of scribbling in an eminent degree has since vowed openly that he would harass the Executive with complaints and petitions against you until he rooted you out of office ... Michael Byrne⁴

Townshend had been the owner of a large property in the locality known as Owendale in recent times, about five kilometres south of Broke on the east side of the Brook, but had lost this. This could have been because of his mental state, or due to the depression of the early 1840s when many individuals suffered insolvency.

Not long before Sullivan's arrival in Wollombi, there had had been a commotion in the town when the stone mason engaged to build the new Anglican church had engaged in a fight with the occupant of a building which had to be demolished to make way for the new church.

This was reported in the Maitland Mercury as *From about four o'clock in the evening of Friday week, until nearly the same on Tuesday last, our post office exhibited such a state of disorder as has seldom been witnessed within the walls of a public establishment, and which unrestrained riot, while it furnished cause for mirth to the thoughtless part of our community, could not be regarded otherwise by the sober-minded*



St John's, Anglican Church Wollombi built in 1849. Designed by Edmund Blacket it demonstrates his excellent command of small-scale architecture. Photo E.A. Roberts

inhabitants than with feelings of unmixed indignation. On calling there for our letters on last Saturday night, after the arrival of the mail, the office presented the appearance of a wreck. We observed the window shattered, the outer door gone altogether, and other signs of recent tumult; and we also remarked that the duties of the office were performed in a small inner apartment, while the large outer room, where such business had been usually transacted, was in possession of Mr. Galway, the contractor and mason to the church now in the course of erection, between whom and the watch-house keeper who resides here a struggle for possession had taken place, and was continued with little intermission until the above mention hour. It may be necessary, for the reader's information, to state that the present post office was originally a road party hut, and that it has now become church property, as it stands upon the acre which has been lately granted as a site for that building⁵.

On the following Tuesday Dunlop ordered that Galway be evicted, and imprisoned in Newcastle until he paid a fine.

Two letters were published in the Maitland Mercury soon after this event, firstly from Dunlop accusing Michael Byrne of having a mendacious character (being a liar) in his reporting of the event, followed by a response by Byrne defending himself⁶.

It would seem that Galway engaged legal assistance from Maitland which Dunlop found embarrassing, because we find Sullivan's first business in the Court dealing with a complaint by Dunlop against the Wollombi Clerk of Petty Sessions, G.O. Weston, who Dunlop accused

of providing information to assist Galway, but which had actually been provided by Townshend, as the following article shows:

Public Investigation. — During the early part of last week a rumour gained circulation here that several charges had been forwarded to government by David Dunlop, Esq., J.P., against Mr. G. O. Weston, clerk to the petty sessions of the district, and that these charges had been subsequently sent to B. Sullivan, Esq., our police magistrate, for investigation before the bench. This report caused a good deal of excitement, yet from the well known correct habits of Mr. Weston, it did not for a time gain much credence until Thursday evening, when the arrival from the Macdonald River of the police Magistrate and Mr. Weston gave this report a strong degree of confirmation.

On Friday morning the court-house opened at the usual hour, when every available part was soon occupied by the people, among whom we noticed all the influential inhabitants, both from the immediate and distant parts of the district, many for want of room within, remained standing outside; while all appeared anxious to witness an inquiry which might possibly affect the interests of a gentleman whose rectitude of conduct during his residence in the Wollombi had won their esteem and confidence. About ten o'clock B. Sullivan and R. A. Rodd, Esqrs., took their seats on the bench, and were about proceeding to business, when a formidable obstruction to its commencement presented itself; the desk containing all the public documents was



Mulla Villa, David Dunlop's 1840's sandstone House, set into the rise beneath the nearby hill side. He had this house built when he moved to Wollombi as its first Police Magistrate. Photo E.A.Roberts

locked, and Mr. Dunlop held possession of the key, which he refused to deliver to a constable who had been sent by the bench to his residence for that article. After a short deliberation between the magistrates, the constable in question was called and sworn to the fact of the refusal to deliver the key by Mr. Dunlop. The bench then ordered a blacksmith to be sent for, who broke open the desk in the presence of the bench and the assembly. A selection of the public documents from the private papers of Mr. Dunlop took place under view of the magistrates, who ordered the chief constable to carefully collect and seal up all Mr. Dunlop's papers, which was immediately done in the presence of the court. When these somewhat unusual but necessary matters were adjusted, the police magistrate stated that Mr. Dunlop had been requested to attend the court in order that he might support his allegations, but that he had declined the invitation to be present at the inquiry.

The bench then called upon Mr. Weston, who immediately appeared, when the police magistrate stated to him the nature of the court and its duties, with some other preliminary observations of form; after which his worship read aloud the charges. They were as follows: —

1st. Having without the authority, direction, and consent of David Dunlop, Esq., the presiding magistrate, to gratify his own personal feeling, in making himself a party to the bringing of an action against that magistrate, acting singly, in the discharge of his public duty, furnished Joseph Chambers, Esq., solicitor, of the township of Maitland, with a copy of certain depositions, taken before him, the aforesaid justice, in the case of Thomas Howe versus Phillip Galway, for forcibly taking possession of a dwelling-house in the township of Wollombi.

2nd. With obliterating, without the knowledge or authority of David Dunlop, Esq., the presiding magistrate, three lines, and part of a fourth, in certain depositions, taken on the 4th day of December last past, in a case of Edward Clarke versus Thomas Howe.

3rd. Neglect in not keeping with certain depositions against a prisoner of the crown, named Cullen, charged with absconding from assigned service, a pass given by the son of the assignee of the prisoner, dated 15th January, 1846; and when called upon to produce the said pass, searching every improbable place, with the view of frustrating justice, to the injury of the said Cullen, his wife, and children.

4th. Grossly improper and insulting language and manner to him, the said David Dunlop, Esq.J.P.

The police magistrate having read over the charges, which caused a deep sensation in the court, he acquainted Mr. Weston that the court was ready to hear his defence.

Mr. Weston then addressed the bench on the subject of the first charge, and strongly denied having ever furnished Mr. Chambers, or any other person, with copies of depositions. He flattered himself, he said, that his character always prevented any solicitation from any person, for such a purpose. After a few more observations a letter from Mr. Chambers was put in and read, in which that gentleman declared that he never had any communication, verbally or otherwise, either directly or indirectly, with Mr. Weston on the subject of the case of Howe versus Galway. Mr. Weston then called upon Mr. J. M. Townshend, who deposed that he was in court when the said case was heard before the bench, and that he took full notes of the whole proceedings; copies of which, in his own handwriting, he sent to Mr. Chambers by Mr. P. Galway, and that he (Mr. T.) had received no assistance whatsoever in the matter from Mr. Weston.

Dunlop had made other charges which claimed Weston had shown lack of respect to him. The newspaper report concluded

We are sorry we cannot for want of notes report all he said, but the concluding part of his address made an impression upon us and others not easily forgotten: "He appealed," he said, "to all the respectable inhabitants of the district to testify to his exertions, often and urgently made, to heal up the unhappy differences which had too often arisen between them and Mr. Dunlop, and also to his keeping aloof from every public movement against him when he could no longer be useful as a mediator." The bench of course expressed no opinion on the inquiry, which had occupied their attention for nearly seven hours.

As this enquiry took place publicly, we think it due to the parties principally concerned that the Governor's remarks thereon, when received, should obtain equal publicity.⁷

The Governor's remarks in response are not on hand, but Weston went on to work at the Wollombi Court for a few more years in responsible positions.

By June 1848, Sullivan was under direct attack from Townshend and a group of associates. In

a formal submission to the Governor, it was firstly submitted that Sullivan was using the local police on matters of a personal nature, such as searching for his wife's lost cattle and transporting furniture from one residence to another, rather than on normal policing duties, and

That there is a glaring and frightful excess of immorality unrepressed of which Your Excellency's Petitioners can adduce numerous instances.

That Your Excellency's Petitioners complain of the Police Magistrate in putting forward his son (a youth totally unqualified) to act as agent for the suitors before him (Dunlop had done the same), and that in so acting before the Bench he has been permitted grossly to insult the most respectable individuals in the Court. That these and similar circumstances convince Your Excellency's Petitioners of the uncontrollable power of a Police Magistrate over the constabulary being most injurious to the public interests⁸.

As mentioned earlier, Sullivan went to some of the prominent members of the community, but notably not the large local landowners the Wisemans, Crawfords etc, for support.

DuMoulin stated *I have known him (Townshend) as a pauper subsisting for about two years upon public charity. When in the most abject state of poverty I have known him on friendly terms with Major Sullivan and was the framer and presenter of a congratulatory address to that Gentleman on his appointment to the district. The circumstances of his presuming on the duties of the Police Magistrate created an ill feeling on his part and subsequently threatened that he should break the present Police Magistrate as he had done his predecessor. I have observed on two occasions that his conduct was so insolent and offensive before the court that the Bench considered it incumbent to have him removed by Constables⁹.*

McDougal stated — *All these six individuals I can state to be instigated through bad feelings towards the police Authorities, and being headed by so powerful a writer as that of J. M. Townshend can not fail in moving the police magistrate from his office and causing great injury to the districts¹⁰.*

Byrne stated *Before I attempt to execute your commands allow me to say that on looking over this petition I am convinced from newspaper report that it is an exact copy of another which the member for this county presented lately to the Legislative Council with an hundred signatures and which petition that gentleman, in the same*

place, and in a few days afterward declared to be a fabrication, that its allegations were untrue, and the major part of the signatures forgeries, and that he himself had been imposed upon ... My knowledge of all matters connected with this district where I have resided for the past 22 years and in the welfare of which I have good reason to feel a deep interest, this along with my regular attendance at court as a newspaper reporter enable me to say unhesitatingly that the charges are one and all absolutely false...

I beg to say in conclusion that I am apprehensive you will yet receive much annoyances from the unprincipled scribbler, to whom I have adverted, I have known him for the last 20 years. He has squandered by lawsuits and intemperance, a considerable property which he once held in the district and for some years past, he has solely subsisted by enacting the part of what is termed a 'Bush Lawyer' — a writer of petitions and whatever he can procure from the charitable as a decayed gentleman.

He is in brief — I must say it in justice to you Sir and the public, the pest of our otherwise peaceful community, — from whose machinations, I sincerely hope His Excellency the Governor will protect you.

The final part of this story is that in 1853 Townshend wrote to the Colonial Secretary, Edward Deas, charging that

Benjamin Sullivan, in his capacity as a magistrate at the Wollombi — namely, that the wife of Benjamin Sullivan, with the privity of her husband, accepted a bribe of £4, in order to compromise a charge of arson ...

that Sullivan drank to excess with his chief constable, and acted improperly in issuing liquor licences.

Sullivan responded to this with a libel suit which was heard in Maitland before a jury of 12, in 1855. In the judges summing up of this case, he instructed the jury that they had to decide on two points. Firstly did the defendant write the letter. On this the decision was "set prosepus" and each party was to pay their own costs. Secondly, was it libel. This was found in favour of Sullivan, and Townshend was ordered to pay costs for both, but no penalty was ordered.

1. *Maitland Mercury*. Feb. 10, 1847.
2. Transcript of letter on file at Wollombi Museum.
3. Transcript of letter on file at Wollombi Museum.
4. Transcript of letter on file at Wollombi Museum.
5. *Maitland Mercury* 30. 10. 1846
6. *Maitland Mercury* 19. 11. 1846 & 3. 12. 1846
7. *Maitland Mercury* 7 March 1847.
8. Transcript on file at Wollombi Museum.
9. Transcript on file at Wollombi Museum. Same as reference 90
10. Transcript on file at Wollombi Museum. Same as reference 91

The Scandalous Jonas Morris Townshend

Elizabeth A. Roberts

Who was Jonas Morris Townsend?

He was the second son of Richard Townsend of Shepperton in the Parish of Castlehaven in the County of Cork Ireland. His father was landed gentry. Jonas known as Morris married his cousin Mary Somerville. Her father was Thomas Townsend Somerville of Drishane, Castle-townshend County Cork. Apparently Morris was an epileptic and the black sheep of the family so her family disapproved strongly of the marriage. His younger cousin Judge John FitzHenry Townshend wrote

I could tell you many a thing — indeed I could write a book - concerning things I have heard about Morris, Richard's brother, who was very handsome and an awful scamp. He married Mary Somerville of Drishane. Tom's sister. Everything was done to prevent it for all knew what he was. Her mother never again saw her and I believe never forgave her. They went to Australia...

Morris' brother John Henry and Mary's brother Morris Townsend Somerville (known as Townsend) together with Captain Emmanuel Hungerford

In the Insolvent Estate of Jonas Morris Townshend, of the Wollombi, New South Wales, gentleman.

WHEREAS the Estate of Jonas Morris Townshend was, on the fourteenth day of September, 1848, placed under sequestration by order of His Honor Mr. Justice Dickinson, I hereby appoint a single meeting of the Creditors of the said Insolvent to be holden before Edward Denny Day, Esquire, Commissioner of Insolvent Estates, at Maitland in the said Colony, at the Court House, on Monday, the ninth day of October next, to commence at eleven o'clock in the forenoon, for the proof of debts against the said Estate, and for the collection, administration, and distribution of the same, and unless at the said single meeting it be shewn that the goods and effects of the said Insolvent exceed £100, the said Commissioner will summarily proceed to rank the debts then proved and will direct the proceeds to be distributed by the Official Assignee accordingly. — Sydney, 30th September, 1848.

WILLIAM A. PUREFOY.

Chief Commissioner of Insolvent Estates.

Official Assignee—CLARK IRVING.

1118

3s. 6d.



*Shepperton,
Jonas Morris Townshend's grandparents home
near Skibbereen County Cork Ireland.
Photo reproduced with permission from
shayol.bartol.udel.edu/townsend-tree/php/scrapbooks*

migrated to NSW arriving in May 1828. John had funds from his father to take up land in NSW and Mary's brother was to act as manager for the Hungerfords. Six months later they were followed by Jonas Morris and Mary Townshend. John Henry had taken up a grant of 640 acres on Wollombi Brook through which Great North Road passed at Barneys Creek south of Broke. Jonas Morris took up 2560 acres on the Goulburn River but employed a manager to run it, whilst renting land near his brother property at Barneys Creek.

They both would have witnessed the Great North Road and the bridge at Barneys Creek being built. On the combined property they ran cattle and cultivated wheat, maize and tobacco. Townsend Somerville, left the Hungerford's, fell ill was nursed back to health by Mary then apparently purchased the Goulburn River grant

from Jonas Morris.

The *Government Gazette* of 1838 shows the deed for land promised to Jonas Morris Townsend being granted to Morris Townsend Somerville. In January 1836 Jonas in supposed to have bought the Broke lands from his brother John Henry who returned to Ireland but the name of the deeds is T Somerville. The land transactions have not as yet been researched but from the stories told about him in Wollombi it would appear he lost the lands to brother in law.

In 1847 Jonas inherited a further £500 from his father estate but in 1848 he was declared bankrupt. It would appear he had not yet received his inheritance or was clearing his debts before he did as the *Maitland Mercury* reported Jonas Morris Townshend of Wollombi Gentleman had debts of £114/1/10d and had assets and personal property worth £17/6/-, with Debts Due £2/-/- giving a deficiency of £94/15/-. From the £2/-/- due him it appears he was already supporting him self by journalism. He was later to be manager of the national school at Laguna and then lobbied for a post office, his daughter being the postmistress till in 1872 she married Charles Albert Boulton. Her mother Mary Townshend then took the position before she joined her brother in Moonee Ponds, Port Essendon, Victoria.

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Maitland Mercury 1848 @1102nla.gov.au/recource 79513658-08ea-4a00-90fd-ab8cc4a2cb10
NSW BDM
Hoipo, Carl Rejection of Authority, *The Pick* Volume 6

Crimes along the Great North Road

Elizabeth A Roberts

Cattle stealing was one crime that was rife in the colony in the early nineteenth century, and the Great North Road saw it share.

For unscrupulous people cattle stealing was easy and many small squatters were thought to have obtained their flock or the majority of their flock by means other than purchase. On the outer fringes of the nineteen counties and beyond land was not fenced and cattle roamed at will. In places like the Hunter Valley many of the large stockholders did not live on their land where they ran their herds. As the bulls were running with the cows there was not a calving season and calves were born all year round, this meant that by branding time each year some calves were more than old enough to have been weaned. In isolated areas it would not have been difficult for unscrupulous people to cutout some cleanskin calves that were big

enough to be weaned and take them where they were unlikely to be heard bellowing for a few day then brand them with their brand.

Unless the calves had distinctive markings and the owner knew his cattle very well it would have been nearly impossible to prove unless they were seen doing it.

Other thieves were more daring and took greater risks. One was John Peter Thornton who purchased 83 head of cattle from W.C.Wentworth, he came to some arrangement whereby the cattle were left running at Wentworth's for a couple of years whilst Thornton collected the progeny. Wentworth's property *Windermere* was on the Hunter River north east of Harpers Hill. Thornton did not only collect his own progeny

but some of Wentworth's cattle as well. When Wentworth sold Thornton the heifers they were branded WCW. To distinguish which he had sold, Wentworth had the cattle he sold to Thornton branded MT as well, this being Thornton's brand. Thornton in a pretence of removing his stock also helped himself to more of Wentworth's cattle which he quite openly drove through Wollombi down the Great North Road and grazed on unclaimed land at Murrays Run. This land was probably part of Richard Wisemans holdings, he had purchased Andrew Murrays land in 1840 and was bankrupted by December 1845¹. These cattle Thornton sold on to numerous people giving them receipts.

When Thornton was caught selling John Shanahan's cattle that he had stolen and driven to Sydney via Wisemans Ferry wily W.C.Wentworth advertised in the newspaper claiming that anyone who had bought cattle with his brand from Thornton would be charged as knowingly receiving stolen property if they did not come forward by a certain date. Enough did and Thornton was charged and sentenced to six years work on the roads or public works. In the fifth year of his sentence it appears he or his namesake was a constable in the Binalong police and appeared in the Goulburn Court giving evidence in that capacity².

In another daring theft three men killed a yearling calf and offered some of the meat to the nephew of the owner of the calf killed. The nephew who had come upon them in bush recognized one of the cows, the mother of the calf that had been butchered from the fuss she was making, and went back later to look for the skin and head to check his suspicions that the men had killed his uncle's beast. After much searching he found the head hidden in a gully with distinctive marking and the men were charged.

The Maitland Mercury has other cases of men round the area being charged with killing

beasts they did not own. Two timber-getters hid the meat in a barrel in their fowl yard, another quite openly still had the skin the evening he had killed.

Another person who was involved in Cattle stealing and had an attachment to the Great North Road was James Warner the rebellious son of Jonathan Warner. In May 1840 he was sentenced to one year in Newcastle goal for what in one report was described as cattle stealing and another as horse stealing. In October 1841 he was again before the courts for cattle stealing this time he was admitted as an approver and dismissed with a caution⁴. After this he disappeared for many years.

Another Great North Road notable who became involved in the cattle stealing problem was Percy Simpson. It is Percy Simpson who is accredited with first suggesting the system of unique registered cattle brands. In 1839 he suggested,

that public registers of all brands should be kept, care being taken that no two persons were supplied with the same brand, and that each successive owner of a beast should be required to brand on a particular part-the first owner on the near shoulder, the second on the near buttock, and so forth, so that an inspection of the brands, and a comparison of them with the public registers, would show the names and other particulars of all the successive owners⁵.

His plan was not immediately accepted but in 1845

a select committee of the Legislative Council appointed to enquire into and report upon the working of the Slaughtering of Cattle Act ...recommend the adoption of the system of branding laid before the former Legislative Council, in 1839, by Mr. Percy Simpson,

In 1834 in an attempt to deter cattle thieves the Act for regulating the Slaughtering of Cattle was introduced. The Act introduced the licensing of all slaughtering places except for home consumption. The fines for non compliance was a massive £10 (\$20) per beast where a Licence cost only 2/6 (25cents) but were for specific locations. Butchers were to keep a record of the stock slaughtered including their brands. They were to give twelve hours notice of when they were going to kill or produce the skin, the fine for non compliance for either activity was £5/-/. The registers of cattle slaughtered were to be lodged with the local magistrate. The penalty for not producing skins or saying to whom they were sold was £10/-/ which was also the penalty for tanners purchasing skins with the brands defaced or for



Two branding irons found under overhang in Dharug National Park 1999. Thought to be Samuel Paley's

Photo Sarah Brooks



destroying a brand. Cattle were not to be killed in a town, unless it was within 60 feet (20 meters) of an accessible creek or river, or high watermark. Justices, or Constables acting under written orders from any Magistrate could order that the slaughter yard (called Shambles in the act) be cleaned. It also stated any person firing at cattle in any road, town or shamble, shall be fined £5, or imprisoned one month⁶.

Despite the act having been in place for over ten years letters were sent to the Editor of the *Maitland Mercury* complaining about the continuing problem of cattle theft and the slackness of some inspectors of slaughter houses⁷. The same newspaper also reported:

Unbranded wild cattle have also of late been driven into various stockyards in the bush, and when next seen had fresh brands on their sides, although two or three years beyond the legal branding age⁸.

This may well be what Samuel Paley farmer of Ten Mile Hollow and his friend John Ferguson of Mangrove creek and were doing. In 1846 Samuel Paley was called as a witness in case where John Ferguson accused David Cross of stealing cattle at Hungry Flat and killing a heifer belonging to John Ferguson. As the jury were unable to reach a verdict case was discharged with out a verdict but in 1999 in a rock overhand in the National Park were found some old tools and two cattle brands SP and JP. Hiding them in the bush and not having them near the house alludes to illegal activities. David Cross was listed as Butcher of Wisemans Ferry when he was declared in solvent in September 1845 with a deficiency of £348/8/- between debts and assets⁹.

In 1845 a select committee of the Legislative Council was appointed to enquire into and report upon the working of the Slaughtering of Cattle Act, they recommended that persons driving stock from one place to another should obtain a passport to do so, such a passport would list the stock and their brands etc. they also recommended

the adoption of the system of branding laid before the former Legislative Council, in 1839, by Mr. Percy Simpson, the substance of whose plan was, that public registers of all brands should be kept, care being taken that no two persons were supplied with the same brand, and that each successive owner of a beast should be required to brand on a particular part-the first owner on the near shoulder, the second on the near buttock, and so forth,

so it would be possible to trace the ownership of a beast from the succession of brands¹⁰.

The Great North Road may not have carried

the traffic it was designed to carry but numerous head of stock used all or part of the road to Wisemans Ferry and on to Sydney. From the first issues of the Government Gazette in 1836 there reports of stock impounded. In September 1836 John MacDougal was appointed pound keeper at Wollombi in place of Patrick Doolan who had been the pound keeper since 1829 and resigned just two months before he died aged 55 years. From the list of cattle in the Government Gazette and advertisements in the Sydney Gazette the stock in the colony was very mixed lot and from the descriptions of stock with the same brands owners did not keep to one breed. The fees paid for the return of impounded cattle depended where they were found. If found on unfenced pasture there was a minimum fee, if found in well fenced pasture the fee increased and high fines were imposed if the stock had got in to crops or gardens that were well fenced. The scale show here was still much unfenced land. The advertisements including the cattle brands show that drovers were not as careful as they could have been as stock with the same brands can be found at consecutive pounds in the same month. The standard fence in the 1840s and 1850s was a post and rail fence, these took a lot of physical work and time to build¹¹.

The problems of illegal slaughtering are not confined to the nineteenth century, in late 2007 early 2008 someone illegally slaughtered two beasts and disposed of the guts and skins in the convict well at Maroota, unlike their counterparts of old, modern metropolitan police are not interested in illegal cattle slaughtering. Cattle theft was a major problem in the mid nineteenth century but it was also appears from reading some of the court cases that accusing ones neighbours of cattle theft was a way of paying back grudges¹².

1. Hawkins, Ralph. Andrew Murray in *The Pick volume 3 The People of the Great North Road* 2005; Maitland Mercury 27 December 1845 Parish Map Co Hay Northumberland. Barcode 108851Edition five 1918 PMapMD06 image 188510 Parish Mapping project <http://parishmaps.lands.nsw.gov.au/pmap.html>

2. *Maitland Mercury* 19 July; 30 August; 2 September; 13 September; 16 September 1848; 12 September 1853
3. Wollombi Court Records July – December 1861 Transcribed by Carl Hoipo. Page 4 of transcription page 100 of records.

4. An Approver is an accomplice in a crime who accuses others of the same offence and is admitted as a witness at the discretion of the court to give evidence against his companions: *Macquarie Dictionary*; *Sydney Gazette* 19 May 1840; *Maitland Mercury* 23 October 1841.

5. *Maitland Mercury* 8 November 1845

6. *Sydney Gazette* Wednesday, 23 July 1834

7. *Maitland Mercury* 30 Sept 1846

8. *Maitland Mercury* 21 October 1846

9. Webb, Ian. A Brief History of Ten Mile Hollow. in *The Pick Settlements and Villages Volume 2* 2004: *Maitland Mercury* 13 September 1845 and 17 October 1846.

10. *Maitland Mercury* 8 Nov 1845

11. JFR Whinfield Journal 1849 to 1857 describing his brother building a fence round their cultivation patch.

12. *Maitland Mercury* 30 September 1843; Wollombi Court.

Who was Stafford of Wollombi?

Research by Robyn Thurston. Reinterpreted with additional research by Elizabeth Roberts

Twice in the evidence against John P. Thornton for stealing W. C. Wentworth's cattle there is mention of a man named Stafford, once for delivering the stolen cattle at Thornton's request and once for Thornton having stopped a few days at Stafford's with cattle.

Who was this Stafford?

Evidence shows his given name was William and he was married and had a large family and was a farmer at Cedar Creek on the Maitland Road. From the information given by his eldest son at his death he was born in 1810 and had arrived in the Colony in 1829. His son also stated he was born at County Cavan (Cavan) Ireland and was 19 years old when he arrived.¹

From his first marriage certificate dated 2 May 1842 we learn he was Protestant, but married by Roman Catholic rites to a Roman Catholic Margaret Smyth in a ceremony witnessed by Patrick Smyth. The probate of his estate shows he was a successful farmer. His estate was worth £1935/-/-. His second wife and mother of many of his children was only to enjoy portion of his estate whilst she remained his widow, if she remarried her portion was to revert to all his children.²

But who was William Stafford and when and how did he arrive in the colony.

There are several options, he could have been a soldier, none by this name have been noted in the notes made about soldiers working along the Great North Road, but all names of those arriving were not noted in earlier research.

He could have been the landlord of the William IV an inn on the corner of Sussex and Goulburn Streets. He could have been the William Stafford who arrived as a steerage passenger via the Barque Jessie in January 1838 or he could have been the convict William Stafford who arrived in the James Patterson in January 1830 and spent time in Iron gang 7 at Wollombi.³

On an initial look the closest fit is William Stafford per *James Patterson* but on closer examination there are two inconsistent facts. The indent of the *James Patterson* states William Stafford was born on Wexford and was a Roman Catholic whilst Thomas Stafford states his father was born in Cavan, and from his Roman Catholic marriage certificate he was listed as Protestant. County Cavan is in Ulster the northern Province of Ireland, it is an inland

county forming much of the boarder of Uster with the South, whilst County Wexford is in the south on the east coast below Dublin and Wicklow and above Waterford.⁴

The indent of the *James Patterson* provides lots of information about William Stafford, his native place was Wexford he was a stable boy by occupation and was tried at Wexford on 3 August 1829 for stealing from his Master. He had no previous convictions and received a sentence of 7 years transportation and on arrival was assigned to Andrew Allen at Argyle. He was described as 5ft 5 inches tall of Dark ruddy complexion, with brown hair and hazel eyes. He had 12 IVI on his left arm and a blue ring on the middle finger of his left hand. There were several notes transcribed on his indent. One clearly read *this man has had several sentences in irons*. His Certificate of Freedom C41/333 was noted as was ? letter No 40/1038 dated 19 October 1840 from the ? the last word could be either Gaolhouse or Goulburn; other notations were p/34 and *Ila* 2s.. From the Sydney Gazette we learn he was appointed Scourger at Goulburn Plains from 1 December 1831. In November 1833 he absconded from Road Party 10, and in April 1834 he absconded from Iron Gang 7 at Wollombi. In the 1837 Muster, William Stafford per James Patterson was working for the Government at Liverpool⁵.

By the time he received his Certificate for Freedom in 1841, 12 years after being sentenced for 7 years, he had more tattoos and scars and had damaged his right hand. His description then read, Complexion dark, hair black, eyes dark hazel, Knuckle of ? middle finger of right hand dislodged. Diagonal scar left side of forehead. PAT 2T A heart, wound middle lower right arm. MAS heart 8 dots and 12 IVI on lower left arm, scar below left elbow and blue ring on middle finger of left hand⁶.

Did William Stafford per James Patterson, one time convict on the Great North Road save the funds he received when a scourger at Goulburn and later return to Wollombi and use them to set up as a successful farmer or did he disappear into the mists of time always watching out for those he scourged.

1. Birth Certificate:- Bridget Helena Stafford 1858; Agnes Teresa Stafford 1861: Death Certificate 9391/1887: Birth index NSW BDM records 1840-70
2. Marriage Certificate V18422239 93/1842; V1850550 96 1850 Probate State Records Series 3-14559 Records series 13660, William Stafford.
3. PRO army pay records ML; *Sydney Gazette*: April 1837; 20 Jan 1838 239/1846
4. Marriage Certificate V18422239 93/1842; Death Certificate 9391/1887: Map of Counties and Provisional boundaries of Ireland.
5. State Records Convict Indent James Patterson 1830; Strathfieldsay 1836 and Lady Kenney 1836. *Sydney Gazette* 13 December 1831. *General Return of Convicts in NSW 1837*.
6. *NSW Government Gazette* 1841 page 1554